

Jefferson County Circuit Court
Case File - CIVIL
July Term 1836 - Case #5

Smith, Richard, adm.
Smith, Chauncy

^{vs.}
Johnston, Benjamin, Jr.
Byrd, Austin

Debt, note

Debt \$112.50

Box #

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Folder #

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Twelve Months of Tax state we or either of us promise
 to pay to the treasury forth or order the sum of One
 Hundred and twelve dollars and fifty cents Value
 of this warrant. As witness our hands this 30th day
 of October 1838.
 John A. For Dr.

Johns Dr
A. B. C.

27 34

B. Johnston

Do taking with the Power of City of New York

Forty / year

50 50

For
W. Johnston & Co. New York N.Y. 1/18 1/2

B Johnston Gen^l
Austen Byrd

Note \$112.50

Ans. 11.81

Jefferson County, Va

In the Circuit Court ^{July} ~~Sept~~ Term 1836

To William Scott Judge of the Circuit Court within and
for the county of Jefferson aforesaid, Richard Smith
Administrator of the estate of Chauncey Smith deceased
plaintiff states that he is the legal owner of a note
against the defendants Benjamin Johnston Jr
and Austin Byrd to the following effect Twelve
months after date we or either of us promise to pay
to Chauncey Smith or order the sum of one hundred
and twelve dollars and fifty cents, value of here
received. As witness our hands this 30th day of October
1833

B Johnston Jr

A Byrd -

If the debt remains unpaid, then we demand
judgment for our debt and damages for the detention
thereof together with costs. And the said Richard
Smith brings into court here the letters of administration
granted from him according to law upon the estate of
said Chauncey Smith deceased, which give suffi-
cient evidence to the Court here of the grant of
administration to the said Richard Smith as aforesaid.

P. W. H.
Atto for Plaintiff
C

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Benjamin Johnston
Austin Byrd

Benjamin Johnston
Austin Byrd

filed 10th March 1836
John M. Darnall & Co

I Served the within petition and Summons on Benjamin Johnston by reading in his presence and hearing on the 9th day of June 1836
" and Served the same on Austin Byrd on the 9th day of June 1836 by leaving a copy at his place of residence in the hands of Mary Byrd his wife over the age of fifteen years
J. S. McChristian Sheriff
of Jefferson County

State of Missouri }
Jefferson County } Sch

The State of Missouri
to the Sheriff of Jefferson County Greeting - These
Command you to summon Benjamin Johnston
Jr and Austin Byrd that they be and appear
before the Judge of Circuit Court at a term
thereof to be holden on Monday the fourth
day of July next at Herculaneum in the
County of Jefferson aforesaid, then & there to
answer Richard Smith administrator of
Chauncy Smith deceased ^{to} the within action of
debt on petition, And have you then & there
this writ, and that you then & there certify how
you have executed the same

Witness Henry P Bates
Clerk of the said Circuit
Court at his office this
7th day of June 1836

Richard Smith adm
of Ch. Smith on

vs
Benjamin Wharton for
Austin Byrd.

July Term aut-
west 1836

and the said defendants by Byrd their atts
comes and defends & and say that the said
Plaintiff ought not to have and maintain
his action against them
Because they say that they have well and
truly paid the debt in the petition mentioned
and all interest that had accrued thereon
before the institution of the above action
to wit at the court of Jefferson presided
and of this they put themselves upon
the country.

Byrd to dep't

And the Plaintiff doth the like

P. Holt att.

Dear John in L
Canton Bridge
i
Civil War
John Jay
a son

COURTY OF JEFFERSON, SOOT.

THE STATE OF MISSOURI,

To the Sheriff of

County—GREETING:

You are hereby commanded to summon

Attorney of Herdal.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *Fourth* day of *July*—*1887*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Richard Smith* as *administrator of Charles Smith* plaintiff, and *Benjamin Johnston* Jr. — defendant, on the part of the *defendant*; and have you then there this writ.

Witness, Henry P. Bates Clerk of our said Circuit Court, at the

town of Herculaneum, this

Twelfth

day of

in the year of our Lord one thousand eight hundred

and

July—*1887*

Henry P. Bates—CLERK, C. C.

the within Subpoena executed by
a knowledge on the fifth
day of July 1836.

J. M. Crustion Sheriff

Jefferson Circuit Court
July Term 1836.

Adm^r of Chauncy Smith
vs. J. M. Crustion

Benjamin Johnston Jr

Att^r J. M. Crustion

for Defendant