

Jefferson County Circuit Court
Case Files - Civil
August 1837

Box

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Folder

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Evans, Augustus H.

vs

Jackson, Daniel

Crany, John S.

Assumpsit

Debt \$135 account for hire of slave
William and for carrying mail; real
estate attached

My dear Mining and Smelting Association

25 St. Louis Mo 27th
After carrying the mail from Kansas to
San Antonio, in the year 1836- One month
once a week at the rate of \$100.00. per year \$75.00.

Union May 30th 1837

La balue rec^d I assign
the little account to Augustin
of Evans. ~~It is~~ is understood
that said Ins is to have
no recourse upon me for the
same, and that I am
in no wise to become
responsible —

A. Chancy

~~Letter of Copying~~ Daniel Jackson Dix
Daniel Jackson & John D. Gray
for H. H. Burns.

To hire of meagre by writing } \$60.00
for the term of one year }

To the sum paid of Cheever }
for carrying mail for said } 75.00
Jackson & Gray — } \$135.00

H. H. Burns.

The jury find for the plaintiff one
hundred & thirty ^{five} dollars

L. Cooley, Foreman

State of Missouri (In the Jefferson County Circuit Court
County of Jefferson) August Term AD 1837

by ~~S. P. M.~~ his atty complains of Daniel Jackson and John S. Cray the
defendants in a plea of trespass on the case upon promises

For that whereas the said defendant ~~sh~~ertofore, to wit: on the
first day of May in the year of our Lord one
thousand eight hundred and thirty- seven at said county were indebted unto said plaintiff in the
sum of one hundred and thirty five dollars

for the work and labor, care and diligence of the said plaintiff by
the said plaintiff before that time done, performed, and bestowed, in and about the business of the said defendant and for
the said defendant and at their special instance and request; and also in the further sum of one hundred
and thirty five dollars, of like lawful money, for divers
goods, wares and merchandise, by the said plaintiff before that time sold and delivered to the said defendant and at their
like special instance and request; and also in the further sum of one hundred and thirty five
dollars of like lawful money, for money by the said plaintiff before that time lent and advanced to, and paid, laid out and expended
for the said defendant and at their like special instance and request; and also in the further sum of one
hundred and thirty five dollars, of like lawful money
for other money by the said defendant before that time had and received to and for the use of the said plaintiff; and also
in the further sum of one hundred and thirty five dollars

for so much money by and from said defendant to
said plaintiff before then due and owing and then in arrear and unpaid for and upon an account stated between them: And
being so indebted, the said defendant in consideration thereof, afterwards, to wit: on the day aforesaid, at the place
aforesaid, undertook, and then and there faithfully promised the said plaintiff to pay him the said several sums of
money, in this count mentioned, when the said defendant should be thereunto afterwards requested: nevertheless the said
defendant not regarding the said promises and undertakings, although often requested so to do, have not paid to the
said plaintiff the said sums of money or either of them, or any part of either of them. Whereby the said plaintiff
hath sustained damage in the sum of three hundred dollars:
wherefore he brings suit, &c.

of
A. J. Evans Attorney.
for plaintiff

State of Missouri
County of

} p This day personally appeared before me

Augustus H Evans who being duly sworn deposes and says that Daniel Jackson and John S Evans the defendants in the within foregoing declaration mentioned are justly indebted unto the said Augustus H Evans the Plaintiff in the said declaration after allowing all just credits and set-offs in the sum of one hundred and thirty five dollars - also that this affiant verily believes that the said Daniel Jackson and John S Evans are not residents of nor residing in the State of Missouri.

Sworn to and subscribed this second day of June
A.D. 1854 at St. Louis Missouri before me

Benj H. M. Kinn
J. P.
H

A. H. Evans

Know all men by these Presents,

That *Augustus H Evans* as principal
and *Frederick R Conway*
as sureties are held and firmly bound unto *Daniel Jackson & John S Gray*
in the penal sum of *two hundred & seventy dollars* good and lawful
money of the United States, to be paid unto the said *Daniel Jackson & John S Gray*
or *their* certain attorney, executors, administrators or assigns; for which payment,
well and truly to be made, we bind ourselves, our heirs, executors and administrators
firmly by these presents: Sealed with our seals, and dated this *Second*
day of *June* in the year of our Lord, eighteen hundred and thirty-*seven*

The condition of this obligation is such, that,

Whereas, the said *Augustus H Evans* as
plaintiff *is*, about to commence an action of *Assumpsit* and sue out of the
Office of the Clerk of the Circuit Court, of the County of *Liffron* in the State of
Missouri, *By* Writ of Attachment, against the said *Daniel Jackson and*
John S Gray as defendant, in the sum of *one hundred and thirty*
five dollars, returnable to the next *August* term of
said Court, to be holden at the *Town of Circleville* in said County.

Now therefore, if the said *Augustus H Evans*
plaintiff, shall prosecute *his* said suit with effect and without
delay, and shall pay all damages that may accrue to the said *Daniel Jackson*
and John S Gray, the defendant, or any garnishee, in consequence
of the Attachment, **then, this obligation** to be void and of none effect or
else shall be, and remain in full force and virtue.

Done in Presence of

A. H. Evers

* SEAL. *

F. R. Conway

* SEAL. *

John H. Darby

* SEAL. *

* SEAL. *

At St. Louis

to Board in

all chambers

Have been to New Orleans

of the 5th June 1837

being the first

State of Missouri }
County of Jefferson } Sch

The State of Missouri to the Sheriff
of Jefferson County Greeting, you are hereby commanded to
attach Daniel Jackson and John S. Gray by all and singular
their lands, tenements, goods, chattels, monies, effects, and credits
or so much thereof as shall be sufficient to satisfy the sum
of One hundred and thirty five dollars with interest and
costs of suit, in whose favor hands or possession the same
may be found in your County so that he be and appear
before the Judge of our Jefferson Circuit Court at a term
thereof to be holden for said County at Herkulesburg on
Monday the seventh day of August next to answer
Augustus A. Evans of a plea of trespass on the case
damages three hundred dollars, and that you summon
the said Daniel Jackson and John S. Gray to appear
before the Judge of said Court at the time and place
aforesaid to answer the action of the plaintiff and
also that you summon as garnisher all such persons
found in your County as may be directed by the plaintiff
to answer such interrogatories as may be filed by the
plaintiff, and have you then there this writ

Witness my P. Bates Clerk of our
said Court at office this 5th day
of June in the year 1837

Henry P. Bates, Clerk
C. C.

to 312

In the Jefferson County Circuit Court

August Term 1837

Augustus H. Board
vs
Daniel Jackson & John S. Crary

At a session of the Court held at
Danvers 30th Novr 1837
\$135.00 - The docket will
be made issue the writ of Attachment

Filed June 5th 1837
Henry P. Bate
clerk

I executed the within Attachment on the fifteenth
day of June 1837, by going onto the following described
tracts of ~~all the right title & interest of the said defendants in the same~~
land and attaching them, to-wit: the $\frac{1}{2}$
of the S E q. of Section 36, Township 41 N. Range 2. E.
the E $\frac{1}{2}$ of the S W. q. of Section 36, T. 41. N. Range 2. E.
the E $\frac{1}{2}$ of the N. W. q. of Section 36, T. 41. N. Range 2. E.
The defendants Daniel Jackson & John S. Crary. not
found in my bailiwick.

J. M. Couston Sheriff
Jefferson County, Mo.

IN THE CIRCUIT COURT,
FOR THE COUNTY OF JEFFERSON.

August Term, 1837.

Augustus H. Evans

vs.

Daniel Jackson and
John S. Crary.

} Attachment

THIS day came the said plaintiff by his Attorney, and it appearing that the said defendants cannot be summoned, and their property having been attached, and they not having appeared and answered the action of the said plaintiff at the return term of the writ in said cause,—*On motion, it is ordered*, that an order of publication be made, notifying said defendants that said plaintiff has commenced an action of assumpsit against them for work and labor, stating in his declaration the amount of his damage to be three hundred dollars, and that their property has been attached, and that unless they appear at the next term of this Court, on or before the third day thereof, judgment will be rendered against them, and their property sold to satisfy the same. And it is further ordered, that the publication of this order be made for four weeks in some newspaper printed in this State, the last insertion to be at least four weeks before the next Term of this Court.

A copy—Attest,

HENRY P. BATES,
Clerk.

Sep. 1—4w

I, Geo. H. Watson one of the Proprietors of
the Missouri Argus a public newspaper
published in the city of St. Louis, County
of St. Louis, State of Missouri, do certify
that the above advertisement has been
published four weeks successively in
said paper in the numbers of the
papers of the dates herein after stated.

Geo. H. Watson

Sep. 1

Sep. 8

Sep. 15

Sep. 22

Sworn to and subscribed before me this 8th day of
December A.D. 1837

J. W. Welch Justice

Augustus H. Estlin
" " " "
Abel Strong & Son
Sanborn

2 papers

Chas. Davisth
1837

Wm. A. H. H. H.

Augustus H. Evans Plff

vs
Daniel Jackson & John
S. Cray Defts

{ Attachment ¹⁸³⁰
April Term, Jefferson Circuit
Court.

Be it remembered that on this day
Byron Mullamphy ~~Am~~, a attorney
of this Court suggested to this
Court the death of John S. Cray
one of the Defendants in the above
Cause as having occurred on the 1st.

day of November A.D. 1830 and
the following affidavits (here insert them) were offered to
thereupon it was moved ~~that the Court~~

one of that the said John S. Cray
the defendant in above Cause departed
this life on the 1st day of Novr.
one thousand eight & thirty seven
and thereupon the Court was moved to
recall & quash the execution issued
in this Cause, to reverse the Judgment
rendered in this Cause and to set
aside the verdict found in this Cause
(here insert the motions)

which motions the Court overruled
~~and refused to permit the said~~
~~suggestion of death to be made~~
~~of record as being superfluous~~
~~in this stage of the Cause -~~ To
~~& thereupon this Court which opinion of the~~
which Judgments of the said said Court
overruling said motion and refusing
~~to permit the suggestion of death~~
~~to appear of record~~ is excepted to
which exceptions are allowed
signed & sealed by the Court here
& made part of the Record in
this Cause -

At this bill of exceptions

James Evans (Seal)

Augustus M. Evans

vs

Dickson & Lang

Filed: April 9, 1838

J. M. Matheny

Clerk

State of Missouri }
County of St Louis } ss
Jorish Spalding of lawful age
being duly sworn in his oath saith
That he has been conducting business
for some six months past for P.
E. S. Cray of New York - and
has collected money for them within
that time that some months
^{probably in December last & previous to the 12th}
since he learned that one of them
was dead; and thinking it was
Peter that was dead he wrote
to John S. Cray and received
by due course of ^{mail or} answer by
Peter Cray stating that his brother
had been dead some time and
that his brothers' executor had
handed him my letter - Deponent
further ^{supposes} that from sending
other sources he has heard that
John S. Cray is dead and has
no doubt of his death -

Sworn to & Subscribed in open court }
April 7th 1838 - John Pauland Clerk }

J. Spalding

Supplicans of the death of
J. H. Gray

affidavit of death
of John H. Gray -

Filed April 14 1838

John C. Matthews

clerk

Evans
vs
Jackson & Co

Filed 9th April 1838
J. M. Atwood
Clerk

Augustus H. Evans Defts - { attachment
vs. { in the Jefferson
Daniel Jackson im. County Circuit
pleaded with one John Court
V. Crary deceased deft. April Term
A.D. 1838.

The Court hereby moved to recall
& quash the Execution issued in
this cause, Returnable to the present
Term of this Court - to reverse the
Judgment rendered in this cause
at the December Term last past
of this Court - and to set aside
the verdict in this cause found
at the same December Term
last past - for the following
reason to wit - That John S.
Crary one of the Defts in this
cause departed this life at New
York City on or about the first
of ^{the month} November now last past as
has been proved to this Court and
suggested of Record - which
death of said Crary took place before
the said verdict was found,
before the said Judgment was
rendered and before the said
execution ^{issued} - as will appear by the
Records of this Court - and said verdict
Judgment & execution were against
said Crary jointly & together with the other
Deft above named - Bryan McNamory
Amicus Curiae

Augustus H. Evans

1845

25

Daniel Jackson
imprisoned with
John S. Gray was
deceased. Deft

=

Motion by Mr. Murphy
annexed. Jurors
to recall & grant
Execution - to
renew Judge &
to set aside Verdict
for death of Gray
who died 14. Nov. 1830.

Filed 19th April 1838

Wm. A. Thayer
Clerk

The Sheriff will attach the interest of those
being in the W^h of d^e of dec 36 Jan 22^e.

E¹/₂ of d^e of dec 36 " 41 " 2,
E¹/₂ of m^o of dec 36 " 41 " 2,

Mr Merdeth wideman will shew this lands
wherever called on and Charge the same
to his hunter's service. — A. H. Evans.

Mr. H. Evans.

7. Thomas Weston & Son are
for Publishing in No. 432m. At the amount
7. for your two to Evans and Daniel Jackson
and No. 1. Every 3 yrs 4 weeks } \$7.50

Recd Cash

Dec 8. 1837

Thomas Weston & Son

to me over to
officer for the term of six months by his paying
the collector the sum of ten dollars State and
ten dollars County tax thereon

Augustus McEvans
vs

D Jackson & J J Greary
Mc. Bates Clerk

Issue writ —	~~100~~ 100
Filing 2 papers —	25
1 continuance	25
order of publication	25

J J Matthews Fees

1 appearance	10
Issue process	25
Swearing Jury	50
Entering Verdict	25
2 Witnesses —	125
Filing 2 papers	125
do 2 "	125

J J McQuinn. Jff

Serving writ —	100
calling cause	10
do parties	20
do Witnesses	125

August 11 1870

Samuel Jackson & Sons Sons } William Allen & Co. for
freight & cartage.

Received of Samuel Jackson & Sons
the sum of 2 days out of the freight of 100 barrels

\$1.50

2.00

3.50

Wm. Allen & Co. for freight & cartage
from St. Louis to New Orleans

1.50

2.00

3.50

Wm. Allen & Co.

Wm. Allen & Co.
St. Louis