

Jefferson County Circuit Court
Case Files - Civil

December 1859, No. 19

Box 11 Folder 78

Dunnigan, Michael, Jr.

v.

Martin, Michael J.

Debt.

Plaintiff paid \$46.50 as security on
note from Defendant to Jefferson
County for purchase of 40 acres in S34T43R3
at public sale; school lands; real
estate attached

State of Missouri In the Jefferson Circuit
Jefferson County vs Court June Term 1857

Michael Summigon vs

Michael J. Martin

Attachment

Plaintiff states that heretofore
to wit, on or about the 17th day of May
1856 Defendant bought at public sale
in Jefferson County the following School
Land to wit. The N E $\frac{1}{4}$ of N W $\frac{1}{4}$ of Sec. 34, T.
43, in R. 3, Containing forty acres at and
for the price & sum of fifty dollars; that
Defendant at the time aforesaid executed
& delivered to Jefferson County his prom-
issory note for said sum & that Plaintiff be-
came Defendant's security; that when said
became due Defendant had left & gone
to parts unknown, in consequence of
which Plaintiff was compelled to pay and
did pay off said note & the interest there-
on thereon amounting in all to sixty
fifty dollars, he having no interest in said
Land whatever & that Defendant has not
paid Plaintiff anything therefor wherefore
Plaintiff says Defendant owes him sixty ⁵⁰
as aforesaid together with the interest from
his payment as aforesaid, up to the time of
judgment herein for which he asks
judgment.

Pipkin & Thomas

Attys for Plaintiff

M. Summigon makes oath & says he

W. Cunningham
by
W. J. Hartman.

Attachment

affidavit

Filed Aug 6th 1859
Chas J Honey
Clerk

Michael Summigon & Co

vs

Michael J. Martin

Attachment in Civil
Action

We Michael Summigon & Co as principal
and Patrick Byrne as surety acknowledge
ourselves to be indebted to the State of Missouri
in the sum of one hundred and ~~thirty~~^{fifty} dollars
for the payment whereof we bind ourselves, our
heirs, & executors and administrators.

The condition of the above obligation is such
that whereas Michael Summigon as Plaintiff
is about to commence a suit by attachment
in the Jefferson Circuit against Michael
J. Martin, Defendant returnable to the
next Term thereof wherein the sum sworn
to is sixty ~~dollars~~^{dollars}. Now if the said
Plaintiff shall prosecute his action without
delay and with effect to refund all sums of
money that may be adjudged to be refunded
to Defendant or found to have been received
by the Plaintiff and not just due to him and
pay all damages that may accrue to any
Defendant or garnisher by reason of the attach-
ment or any process or proceeding in the
suit or by reason of any judgment or process
thereon, then this obligation is to be void
otherwise it shall remain in full force
and effect in law.

Witness our hands and seals this 16th day of
June 1857.

Attest

John L. Thomas

Michael ^{his} Summigon & Co
Patrick ^{mark} Byrne

W. Denning
or
W. J. Martin

Attachment.

Bond.

Filed and approved
August 6th 1859
Jas J. Honey Creek

State of Missouri }
County of Jefferson }

The State of Missouri:
To the Sheriff of the County of Jefferson Greeting:
We command you, to attach Michael J. Martin, by
all and singular, his lands and tenements, goods
chattles, rights, moneys, credits, evidences of debt, and
effects, or so much thereof as shall be sufficient to sat-
isfy the sum of Sixty five dollars and fifty cents
with interest and costs of suit, in whose possession
soever the same may be found in your County, and
that you summon the said Michael J. Martin, that he
be and appear before our Circuit Court of the County
of Jefferson, on the first day of the next term thereof,
to be holden at the courthouse in Hillsboro in the
said County, on the second Monday after the fourth
Monday of November next; then and there to answer
the petition of Michael Durrigarr wherein he asks
Judgment for Sixty five dollars and fifty cents. And
that you summon all other persons that you shall find
in the possession of goods, moneys, or effects of the de-
fendant not actually seized by you, and all debtors of
the defendant, and such other persons as the plain-
tiff or his attorney shall direct, to be and appear
before our said Court, at the time and place
aforesaid, then and there to answer such allega-
tions and interrogatories as may be exhibited
against them; and have you then and there
this writ;

Witness Elias J. Honey clerk
of our said Circuit Court with
the seal thereof hereto attached
at Office August 8th A.D.
1859

Elias J. Honey clerk

I executed the within writ in the County
of Jefferson State of Missouri on the 10th day of
August 1859 by attachment and Serving it on
the following Described Land Lying in the County
of Jefferson State of Missouri To wit the NE $\frac{1}{4}$ of the
NW $\frac{1}{4}$ section 34 in Township 43 Range 3 East containing
40 Acres and I do declare I have attached all the
right title and claim of the within named
Michael J. Martin of in and to the above described
Land and Real Estate

Oscar Doved Sheriff

No. 19. 1657

To Jefferson Circuit Court
Dover Decr 1859

Michael Dammigars.

vs. { Attachment

Michael J. Martin

Shoof fee 1.00

Judgt. for 24th day 19th
1863, Book 194 page 526
for \$ 43.68

Chd.

In Vacation of the Circuit Court—August 6th, 1859.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON. }

Michael Dunnigan, Sr., }
against } Civil action by Attachment.

Michael J. Martin,

NOW at this day comes Michael Dunnigan, Sr., the plaintiff in the above entitled cause, before the undersigned, Clerk of the Circuit Court of Jefferson county, in vacation, and files his petition and affidavit, stating among other things, that the above named defendant Michael J. Martin, has moved out of the State of Missouri to change his domicile, and that his domicile is out of said State; it is therefore ordered by the Clerk aforesaid in vacation, that publication be made, notifying him that an action has been commenced against him by petition and attachment, in the Circuit Court of Jefferson county, State of Missouri, founded on a note for the sum of fifty dollars and interest thereon, paid by said plaintiff as the security of said Michael J. Martin, that his property is about to be attached, and that unless he be and appear at the next term of said Court, to be holden at the Court House in Hillsboro', in said county, on the second Monday after the fourth Monday in November next, and on or before the third day of said term, judgment will be rendered against him, and his property sold to satisfy the same. It is further Ordered, that a copy hereof, be published in the Missouri Republican newspaper, published in this State, for four weeks successively, the last insertion to be at least four weeks before the commencement of the said next term. A true copy from the record.

{ L. S. } In testimony whereof I hereto sign my name
{ } and affix the seal of said Court, at office, August
twentieth, A. D., 1859.

STATE OF MISSOURI,
COUNTY OF ST. LOUIS. }

Personally appeared before the undersigned, a Notary Public, within and for the County of St. Louis,

N. Paechall

who, being duly sworn,

deposed and saith, that the annexed advertisement was published in the "Missouri Republican," printed in this State, the newspaper of which he is printer, for *five*

times, the first insertion being on the *second* day of *September* 1859 and the last insertion on the *thirtieth* day of *September* 1859

as follows: *Sept 2 No. 213 Daily*

" 9 "	36	morning
" 16 "	37	"
" 23 "	38	"
" 30 "	39	"

N. Paechall

Sworn to and subscribed before me, this *nineteenth*

day of

June

1860

Printer's Fee, *6.00*

Affidavit,

25
6.25

John Bennett
Notary Public

Filed Decr 15 '1860

Elias J. Hooley
Clerk