

Nodaway Circuit Court
Circuit - Civil
April 1849

Box 1 File 74

Box 4 File 10

Henry Swearingen Admin of
the estate of David M. Irwin (appellant)

v
Simpson Holland

Appeal - JOP

Debt \$ 20.00

Def failed to provide slaves
Milly, George + Children and Sarah
clothing for 1847

- Slaves were hired by Holland of the
plaintiff as Admin of the estate of

David M. Irwin

- Case file includes slave hire contract
+ recp for clothing provided slave George

Ref to as Simon Holland in

- Dr. David M. Irwin

Article of agreement made and entered
into this 30th day of Dec^r 1826 between Jo^{seph} Swi-
= mingen of Maryland County W^o of the one part and
Jinpson Holcomb of the other part

Witnesseth that the said Jo^{seph} Swearingen
wishes to give to the said Holcomb George Willy
and children on the property of S^{am}l Swinm see^d
for the sum of seventy dollars forth^{with} the 1st day
of Jan^y 1847 until the 25th day of Dec^r 1847 to
be paid on foalcom, thirty five dollars on the
first day of July next if required and the balance
at the end of the time - and to furnish suppe-
rvent clothing for my tax and doctor bills
and the said Holcomb agrees to let the said
Swearingen, ^{have} Colours give Sarah until the
17th day of Nov^r next, and said Swearingen
is to pay her doctor bills and to furnish Bett-
ing - Given under my hand this as a home rate

Joseph Swearingen

$$\begin{array}{r} 80 \\ 27 \\ \hline 53 \end{array} \quad \begin{array}{r} 22 \\ 4 \\ \hline 27 \end{array}$$

$$\begin{array}{r} 80 \\ 35 \\ \hline 115 \end{array} \quad \begin{array}{r} 14.00 \\ 40 \\ 11 \\ 7 \\ \hline 72 \end{array}$$

$$\begin{array}{r} 22 \\ \hline 93 \\ 32 \\ \hline 89 \end{array}$$

$$\begin{array}{r} 35 \\ 29 \ 18 \\ \hline 64 \ 18 \end{array}$$

$$\begin{array}{r} 14 \\ 11 \\ \hline 25 \\ 40 \\ \hline 66 \\ 7 \\ \hline 73 \end{array}$$

$$\begin{array}{r} 336.00 \\ 279.50 \\ \hline 56.50 \\ 14 \\ \hline 42.50 \\ 62.50 \\ 56.50 \\ \hline 600 \end{array}$$

Simpson Holland
Article

358.30

$$\begin{array}{r} 39.84 \\ 38.30 \\ \hline 154 \end{array}$$

$$\begin{array}{r} 391.84 \\ 358.30 \\ \hline 33.54 \end{array}$$

$$\begin{array}{r} 22 \\ 14 \\ \hline 26 \end{array}$$

\$358.30

The State of Missouri wheter Claude Saviship in et al. being
 Henry Swargin administrator of the estate of
 D. E. Brown Deced } Debt on account for
 Sheriff ^{vs} Holland Dependant }
 twenty dollars Summons Issued to Hiram young
 Constable on the 13 Day of February 1849 Summons
 Duly returned according to Law on the 2 Day of
 March 1849 by Hiram young Constable Borth Parter
 appeared and was ready for trial Summons Issued
 to Hiram young Constable for Dury Summons Duly
 returned by Hiram young Constable with the following
 men Summons as Jury William More Benjamin
 Turner John J. Malcain the Dependant files his account
 a set off in the above case for eight Dollars and
 cent the case submitted to the Jury the verdict of
 the Jury was the Jury find for the Dependant cost
 of suit William More former Judgment against
 the Plaintiff in the above case for fore Dollars and
 thirty cents this the 2 day of March 1849
 Benjamin Sims J.P.

Henry Swargin administrator of the estate of
 Brown the Plaintiff of the above case ^{comes} and demands
 and appears on the above case and files his
 Affidavit the Affidavit above on the 12 Day of
 March 1849
 Benjamin Sims J.P.

Justice fees		Constable fees	
to Summons	15	to Summons	25
to Subpoena	30	to 2 Subpoenas	50
to Summons for Jury	25	to Summons of Jury	75
to Swearing of Jury	25		<u>150</u>
to Swearing of 5 witness	25	Witness fees	
to verdict of Jury	25	William Hornak to	50
to Judgment	35	one Day	
to allowing of appeal	25	Berry Holland to	50
to Swearing of affida	5	one Day	
for writing of the	31	Benjamin Sims J.P.	
above on account	241		

Sweeney
No 3
Holland 3
3/18/1879

Filed 16th April 1879.
James Buchanan etc



The State of Missouri

to the Consulate of which

France Township in Stodaway County Missouri

Command you to summon James Simpson

of the Justice of the Peace of said County

to appear before the undersigned on the 2

Day of March 1849 at ten of the clock in

the forenoon at Bencharts Store in the

Said Township to answer the Complaint

of Henry Averagin Administrator of

the Estate of Dea James David Deacon

and on my hand this the 22 Day of March

1849 Benjamin Sims

and the Request and wish of the Plaintiff
I Authorize them going to Court and
Return this writ Benjamin Sims J D

the within served on Simpson on Feb 27. 1842
leaving a copy of the same with his wife & child
over the age of 15 served by J. S. Young

Henry Swearing
Administration of
Estate of Vell Green
vs
Simpson & Holman
Deb

Swearments
Do Merana young
Debitized Constables
Constables fees 25

Account of the

W. Holland for ¹⁰⁰ pieces of ~~shoes~~ ^{to} ~~shoes~~ ^{shoes}

two ~~and~~ ^{and} ~~more~~ ^{more} gave to negro. ~~to~~ ^{to}

George also 1 pair of shoes ~~to~~ ^{to} 8.00

gave negro George 1 pair of pants

furnishing cloth cutting making ~~to~~ ^{to} 1.75

for one day work ~~done~~ ^{done} by ~~giving~~ ^{giving}

for the maintenance of ~~one~~ ^{one} ~~more~~ ^{more} ~~to~~ ^{to}

gave negro George ~~one~~ ^{one} pair of shoes

one pair of shoes ~~to~~ ^{to} 1.00

At Evening 23. 1849 ~~Jan~~ ^{Jan} ~~of~~ ^{of} ~~the~~ ^{the} ~~month~~ ^{month} ~~of~~ ^{of} ~~the~~ ^{the} ~~year~~ ^{year} 1849

done \$ 8.87

State of Wisconsin
County of Rock County 3d

This day personally, by -

placed before me Benjamin A. King a Justice
of the Peace in and for said County & Justice
of the Peace in said County, Henry D. Greenman
with being duly sworn by me according to
Law, upon oath says that he believes, that this
instrument by a Judgment rendered against the
as Administrator of the Estate of J. Nelson
deceased by me, on the 2 day of March A.D. 1849
in a suit, in which, said Greenman is Plain-
tiff and Defendant, ^{marks} W. Nelson Defendant
and that he does not wish to appeal for re-
view or delay

H. Greenman

Subscribed and sworn to before me
this 12th day of March A.D. 1849
Benjamin A. King J. C.

of
St Amersham, W. Holland, take notice that I have
taken an appeal from the Judgment, of
Benjamin Lewis & Justice of the Peace
in and for White Chappell Townships in
Nottingham County before me, rendered against
it me, in a suit which I commenced,
before said Justice, as Administrator of
of the Estate of John Lewis deceased
against you in which said Trial was
had ~~the~~ the said Judgment rendered on
the 2 day of March 1849
March 12th A D 1849

J. S. Swearingen

Notice of Appeal
To
Simpson, W. Holland

Sherriff's fee 50

I herewith the within notice by delivering a true
copy of the same, at the residence of Simpson W
Holland with Eligahurt Healsome this 1st of
May is a free white person over the age
of fifteen years, born on the 3rd day of
April 1849 in Robsony County Missouri
W. A. Adams Sheriff
of Robsony County
Miss

The State of Virginia
Henry Sturgis in Edm^d West
Jenkins in Mr. Adolm^d
Downs in Mr. Adolm^d bounds & necessary
to establish the same as Adolm^d the Henry Sturgis and
not under the State of Virginia and on the 12 day
of March, 1749 the certificate on the subject that
him in the State of Virginia on the 2 day of March
1749 this 17 of March 1749 Benjamin Franklin

The within enclosed on Simpson
Holland & Co. the 21st 1849

Wm. S. Downy

Votes to
Simpson & Co
Holland

To Hiram Young
Constable

The State of Wisconsin

to the Concord of Robert
Brockdownshak in clearing bounty freeting
the Government gone to Denmark William Honack
and says they are

To appear before

Government Judge of Clearing bounty on the 16 day
of April 1849 at time of the block in the form
now at the Court house in Weymouth to give
in Evidence in a case Henry Johnson in
the Administration of the Estate of O W Green and
Simpson Mr Holland Defiant on the part of the
Plaintiff fails not given under my hand
this the 31 day of March 1849

Benjamin Davis J.P.

Supplico for
William Hannah
Jesey young

Constables fees 50

to William young
Constable
Justice fees 15

The within served on Jesse Young Aprile the 24th 1789
by reading the same to him served by ^{Mr} H. S. Young
also on ^{Mr} Hannah Apr 26th 1789 by reading the same }
to him }
11

W. A. P. W. G. C. W. C. W. C. W. C.

The State of Missouri

} to the benefit of white slaves

Resolved in the following bounty granting act to be
you to be summoned William Spanish and Perry
Stokard John Malvern Bobson Rogers
Elizabeth Rogers to appear in four the court
bids of the following bounty on the 16 day of
April 1849 at ten of the clock in the forenoon
at Court house at St. Louis to give in three
dollars in good money ~~of the State~~ ~~of the State~~
of the State of Missouri and Stokard
Mr Stokard spent on the Part of the Depent
bonds not given under my hand this the 2
day of April 1849 in presence Benjamin Sims, J.P.

Benjamin Sims, J.P.

The within Served my Perry Holland Aprile the 3^d 1849
by reading the same to him also on John Mc Lain Apr. 7th 1849
by leaving ^{acopy} of the same at his house with his wife who is over the age
of 15; also on Mrs Jeannah Apr. the 7th 1849 by reading the same
to him also on M. Byers by producing the same to him
Apr. the 13th 1849
also on Bolwer-Byers by leaving acopy of the
same at his residence with his father who is
of Course over 15 yrs of age Served by Mrs S Young

Supervised per
William Hannah
Perry Hatterid
Bolwer Byers
John Mc Lain
M Byers

To Meriam young
Constable
Constable fees 1 25
Justice fees 15

The State of Missouri
to Lepee Young, George McLain Sen
George McLain Sen Wm Hanna Thos
A Brown, John Lowe John McLain
Wm Cook, E. W. Reinhart & J. N.
Prather. Greeting

We command you
all expenses and delays being set aside
to be and appear before the Judge of
the Circuit Court of Nodaway County
at the Court house in Maryville on the
first day of the next April term of
said Court, to give evidence in a ~~case~~
matter of controversy pending in said Court
between Henry Sweeney Plaintiff and
Simpson W. Holland Defendant on the
part of the Plaintiff. Hereof fail not at
your peril.

In Testimony whereof I Amos
Graham Clerk of the Circuit
Court aforesaid, have hereunto
signed my name and affixed
my private seal (There being no
seal of office yet provided) at
office this 4th day of April A D
1849 Amos Graham, Clerk

Sincerely
as E. J. Young
Hoskins

For P. M. H.

Deane Young

George McLain Jr 13

George McLain Sr 13

T. A. Brown

J. Lowe

Wm Hanna 5

John McLain 8

Wm Cook 13

E. W. Rembert 13

J. P. rather 13

Sherriff's fee \$4.50

I served this subpoena by reading the same to John McLain and William Hanna on the 5th day of April 1849, and by reading the same to George McLain Sr. and George McLain Jr. William Cook E. W. Rembert & J. P. rather on the 13th of April 1849 and to Jesse Young & John Lowe on the 16th of April 1849 not served on Thomas A. Brown for want of time & high water
All done in Rowan county Mo.

W. B. Burns Sheriff of Mo.

Henry Saravengas }
administrators } Appeal.
vs. }
Simpson Hallam } }

Defendant by attorneys
the court has to dismiss
the appeal because the
1. Appellant gave no appeal
bond
2. Because there is no appeal
bond on file in said cause.

"Archery"
Atty for Plaintiff

Enclosure

W. J. Allen

Waltham

Waltham to Waltham

Waltham

Filed 16. April 1849

A. Graham M

The State of Michigan
No. 2070

December, 1849

You are hereby

Commanded to appear forthwith before the Judge of our Northern Circuit Court, at the Court House in Mayville to give evidence in a cause then pending before said Court, wherein W. Swearingen - Plaintiff is Plaintiff and S. M. MacLeod is defendant, on the part of the

Witness Amos Graham, Clerk of said Court with his private seal affixed (There being no seal of Court yet provided) at office this 14. day of April 1849.
Amos Graham. Cllk

Lucas v. Ryan
vs
John Ryan
Dues

John Saunders

Sheriff's fee 50

I served the within subpoena by reading
the same to John Saunders on the
16th day of April 1849.

C. B. Burns Sheriff
of N. H. Co.

Know all men by these presents
that We Henry Sverdrup as prin-
cipal and Jacob Modie -
as security, are held and firmly bound
unto, Thompson, W. Holland in the sum
of forty dollars, For the payment of which
we bind ourselves jointly and severally
by these presents, sealed with our
Seals and dated this 16th day of April
A D 1849

The condition of the obligation is such
that whereas Henry Sverdrup has ap-
pealed from a Judgment of Benjamin
Toms a Justice of the peace in an
action between said Sverdrup plain-
tiff and said Holland defendant
now if ~~then~~ on such appeal, the Jud-
gment of the Justice be affirmed or
on a trial anew in the Circuit Court,
Judgment should be given against
the appellant, he shall satisfy such Jud-
gment of the Justice together with
the costs of this appeal, then this
bond to be void otherwise to rem-
ain in full force H. Sverdrup (Seal)
Jacob Modie (Seal)

Sturtevant
Mrs M Bond
Waltham

Filed 15. April 1849.

A. S. Graham

Henry Swearingen Adm'r. &c
and ~~3~~ ² Appeal.
Simpson W. Wetland

I, Henry Swearingen, Plaintiff in the
above entitled cause, do solemnly
swear that Thomas Brown is a material
witness for ~~him~~ ^{me} in said cause, without
whose testimony I cannot safely proceed
to trial; that there is no person present
by whom I can prove the facts I
expect to prove by said Brown; that
he has a subpoena issued for said
Brown two days before the present time
of this cause, and placed in the hands
of the Sheriff thereof; that said Subpoena
has been returned into this Court, not
served upon said Brown for want of
time and high value; that said
Brown is not absent with the consent
of this affirmance; and that this applica-
tion is not made for vexation or
delay but for the purposes of justice,
and with the hope that should said
cause be continued he will be able
to procure the testimony of said Brown
by the testimony of the Jurors of this Court.
Subscribed & subscribed
before me this 16th day of April 1869.
H. Swearingen
A. E. M. M. M.

Wearing out
W. E. Ruffin
W. E. Ruffin
W. E. Ruffin

Filed 16th April 1879.

A. S. Nathan

Consistently apparent before me Thomas DeLahay might
be acting Justice of the Peace in our Jon Atcher towns ship
Walbridge to Walbridge Boston and makes out that she
nowly believes she is approved by the Judgment of
the Justice and that she does not take the appeal from
restitution or delay but that Justice was the other
I only the 21: 1849

Walbridge
X
Bir
Bilmer
mark

Enclosure
no 22
St Louis

Wm Adams
Benj Stokard
John Melton
Wm Cook
N Byers
Solig ~~Byers~~ Byers
Bolivar Byers
Justice of the Peace
Chas Humpal 50

I served the within subpoena by reading
the same to Wm Cook on the 19th
of September 1849 and by reading the same
to William Hanna John Melton Perry
Hollars Benjamin Byers Eliza Byers and
Bolivar Byers on the 24th of Sept 1849

all done in Goddaway County
Missouri

C. Burns Sheriff
of Goddaway County Missouri

By his Deput J. E. Alexander

The State of Missouri

Loth
Hanna Perry Holland John Mc
Lane Wm Coates M Byers Eliza
~~John~~ Byers and Bolaven Byers
Greeting

You are hereby command-
ed personally to be and appear
before the Judge of the Rodaway
Circuit Court at the Court house
in Maryville on the next October
Term of said Court to give evi-
dence & ~~write~~ ^{testify} ~~write~~ ^{testify} wherein
Henry Sweeney is Plaintiff and
A. Simpson W. Holland Defendant
on the part of Defendant. If you
fail not let your seal

Given under my hand this
19th day of September 1845
Benjamin Sims J.P.

[Faint handwritten notes and signatures at the bottom of the page, including a signature that appears to be "Benjamin Sims"]

The State of Ohio
To Noah

Mull Mrs Hanna and John
Mc Lane, greeting;

You are hereby
Commanded, that all excuses and delay
being set aside, you personally
do and appear before the Judge of
the Circuit Court of Madaway County
at the Court house in Marysville on the
first Monday in November in the
year 1849 to testify on the trial of
a case then pending wherein
Gerry Swenson is Plaintiff and
Simpson W. Holland Defendant on
the part of Plaintiff and this
you are in no wise to omit at
your peril

Witness Amos Graham clerk of
the Circuit Court of said
County with his private
seal affixed (There being
no seal of court yet pro-
vided at office this 25th day of
September 1849)

Amos Graham, Clerk

I served the within Subpoena by reading the
same to William Hanna on the 29th day
of Sept 1849 - also by reading it to
John McLean on the 11th day of Oct 1st 1849
and by reading the same to Noah Hull on the 16th
of October 1849 all done in Hadaway County
Missouri

C. P. Burns Sheriff
of Hadaway County By his J. J.
J. E. Alexander

H. American
N. W. Spa
C. W. Holland

Noah Hull
Wm Hanna
John McLean

Sheriff Fees \$1.50^{cts}

The State of Missouri
McLain and David Sweeney
Greeting;

You are hereby com-
manded, that all Excuses and
delays being set aside ~~you be~~
and appear before the Judge of
the circuit court of Nodaway
County at the Court house in
Maryville on the first Monday in
November 1849 to testify on the trial
of a case therein pending wherein
Henry Sweeney is Plaintiff
and Simpson W Holland Defendant
on the part of the Plaintiff and
of this fail not at your peril

Witness Amos Graham clerk
of the circuit court in and
for said County with his
private seal affixed, then
(being no seal of Court yet pro-
vided) at office this 10th day of
October A D 1849. Amos Graham, clerk

I served the within subpoenas by reading
the same to Daniel Swearingen on the 16th
day of October A.D. 1849 and by reading it
to George McClain Sen on the 23rd of October
A.D. 1849 all done in Madaway County
Missouri

S. J. Burns Sheriff
of Madaway County Missouri

By his Deput
D. C. McAndrew

J. Swearingen
D. C. McAndrew

Geo. McClain Sen
Dan Swearingen

Sheriff's Fees \$1.00

Rece'd of Amos Buckham, one dollar and 50 cents
in full of my fee as Court in the Case of Henry
Dwearing on Amos against O N Walden, and
Judd T. Wendell in Pottery Cr. Court Nov 1829
This 22nd Dec 1829.

Wmth Sth Young
Att^{ny}

The State of Missouri,

No. the Constable of certain

Glouce Township in the County of Perry more
known to you to summon Perry Adams
and well known to appear before the unders
igned one of the Justices of the Peace of which
Township in the County of Perry on
the 2 day of March at ten of the clock in
forenoon at Smiths Point Store in the Town
of New Hope to give in evidence in a case
between Adams and the Executors of the Estate
of John Smith Deced^d and for the purpose of
my hand this the 22 day of February 1849

Benjamin Adams J. P.

Subpoena
for
Perry Holland
Wm. Hanah
Constable fees 50

The within served on Mrs. Hornack by
reading the same and Perry Holland by leaving a copy
of the same at his house with his wife who is
over the age of 15 on February the 23^d 1849 by J. W. King
cc: King

6.00
5.50
11.50

McCaensen

per.

Holland

Filed 16th April 1849.

Amos Graham (M)

Henry Sweetman
US

Simpson W. Holland

Return to box No. 4

December 25th 1849

Amherst Holland

To Henry Sweetser

As administrator of the Estate
of D. N. Quinn deceased Do
do failing to permit,
certain negroes, wth George &
children the property of said
Estate hired to said Holland
by said Sweetser for the
year eighteen hundred
and forty seven, ~~with out~~
present clothing, agreeably
to the contract for said
hiring

\$20,00

You will please
Issue subpoenas
for Perry Holland
& Wm Hanna intrusos

11

Henry Swearingen
vs

Simpson W, Hollan

Return to box No. 4
File No. 10