

Jefferson County Circuit Court
Case File - civil

April 1839

Box 4 Folder 52

Smith, William W.

vs

Cundiff Lewis

Debt, Notes

Debt \$135, \$118.01, \$250, \$142.69;

James Cundiff garnishee on
attachment

Jefferson County Sub

On the Circuit Court

April Term 1839

In the circuit court of the county of said
William W Smith plaintiff states that he
is the legal owner of four several bonds
against the defendant Lewis Candiff
the first whereof is to the following effect
"Socialville 29th Nov 1837

\$135.00 one day after date I promise
to pay William W Smith or order one hun-
dred and thirty five dollars without
deduction for value received in the way
of borrowed money (to pay for land and
mill bought of S. M. Lambert) as witness
of my hand and seal

Lewis Candiff *[Signature]*
and the second of said bonds is to
the following effect "Socialville Nov 29th
1837 -

\$118.01 - One day after date I
promise to pay Wm W. Smith the full
and just sum of one hundred &
Eighteen dollars & one Cent drawing
two per cent int without deduction
for value recd.

Lewis Candiff *[Signature]*
and the third of said bonds is to the
following effect "Socialville 2nd Nov
1837

\$250. one day after date I promise
to pay to W. W. Smith or order two
hundred and fifty dollars without
deduction with two per cent interest
from date, as witness my hand and

real, in value etc?

Lewis Candiff Seal

and the fourth of said bonds is to the following effect "Socialville Nov 29th 1837 \$142.69. one day after date I promise to pay Wm W. Smith the full and just sum of one hundred & forty two dollars & sixty nine cents, drawing ten per cent interest without abatement for value Rec?

Lewis Candiff Seal

As the debt remains unpaid, therefore he demands judgement for his debt and damages for the detention thereof together with costs

P. Bohlen
for Plaintiff.

William W. Smith

To E

Lewis Candiff

This is an action
of debt
properly
brought
at law

Filed July 29th 1839

W. D. Weather

off R

Jefferson County, Ind

Personally appeared before the undersigned
at office, William W. Smith, who
being sworn states that Lewis Candiff
is justly indebted to him in the sum
of Seven hundred and one dollar, and eighty
cents

after allowing to said Lewis Candiff
all just credits and setoffs, and that
he the said officiant has good reason
to believe, ^{and doth very} believe, that said Lewis Candiff
is about ~~to~~ fraudulently to remove
convey or dispose of his property or effects
so as to hinder or delay his creditors

Sworn to and subscribed } Will. W. Smith
before me the 20th Feb'y }
1839.

\$701-80 Not. W. A. Thayer
clerk

\$701-80
100

Smith

12

Beauchamp

Affairant

Filed July 26 1783

Wm. Smith

Wm

Know all men by these presents that
we William W Smith Austin Brown and
John Geiger
are held and firmly bound to Lewis Cundiff
in the sum of fifteen hundred dollars,
to be paid to the said Lewis Cundiff his
heirs and assigns or executors heirs
and assigns this 26th day of February - 1839
Wm. W. Smith
Austin Brown
John Geiger

The condition of the above obligation
is such that when the above bound
William W Smith is about to bring an
action of debt against the said Lewis Cun-
diffe and to cause an attachment to be
granted in aid thereof against the property of
the said Lewis, now if the said William
W Smith shall prosecute his said suit
with effect, and without delay, and shall
pay all damages that may accrue to the said
Lewis Cundiff, or any garnisher in con-
sequence of said attachment, then the
above obligation to be void, else to be and
remain in full force and effect.

Signed sealed & acknowledged
In presence of
Not. Matthew Clerk
Wm. W. Smith
Austin Brown
John Geiger

Printed
by
Lundell

Bona

Filed July 2 1889
W. H. H. H. H.

County of Jefferson, ss.

THE STATE OF MISSOURI,

St Francis
To the Sheriff of the County of ~~Jefferson~~, GREETING:

We command you to attach Lewis Candiff if he be found in your county, by (all and singular) ^{personal tenements} ~~his goods and~~ money, effects and credits, or so much thereof as shall be sufficient to satisfy the sum of seven hundred and one dollars and eighty cents, with interest and costs of suit in whosoever hands or possession the same may be found in your county, so that he be and appear

before the Judge of our Circuit Court, on the first day of the next term thereof, to be held at the Town of Mercurium

within and for the County of Jefferson, on the second Monday of April — next, then and there to answer unto William W. Smith in an action of debt, and that you summon the said Lewis Candiff to appear before the said Judge at the time and place aforesaid to answer the action of the plaintiff, and also that you summon or garnish, as much persons found in your County — as may be directed by the plaintiff or his agent to appear before the said Court at the time and place aforesaid to the damage of said plaintiff two thousand

dollars:

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in Mercurium — this ninth — day
of March, in the year of our Lord eighteen
hundred and thirty nine

John S. Mathews Clerk.

Jefferson County Ct. In the Circuit Court of said County April Term 1839

To the Circuit Court of the County aforesaid, William W Smith plaintiff states that he is the legal owner of four several bonds against the defendant Lewis Cundiff the first whereof is to the following effect, "Socialville" 29th Nov 1837, \$135. One day after date I promise to pay William W Smith or order one hundred and thirty five dollars, without defalcation for value received in the way of borrowed money (to pay for land and mill bought of John Lambert) as witness my hand and seal. Lewis Cundiff {Seal}, and the second of said bonds is to the following effect "Socialville. Nov 29th 1837 \$118.41. One day after date I promise to pay W W Smith the full and just sum of one hundred and eighteen dollars and one cent drawing ten per cent interest without defalcation for value rec^d. Lewis Cundiff {Seal}" and the third of said bonds is to the following effect, "Socialville 29th Nov 1837. \$250. One day after date I promise to pay W W Smith or order two hundred and fifty dollars without defalcation with ten per cent interest from date as witness my hand and seal for value rec^d. Lewis Cundiff {Seal}" and the fourth of said bonds (bonds) is to the following effect, "Socialville. Nov 29th 1837 \$142.69 One day after date I promise to pay W W Smith the full and just sum of one hundred & forty two dollars & sixty nine cents, drawing ten per cent inst without defalcation for value rec^d. Lewis Cundiff {Seal}" yet the debt remains unpaid therefore he demands judgment for his debt and damages for the detention thereof together with costs.

P Cole Atty for plff

A True copy of the declaration.

W M Mathews Clk

Executed the within writ of attachment on the 19th day of March A.D. 1839 by declaring to James Conditt that I attached in his hands all debts due from him to the defendant Louis Conditt also by summoning said James Conditt as garnishee to appear at the court house in Vincennes in Jefferson County on the second Monday of April 1839 To answer what may be alleged against him by the said Plaintiff the within named Louis Conditt not found in St. Francis County neither are there any goods or chattels lands or tenements found in said County whereon to levy the said writ

A. H. Harris Sheriff of
St. Francis County

Robert Levi Securt
Office Clerk 1839

W. W. Smith

as attachment

James Conditt

action of Debt

sum sworn to \$701.80

decreases paid out 2000.00

James \$100 about
now out 50

A. H. Harris

Filed Office 8/14/1839

Matthew

John

County of Jefferson Act
The State of Missouri

To the Sheriff of Jefferson County Greeting
You are hereby commanded to attach Louis Bondiff
by all and singular his goods and chattels, Moneys
Lands, and credits or so much thereof as shall satisfy
the sum of seven hundred and one dollars & eighty
cents, with interest and costs of suit in whose power
hands or possession the same may be found in your
County, so that he be and appear before the Judge
of our Circuit Court on the eighth day of April
next at the Town of Mercurianum to answer unto
William W Smith of a plea of debt, and that you
summon the said Louis Bondiff to appear before the
said Judge on the eighth day of April 1839 aforesaid
to answer the action of the Plaintiff, and also that
you summon as garnishee, Fleming Wenzler
and all such persons found in your bailiwick
as may be directed by the plaintiff or his agent
to appear before the said Judge at the time and place
aforesaid, to answer such interrogatories as the said
Court may propound, and have you then there
this writ.

Witness John T. Mattheis Clerk
of our said Circuit Court at Office
in Mercurianum February 26th
A D 1839

(copy)
Jefferson County, Act

John T. Mattheis
Clerk

In the Circuit Court

April Term 1839

To the Circuit Court of the County aforesaid
William W Smith plaintiff States he is the
legal owner of four several notes, against

the defendant Lewis Condiff the first whereof is to
the following effect. "Socialville 29th Nov 1837
\$135.00, One day after date I promise to pay William W
Smith or order one hundred and thirty five dollars
without defalcation for value received, in the way of
Borrowed money to pay for Land and Mill bought of
J M Lambert as witness my hand and seal

Lewis Condiff *E Seal*

and the second of said notes is to the following effect

"Socialville Nov 29th 1837

\$118.01. One day after date I promise to pay William
W Smith the full and just sum of one hundred and
eighteen dollars and one cent, drawing ten per cent, with-
out defalcation for value rec?

Lewis Condiff *E Seal*

and the third of said bonds is to the following effect

"Socialville Nov 29th 1837

\$250.00, One day after date I promise to pay to W
W Smith or order two hundred and fifty dollars
without defalcation, with ten per cent interest from
date, as witness my hand and seal for value rec

Lewis Condiff *E Seal*

and the fourth of said bonds is to the following effect

"Socialville Nov 29th 1837

\$142.69. One day after date I promise to pay W W
Smith the full and just sum of one hundred and
forty two dollars and sixty nine cents, drawing ten
per cent interest without defalcation for value rec

Lewis Condiff *E Seal*

Yet the debt remains unpaid therefore he demands
Vindamant for his debt and damages for the detention
thereof together with costs

I hold atty for Pff

A true copy attest.

W. S. Weather, clk

on the 27th February 1839

Executed the within acknowledgment by Charles
and I truly declare that I have attached as
within listed all the right title and interest
of the defendant Lewis Cunniff in and
to six acres of land, being part of a House
front confirmed to John Willman, situated
on the River in Jefferson County conveyed by
J. M. Lambert & wife to William W. Smith and
Lewis Cunniff, deed bearing date 26th
August 1836, and the same conveyed by
W. W. Smith to
Lewis Cunniff by deed dated 22 July
1837 known as the Willman Mill tract
whereunto being as may be sufficient or may
be sufficient to testify such interest and estate
of this tract, and moreover gave notice to
John Willman known in possession of the several
premises of the acknowledgment on the 27th day
1839. Also read the within summons and
decrees on the on the defendant Lewis
Cunniff by leaving a copy thereof at the
usual place of abode of said Lewis Cunniff in
Jefferson County, with a white person of
the family on the age of fifteen years on
the 18th day of March 1839. I have also attested
in writing said attachments one set of
Blacksmith Tools, consisting of one bellows, one vice
one screw plate one anvil & two hammers on 27th
February 1839.

John Hammond Sheriff
of Jefferson County
By Mark Mob Deputy
Sheriff
April the 5th 1839

Executed this writ also by reading the
 same to Fleming Henley a farmer
 in Jefferson County on the 2^d day of March
 1839 and by summoning him to appear
 at the return day thereof to answer the
 interrogatories which may be asked
 by the plaintiff W. W. Smith

John Hammond Sheriff
 By An Prop Deputy Sheriff
 April the 10th 1839

290
 The Right Circuit Court
 of the State of Tennessee 1839

William W. Smith

vs
 Lewis C. Smith

Judgment for \$701 ⁸⁰/₁₀₀

Costs of suit —
 & Damages for —

Lewis C. Smith

& Fleming Henley, Executors

Attest & Given 9th 1839

W. W. Smith

W. W. Smith
 Lewis Canduff } debt & attachments
 } in aid thereof
 } Fleming Henry
 } Garnishee —
 } April Term 1839.

And the said William W. Smith plain-
 tiff comes and says that the said Hen-
 ry Henry who is summoned in this
 behalf as Garnishee, is justly indebted
 to the defendant Lewis Canduff in a
 large sum of money to wit the sum
 of fifteen hundred dollars for services
 considering that is to say for Land sold
 the said Henry by the said Canduff, for
 goods wares and merchandise sold the
 said Henry by the said Lewis Canduff for
 so much money had and received to &
 for the said Lewis Canduff by said Henry
 and being so indebted the said William
 W. Smith hereby submits the following
 interrogatories to the said Fleming
 Henry to be answered upon his
 corporal oath to the best and utmost
 of his understanding knowledge and
 belief.

1st Interrogatory. At the time of the
 commencement of the above suit
 had you in your possession, or under
 your control, any goods monies or
 effects of the defendant? If so state
 what property, how much and of

What sum and what money effects

Second Interrogatory. At the time of the commencement of this suit, did you owe the defendant any money, or do you now owe any now? If so, how much, on what account, and when did it become due, and if not yet due, when will it become due.

Gerard Cook
Att.

W. M. Smith

Lewis Carroll

Interrogatories

to be answered by

Answering Himself

Samuel. a copy

to be served on

Samuel 30 days

before next term of court.

P. S. S. S. S.

Filed April 10th 1839

W. M. Smith

W. M.