

Tofferson County Circuit Court
Case File. Civil

Box

14 Folder

26

February 1863

Williams, Thomas

vs

H. A. Proust + Co.

Appeal

Defendant appealed from JP
William Mockbee on \$50 debt;
2 mules, wagon attached

Thomas A. Williams } Befor W. Blockbee
vs } a Justice of the peace
H. A. Proctor } the State of Missouri
County of Jefferson

This day personally appeared before me W. Blockbee
a Justice of the peace within and for the
County of Jefferson aforesaid T. A. Williams
and say that the plaintiff T. A. Williams
has a just demand against H. A. Proctor
the defendant and that the amount
which the plaintiff believes plaintiff
ought to receive after allowing all
just credits and set off is \$56 Dollars
Now due and that he has good reason
to believe and does believe that the
defendant is about to absent him self from
his usual place of business and is a
putting his property out of his hands
so that the usual process of law can't
be served on him and depose his credit
actors

Subscribed and sworn to
befor me this 1 day of
November 1861
W. Blockbee JP

Thomas A. Williams

Wm. A. A. A.
Thomas M. M.
H. A. A. A.

Recd. July 24th 1863
E. J. M. M. A.

The State of Missouri to the Constable
of the Township of Boonville in Jefferson
County greeting
you are hereby commanded to attach
H. A. Prouty by all and singular his
goods chattels money effects and credits
or so much thereof as shall be sufficient
to satisfy the sum of fifty Dollars
with the interest and cost of suit in whose
hands or possession the same may be
found in your county so that he be and
appear before me W. C. Hooker a Justice of
the peace within and for the said Township
on the 28 day of December 1861 to answer the
complaint of J. A. Williams and that
you summon the said H. A. Prouty
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 garnishee all such person
found in your county 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 interroga-
tories as the Justice may propound and
have you the and there this Write
Witness my hand this 1 day of November
1861 W. C. Hooker J. J.

I have the within writ of attachment on the ^{the} 1st day of
~~November~~ 1861 in Joachin Gannstuck, Jefferson County Mo on J. R. Brown
 agent for first of Route C; the within named dependants on the ^{the} 1st day
 November 1861 by attachen in his hands two mules and one wagon and
 harness as the property of of said first of Route C and summones the said
 J. R. Brown agent to appear on the 28 day of December 1861 to answer
 as comes due before Wm. Mochlee a Justice of the Peace for Jefferson
 Gannstuck Jefferson County Mo on the 28 day of Dec 1861 J. B. Munnacey
 as the undersigned and signed of the Constable
 the plaintiff I do hereby certify that
 to execute & return this writ
 Wm. Mochlee J.

Attachment
 J. A. Williams
 10
 W. A. Borester
 10
 Constable fee 10
 Bond 45

2 mules and one wagon
 and harness

Filed July 24 1863
 E. J. Kearney clk

150	
375	
5	375
	150
	130
	675

Thomas A Williams } Bond in attachment
H A Prouty } Suit before W. Hockbee J. S.
John H. Johnston } W. T. A. Williams as principal
as security owe and stand
indicted to the State of Missouri in
the sum of one hundred dollars upon
this condition that the plaintiff in
the above entitled case T. A. Williams
shall prosecute his action without delay
and with effect refund all sums of money
that may be adjudged to be refunded
to the defendant. H. A. Prouty
or found to have been received by the
plaintiff and not justly due to him
and pay all damages and cost that
may accrue to an defendant or incurred
by reason of this attachment or any
process or proceeding in the suit or by
reason of any judgment or process
thereon

Approved this 1 day of
Nov 1861
W. Hockbee J. S.

Thomas A Williams
John H. Johnston

The State of Missouri } To the Constable of the Township
County of Jefferson } of St. Charles in the County
of Jefferson greeting
you are hereby commanded to attach H. A.
Proctor & Co by all and singular his goods
chattels money effects and credits or so much
thereof as shall be sufficient to satisfy the
sum of _____ Dollars with interest
and cost of suit in whose hands or possession
the same may be found in your county so that
he be and appear before me W. M. Lockman a Justice
of the peace within and for the said Township
and County at my office in said Township
on the _____ day of _____ 18____ to answer the
complaint of _____ and that
you summon the said
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 garnishees all such person
found in your county 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 proper and have
you there and there the writ
Witness my hand this _____ day of _____
1861 _____

Recd July 24/63

W. M. Lockman
H. A. Proctor

The State of Missouri } 33

County of Jefferson

J. F. Davis

an order of sale

Thomas Williams

Abraham Robinson

vs

H. A. Proctor

To the Constable of Joachim

Township in Jefferson County

you are hereby commanded to advertise
and sell the Mules as the property

of H. A. Proctor you are further
commanded to return this Writ

to the undersigned, Justice of the

peace within and for Joachim

Township in Jefferson County on the

28 day of December 1861

Given under my hand this

5 day of November 1861

W. M. McKee

J. D.

Received of
A. J. Williams
16 & Bouquet

24th 1863
Miss S. H. H. H.

and

Order of Sale
No. 10
Provisional
Banks for

The Office of Magistrate No. 10 the County of Meeker
Township in the County of Meeker
Mr. Meeker Thomas Meeker on the 22
day of February 1862 obtained Judgment before
the undersigned Justice of the Peace of the
Township of Meeker in Meeker County against
H. A. Pratt \$50 Dollars
for his debt and also for \$55.50 Dollars
for his cost. There are commended to
keep the value of the goods and chattels of the
said H. A. Pratt \$50 according to law
There are further commended to return the
Writ to the undersigned Justice within
eighty days from date this
Writ under my hand this 22 day of February
1862 William A. Meeker, J. P.

My Execution came to hand on the 2nd day of
 February 1862 J B Mallery
 Conslable

Execution
 J Williams
 vs
 H A Proutt & Co
 debt \$3000

Just fees 225
 Conslable fees 325
 Execution 50
 Comission 4600
 Twenty five 170
 Bonds 25
 Amount 95

Dated July 24th 1864
 E T Honeydew

945 225
 325
 50
 170
 25
 995
 150

Thomas A. Williams } Before William Wheeler
at } Justice of the Peace
H. H. Root & Co. } March 4th 1862

And now comes H. H. Root
one of the defendants makes his application to
the justice to set aside the judgment by default
rendered in this case on the 22^d day of February
1862, because said Root was so sick on
said last mentioned day that he was unable
to come appear this suit

H. H. Root
by Henry C. A. Attorney

Filed July 24th 1864
E. J. Harney Clk

The undersigned Henry Cotts as principal
 Dan Samuel Shanks as security acknowledge ourselves indebted

to Thomas Williams in the sum of seventy dollars
 to be paid upon the condition whereas W A Bunt
 has appeared from the assignment of Williams
 We like a matter of the peace in an action
 between Thomas Williams Plaintiff and W A Bunt the
 defendant Now if in such appeal the judgment
 of the Justice be affirmed or if on the trial we
 find the appellee's case to be wrong against
 the appellant and he shall satisfy such judgment
 or if no appeal shall be dismissed and he shall pay
 the judgment of the Justice together with the cost of
 the appeal the recognizance shall be void

Wm Cotts as principal

James D. Bunt as security

Wm Cotts

Henry Cotts

Wm Cotts

Filed, July 24th 1863
E F Honey Clk

Henry Scott

Wishes could say that the

application for an appeal is not made for repatriation
or delay but because he believes the appeal will not be
tended by the judgment of the Master
subscribed & sworn to

for the 20 days of March 1862
W. H. Scott

} Henry Scott

Filed Feb 24th 1863

E. F. Hoarey clk

Thomas A Williams
vs
Hyrane A Prout } In the Circuit Court
of Jefferson County)
Mo

To Thomas A Williams. You
are hereby notified that an appeal was taken
by Hyram A Prout in his life time from the
judgment of the Justice, William Mockbee, in
the above cause

M L Gray adms of H A Prout

J. A. Williams

vs

J. C. Boutwell

Notice of appeal

Sheriff Dec 30.

I executed the within writ in the County of Jefferson State of Missouri on Thomas, J. Williams by delivering him a Copy of the same this ^{the} 5th day of December 1863

J. B. Dover Sheriff.
by J. T. Moss Dpty

Thomas A Williams
 vs
 M L Gray administrator
 of H A Prout

Appeal from Justice
 of the Peace
 in the Circuit Court of
 Jefferson County Mo

M L Gray administrator of the Estate
 of H A Prout, severing from the other defend-
 ants for plea in the nature of plea in abate-
 ment & denies that H A Prout on or about
 the 1st of November 1861. at the time of issuing of
 the attachment by the Justice, was about fraudulently
 to conceal, remove or dispose of his property
 or effects so as to hinder or delay his creditors
 or that H A Prout was about fraudulently to
 convey or assign his property or effects so as
 to hinder or delay his creditors

And said administrator puts in ~~issue~~
 so far as H A Prout is charged, the exist-
 ence of the facts set forth in plaintiffs
 amended affidavit filed in the Circuit Court
 and here requires proof

Subscribed & sworn to before
 me this 5th day of March
 1864 George Denison
 Notary Public
 St Louis County
 Missouri

M L Gray

Thos A Williams
As

W L Gray adms of
W A Post

Plen in attendance -

Filed Mar 10 1864
Elias J. Harvey

Clerk



Thomas A Williams

vs

H A Prout's Executor

In the Circuit Court of
Jefferson County Mo
appeal by H A Prout in his
life time from W^m McKee J^r

The defendant denies that H A Prout on
the first day of November 1861 was about to abs-
ent himself from his usual place of business in
this state and denies that said Prout was then
about putting his property out of his hands so
that the usual process of law could not be
served on him and to defraud his creditors

Defendant denies the existence of the facts
alleged in plaintiff's affidavit as to the defendant
H A Prout, in which plaintiff laid out his
attachment before William McKee Justice
of the peace & he puts them in issue

State of Missouri, County of St Louis ss.

M L Gray Executor

of H A Prout

M L Gray being sworn states that the foreg-
oing plea in abatement and the facts therein
as stated he believes to be true

Subscribed & sworn to before

me at the City of St Louis Mo

this 21st day of November 1863

M. L. Gray

As witness my hand and official seal at office
in the City of St Louis the day and year last
aforesaid



James H. Comfort
Notary Public
St Louis County
Missouri

15

Thomas A Williams

vs

H A Pratt & admr

3
3
3

The admr of H A Pratt
moves the Court to dismiss the
Suit for these reasons

1st Because there is no aff
idavit filed for the attachment and
does not comply with the law
allowing attachment

2 Because the affidavit on
which the attachment issued is
null & void & not in conformity to
law

3 Because the affidavit of debt
as the grounds of the attachment
is illegal

Pratt for debt

Wm. A. McLea
No 1 Proubetas

Proben to decamp
Quint.

Wm. A. McLea
Dec 1 July 4th 1864
Clem & Henry
Clem

J. A. Williams } In the Circuit
vs } Court Jefferson County
McA prout & Co } vs.

This affiant on his oath says,
that at the time the writ of attachment
was issued by the justice in the above entitled
Cause the plaintiff had a just demand ~~against~~
against the Defendants McA prout & Co.
And that he believed the amount that
plaintiff was entitled to recover against
said McA prout & Co after allowing all
just credits and offsets was fifty Dollars
and that plaintiff had good reason to
believe and did believe that McA prout & Co
were about fraudulently to ~~convey~~ conceal
remove or dispose of his property or effects
so as to hinder or delay his creditors and
that said McA prout & Co were about fraudulently
to convey or assign his property or effects so
as to hinder or delay his creditors

Signed } Thomas A. Williams
Sworn to & subscribed }
before me February 3rd 1864 }
Elias J. Hooley, clerk



Wm. A. Williams

Esq. James Ho

Amended Affidavit

Filed July 6th 1884

Geo. J. Henry

Clark

Wm. A. Williams

Thomas A Williams
Dr Sir

The Court in the case of
T. A. Williams vs H A P. M. Adams in the Jefferson
Circuit Court, made an order at the adjourned term
in February 1864, for you to give security in your
attachment bond in that suit. the security already
given not being deemed sufficient

Yours Respectfully
M C Gray adverse of H A P. M. Adams

May 1st 1864

John Williams

vs

His Executors

Notice to John Williams

Jerome B. Dorer Sheriff

I served this Notice on J. W. Williams by Reading
The Same in his presence and hearing this 28th day
of May 1864

Jerome B. Dorer Sheriff

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Samuel Adams*

GREETING:

You are *Herby* Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *14th day of December* 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 *Thomas & Willard* is

Plaintiff and *Enty Hermann & Frank*

Defendant on the part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

13 day of *May* A. D. 186*4*

Elias Honey

Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

June Term, 1864

Thos A Williams
vs
Est. H A. Prout

for debt

and Mors dent

J B Dwyer Sheriff

*To be executed. This writ on the 6th day of June 1864 am
served on the defendant by reading the same in his
presence and hearing*

J B Dwyer Sheriff

Thomas A Williams

vs

H A Prouts admr

}

Appeal from JP

The defendant H A Prouts admr
moves the Court to dismiss the suit for
these reasons

1st Because the plaintiff has failed
to give security as required

But for Prouts admr

Geo A Williams
As
Old Prices adms

Proton to ~~devises~~
the Unit.

Wm Lee June 11 1844
S. H. Hooley Ck

Fee. Bill

Wm Mockbee, J. P		12.75
J. B. McNally		3.75
Kooney clerk		
docket appeal.	2.5	
File 13 per a 5 th	85	
2 cont. 50 th 1 Sp a 25 th	75	
pleas 50 th desmepal 50.	100	
2 motions 50 th Judgt 50	100	
affidavit.	25	4.10

J. B. Over sheff

Letter notice	50
Spa. 1 evidence	50
balls —	20.

1.20
15 80