

NEW

FILE

BEGINS

St. Charles Circuit Court
Case Files - Civil
October 1829

Box 43 Folder 12

Howell, Thomas

v.

Hempstead, Stephen
Knott, Osborn

Action: Debt, bond

General Note: Debt \$500

Plaintiff Attorney: Hunt, Ezra

Executed the within petition & summons on the within
 named Asbourn Note by leaving within him true copies
 of the same this 2nd of Sept. 1829 - and on the
 within named Stephen Hempstead by leaving with him
 a copy of the within petition and summons this seventh
 day of September A.D. 1829 both in the Township &
 County of Charles -
 Sheriff's Fees
 2/ Services \$2.00

Wm. A. Fulkerson
 Sheriff

Thomas Howell

vs

Stephen Hempstead pro

Asbourn Note

Let a copy of the within &c
 summons annexed here

signed by me Sheriff
 Wm. A. Fulkerson

To the Clerk of the Circuit Court
 in Charles County

Filed 2nd Sept 1829

State of Missouri Circuit Court for
County of St. Charles October Term 1829

Thomas Howell plaintiff states that he holds a bond on the defendants Stephen Hempstead jr and Osbourn Knott, in substance as follows, "St Charles March 10th 1828, For value received we Stephen Hempstead jr as principal & Osbourn Knott as security promise to pay Thomas Howell or order the sum of five hundred dollars in twelve months after date from date, and six per centum interest on the same, as intrep our hands and seals, day and date above written, In presence of

Test, Thos Spalding } Stephen Hempstead jr Seal
Osborn Knott Seal"

Yet the said debt remains unpaid, wherefore he prays
Judgment for his debt and Damages for the detention
of the same, together with his Costs and Charges
Signed Thomas Howell

By his Attorney
E. Lora Hunt

State of Missouri }
County of St Charles } ss I William Christy, clerk of the Circuit Court, within and for the County aforesaid, certify that the above is a copy the Original of which is preserved in my Office, In testimony whereof I have hereunto set my hand, ^{& seal of said Court} at St Charles this 2^d day of September A.D. 1829

Wm. Brewster

State of Missouri }
County of St Charles }
Sherriff of St Charles County }
The State of Missouri to the
Greeting

You are hereby commanded to Summon Stephen Hempstead jun and Osbourn Knott, that they be and appear before our Honorable Circuit Court, on the
Second

Second day of the next Term thereof, to be begun and
held at the Court House in the Town of St Charles within
and for the County of St Charles, on the ^{Tenth} ~~third~~ Monday in ~~March~~
October next, Then and there to answer the annexed pe-
tition of Thomas Howdell for the debt therein specified
and have you then and there also this writ with your
return thereon how you executed the same

Witness William Christy Jr Clerk of our
said Court with the Seal of said Court
hereto Affixed at office this 2nd
day of September A.D. 1829

Wm Christy Jr.

State of Missouri }
County of St Charles } 13

Circuit Court for
Eastern Term 1829

Thomas Howser plaintiff states that he
holds a bond on the defendants Stephen Hemph-
stead Junr & Osborn Knott in substance as fol-
lows - "St Charles March 10th 1829

For value received we Stephen Hemphstead Jr
as principals & Osborn Knott as security promise to
pay Thomas Howser or order the sum of five
hundred & no more in twelve months from date
& six per centum interest on the same as witness
our hands & seals, day & date above written.

In presence of

Stephen Hemphstead Jr

~~Test~~ Test

Osborn Knott (Gent)

Thos. Spalding "

Yet the said debt remains unpaid wherefore
he prays judgement for his debt & damages
for the detention of the same together with
costs -

Thomas Howser

By his atty

Esq

Thomas Hancock

5

J. Humphreys &

C. Frost -

See a copy of the order
to draw money amount

of one - ~~Sept 1824~~

very true
yours -

In the belief of Mr

Goodheart - St. Charles

George -

Wm. Jack September
1824

S. Charles Meadeh 10th 1828

For value Received we Stephen Hempstead Jr
as principal and Osborn Knott as security promise
to pay Thomas Howell or Order the sum of
Five Hundred dollars in twelve Months from
date and six per centum Interest on the same
as witness our hands and seals day and date above
written

Stephen Hempstead Jr Seal

In presence of
test
Wm. Spalding

Osborn Knott Seal

J. Montgomery D.
Oct 20 1829

note

Thomas Howells

\$500.00

the Oct 1829

of payment

Oct 1829

The State of Missouri,

COUNTY OF ST. CHARLES, SS.

TO THE SHERIFF OF THE COUNTY OF ST. CHARLES--GREETING:

WHEREAS, Thomas Howell

at our Circuit Court, before our Judge

thereof, recovered against Stephen Thompson for and against the sum of four five hundred
dollars for his debt, and also for the sum of forty seven dollars and twenty three and one fourth
cents, which to the said Thomas Howell were adjudged, for his damages as well by reason of de-
termining the said debt as for his costs in that suit expended, ~~as appears~~

which to the said

~~was assigned~~ as appears to

us of record: These are therefore to command you, that of the goods and chattels, lands and tenements, of the said Thomas Howell for and against the
costs, and that you have the same before the Judge of our said Court, on the first Monday of February next, to render to the said
Thomas Howell the debt damages and costs

costs aforesaid. And for want of sufficient goods and chattels, lands and tenements, whereon to levy and make the same, we command you to take the
said Stephen Thompson and Auburn Knott if they be found in your bailiwick, and them safely keep, so
that you have them before the same Judge, on the said first Monday of February to satisfy the said Thomas Howell
of the aforesaid debt damages and costs costs, and that you certify to our said
Judge how you execute this writ; and have you then there this writ.

WITNESS, WILLIAM CHRISTY, Jr. Clerk of our said Court, at St. Charles, this seventeenth day of

October in the year of our Lord one thousand eight hundred and twenty nine

Wm. Christy, Jr.
CLERK.

Net
Circuit Court
February Term 1830

Thomas Howell	
vs E. Execution	
Stephen Humphreys &	
Debtors Abnott	
Debt paid 14 th Oct 1829	\$500.00
Damages	36.67
Costs for 8 days	2.66 $\frac{1}{2}$
Sheriff's fees	2.40
Attorney	2.50
	<u>\547.23\frac{1}{2}$</u>

Wm. A. A. A.

Came to hand 17th Oct 1829
Wm. A. A. A.
Sherriff

Nothing made on the within Execution
February 5th 1830 - Mr. N. Fickerson

The State of Missouri,

COUNTY OF ST. CHARLES, SS.

WHEREAS,

Thomas Howell

TO THE SHERIFF OF THE COUNTY OF ST. CHARLES--GREETING:

hereof, recovered against Stephen Howell ~~that~~ Humphreys Junior and others a writ, the sum of three hundred dollars for his debt, and also for the sum of forty seven dollars and twenty three and one fourth cents which to the said Thomas Howell were adjudged, for his damages as well by Reason of detaining the said debt as for his costs, in that suit expended;

which to the said

ad before we commenced upon

were adjudged as appears to

us of record: These are therefore to command you, that of the goods and chattels, lands and tenements, of the said Stephen Humphreys Junior and others

which

in your bailiwick, you cause to be made the aforesaid

costs, and that you have the same before the Judge of our said Court, on the

Thomas Howell

first

Monday of June

the next day

the said damages and

costs aforesaid. And for want of sufficient goods and chattels, lands and tenements, whereon to levy and make the same, we command you to take the

said Thomas Howell ~~wherein~~ Stephen Humphreys Junior and others if they be found in your bailiwick, and then safely keep, so

that you have them before the same Judge, on the said

Thomas Howell

first

Monday of June

to satisfy the said

costs, and that you certify to our said

Judge how you execute this writ; and have you then there this writ.

WITNESS, WILLIAM CHRISTY, Jr. Clerk of our said Court, at St. Charles, this

eleventh

in the year of our Lord one thousand eight hundred and twenty

fourth

day of

William Christy, Jr. Clerk

The State of Missouri,

COUNTY OF ST. CHARLES, SS.

WITNESSES, Thomas Howell

TO THE SHERIFF OF THE COUNTY OF ST. CHARLES--GREETING:

hereof, recovered against Stephen Thompson for, and William Wade, the sum of Two Hundred Dollars for his debt, and also for the sum of Forty seven Dollars and twenty three cents and one fourth cents which he the said Thomas Howell was assigned for his damages as well by reason of defaming the said debt as for his costs in that suit expended, -

which to the said

us of record: These are therefore to command you, that of the goods and chattels, lands and tenements, of the said Stephen Thompson for and

William Wade,

in your bailiwick, you cause to be made the aforesaid debt damages &

Monday of October

next, to render to the said

costs aforesaid. And for want of sufficient goods and chattels, lands and tenements, whereon to levy and make the same, we command you to take the said Stephen Thompson for William Wade if they be found in your bailiwick, and them safely keep, so that you have them before the same Judge, on the said first Monday of October to satisfy the said Thomas Howell of the aforesaid costs, and that you certify to our said Judge how you execute this writ, and have you then there this writ.

WITNESSES,

WILLIAM CHRISTY, Jr. Clerk of our said Court, at St. Charles, this sixteenth day of June

in the year of our Lord one thousand eight hundred and twenty

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CLERK.

add on the per 8m each \$372.83 1/2 cents and
 the costs except the only - signed Wm. S. Jackson
 W.S.

No 1
 Cornet Road
Debtors Jan 1830

Thomas Howell

to 3 Plains Election

Stephen Wemple & son

Return Annots

Sept 6th Oct 1829 \$500.00

Rest

Damage 36.67

Chas fees 5.66 1/2

Chas fees & tray on (all day) 2.66 1/2

Sale fees 2.40

Atto Atunt 2.50

\$49.29 1/2

Chas fees & tray (the only) 9.06 1/2

\$551.35 1/2

Balance to him \$165.96

1830 Wm S Jackson

W.S.

Service this Execution by keeping it on the following described property 813
The undivided half of a certain tract or parcel of Land lying and being situated in the
County of Saint Charles, in the waters of Cardener containing three hundred and
twenty acres, which said tract is bounded as follows, beginning at a post corner
to survey N^o 1719, thence N 28 E. 23.33 to a post, thence S 78.66 links to
a post, thence South 23.66 W 23.33 to a post corner to survey N^o 1719, and
with a line thence N 62. W 116.66 to the place of beginning said undivided
half to include the improvements, for a more particular description see
Book H. pages 346 & 5 in the Records office of Saint Charles County.
Also the following lots pieces or tracts of Land situated in the County
of Saint Charles, one lot fronting on and bounded S. E. by main or fourth
street in the Town of Saint Charles W. N. W. by the commons of said Town
and N. E. by the other half square, which completes the said square
and originally owned & claimed by Charles Teyon, the said lot or
parcel of Land fronting on said Main Street one hundred and
twenty feet, and running back 300 feet french measure and in-
cluding what is called or known as Rentals Lime kiln & quarry
on other near the said Town immediately back on Westwardly of a lot
formerly owned by Mackay Wherry, and an other lot formerly owned
by Pierre Fonges, the one undivided half part of a certain other lot
situated in said Town 120 feet front by three hundred feet deep, the
upper half of the square opposite to the Sanyard in the Town of
Saint Charles owned by John Snadger for more particular des-
cription see Book H. pages 345 & c in the Records office of said County
all the above described property was sold to Stephen Hempstead by
David M^r. Fair & wife, Also an other lot situated in the Town of
Saint Charles aforesaid being 240 feet front by 300 feet deep bound-
ed by unknown Lands on the S. on the West by Land owned by George
Jellier and John McConnell on the N. by commons on the E. by Land
owned by the heirs of John Coons Redd, One other lot 150 feet front by
150 feet deep, bounded on the W. by a Street dividing it from the foregoing
described lot, on the South by a Street dividing it from the hands of
Pierre Teyon on the East by lands owned by the heirs of Joseph Teyon Redd
and on the North by lands owned by the heirs of John Coons, the last
above described lots of Land were sold to Stephen Hempstead by Jacob
D. Williams & wife, see more particularly the Book of Record in the Records
office of Saint Charles County, Book H. pages 308 and following, also a
beautiful Gray Stallion, a quantity of furnished & unfurnished furniture,
together with a quantity of hat boxes, a likely negro boy named
William alias Bill about seven year of age, as the property of the
said Hempstead for to satisfy the same, and Advertised all the
above property for sale on Wednesday the third day of the Term of the
Circuit of Saint Charles County to be begun and held at the Court house

in said Town on Monday the seventh day of June ¹⁸³⁰ between the hours of nine o'clock in the forenoon, and five o'clock in the afternoon of that day for ^{money} ~~ready~~ "subject to the Lien of all prior judgments and decrees" All of which said property was levied upon the 4th day of May 1830 and notice of the sale given by seven hand bills posted up in seven of the most public places in said County all of which were posted up at least thirty days prior to the day set forth for the day of sale thereof. All of which said described property was sold to the highest bidder, except the Real Estate which was not sold in consequence of there being no bidders - but the personal property was sold as follows -

The negro boy Bill to William S Pettus for the sum of ^{thirty} \$100.00
one hundred dollars

" Yoke of Oxen to John Steward for the sum of 25.00
Twenty five dollars

The yoke of Oxen was Advertised only 15 days previous to the day of sale

ninety nine hats finished & unfinished, - for (~~220.53~~)
to sundry persons) 220.53

The Steed horse to ^{John Coon} ~~the~~ ^{for} ~~the~~ ^{50.50} ~~for~~ ^{50.50}
Amounting in all to the sum of \$399.03

From which sum deduct chs fees \$5.66 1/4
Tax due out 2.06 1/4
shffs fees tax 2.40

Shffs fees for Digging \$1.00
" " on \$200 at 3 1/2 p.c. 7.00
" " " 199 at 2 p.c. 3.98 } 11.98

Attorney Hunt Tax fee 2.50
Deduct amt for getting feeding the Oxen 1.00
amt pd ~~for~~ for searchers .50

\$26.10 1/2
372.93 1/2

which leaves the sum of \$373.82 1/2 cents to be applied to wards the payment of the Debt - which I am ready to account for -

State of Missouri
County of St. Charles

William A. Jackson Sheriff of the County of Saint Charles in the State of Missouri, did on the first day of September A.D. 1830. Levy and seize all the right title, claim and interest of Stephen Hempstead junr & Elbourn Smith in and to the following described property. To-wit -

No 1

"The Undivided half of a certain tract or parcel of Land lying and being, situate in the County of St. Charles on the waters of Dardaine, containing three hundred and twenty acres, which said tract is bounded as follows, beginning at a post corner to survey No 1719 thence North 28 East 23.33. to a post thence South 16.66 links to a post thence S. 28. West 23.33 to a post corner to survey No 1719. and with a line thereof N. 62. W 16.66 l. to the place of beginning, said undivided half to include the improvements (see book H. page 344 & 5. Recorder's office at St. Charles)

No 2

Also the following lots pieces or tracts of Land situate in the County of St. Charles - "One fronting on and bounded S. E. by main Street or 1st Street in the Town of Saint Charles N. & N. W. by the Commons of said Town and N. E. by the other half square, which completes the said square and originally owned and claimed by Charles Tagon the said lot or parcel of Land fronting on said main street one hundred and twenty feet front and running back three hundred feet French measure and including what is called or known as Kentsals lime kiln or quarry -

No 3

"One other lot near the said Town immediately back or westwardly of a lot formerly owned by Mackay Wherry, and an other lot formerly owned by Pierre Lorange.

No 4

Also "The undivided half part of a certain other lot situate in said Town, one hundred and twenty feet front by three hundred feet deep, the upper half of the square appertaining to the San Yard in the Town of St. Charles, owned by John Frazer, see book H. page 345 in the same office for Hempstead's title -

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"Also an other lot situate in the Town of Newbern, being 240
 "feet deep front by 300 feet deep, bounded by unknown land
 "on the South, on the West, by Land owned by George Allier
 "and John McConnell, on the North by Town Commons
 "on the East by Land owned by John Coons decd."

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"One other Lot of Land, one hundred and twenty feet
 "front, by 150 feet deep, bounded on the West by a street
 "dividing it from the foregoing described Lot, on the
 "South, by a street dividing it from the Lands of Pierre
 "Tayon, on the East by Lands owned by the heirs of
 "Joseph Tayon decd., and on the North by Lands owned
 "by the heirs of John Coons decd. (see Book B.
 "Page 308. and following in said office for Sheriff
 "Shields right—

And on the 20th day of September 1830 I levied
 upon the following property of Stephen Hempstead
 Mr. Smith, one pair of traps ~~and some~~ Audirons
 & fire pender, one cupboard, one Table, &
 one settle, Also a barrel more.

To pay and satisfy a certain Execution issued
 from the office of the Clerk of the Circuit Court for
 Saint Charles County, the 16th day of June 1830
 returnable to the October Term in said year
 in favor of Thomas Howell vs Stephen Hempstead & Co. ~~debt~~
 marked No. 1— and delivered to me the Sheriff
 the 16th of June 1830— And after having
 advertised the same for sale at the Court house
~~door to the highest bidder~~ to be sold to the
 highest bidder at the Court house door in the Town
 of Saint Charles within and for the County of Saint
 Charles on Wednesday the third day of the next
 Term of the Circuit Court (October Term 1830) of
 said County to be begun and held at the Court
 house in said Town on Monday the
 4th day of October next (Octr 1830) between
 the hours of nine O'clock in the forenoon and
 five O'clock in the after noon of that day for



ready money - Subject to the Lien of all prior judgments and decrees - by giving at least twenty days notice of the time and place of sale, and what lands and tenements were to be sold and where they did lie - by posting up six hand bills in six of the most public places in the County of St. Charles: And by giving at least ten days notice of the above described personal property by at least six hand bills posted up in six of the most public places in said County. And on that day (to wit the 7th day of Octr 1830) I did in pursuance of said notices proceed to sell said property at the Court-house door of record between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day - Subject to the Lien of all prior judgments and decrees - proceed to sell the said property to the highest bidder, during the term of said Court (Octr Term 1830) openly and publicly by auction. And

David H. Pittman became the purchaser of the tract of Land, above marked N^o 1. for the sum of one hundred & eleven dollars . . . \$111-

William Eckert became the purchaser of Lot ~~N^o 1~~ above marked N^o 3 - of five dollars . . . 5.00
Also for lot above marked N^o 4 for twenty dollars & seventy five cents . . . 20.75
Eleven of Lot above marked N^o 6 for fifteen dollars & 25 cents . . . 15.00

James D. Earl became the purchaser of the Lot above marked N^o 2 for seven dollars & 25 cents . . . 7.25
Also of the Lot above marked N^o 5 for fifteen dollars & 37½ cents . . . 15.37½

David Knott became the purchaser of the Captains bar for 12 dollars . . . 12-
\$186.37½

\$186. 37½

Andrew Wilson became the pur-
 casers of the fire pender for \$8.50 and
 the "and irons" for \$13- which amount to
 twenty one dollar & fifty cents ————— \$21.50

David Knott became the purchaser of
 the Table for the sum of four dollars \$ 4.00
 Also the seller for the sum of two ⁵⁰/₁₀₀ dollars . . . 2.50

The following described property was produced &
 sold at the and at the request of David Knott
 without being advertised voluntarily produced the day of sale
 Shovel & tongs to Andrew Wilson for . . . \$7.50
 Bureau to David Knott . . . for . . . 9.50
 Bundle Cow & calf to Gable Salter for — 6.12½
 Red Cow & calf to do do — " 5.00
 Bundle Cow & calf to Gerald Hope " 9.75
 Black cow to David Knott for — 4.12½
256. 37½

From which said sum of two hundred and
 fifty six ^{37½}/₁₀₀ dollars less the amount due to
 Thomas Howell and the costs leaves a
 balance of 46. 37½ cents due to Stephen
 Hempstead for — which balance I have
 paid to Gerald Hope & David Knott for
 the said Hempstead

Wm. N. Fulkerson
 Sheriff

$$\begin{array}{r}
 256.37\frac{1}{2} \\
 196.65\frac{3}{4} \\
 \hline
 59.72\frac{1}{4} \\
 42.37\frac{1}{2} \\
 \hline
 16.34\frac{3}{4}
 \end{array}$$

$$\begin{array}{r}
 42,00^{\frac{21}{100}} \\
 9.50 \\
 9.75 \\
 4.12\frac{1}{2} \\
 6.50 \\
 12.50 \\
 \hline
 42.37\frac{1}{2}
 \end{array}$$