

Jefferson County Circuit Court
Case Files - Civil
October 1858, No. 3

Box 10 Folder 24

Husky, John

vs.

Dodge, Israel F.

Marriage of minor

Defendant, a JP, married plaintiff's son,
Peter Husky, to [unknown] Wideman
without plaintiff's consent; John W. Blake,
Benjamin Stephens, Leander Hensly, Sullivan
Frazier garnishes on execution; includes
governor's discharge of defendant's \$300
fine for "crime of solemnizing the marriage
of a minor"

John Husky Plaintiff
Against
Israel F. Dodge
Defendant

In the Circuit Court
of Jefferson County
Missouri

Plaintiff states that Israel F. Dodge the
above defendant is an acting justice
of the Peace duly elected and qualified
and has been and does act as such
justice in and for the County aforesaid
that as such justice he did on the
14th day of April 1858 solemnize the
rites of matrimony between his minor
son Peter Husky and one ^{May} Jane
wideman without having the presence and
consent of the plaintiff his father, or
without having the written consent of the
plaintiff properly certified and proved
as required by law or without having
any consent whatever to the marriage
of his said minor son ^{who was} under the
age of twenty one when said marriage
was solemnized

Plaintiff further says that said minor
son was at the time of the marriage
aforesaid under his care, control and
management.

Plaintiff therefore ~~requests~~ asks
judgment against the defendant for
the sum of three hundred dollars
one half to the use of said County and
the other half to the use of the

plaintiff.

Pipkin & Hagan
Atty for ptff.

John Husky on oath says that the above
petition and the matters therein stated
he believes to be true, John Husky
Sworn to & Subscribed
before me this 5th May
1858.

Sworn to and Subscribed
before me May 5th 1858
Elias J. Honey clk

John Hursey
do
James J Dodge

Charles May 5th 1858.
Ohio J Henry
Clark

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and stop.	120
4th -	25
back.	10
sent post	5
	\$32.00

John Husky Plaintiff } In the Circuit Court of
against } Jefferson County
Israel J. Dodge. Defendant } Missouri

Plaintiff States that Israel J. Dodge, the above de-
fendant, is an acting Justice of the peace, duly elec-
ted and qualified, and has been and does act as such
Justice in and for the County aforesaid, that as such
Justice he did on the day of
1858. Solemnize the rites of matrimony between
his minor Son, Peter Husky, and one
Wideman, without having the presence and con-
sent of the plaintiff his father or without having
the written consent of the plaintiff properly certified
and proven as required by law, or without hav-
ing any consent whatever to the marriage of his
said ~~Minor~~ Son, who was under the age of twenty
one, when said marriage was solemnized

Plaintiff further says, that said minor Son was
at the time of the marriage aforesaid, under
his care, control and management,

Plaintiff, therefore asks judgment against the
defendant, for the sum of Three Hundred
dollars. One half to the use of said County and
the other half to the use of the Plaintiff

Pepkin & Hagan
Attys for. Plff.

John Husky, on oath says that the above pe-
tition, and the matters therein as stated he

believes to be true
Emm to and Subscribed } John Husky
before me this 5th May
1858. Elias D. Honey clerk }

Endorsed

'Filed May 5th 1858. Elias D. Honey clerk

A true copy of the original petition
and affidavit on file in my office

Witness my hand and the Seal
of said Court. at office May
14th 1858.

Elias D. Honey clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Israel D. Dodge

----- if he be
found in your County, that he 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 fourth Monday of October
next, then and there to answer unto John Husky

upon his original petition, a copy whereof is herunto annexed and
accompanies this writ--and have you then there this writ.

Elias J. Honey

Witness, ~~THO. G. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this fourteenth
day of May A. D. 1888

Elias J. Honey

CLERK CIRCUIT COURT.

I Executed the within writ at the County of
Jefferson on the Seventh day of June 1858 by Deliver-
ing to Dracel F Dodge a true copy of the within writ and
the annexed petition (as furnished by the Clerk)

Augustine Wiley Sheriff

No 3 / 688

Do. Jefferson Circuit Court

October Term 1858

John H. H. H.

vs } Summons

Dracel F. Dodge

Chd

Sherriff fees \$1.00

Attest June 7th 1858

Oliver S. H. H.

Printed by J. S. H. H.

John Husky

vs

Israel J. Dodge

In the Circuit Court
Jefferson County

The defendant demurs to the
petition of plaintiff and assigns for cause
of objection

= 1st That said petition does not state facts suff-
-icient to shew that a cause of action hath
accrued to him in this,

1st Said petition does not negative the fact
of the signing and giving of consent to the
marriage of Peter Husky with a particular
person,

2nd Said petition does not negative the signing
and giving of a written consent,

3^d Said petition does not alledge a forfeiture
by a particular statute, by which defendant
became liable to ~~pay~~ defendant or to the
County,

4th Said petition does alledge that defendant
joined in marriage said Peter Husky with
a particular person,

= 2nd said petition is informal and in other
respects insufficient in this.

1st There is a defect of parties plaintiff

W. H. Fletcher for Deft

John Buckley

vs

Israel & Dodge

Remuneration to Petitioner

Filed Oct. 26 " 1858
Clerk of the Court etc

Sustained

John Husky Plaintiff } In the Circuit
as } Court Jefferson
Israel J Dodge Defendant } County.

Defendant for answer to Plaintiff's petition states, that is true that he was an acting Justice of the Peace within said County of Jefferson during a portion of the year 1858, and admits that as such Justice of the Peace he did join in marriage Peter Husky as stated in petition, But denies that said Peter was at the time of said marriage, a minor under the age of twenty one years. He denies that said Peter was at the time of said marriage under the care, control or management of said Plaintiff, but then and for a long space of time previous to said marriage acting and contracting for himself, wherefore he says that Plaintiff ought not to have the judgment prayed for or any other judgment whatever against him,

He then for Deft. Israel J Dodge defendant on oath says that the foregoing answer and the matters therein he believes to be true as therein stated

Signed & sworn to before me

~~the 11th day of February 1859~~ } Israel J Dodge
~~Israel J Dodge~~ }

Sworn to and Subscribed before me this 11 day
of February 1859

Wm L Lemart
Justice of the Peace

John Huntington
to
Samuel J. Dodge.

Answered

Filed Mar 26th 1859
Chas J. Honey Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

John H. Moore, & Co. Merch

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Seventh* Court for the County aforesaid, on the *day of June next* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *John Henckey* Plaintiff and *James Dodge* Defendant on the part of *Defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

29 day of *April* A. D. 185*9*

Clerk.

I executed the within Spa in the county of Jefferson
State of Missouri on John H. Morse & C. C. Fletcher
by reading it to them on the 24th day of May 1859

Wm. D. Dover Sheriff

To be paid to
Dane Dunn 1859

John H. Morse

"
Israel J. Dodge

for debt

John H. Morse

C. C. Fletcher

Sheriff's fee \$1.00

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To Be Deforger & Henry v Maria Henry

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, You appear before our Levicut Court for the County aforesaid, on the Tenth day of June at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein John Henry is Plaintiff and Marcel J. Dodge is Defendant on the part of Plaintiff and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

25th day of May A. D. 185 7

Elias F. Honey

Clerk.

I executed the within *Spoa* in the County
of Jefferson State of Missouri on Delafayette
Husky & Maria Husky by reading within
their presence and hearing on the 2^d day of
June 1859
Oscar Dover Sheriff

To Circuit Court
June Term 1859

John Husky
vs
Israel S. Dodge.

for Plff.

DeLafayette Husky
Maria Husky.
Sheriff fee \$1.00

John Kusky
vs
Israel F. Dodge }

Plaintiff moves the Court to strike out all of that part of Defendant's Answer ^{understand} in the following words: "He admits that said Peter was at the time of said marriage under the care control or management of said plaintiff but then and for a long space of time previous to said marriage acting and contracting for himself" because the same constitutes no defense to Plaintiff's cause of action.

Pipkin & Hagan
for Petff—

Miss My

ny

Dodge

motion to strike
out four of eight
across

Feb 6th 1859

Edw. J. Cheney
Clerk

San Tamed

John Henry
on Execution
Israel J Dodge

On Execution.
To John W Blake you are
hereby notified that I garnish

in your hands any moneys goods
chattels property or effects or evidences of debt
of the above named Defendant Israel J Dodge
and summons you as a garnishee to appear
before the Circuit Court of the County of Jefferson
on the second Monday after the fourth Monday
in November next 1859 to answer such interrogatories
and questions as may be exhibited to you on that
occasion concerning your indebtedness to said
Defendant Israel J Dodge

This September 5th 1859
David Dorris Sheriff

I recollect the within garnishee in the bounty
of Jefferson State of Missouri on John W Blake
on the 6 day of September 1859 by needing it to
him and summoning him to appear before the
Lieutenant Court of Jefferson County Mo on the
second Thursday after the the fourth Monday of
November next 1859 to answer such interrogatories
and questions as may be exhibited to ~~give~~ him on
occasion concerning his indebtedness to the within
named Defendant Daniel J Dodge
Dated March 24th 1860

Shirley aut. 1860 fa 505

Defendant Defendant Defendant
Defendant Defendant Defendant

John Henry
on Execution
vs
Israel J Dodge

In Execution
vs Benjamin Stephens &
Alexander Henry you are both
herby notified that I garnishee

in your hands any moneys goods chattels
property or effects or evidences of debt of the
above named defendant Israel J Dodge, that
summons you as it garnishee to appear before
the Circuit Court of the County of Jefferson on
the second Monday after the fourth Monday in
November next 1859 to answer such interrogatories
and questions as may be exhibited to you on that
occasion concerning your indebtedness to said
defendant Israel J Dodge — This September 5th 1859

Wesley Dover Sheriff

I enclose the within garnishee in the County
of Jefferson State of Ohio on, Benjamin Stephens, &
James Steady on the 6th day of September 1859
by reading it to them and summoning them both
to appear before the Circuit Court of Jefferson County
me on the second Monday after the fourth Monday
of November next 1859 to answer such interrogatories
and questions as may be submitted to them concerning
their indebtedness to the within named Defendant
Israel S. Dodge

Dea^d Thos Shariff

^{P. 5}
Sheriff fee 1.00

John Howdy
on Execution
vs
Israel T Dodge

In Execution

To Alexander Howdy you
are hereby notified that
I garnishee in your hands
any moneys, goods, chattels, property
or effects or evidences of debt of the above named
defendant Israel T Dodge - And summon
you so to garnishee to appear before the district
court of the county of Jefferson on the second
Monday after the fourth Monday in November
next 1859 to answer such interrogatories and
questions as may be exhibited to you on that
occasion concerning your indebtedness to said
defendant Israel T Dodge

This September 5th 1859
Leah Brown Sheriff

I executed the within garnishee in the County
of Jefferson State of Missouri on Tuesday the 11th
on the 6th day of September 1859 by reading it to them
and summoning him to appear before the Circuit
Court of Jefferson, Mo on the second Monday
after the fourth Monday of November next 1859
to answer such interrogatories and questions as
may be exhibited to him concerning his indebtedness
to the within named defendant Jacob T Dodge
Sherriff for 5005 Oscar Snow Sherriff

Oscar Snow
Sherriff for 5005

John Husky

vs

Israel F Dodge

on Execution

To Sullivan Frazier
& Dennis Armstrong

You are hereby notified that
I garnishee in your hands any moneys property
or effects accounts or any thing whatever within
your hands of the above named Defendant
Israel F Dodge and summons you as a
garnishee to appear as a garnishee to appear
before the circuit court of the county of Jefferson
on the 14th Day of December 1859 next to answer
such interrogatories as may be exhibited to
you on that occasion

Oscar Dover Sheriff

Sherriff for 1.00

John Huskey

vs.

Israel H. Dodge



In Off. Circuit Court.
Execution.

Sullivan & Frazer

Garnished,

Now at this day comes said Plaintiff
exhibits the following interrogatories against
said Garnished,

1. At the time of the service of the garnish-
ment upon you, had you in your pos-
session or under your control any property
money or effects of Defendant, if so, how
much of what kind & value?
2. At the time of the service of the garnish-
ment upon you, had did you owe Defend-
ant anything, if so, how much, if not
due when will it become due?

John Huskey
Plaintiff.

Huckley
or
Budge

Garnish

Antenogaster.
to Sullivan papers

June June 12th 1860

John O. Hovey
Ct.

John Huskey } In Jff. Circuit Court
vs. }
Israel F. Dodge } Execution.
Sullivan Frazier,
Garnish.

Now at this day comes Sullivan Frazier, said Garnish, makes the following answers to interrogatories heretofore filed in this behalf by Plaintiff against him.

1. At the time of the service of the garnishment upon me I did not have in my possession or under my control any property, ^{money} or effects in my hands belonging to Defendant but that I did ~~had in my possession~~ no do I now.

2. At the time of the service of the garnishment upon me I had in my possession Two ^{ten}/₁₀₀ dollars as collector of School District No. 2 in Jefferson Co. Mo. School Town 13, in Jefferson County Mo. I also had in my possession a rate bill for said District nine dollars of which was due said Defendant, but that I ~~had~~ promised before said service of said garnishment I had by the verbal consent of Dodge agreed to pay over to William Williams said two ^{ten}/₁₀₀ & also the nine dollars on said rate bill when the same should be collected.

Given to & subscribed before
me this 9th day of June Sullivan Frazier
1865
Exp. Money Clerk

Durley

or

Salter

L

Bornish

Prose to the

Conventions.

Attest June 12th 1860

Eliza J. Harvey

John Husky }
m }
Israel Dodge }
Jiff Cir Court
Execution

John Blake, Leander Kinsley
William Skilton & Dennis Amshong
B. F. Stevens

Now Comes the said plaintiff and files the
following interrogatories against said
several garnishees.

1. At the time of the service of the garnishment
had you in your possession or under your
control any property, money or effects of
defendants, if so how much of what kind
and value
2. At the time of the service of the garnishment
did you owe the defendant any thing if
so how much, if not due when will it
become due.

John Husky

Knolly
17/1088
Dodge

Indurapalms
to

John Blake
London Knolly
Piscine Culture
at Knolly
13. 7. 1888

Juliet June 13th 1868
Claus & Honey
at
Chio)

State of Missouri }
County of Jefferson }

John Busby }
vs } Jefferson Circuit Court
Isaac H. Dodge } June Term 1860

Now to say comes Leander Hensley
and for answer to interrogatories filed
by the plaintiff herein, says that - he
~~is~~ is not in anywise indebted to the
Defendant - Dodge that he executed to
the said Dodge his promissory note jointly
with Isham Williams for Ten & $\frac{25}{100}$ Dollars
bearing date of September 18th 1858 but that
the said Dodge had transferred the said note
to J. J. Rankin prior the time he was
garnished in the above cause - nor was he
then otherwise indebted to him Leander Hensley

Leander Hensley makes oath & says
that the above foregoing answer matters
wherein stated is true

Sworn to before me
June 15th 1860

Leander Hensley

Elias D. Honey, clk

Stuckey
122
Lodge

Chances of becoming
President to Emulationists

Filed by 9th 11-

Filed June 15th 1860
Claus & Honey

Husky
vs
Dodge

3

Garnisher on Execution
Lefthand Court
June Term 1860

Now Comes the Plaintiff and
for plea of denial to the answers of
Leonon Husky garnished him
Dennis, that the said Husky was not
indebted to the said Dodge at the time
of the service of the garnishment
him. Dennis that the note of Jan²⁵
Dallas dated Sep 18th, 1858 referred to in
said Huskys answer was assigned
prior to the time of the garnishment
to L. J. Rankin.

Plaintiff for further denial says
that if said note were assigned it
was done to defeat and defraud
the Plaintiff in the collection
of his judgment in this case

John Husky
By Pipkin his
att'y,

John Quaker
no

Leander Quaker

Leviac of the
Quaker of
Quaker Jan 25

Orled June 15th 1865
Quaker of Quaker

John Buckley

vs.

Israel H. Dodge

Pl. for

Deffendant Circuit Court

The defendant by his
attorney comes and moves the court to
quash the execution issued in this
cause for the following reasons,

1st said execution is founded upon
a judgment for a forfeiture or penalty
which has been released by the Governor
of the state of Indiana,

Pltchrs for defts.

Pro Musky
vs

Israel H Dodge

Motion to quash
Execution.

Filed June 16th 1860
Elias S. Hooley
Clerk

Overruled as

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John W Blake*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Circuit* Court for the County aforesaid, on the

18th day of Decer 1860 at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *John Honey*

Plaintiff and *Robt Stephens Vanmeter & Strodge* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

17 day of *Decr* A. D. 18*60*

Elias Honey
Clerk.

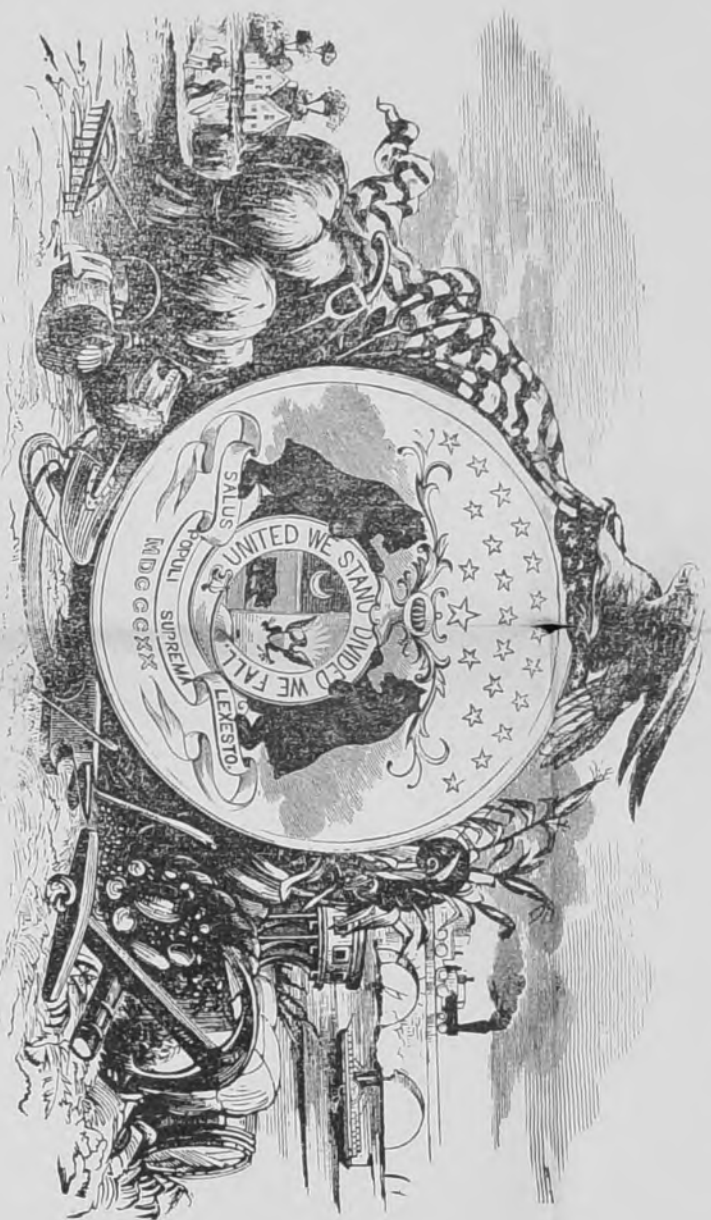
John Hurstkey
vers
By Stenness
on Garmeshee
Shen't fees 50

Hurstkey
n
Stenness

I executed the within debt in the
County of Jefferson on the 17th day
of December 1860 by executing
the same in the presence and
hearing of John W. Black

of the County of Jefferson

THE STATE OF MISSOURI



To All who shall see these Presents---Brethren:

Know All That, By virtue of authority in me vested by Law and for good and sufficient reason appearing **J. R. M. STEWART, Governor** of the State, do hereby release, remit, discharge and forever set free **Donald C. Dodge** from further payment of, and liability for a fine of **Twenty hundred Dollars** imposed and assessed against the said **Donald C. Dodge** **County for** at the **term** of **St. L. 1837** of the **Seizure** **County of** **the crime of kidnapping** **the man** **Donald C. Dodge** **County for** **and** **by** **operation** of these presents, from further liability for said **fine**, except the cost consequent and accruing thereon, he forever acquit and discharged.

BY THE GOVERNOR:

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the **Great Seal** of the State of Missouri: Done at the City of Jefferson this **Twentieth** day of **April** in the year of our Lord one thousand eight hundred and Sixty **four** of the Independence of the United States the Eighty **fourth**; and of the State of Missouri the Thirty **ninth**.

A. M. Stewart

J. G. Murphy

Secretary of State.

*Recd Feb 21, 1837
The Court will please
collect and forward*

1880 221

25 Dec 90

My dear Mr. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]