

Jefferson County Circuit Court
Case Files - Civil
April 1861

Box

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Folder 23

Black, Henry
v.

Ferguson, Austin
Lynch, Michael P.

Appeal

Defendant Lynch appealed from JP
W. Long Smith as garnishee on attachment
against defendant Ferguson for \$41.43
account for money paid for work not
done

Austin Ferguson

1859.	To Henry Black	Dr.
May	To amt. paid you for breaking ground for Dr Barrow which ground you failed to break,	\$ 25.00
Dec.	" amt. paid Harrison for you being one half of amt of note for corn,	15 50
	Interest on same one year.	.93.
		\$ 41.43

State of Missouri } ss.
County of Jefferson } Henry Black being by me duly
sworn, upon his oath states that he has a just de-
-mand against Austin Ferguson, that the amount
which the affiant believes he ought to recover, after
allowing all just credits and set-offs is forty one
dollars and forty three cents, and that he has good reason
to believe and does believe that the defendant conceals him-
-self so that the ordinary process of law cannot be served
upon him, and that the defendant has absconded or ab-
-sented himself from his usual place of abode, in this
state, so that the ordinary process of law cannot

be served upon him,
Signed & sworn to before me
Jan'y 17th 1861.

Henry Black

W Long Smith Justice of the Peace,

Henry Black
or
Austin Ferguson
Affidavit and of

Henry Black Plaintiff } Bond in attachment before
against }
Austin Ferguson Defendant } W Long Smith & P.

We Henry Black as principal and John Hopson as security, owe and stand indebted to the state of Missouri, in the sum of Eighty three dollars. upon this condition; that the plaintiff in the above entitled cause Henry Black, shall prosecute his action without delay and with effect: refund all sums of money that may be adjudged to the defendant Austin Ferguson or found to have been received by the plaintiff, and not justly due him: and pay all damages and costs that may accrue to any defendant or quarried, by reason of the attachment or any process or proceeding in the suit, or by reason of any judgment or process thereon,

Henry Black

Henry Black
John Harrison

Approved this 17 day of
January 1861.

W Long Smith Justice Peace,

Henry Black

or

William Thompson.

Attachment Bond

Henry Black
v
Austin Ferguson

Before W Long Smith
Justice of the Peace
attachment

Interrogatories to Michael
Lynch summoned as quarrieshee

At the time of the service of the
quarrieshee did you owe the
defendant any money, or do you owe
him any now? if so, how much, and on
what account, when did it become due
and if not yet due when will it become
due?

Answer on oath,
~~He says he~~ owed the defendant fifty
dollars it being a balance due
for land - has been due eight or nine
months,

February 19th 1861

Michael P Lynch

The State of Missouri,

To the Constable of the Township of Vallée in the County of Jefferson
Greeting, You are hereby commanded to attach Austin
Ferguson, by all and singular his goods, chattels, money
effects and credits or so much thereof as shall be sufficient to
satisfy the sum of Forty one Dollars and forty three cents with in-
terest and costs of suit, in whose hands or possession soever
the same may be found in your county, so that he do and appear
before me W Long Smith, a Justice of the Peace, within and
for said township and county at my office in De Soto on
the first day of February next, to answer the complaints
of Henry Black, and that you summon the said Austin
Ferguson, to appear before me the said Justice at the time
and place aforesaid, to answer the action of the plaintiff; and, also, that
you summon as garnishees, all such persons found in your county
as may be directed by the plaintiff or his agent to appear before the
said Justice at the time and place aforesaid; to answer such
interrogatories as the Justice may propound, and have you
then and there this writ, Witness my hand this 17th day of
January AD 1861.

W Long Smith

Justice of the Peace

at the risk and request of the plaintiff I authorize
J V Fletcher to execute and return this writ.

W Long Smith Justice Peace

Perry Black

vs

Austin Ferguson

attachment

Sum do over to \$41.43

The within named
Defendant Austin
Ferguson not
found in
Village Township
Perry V Fletcher
Const

I Executed the within at the Township of
Central in Jefferson Co Missouri on
the 18th day January 1861 by reading
the same in the presence and
hearing of Michael Litch and by declaring
to him that I did summon him to
appear before the within named Justice of
the Peace on the 1st day of February 1861
to answer the interrogatories which may be
put to him by the Justice and by
declaring to him that I did attach in
his hands all debts due from him to
the defendant or so much thereof as
will be sufficient to satisfy the amount
due for with Costs and did summon him
as garnishee
Perry V Fletcher
Const

State of Missouri } ss
County of Jefferson

C Levin and to Robert League
you are hereby commanded to be and
appear personally, before me, W. L.
Smith, one of the justices of the
Peace within and for Valle Township
in the County of Jefferson on the 5th
day of April 1861 at the hour of ten
of the clock in the forenoon of that
day at my ^{office} in the Township and
County aforesaid to testify on the trial
of a cause wherein Henry Black is
Plaintiff and Austin Feargason is
Defendant in behalf of the Plaintiff
and hereof fail not at your peril
witness my Signature this 16 day
of March 1861

W Long Smith
Justice of the Peace

H Black

& R ~~League~~
C ~~League~~
Lenin

I Executed The within writ at The Township
of Vall in Jefferson County by reading on The
16th day of March 1861 in The presance
of Robert League & S.C Lenin
Henry Black Constable

State of Missouri }
County of Jefferson } p.

On this fifteenth day of April A.D. 1861
before me, Wm Long Smith, a justice of the
peace, in and for said County, personally
came, Michael P. Lynch, who being first
upon his oath duly sworn, says, that in
the judgment rendered by me against
him as garnishee in an action between
Henry Black plaintiff and Austin
Ferguson defendant; he is injured by
such judgment; and that his applica-
tion for an appeal is not made
for vexation or delay.

Sworn and subscribed
to before me on this 15th day of April A.D. 1861

Michael P Lynch

W Long Smith

Justice of the Peace

Henry Black
no
Austin Ferguson
& Michael P Lynch
Guamshue

We the undersigned, Michael P. Lynch
and Charles Vinyard, acknowledge
ourselves indebted to Henry Black
in the sum of Fifty dollars, to be void
upon this condition: Whereas Michael
P. Lynch has appealed from the judg-
ment of Wm Long Smith, against
him the said Lynch as garnishee
in an action between Henry
Black plaintiff and Austin
Ferguson defendant; now if, on
such appeal, the judgment of the
justice be affirmed, or if on
the trial over in the appellate
court, judgment be given against
the appellant, and he shall satisfy
such judgment or if his appeal
shall be dismissed, and he shall
pay the judgment of the justice
together with the costs of the appeal
the recognizance shall be void

Michael P. Lynch
Charles Vinyard
Approved on this 15th day of April 1861
W Long Smith
Justice of the Peace

Henry Black
vs
Austin Ferguson
and Michael P Lynch
Garnishee

attachment on an account for forty
one dollars & $\frac{43}{100}$ affidavit and account
filed with a bond on the 17th of
January 1861, bond approved, attach-
ment issued on same day, directed to

Debt \$41.43

J P - attach, '50

Bond & affidavit '30

1 Supp, a '25

order & copy '25

Judgment '35

turnover '25

Judgment on ans, '25

transcript '35

P v Fletcher '50

League '50

Constable of Valle Township at the
risk and request of Plaintiff, he being
the regular constable, interested in the
cause. Perry v Fletcher was authorized
to execute & return the writ, to whom the
same was delivered, now on this first day
of February 1861 the return day of the
writ, said Perry v Fletcher returned the
same served by Garnisheeing Michael
Lynch, and that the defendant cannot
be found, on the same day the said
Michael Lynch appeared and in answer
to the legal interrogatories, stated that
he owed the defendant fifty dollars.
Thereupon it was ordered by the Justice
that the Plaintiff give notice to the
defendant by four advertisements to
set up in public places in the County
of Jefferson that a writ of attachment
has been issued against him and his
property attached to satisfy the dem-
and of the Plaintiff, and that unless
he appears before me at the next
law day to be held on the first Friday
of April next judgment will be ren-
dered against him and his Garni-
shee for the amount of said debt
and costs and this cause is to thence
continued.

Now on this 5th of April 1861. The said Plaintiff comes and proves the due publication of the notice as required by law, and The defendant being three times called, comes not, ordered by the justice that his default be entered, thereupon the said Plaintiff proves his account to the satisfaction of the Justice, and judgment is rendered in favor of Henry Black Plaintiff against Justin Ferguson defendant, for forty one dollars and forty three cents and costs. And upon the answer of Michael P Lynch undermined, judgment is rendered against him as promised in favor of said Black for the said debt forty one dollars and forty three cents, and three dollars and twenty five cents costs.

I certify the above to be a correct transcript from my docket, transcribed on this 17th day of April 1861 W Long Smith
Justice of the Peace

Henry Black
Justin Ferguson
Michael P Lynch
Guarantee

1669
Henry Black

Custom. Sergeant &
Michael J. Lynch

Dated April 18th 1861
Oliver J. Honey Clerk

We Lynch & Hornsbee
changed June 20th
1863 Book No 4, p. 52

Henry Black, Plaintiff } Before M.
Against } Long Smith,
Austin Ferguson, defendant } Justice of the
Michael^P Lynch, Garnishee, } Peace,

To Henry Black, appellee:

You are hereby notified that I have taken
an Appeal from the Judgment of the
said Justice, rendered against me, as Gar-
nishee in the above entitled cause, to the
Circuit Court of Jefferson County Missouri.

May 12th 1862 } Michael^P Lynch
Garnishee
By A. Green, his Attorney

I served the within Notice, in Jefferson
County Mo, on the 37th day of May 1862,
by setting up a true copy of the same
at the office of W. Long Smith, a Jus-
tice of the peace of Valse Township in
said Jefferson County, Missouri.

Sworn to and

Abner Green

Subscribed before me
May 12th 1862
Elias J. Horney

To Jefferson
County Court

Henry Black

Shoemaker

M. P. Hignett
Newmarket

John
Hignett

Filed Jan 14 1863

Elias J. Horney

Henry Black, Plaintiff,
Against
Austin Ferguson, - defendant,
Michael Lynch, - Garnishee } In the Circuit
Court of Jefferson
County, Missouri,
On Appeal.

Amended Answer of said Garnishee
filed by leave of the Court

Michael Lynch summoned as a Garnishee
in the above Cause, for Answer to the inter-
rogatories filed heretofore before H. Long Smith
a Justice of the Peace, states that on the 7th day
of June 1860 he gave his promissory Note, for
fifty dollars payable to said Austin Ferguson on
demand, in payment for a Tract of Land he
had bought of said Ferguson. That some time
in January 1861, this Garnishee heard Solomon
Sanders say that the Note aforesaid had
been assigned to him and at the same ^{time} San-
ders promised to be at the Justice's office
on the day this Garnishee was required to
file his Answer, to set up his claim to the
Note, but, on said day, Sanders failed to ap-
pear to make good his claim to the Note,
consequently this Garnishee concluded that
Sanders did not intend to claim the Note
and that the assignment (if any had been made)
was not for a valuable consideration, or made
in good faith, and that therefore Sanders' claim
to the Note was invalid, and need not be re-
ferred to in making said Answer. But,
this Garnishee understands now that Sanders
claims that he was the legal owner of said
Note before the service of said Garnishment,

If therefore the assignment of said Note, was made in good faith & for value, prior to the service of said Garnishment, then this Garnishee did not at the time of said service, and does not now owe the said Defendant any money, whatever, and this Garnishee denies that he had at the time of the Garnishment, in his possession or under his control, any property, money, or effects belonging to the defendant.

This Garnishee therefore prays that the Court will make an order upon the said Solomon Sanders to appear at a designated time, and sustain his claim to the debt aforesaid or be forever barred from claiming the same.

Subscribed before me Michael Lynch
July 12th 1863
Elias H. Mearns, Clerk

In Circuit Court
Jefferson County

Wm. Black

vs
John Morgan

— Michael Lynch
James Hae

Shirley

Shirley

Filed Jan'y 14 1863

Geo. A. Horney

Clerk

Henry Black, Plff
Against
Michael Lynch, Garnisher
of Austin Ferguson, } Appeal from
J P

Now at this day comes the
above named garnisher and by leave of
Court first had filed, Return an amended
Answer to the interrogatories filed against
him - Whereupon it is ordered that Which
answer discloses the fact that the note
which he had given to Austin Ferguson had
been assigned before the garnishment to
one Solomon Sanders as he has been in-
formed, Whereupon it is ordered that Said
Solomon Sanders be notified to be and appear
before this Court on the 9th Inst 1863, to
make good his claim to said note, or else
he will be forever barred.

A true copy from the record

In Testimony whereof I hereto
set my hand and affix the
Seal of said Court
January 14th 1863
Elias H. Moorey

Black

vs

Ferguson Lynch.

In Jefferson Co. Court
Adjourning Term Jan. 1863.

S. Sanders comes, says that at the time she forth said Michael
Lynch was summoned as Garnisher with above entitled cause he was
the owner of the note executed by Michael Lynch & pay all notes
in Ferguson Lynch defendant sworn controversy for fifty dollars
bearing date June 16th 1860 pay all on demand, which said note
was assigned & transferred to him ^{to be applied} to part payment of a bond when
collected by the said Sanders but executed by ^{Ferguson} ~~Michael~~ Lynch & pay all
to Solomon Sanders for the sum of sixty dollars bearing date
June 9th 1860 & pay all five months after date
said Solomon states that he is the owner of the said note
for valuable consideration that the entire & exclusive
possession of said note of said Michael Lynch pay all
as assigned & regularly assigned to him & he is the
perfect of it, & the bond of said Michael Lynch & pay all
Ferguson, pay all to him for sixty dollars as above stated
five months after date & claims that he is the sole & exclusive
owner of said note & that the same is his own property
all of which he is ready to verify. & prays to be discharged
said note of Michael Lynch was assigned to him on 27 day of December 1860.
S. Sanders makes oath & says, that the matters above set forth above
are true & true to substance & before me 21. Jan. 1863. { Sanders
Elias D. Morley Clerk }
made

Black

"

Angus & Mc

Miner of land
in the nation of
Indians & others
of note.

Dated Jan 21st 1863
Edw & Henry