

Jefferson County Circuit Court
Case Files - Civil

November 1852

Smith, John

^{vs}
Smith, A.K.

Appeal

Defendant appealed from JP
Leonard Graves on \$40 account
for work done and boarding hands;
furniture, horse, cart attached

Box #

7 Folder # 43

A H Smith

1852

To John Smith Dr

May the 13 th	To one months work	\$12.00
	To 2 do @ \$20.00	40.00
	To work done by Wife	
	Making one coat	1.35
	do 2 vests @ 50	1.00
	do 1 pr pants @ 50	1.00
	do 2 Sheets @ 20	40
	To washing 2 doz pieces @ 50	1.00
	To Boarding his handy	
	Robt Buice 7 days	1.00
	W Brown 3 days	.50
	Williams 7 meals	70
	S C Mallery, 1 Meal	
	John Carpenter, 9 Long	
	John Stout, 1 Andrew	
	and John Kent	2.00
	S C Mallery 3 meals	30
	To cast loaned by Wife	50
	A H Smith 3 weeks Boarding @ 2.00	6.00
	his daughter Sally 2 do @ 2.00	4.00
	Cash paid out for him	1.75
		<u>78.50</u>

entitled to some credits

6 chairs @ 50 cents	1 Bl Flour 450	7.50
15 lbs rice 75 cents	17 yds domest 170	2.45
17 1/2 lbs Bacon 158	34 lbs do @ 8 ^{cts}	1.72
Sugar 75	3 lbs Tea 80	2.40
	240 wash Board	2.75
1 pr Boots 2.00	6 Mackerel 50	2.50
		<u>17.62</u>
	To 5 weeks Board @ \$5 pr Month	6.00
		<u>23.62</u>
	amt due	\$54.88

A. M. Drury at 12

1878 30

Filed for

Smith August the 20th 1852



Affidavit

State of Missouri } ss

County of Jefferson } This Day personally appeared Before
Leonard Graves a Justice of the Peace in and for the
County aforesaid John Smith who Being duly sworn
upon his oath say that A. H. Smith is justly indebted
to John Smith ^{for labor} forty Dollars after allowing all
just effects and credits in the sum of forty
Dollars on account of Debt, and this affiant
has good Reason to Believe and Dose Believe
that the said A. H. Smith is about to Fraudulen-
tly to convey ^{or assign} his property ^{or effects} out of his hands so as
to hinder or delay his creditors. Further the affiant
saith Not

John Smith

LS }

Sworn to and Subscribed

Before me this 20th Day of
August 1852

Leonard Graves J.P.

Alfred Hidenit
April 4th

State of Missouri }
County of Jefferson } Know all men By these
Presents that we John Smith as principal and James
Irwin as security are held and firmly bound
unto the state of Missouri in the sum of eighty dollars
For the payment of which we bind ourselves and our
Heirs executors and administrators firmly By these
Presents sealed with our seals and dated this the 20th
Day of August 1852

The condition of the above obligation is such that
Whereas John Smith as plaintiff is about to institute a
suit Before Leonard graves a justice of the peace within
And for plattin township in Jefferson county By
Attachment against A H Smith returnable on the third
Saturday in September 1852 for the sum of eighty dollars
Now if the said plaintiff shall prosecute his action
without delay and with effect refund all sums of
money that may be adjudged to be refunded to the
said Defendant or found to have been received By the
said plaintiff and not justly due to John Smith and
shall pay all damages that may accrue to any defendant
or garnishee By reason of the attachment or any process
or proceedings in said suit or By reason of any judgement
or process thereon then this obligation to be void
otherwise remain in full force

Attest
Leonard graves J.P.

John Smith LS
James Irwin LS

Approved
By Leonard Graves J.P.

State of Missouri } 35

County of Jefferson }

The State of Missouri } To the Constable of the
Township of Plattin in the County of Jefferson
greeting you are hereby commanded to attach A H Smith
By all and singular the goods chattels moneys effects
And credits or so much thereof as shall Be suffi-
cient to satisfy the sum of forty Dollars with intru-
sts And costs of suit in whosoever hands or possessions the
same may Be found in your township so that they Be
and appear before me Leonard graves Justice of the peace
within and for said township and County at my office
in said township on the third Saturday in September
instant at ten of the clock in the forenoon to
Answer the complaint of John Smith and that
you summon the said A H Smith to appear
Before me the said Justice at the time and
Place aforesaid to answer the action of the
Plaintiff and also that you summon as garnishes
All such persons found in your township as may
Be Directed By the plaintiff or his agent to
Appear Before the said Justice at the time
And place aforesaid to answer such interrogatories
As the Justice may propound and have you then
and then this writ witness my hand and seal
this the 20th Day of August 1852

Leonard graves J P

August 1852

Exceeded the within
By stacking ^{the} chairs

one ^{for}lar & stove
^{at his place} stone

one horse and cart

and horse and cow

ladders and two pair

of rails

half bag of meal

weighing ^{one} ~~one~~ ^{one}

pen is an ash

five Water Buckets

at his place

This 21 day of August

Robert M. Weaver

with Mr. M. Weaver

receiving the sum of \$2.00

for the work by

the sum of \$2.00

Debt \$40.00

A. H. Smith

as

John Smith

Attachment

Cost 50

State of Missouri }
County of Jefferson } to the Constable of
of Platten Township in Jefferson County
greeting you are hereby commanded to subpoena
Pauls Perwin George Long Samuel Perry W.B. Weaver
that siting ~~as~~ all in cases and delays they be
and appear before the undersigned Justice of
the peace in and for the County and State aforesaid
on the third Saturday in September this
inst at ten of the clock in the fore noon of said
day to testify at my office in the same town-
ship to give evidence and the truth to say in a
certain matter of controversy now pending before
me and between John Smith plaintiff and
D. H. Smith defendant on the part of the plaintiff fail
not at your peril given under my hand this 14th
Sept. 1852

Servando Gray J. P.

Wm Smith

20
A. H. Smith

Chubbs for 4 witnesses

Chubbs fees .13

Expenses the within
by Reading in the

hearing of 27 J3 Money

Chubbs fees 100

Chubbs fees 100

Long on the 10 of

Sept 1850

To the Wm Smith

Cost \$100

State of Missouri } ss
County of Jefferson } To the Constable of platina
Township in Jefferson County greeting you
Are hereby commanded to subpoena Peter
Winney and S Watson an Kerts and
Jacob and Henry Verrousse and William Hendrick
that setting aside all excuse and Delay
they Be and appear Before the undersigned
one of the justices of the peace in and for
the County and State aforesaid ^{on the third} Saturday
in September this instant at ten of the
clock in the fore noon of said Day at my
office in the same Township to give evidence
And the truth to say in a certain matter
of controversy now pending Before me and
Between John Smyth as plaintiff and
A H Smith Defendant on the part of the
Defendant fail Not at your peril given
under my hand this the 14th Day of Sept 1852
Leonard graves J P

Witnesses for Deft
John Smyth
vs

A H Smith
Subpoena
Justices fee — 15

Executed the within by
Reading in the hearing
of W Watson
Kents Jacob Henry
Derouge Penton
Minnery Wm Hendrick
on the 16th of Sept, 1852
R. M Weaver Const
Cost \$1 50

The State of Missouri }
County of Jefferson }

to the Constable of Plaintiff
Somership in the County of Jefferson greeting whereof from
and 11th on the 18th Day of September 1852 obtained
Judgement Before the undersigned Justice of the Peace
of the Somership of Plaintiff in Jefferson County against
S^r H^e Smith for forty Dollars for his Debt and damages
or Damages and also for nine Dollars and forty seven cents
for his costs you are therefore commanded to pay the
same of the goods and chattels of the said S^r H^e Smith
According to Law you are further commanded to return
this writ to the undersigned Justice within sixty Days
from the Date given under my hand This the 20th Day of
September A^d 1852 Leonard Graves Justice of the Peace

Execution
John Smith

24

A H Smith

Debit

\$ 400.00

Debit Costs \$ 9.47

Returned by order this month

0.25

\$ 49.72

from Duties

Debit

Issued the within

By Recd in the

hanning of A. H. Smith

Sept 29th 1852 R. M. Henry

Cost 25

Cons 5

\$ 3.75

For seeing horses five weeks and four days 75 cents per week \$ 3.75

State of Missouri } ss September the 28th 1852
County of Jefferson } we the undersigned A H Smith
As principal and Will & Howe Acknowledge ourselves
ourselves indebted to John Smith in the sum of forty
Dollars as principal and ten Dollars and thirty five
cents For his costs to Be void upon this condition
Whereas A H Smith has appealed from the judgement
of Leonard Graves a Justice of the Peace in an action
Between John Smith plaintiff and A H Smith
Defendant Now if on such appeal the judgement
of the Justice Be affirmed for if on the trial
A new in the circuit Court judgement Be given
Against the appellant and he shall satisfy such
judgement or if his appeal shall Be dismissed and he
shall pay the judgement of the Justice together with
the costs of the appeal the Recognizance shall Be void
otherwise to Remain in full force and virtue in Law signed
Attest
Leonard Graves Justice of the Peace
A. H. Smith
Willam & Howe

7. ~~44~~ J. Appeal Bond

State of Missouri }
County of Jefferson }

This Day personally appeared before me Leonard Graves
Justice of the peace in and for the County aforesaid
A. H. Smith who being duly sworn upon his oath say
that the ~~affidavit~~ application for an arrest on the cause
of action upon which is A. H. Smith is not made
for vexation or delay but because he believes the
affidavit is induced by the judgment of the Justice.

Sworn to and subscribed before me A. H. Smith.

This the 28th Day of September
1852 Leonard Graves Justice of
the peace of Station Township

John Smith
& H^{us} Smith

August 20th 1852.

} An action of debt by attachment
founded on an account for the
sum of forty Dollars after
allowing all just credits, attach-
ment issued the 20th Aug 1852,
delivered to Robert M Weaver
Constable returnable the 3^d Saturday
in Sept.

This 18th Sept 1852, (the day set for trial) Const^l R M Weaver
returns attachment endorsed "August the 21st 1852
" Executed the within by attaching 6 chairs one
" parlor stone at his residence at home one horse
" and Cart and Harness and two pillows and two pair
" of scales, half Keg of nails weighing 81 pounds and
" a half, five water Buckets at Rush Dower R M Weaver
" Const^l, served the attachment by reading the same
" to H Smith August the 30th 1852 R M Weaver Const^l
- Plaintiff and defendant appeared in person, after
hearing the evidence it is considered by the Justice
that Plaintiff have judgment against H Smith
debt for forty dollars and costs of Suit this the
18th day of September 1852, Leonard Granes Justice

of the Peace Plain Township
Sept 28th 1852, at this day came defendant & applies for
an appeal and files a bond and affidavit as required
by law, and an appeal is granted,

On 20th Sept 1852, Execution issued & delivered
to R M Weaver Const^l returnable in 60 days from date
after filing of bond for appeal by debt. Execution
was recalled as Constable's return will show,

Leonard Granes J.P.

I certify that the foregoing is a true copy from
my docket of all the entries made therein in
said cause

Nov 4th 1852, Leonard Granes J.P.

John Smith
 no 3 Drano script
 St M Smith

Appeared from J.P.

1164

L Grano	L P	\$ 2.10
R M Weaver	Conch	3.00
M R Weaver	midnet	.50
matron	"	.50
M Henderson	"	.50
Peter Thomas	"	.50
M Henderson	"	.50
L Long	"	.50
Brink	"	.50
facot	"	.50
James Lewis	"	.50
Edm Lee	"	.50
		\$ 10.10

Filed Nov 4th 1852.
 Wm C Belcher

(Clerk)

\$ 11.40

John Smith } in the circuit court
vs } Nov. 7. 1852
A. R. Smith }

Defendant comes and
moves the court to dismiss this
suit for the following reasons

1. The bond is insufficient & void
2. There is no bond as the law
requires
3. There is a variance between the
account filed. The amt. sworn to in
the affidavit and the attachment
bond
4. The affidavit is insufficient
in law.
5. The proceedings in the cause are
illegal insufficient & void

J. P. King atty
for A. R. Smith

J. Smith

by

A. E. Smith

within to account

affirmed

Witness my hand & seal
this 10th day of April 1832
Thos. C. Aleicher
Clerk