

Jefferson County Circuit Court
Case Files - Civil

December 1860-No. 5

Box No.

12 Folder No. 70

Williams, John

vs

Blake, John

Hensley, Leander

Recovery of Specific Personal
Property

8 year old bay horse \$65; \$25 damages
Dismissed January 19, 1863;
by plaintiff; Book 4, page 506; horse
levied under execution from J. P.
Herser

John Williams

vs
John Blake & Leander
Hensley —

In the Jefferson
Circuit Court.

Dec. Term 1860.

Plaintiff states that he is the legal owner of and entitled to the possession of ~~the~~ certain bay horse, about eight years old, & of the value of sixty five dollars: that on the 26th day of July 1860, said Hensley one of said Defendants seized & lived upon said property by virtue of an execution issued by J. P. Hesse a Justice of the peace, which execution was in favor of Josiah Craft and against John Blake and Plaintiff — that it was so lived upon by said Hensley as the property of John Blake: that said Hensley has advertised the same for sale, the day of sale being Saturday next: that Plaintiff is the head of a family & is therefore entitled to said horse under the exemption law — he having no other ^{property} except one cow of the value of ~~the~~ fifteen dollars together with about fifteen dollars worth of household and kitchen furniture —

Plaintiff further states that he presented a true & correct schedule of all his property to said Hensley and claimed said horse under the 12th section of an act to regulate executions. that said Hensley treated Plaintiff with contempt & refused to allow him to hold said property as his own under said Section.

Plaintiff further states that said Hensley took said horse out of his possession & put the said ^{horse} in the possession of said Blake ^{one} of said Defendants for safe keeping & that he believes that Defendants

have conspired together to defraud Plaintiff
out of his just touching the premises -

Plaintiff therefore says that Defendants originally
took said horse ^{from} him contrary to law & now wrong
fully detain the same from him. Wherefore
he prays judgment for the delivery of the same to
him & for Twenty five dollars damages
for the taking & detention thereof.

J. S. Thomas.

John Williams makes oath & says that he
believes the above petition & the matters as
therein stated are true.

Sworn to & subscribed

before me this 1st day

of August 1866.

Elias H. Corey Clerk.

John Williams
mark

John Williams

As

John Blake et al

Petition

Filed Aug 1st 1860
 Clerk J. H. Conley
 Clerk

16 copy feet	30
20/4 0-	50
1	25
Order	50
Hand copying	120
examine	20
and	50
Loans	10
	3 5 5

Rec'd
 June 24/60 2.00
 Barnes 50

John Williams

vs

John Blake & Leander
Densley —

In the Jefferson Circuit
Court S.C. Term 1860.

Be it remembered that on this day
personally came before me Elias F. Honey
Clerk of the Circuit Court within for Jeff-
erson County Mo. John Williams who being
duly sworn says that he is the legal owner
of a certain bay horse of the value of
sixty five dollars: that it is wrongfully
detained by defendants: that he will
be in great danger of losing his said property
unless it be taken out of ~~the~~ possession
of defendants or otherwise secured.

Sworn to & subscribed

before me this 1st day

of August 1860.

Elias F. Honey Clerk

his
John Williams
mark

John Williams

vs
John Blake et al.

affidavit

Filed Aug 1st 1865
Elias J. Hovey
Clerk

John Williams

vs
Leander Hensley & John
Blake



Claim & delivery of
Personal property
Bond.

Know all men by these presents
that we ^{as principal and}
Jesse Johnston & ^{as}
sureties are held and firmly bound unto Leander
Hensley and John Blake in the sum of One hun-
dred and Thirty dollars to which payment will
& truly to be made we bind ourselves, our heirs
& executors and administrators, firmly by these
presents. Witness our hands and seals this
1st day of August 1860.

The Condition of the above bond is such
that whereas the said John Williams is
about to commence an action in the
Jefferson Circuit against said Hensley &
Blake for the delivery of specific personal
property - Now if the said Williams shall
prosecute his said action without delay &
with effect, ~~to~~ ^{shall} deliver said property over to
spondents if the same shall be adjudged
to be delivered to them, and default of such
delivery ~~to~~ shall pay the assessed value of
such property and all damages for injury
to such property for the taking & detention
and all costs which may accrue in said
action - then this bond is to be void other-
wise to remain in full force.

Witness for Plaintiff

^{his}
J. Johnston
James Keegan
J. L.
J. L.
J. L.

John Williams
as.

Seander Stenley et al

Bonds

State of Missouri }
County of Jefferson } In Vacation of the
Circuit Court Aug^r 1860

John Williams

^{vs.}
John Blake and
Leander Hensley.

} Action for the recovery of
Specific personal property.

Now at this day comes said Plaintiff and files his petition and affidavit as required by law, for the possession of the hereinafter described personal property. Wherefore it is ordered by the undersigned Clerk of the Circuit Court, of Jefferson County aforesaid, that the said defendants deliver the property specified in the annexed petition and affidavit to the Sheriff of said County to wit, a certain Bay Horse of the value of Sixty five dollars. And if the same be not delivered to him, that he take said Horse from the defendants and deliver it to the plaintiff.

In Testimony whereof I have
hereunto signed my name and
affixed the seal of said Court
at office August 1st A.D. 1860
Elias H. Honey Clerk.

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *John Blake*
and Leander Hensley

if they be found in your County, that they
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 second
Monday after the fourth Monday of November
next, then and there to answer unto *John Williams*

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

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this *First*
day of *August* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

Served on the defendants Aug. 3rd 1860 and property
taken and delivered to Rpt. on the of Aug
1860

No 25
1658
to Jefferson Circuit Court
December term 1860

John Williams
vs
Guinnons

John Blake

James H. Hensley

delivered

Seemingly done by 19th 1863
by Rpt book also 4 page
526-

chd

John Williams

vs

John Blake & L. Hensley

John Williams Plaintiff states that he is the legal owner of & entitled to the possession of a certain Bay Horse about eight years of age, of the value of fifty five dollars; that the said horse was wrongfully taken out of the possession of Plaintiff by Defendants on the 26 July 1860 & is by them now wrongfully & unlawfully detained from Plaintiff. That said horse was not lived upon by either of Defendants as the property of Plaintiff by virtue of any execution against him - but on the contrary is lived by L. Hensley as the property of John Blake. That his right of action has accrued within one year from this date & that he will be in great danger of losing his said property if not taken out of the possession of Defendants or otherwise recovered.

Subscribed & subscribed

before me this 29th day
of August 1860.
Elias J. Honey Clerk.

John Williams
Mark

John Williams

^W John Blake et al

Wickham,

Filed Aug 2^d 1860

Geo J. Hoarey

John Williams }
vs. } In the Circuit Court
John Blake, & } Jefferson County
Leander Hensley }

This Defendant, Leander Hensley, for answer to Plaintiff's petition, states that he has no information sufficient to form a belief, whether Plaintiff is the legal owner of the Bay Horse sued for or not, except the fact, that said Horse was at the time of his levying upon him, in the possession of John Blake, and was levied on by this Defendant as his property. Defendant therefore denies that he on the 26th of July 1860, or at any other time levied on said Horse, by virtue of an Execution in favor of Josiah Craft and against John Blake & John Williams as the property of John Williams. Defendant therefore says, that, although Plaintiff claimed the Horse after the levy, as being exempt under the law, yet Defendant could not release the Horse and deliver him to Plaintiff, - for the reason that, Defendant found him in possession of John Blake (the other Defendant in said Execution) who delivered ^{him} up to this Defendant as his property, and he was levied on as such.

Defendant denies that he took said horse out of the possession of Plaintiff, & put him in possession of John Blake for safe keeping, and denies that he & said Blake conspired together to defraud Plaintiff out of his just rights. - Defendant further states that John Blake, at the time of said levy, had a mort-

gaze on said horse, to secure him upon
his liability for plaintiff, and having the
possession of him under ^{& having the right to him} said lien, defend-
ant could not release the horse, without in-
curring a liability to Blake. Defendant there-
fore denies that Plaintiff was then, or is
now entitled to the possession of said horse.
Defendant therefore denies that he wrong-
fully detains said horse from the possession
of plaintiff; and denies that he has
been damaged by the unlawful wrong-
ful acts of this defendant.

S. Abner Green
} Attorney for Defendant

Leander Mansley, one of the above defendants,
makes oath and says the above Answer and
the matters therein, as stated he believes to
be true.

Leander Mansley

Sworn to and Subscribed
before me. Mar. 18th 1861
Elias J. Honey Clerk

In Circuit Court
Jefferson County

John Williams

vs,

John Black &
Leander Hanks

Attorney of
Leander Hanks

Order Made 18th 1861
Oliver J. Honyille