

Jefferson County
Case File - Civil

Circuit Court

Box

17

Folds

8

May 1866, #32

Burgess, James, Jr.
Allan, Elizabeth
Allan, D. S.

vs.

Twining, William
Moody, Charles D.

Trespass

Cut and removed timber; \$300
damages; livestock, wagons
attached; Robert N. Hunt garnishee

James Burgess jnr., and
Elizabeth Allen and D. J.
Allen, her husband, plain-
tiffs,

against
William Trining and
Charles D. Moody, defendants.

In the Cir-
cuit Court
of Jefferson
Co. Mo.

May Term 1866.

Plaintiffs state, that on or
about the 1st day of March 1866. De-
fendants without leave and wrongfully
entered on the following described prem-
ises, situated in the County of Jefferson
Mo., and ^{James Burgess and Elizabeth Allen} belonging to plaintiffs, to wit;
the west half of the South west
quarter of Section 36, in Township
42 of Range N. 5 east, containing
eighty acres, and then and there
cut timber trees / about 25 in num-
ber / ~~for~~ to the value of One hun-
dred dollars, and carried the same
in part away.

Plaintiffs further state that Defen-
dants at the time of cutting said
timber knew they were cutting on
the premises of plaintiffs.

Plaintiffs ask Judgment for the
sum of Three hundred dollars, damages,
being treble the value of the timber

so cut and carried away, and costs
of suit.

Thomas & Ahlvers
Attys for petffs.

James Burgess jwr. one of plaintiff
makes oath and says, that the fore-
going petition and the matters as
therein stated he believes to be true.
Sworn to and by James Burgess jr
subscribed before
me, this 27 day of
March 1866.

Henry F. Ahlvers
Notary public.

James Burgess Jr. Elizabeth
Allen & David J. Allen - Plaintiffs

vs
Jm Swining and Charles D.
Moody, Defendants

This affiant states that ~~the~~ ^{he} has a just demand against the Defendants in the above entitled Cause now due; that the amount which he believes the Plaintiffs ought to recover after allowing all just credits and off-sets is three hundred dollars, - that there has been a suit commenced in the Jefferson Circuit Court for said sum and that this affiant believes and has good reason to believe that Defendants have fraudulently disposed of, sold, transferred and assigned their property with the intent to hinder delay and defraud their creditors and that Defendants are about fraudulently to sell, transfer, assign and dispose of their ^{property} so as to hinder delay and defraud their creditors.

Sworn to & subscribed
before me April 9, 1866
Henry F. Ahlner
Notary Public

James Burgess Jr.

James Burgess jr, Elizabeth Allen and David J. Allen } In the Jefferson
plaintiffs } County Circuit Court.

vs. }
Wm. Emising and Charles } May Term 1866,
D. Moody, defendants }

We, James Burgess, as principal and

as securities, acknowledge ourselves indebted to the State of Missouri, in the sum of Six Hundred dollars, for the payment whereof we bind ourselves, our heirs, executors and administrators.

The condition of the above obligation is that whereas the plaintiffs above named, have heretofore commenced a suit for damages in an action of trespass, amounting to \$300.00, in the Jefferson County Circuit Court, returnable to the next term thereof and have now applied for a writ of attachment in said case thereof, that if the said Plaintiffs above named, shall prosecute said action of trespass without delay and with effect; or, find all sums of money, that may be refunded adjudged to be refunded to the defendants, or found to have been received by the plaintiffs and not justly due to them, and pay all damages, that may accrue to any defendants or garnishee by reason of the

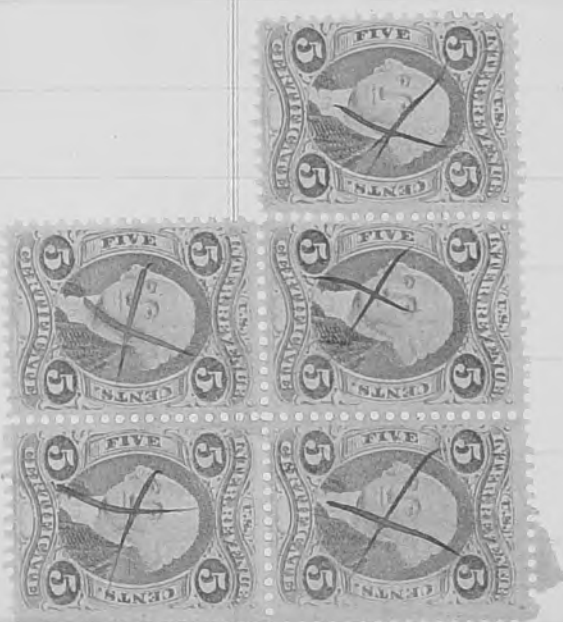
attachment or any process or proceeding
in said suit or by reason of any judg-
ment or process thereon, then this obli-
gation is to be void otherwise to remain
in full force.

Witness our hands & seals.

James Burgett (seal)

Elias J. Koney (seal)

John L. Thomas (seal)



In Jefferson Co.,
Kentucky County
May Term 1866

James Burges
Jus. et al.

vs.
William Fleming
et al.

Petition in action
of trespass,

Filed March 28th 1866
J. A. Murphy clerk

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 *William Twining* and
Charles D. Moody

if they be found in your County, that they
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 *May* next, then and there to answer unto
James Burgess, Jr Elizabeth Allen and
D. J. Allen

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

Saml A. Rapp
Witness, *ELLAS F. HONEY*, Clerk of our said Circuit

Court, with the seal thereof herunto affixed, at office
in Hillsboro, this *Twenty Ninth*
day of *March* A. D. 1866,

Samuel A. Rapp
Clerk Circuit Court.



I executed the within writ in the County
of Jefferson on the 9th day of April 1866 on C.D.
Moody by leaving a copy of this writ & annexed petition
at his usual place of abode with a white person
over the age of fifteen years and a member of his
family & I further executed this writ ^{in Jefferson County} on
the 9th day of April 1866 by delivering to ~~Edw~~ ^{Wm} Tinning
his agent a copy of this writ as furnished to me by
the Clerk

C. C. Fletcher
Sheriff

2348

TO JEFFERSON CIRCUIT COURT

May

Term, 1866

James Bingers Protor

(vs) Summons

Gunning and Moody

Fletcher Sheriff \$3.00

Chd

County of Jefferson,

The State of Missouri to the Sheriff
of Jefferson County Greeting

We Command you to attach
William Twining^{and} Charles D. Moody, by all and
Singular their lands and tenements, goods, chattels,
moneys, credits, evidences of debt and effects, or
so much thereof as shall be sufficient to secure
the sum of Three Hundred Dollars, with interest^{and}
costs of suit in whose hands or possession soever the
same may be found, and that you Summon, the
Said William Twining^{and} Charles D. Moody, that they
be and appear at the next term of the Circuit Court
before the Judge thereof, on the first day of Said
Term to be holden at the Court House, within^{and}
for the County of Jefferson, on the Second Monday
of May next, and then^{and} there to answer the
complaints of James Burgess, Jr Elizabeth
Allen^{and} D. J. Allen, her husband, as set forth
in their original Petition, in aid of which this
attachment is issued, and that you Summon
all and every person in whose hands or possession
soever any personal property, rights, goods, chattels,
moneys, credits, evidences of debt or effects may be
found, or who may be named by Plaintiffs or
their attorneys as garnishees, that they be and appear
before the Judge of Said Court on the first day of
the term aforesaid, then and there to answer

unto what may be objected against them, and
have you then there this writ.



Witness Samuel A. Peppy Clerk
of Said Court, with the Seal there
of hereto affixed as office in
Hillsboro, this 9th day of
April AD 1866

Samuel A. Peppy clk

I served the foregoing writ of attachment upon Charles D. Moody by leaving a copy thereof with some white member of his family above the age of 15 years at his residence

I attached the following personal property ~~belonging to defendants~~ ^{by}, and took the same and kept & kept it in my custody to wit: one yoke of oxen, four cows and 2 calves, one black mule, 10 or 11 years old, one two horse wagon, one spring wagon; and I served this writ and attached said property on this 10th day of April 1866.

I also attached in the hands of Robert Hunt all debts due from him to the defendants or any one of them, or so much thereof, as shall be sufficient to pay the debt and interest, damages and costs, and summoned said Robert Hunt or Garnisher, by reading the foregoing writ to him, on the 9th day of April 1866, and by summoning him to appear at the return term of said writ, to answer the interrogatories, which may be exhibited to him by plaintiff.

W. H. Fletcher Sheriff
by John Vinograd Deft

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To the Officers of the Board of
May Term A.D. 1866,

James Duggan & Co.

of Attachment

William Duggan and

Charles D. Mooty

Shelf No 3, 00

7 April 1866

Filed April 12 1866
James D. Duggan & Co.

James Burgess Jr, Elizabeth —
Allen & David J. Allen, — Plaintiffs

Against

Samuel Waring & Charles D. Moody, — Defendants

In the Circuit Court
of Jefferson County Mo.

The Defendants come and for plea in
abatement ^{deny} that they have fraudulently dis-
posed of, sold, ~~or~~ transferred or assigned their
property with the intent to hinder delay
and defraud their creditors, — and deny
that they are, or were at the commence-
ment of this suit, about fraudulently to
sell, transfer, assign and dispose of their
property, so as to hinder delay and
defraud their creditors,

A. Green
Att'y for Defs.

Charles D. Moody, one of the Defendants, makes
oath and says, the above plea in abatement
and the matter therein as stated he
believes to be true,

Sworn and Subscribed Charles D. Moody,

before me this 17th day

of May 1866

Saml. Peppy clk

In Circuit Court
Jefferson County

James H. Rogers Jr.

vs.
Moses H. Manning

Plac in

abatement

Filed Aug 19th 1866
Saml. A. H. Hays Clk

James Burgess jr. } In the Circuit
Elizabeth Allen and } Court of Jefferson
D. J. Allen her hus. } County, Missouri
band.

vs.
Wm. Fanning and
Charles D. Moody,
defendants,

} May Term 1866,

Interrogatories sent to Robert
N. Hunt, garnished.

At the time, you were summoned
as garnished in the above attach-
ment suit, did you owe any-
thing to defendants or either of
them, and if so, how much?

Thomas C. Ahlers
for pettys,

Robert N. Hunt. Summoned as Garnishee in
this cause, in answer to the interrogatories,
first propounded to him, on his oath says,
that I owe the Plaintiff, the Sum of
Ninety Dollars and twenty two cents, all so
I Received of Mury & Hammel the Carter &
Engineer of Moody & Twining & co. two
thousand and one hundred & fifty. (\$2150)
hedding, and paid Mury five Dollars on
said hedding and Twining gave his Receipt
for the five Dollars. I was to pay the Sum of
Twenty five Dollars and Eighty cents (\$25 80) for
the said lot of hedding, if it is considered that
the hedding belongs to the Defendants, then I will
Owe the Defendants the Sum of one Hundred
and Nine Dollars and 42 cts

Sworn to & subscribed before Robert N. Hunt
me this 14th day of May 1866

Wm. M. Mullin at Court

R. N. Hunt asks the Court to allow him the

sum of five dollars, for attending Court &
making the above entries -

Robert A Hunt

James Burgess
Jr & others

vs,

Broady & Son

Attorneys

Indorsed at

&

Shoreline,

—

Filed May 21st 1880.

John A. Cooper Clerk

Jas Burges et als } Attachment

Erving & Moody }

J. A. Reppert Clk 1 copy per cert Reul / 1.00

cont- 1/2 copies 40¢. Bond 50¢

"Pleasantote" 25, dempal 50

Motion 20¢

Black 1/2 stamp 50. After 20' rockets 20

C. C. Fletcher. 50¢ Sen Sam 300

Sen attach 300

E. J. Honey clh under Judy '10

make cuts & fee Bill 50

25
45
5 85
5 50

6 00

60

112 85

See Bill

Burgess et al
vs
Herring & Woodley