

Jefferson County Circuit Court
Case Files - Civil

November 1865, No. 29

Box 16 Folder 54

Craft, Charles A., adm.

Craft, Josiah

vs.

Smith, Francis J.

Debt, note

Debt \$875; John O'Fallon, T. W. B.

Crews garnishees on execution

\$875.⁰⁰/₁₀₀

One day after date of promise
to payborah Harpft Eight hundred and
seventy five dollars, with interest from
date at the rate of ten percent per annum
without defalcation and for value received
this 24th day of December 1856. =

Wm. D. Smith

See the author's note by Carl Dec. 24th 1858

\$195.

& 13 Carl Dec. 12th 1861 \$400.

Charles A. Craft, Administrator of the
Estate of Josiah Craft, deceased, Plaintiff,
vs.
Francis J. Smith, Defendant.

In the Jefferson
Circuit Court.
March Term 1865.

Plaintiff states, that defendant by his promissory note, herewith filed, and dated December 24th 1856., promised, to pay said Josiah Craft, one day after date for value received and without defalcation, the sum of Eight Hundred and seventy five dollars (\$875.00) with interest from date at the rate of 10 per cent per annum; that defendant has paid on said Note on Decr 24th 1858. \$175.00 and on February 12th 1861. \$400.00 together \$575.00.

Plaintiff further states, that said Josiah Craft since the execution of said Note died, and that he Plaintiff was duly appointed Administrator of the Estate of said deceased; ^{on August 30th 1861} that the remainder of said Note and interest is yet due the estate of said deceased, for which and cost of suit he asks Judgment.

Thomas & Ahlrens.
Attorneys for Plaintiff

Charles A. Craft, Plaintiff, makes oath and says, that the above Petition and the matters therein stated, he believes, to be true.

Sworn to and subscribed
before me this 25th of October
1865.
Henry F. Ahlrens,
Notary Public,

Chas A. Craft

In the Philadelphia
Board of Health
March Term 1865

Charles A. Knapp
Administrator of
the Estate of Sarah
Knapp, deceased,

vs
Samuel P. Smith,

Plaintiff

Defendant.

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri

To the Sheriff of the County of Jefferson---Greeting:

We command you, that you summon

Francis J. Smith

if he be found in your County, that he
be and appear before the Hon. Judge of our Circuit Court, on the first day
of the next term thereof, to be begun and held at the town of Hillsboro, within
and for the County of Jefferson, on the second ~~Monday~~ after the fourth
Monday of November next, then and there to answer unto

*Charles A. Craft, administrator of the Estate
of Josiah Craft deceased*

upon his original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Samuel A. Reppy
Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twenty Fifth*
day of *October* A. D. 1865.

Samuel A. Reppy
Clerk Circuit Court.



I executed the within writ at the County of
 Jefferson State of Missouri on Francis L
 Smith the within defendant on the 26th day of
 Oct 1865 by delivering to him a copy of said writ
 and the annexed petition as furnished me by the
 Clerk

CC Fletcher
 By John Williams Sheriff
 Deputy Sheriff

29930
 TO JEFFERSON CIRCUIT COURT

Remembered Term, 1865

Charles S. Craft
 Attorney for said Craft

203 Summers
 Francis L. Smith
 902.49 = 10

25000

Sherriff Fletcher 1865

Recd Nov 14 1865
 Daniel A. B. Reynolds

Writ	150
Stamp	50
Costs	10
Office	25
Stamps	05
Postage	15
Subscribed	150
1865	150
4.80	

Charles A. Craft Adminis-
trator of the Estate of Josiah
Craft, Deceased
Against
Francis J. Smith,

} On Petition in
the Jefferson Cir-
cuit Court,
May Term 1864

To John O'Haller, Garnisher in the above
entitled Cause -

1. Did you at the time of the service of the
garnishment upon you owe the Defendant
anything, if so how much and when did
it become due? or Do you owe him
anything now?

2. At the time of the service ~~upon~~ of the
garnishment upon you did you have
in your hands or under your control
any moneys or goods of Defendants or have
you any now.

John L. Thomas
Atty for Plaintiff.

E. St. Croix, Alaska
 Mt. J. Crook Dec 18

21

J. J. Smith

Interrogations to John
 Hallon, Fairbanks

Index May & 1889
 of money etc

Charles A. Croft. Adm'r.
of the estate of Josiah Croft. dec'd.
vs.

In Jefferson Circuit Ct.

Francis J. Smith.
& John O. Fallon Garnishee

May Term. 1867

Now comes John O. Fallon the above named
garnishee and in answer to the interrogatories heretofore
filed in said case says. First that he has a note
made by one Garnett and payable to Francis J. Smith
and now renders the same in court - subject to any
order or disposition this Court may see fit to make in
reference to the same. He further states that he does not
own any thing nor is he in any manner indebted to
said Smith in consequence of having said note

He further states that some time since said
Smith came to him and told him that he would transfer
to him a certain note drawn by one Armstrong and he
thinks by one Clayton as endorser - that said note
was transferred to him simply for collection. That he
never received anything on account of said note
that he afterwards left the said note for collection
in the hands of certain factors in Memphis. Where
inasmuch he does not now recollect what sum if
collected was due for the benefit of said Smith -
that he does not own said note or any part
of said note nor is the same in his possession -

He further states that at no time of the
service of government upon him he did not owe
said Smith anything, nor has he since nor does

he nor owe him any thing. Also that at the time
of the garnishment upon him he did not have in his
hands or under his control any money or goods of
the said Smith nor has he since had nor has he
now except as hereinbefore specified -

This garnisher further states that at the same time
of his being garnished herein he was also garnished as
garnisher of said Smith ^{on an execution} ~~in a suit~~ on the Court in
favor of David W. Bryant - ~~and~~ Adm'r of the Estate of
Thos. M. Norine dec'd. and the garnisher asks that the said
note made by said Garnett may be considered and disposed
of as between the parties herein specified as shall seem most
and proper to the Court. And so having fully answered
the garnisher asks to be dismissed with an allowance
for having answered herein.

John O'Fallon makes oath and says that the above
answer and the matters and statements therein made
are true -
John O'Fallon

State of Mo.
County of Jefferson
Sworn to and subscribed
before me this 17th of May 1867.

Charles A. Craft, Clerk
of the State of Massachusetts
Craft

g

Francis. Smith &
John Walter Smith

Adverse of Massachusetts &
Interrogations.

Filed May 16th 1867
G. F. Hovey Clerk

C. A. Croft Adm^r of
the Estate of Josiah
Croft Deceased,
vs
F. J. Smith,

In the Tupper
Circuit Court,
Nov Term 1869.

To J. W. B. Crews - who has been Gar-
nished in the above entitled Cause
as a debtor of said Defendant.

The Plaintiff propounds to you the
following interrogatories.

1. At the time of the service of the
garnishment upon you did you owe
the Defendant, F. J. Smith any money
and if so how much and when did
it become due?
2. At the time of the service of the garnish-
ment upon you did you owe the Debt
any money or do you owe him any
now now, if so how much & when did
it become due?
3. At the time of the service of the
garnishment upon you did you have
in your hands or under your control
any property, money, goods, chattels, papers,
notes, deeds of trust, due bills, checks, drafts,
Certificates of deposit or other evidences
of debt ^{belonging to the Debt} or ^{have} you any such now if so

how much of what kind and quantity.

4. Did you not have in your hands certain real estate situated in Gasconade or Osage County or Cole County, Mo. for sale, the title to which was in J. W. Fletcher but the proceeds of which upon a sale should go to said Defendant after deducting about \$250. for said Fletcher & did you not sometime in the summer of 1869 sell said land for \$2600. ^{or some other sum} and did you not hold about \$2350 ^{or a legitimate portion} of this money for Defendant about the 1st of September 1869 & gave you due to him for that amount or some other sum payable on or about Sept 15th 1869.

5. What disposition did you make of the money arising from sale of real estate in which J. W. Fletcher had a small interest & is not some of that money still in your hands - and was it not nearly all in your hands or under your control at the time of the service of the garnishment upon you?

John L. Thomas
Atty for Plaintiff

2130
Enoch Adams

H. J. Smith. x

Garrison

Antony Adams

Filed Jan 16 1869
Chas. W. Henshaw