PLATTE CO. CIRCUIT COURT

BOX 1, FILE 21

Circuit Court

MARCH TERM 1839

McGunigle, George K.
and
Way, James C.
vs.
Fergusan, Thomas
and
Mullikin, Joseph

Trespass on the case on promises

Note- Slave → Margaret Mullikin claims slave named Willis is her property and shouldn't be attached

State of Missouri
County of Platte } ss. In the Platte Circuit Court
March Term 1839.

Platte County to wit.

George R. M.ᶜGunnegle and James L. Way, Merchants and Partners, trading under the firm and Style of M.ᶜGunnegle & Way, Complain of Thomas Ferguson and Joseph Mullikin, Grocers and Partners trading under the firm and Style of Ferguson and Mullikin, of a Plea of Trespass on the Case on Promises. For that whereas the said Thomas Ferguson and Joseph Mullikin, to wit, on the 1st day of January 1839 at the County aforesaid, were indebted to the said Plaintiffs, George R. M.ᶜGunnegle & James L. Way, Merchants and Partners as aforesaid, in the Sum of Eight Hundred dollars lawful Money of the United States, for divers goods Wares and Merchandize by the said M.ᶜGunnegle & Way before that time ~~bargained and~~ sold and delivered to the said Ferguson and Mullikin and at their special Instance and request, and being so indebted, they the said Thomas Ferguson and Joseph Mullikin in Consideration thereof, afterwards, to wit, on the day and year last aforesaid at the County aforesaid, undertook and then and there Faithfully promised the said M.ᶜGunnegle & Way, Plaintiffs as aforesaid, to pay them the said last mentioned Sum of Money when they the said Ferguson & Mullikin should be thereunto afterwards be greated.

And Whereas also the said Thomas Ferguson

and Joseph Mullikin, afterwards, to wit, on the day and year last aforesaid, at the County aforesaid, were indebted to the said M.ºGunnegle & Way in the further sum of Eight Hundred dollars, lawful money of the United States for divers goods, wares, merchandize, ~~[illegible]~~ and chattels by the said M.ºGunnegle & Way before that time sold and delivered to the said Ferguson & Mullikin and at their special instance and request, and being so indebted to the said M.ºGunnegle & Way, they the said Ferguson & Mullikin undertook, and then and there faithfully promised the said M.ºGunnegle & Way to pay them so much money as the said last-mentioned goods, wares, and merchandize at the time of the said sale and delivery thereof were reasonably worth, when they the said Ferguson & Mullikin should be thereunto afterwards requested. And the said M.ºGunnegle & Way avers that the said last-mentioned goods wares and merchandize, at the time of the sale and delivery thereof, were reasonably worth the further sum of Eight Hundred dollars of like lawful money to wit at the County aforesaid whereof the said Ferguson & Mullikin, afterwards, to wit, on the day and year last aforesaid there had notice.

And whereas also the said Thomas Ferguson and Joseph Mullikin, afterwards, to wit on the day and year last aforesaid, at the County aforesaid, were indebted to the said M.ºGunnegle & Way, in the further sum of $800= for so much money before that time and then due and payable from the said Ferguson & Mullikin to the

said M.c Gunnegle & Way, for interest upon, and for the forbearance of divers large sums of money before that time lent and advanced by the said M.c Gunnegle & Way to the said Duncan & Mullikin at their special instance and request, and by them the said M.c Gunnegle & Way forborne to the said Duncan & Mullikin for divers long spaces of time before then elapsed at the like special instance and request of the said Duncan & Mullikin, and also for other many before that time and then due and payable from the said Duncan & Mullikin to the said M.c Gunnegle & Way for interest upon and for the forbearance of divers other large sums of money before then due and owing from the said Duncan & Mullikin to the said M.c Gunnegle & Way, and by them the said M.c Gunnegle & Way forborne to the said Duncan & Mullikin divers long spaces of time before then elapsed, at their like special instance and request of the said Duncan & Mullikin; and did undertake & promise by the said Duncan & Mullikin, undertook, and then and there faithfully promised the said M.c Gunnegle & Way to pay unto the said last-mentioned sum of money when by the said Duncan & Mullikin should be thereunto afterwards requested.

Nevertheless the said James Duncan and Jacob Mullikin, not regarding their said several promises and undertakings, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said George K. M.c Gunnegle & James C. Way in this behalf, have not as yet paid the said several sums of money or any or either of them, or any part thereof, to the

said George K. McGunnegle & James C. Way although often requested so to do, but the said Thomas Ferguson and Joseph Mullikin to pay them the same have hitherto wholly neglected and refused and still do neglect & refuse. To the damage of the said George K. McGunnegle and James C. Way of $10000= and therefore they bring their Suit.

Peter H. Burnett
Atto. for Pltfs.

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Mc Gunnegle & Way
vs
Declaration.
Ferguson & Mullikin.

Dec 1852

Issue Summons against
Thomas Ferguson and
Joseph Mullikin to answer
Geo K. McGunnegle and James C. Way
upon a plea of Trespass
on the case &c Joseph Summons
P. H. Burnett

State of Missouri }
County of Platte } ss

The State of Missouri

To the Sheriff of Platte County Greeting

You are hereby commanded to summon Thomas Ferguson and Joseph Mullikin to appear before the Judge of our Platte circuit court at the court house at the Falls of Platte in said county on the fourth Monday of March next being the first day of our next March term of said court then and there to answer George R McGunnigle and James C Bay in an action of trespass on the case on promises and that you have then and there this writ

Witness Jessi Morin Clerk of said circuit court with his private seal there being no seal of office yet provided at office this 6th day of March 1839 Jessi Morin Clerk

Executed the within writ by reading the same together with the declaration ~~[illegible]~~ to the said Thomas Ferguson and Joseph Mullikin on the 7th day of March A.D. 1839 all done in Platte County & state of Missouri.

James H Owen Sheriff
of Platte County

Mo

By Ferguson & Mullikin

State of Missouri } The State of Missouri
County of Platte }

To the Sheriff of Randolph County Greeting
You are hereby Commanded to Summon
Piram Cooly that all excuses and delays set
aside he be and appear before the Judge
of our Platte Circuit Court at the Court house
at the Falls of Platte on the first day of
our next March term of said Court it
being the fourth Monday of March
1839 to testify the truth of his knowledge
touching a certain matter of Controversy
pending in said Court wherein George
R McGunagle and James B May are plaintiffs
and Thomas Ferguson and Joseph Mullikin
are defendants on the part of the defendants
Hereof fail not at your
peril and that you have then and there
this writ

Witness Jesse Morin
Clerk of said Court with
his private seal affixed
there being no seal of Court
provided done at office
this 20th of March 1839

Seal

Jesse Morin Clerk

I Henry Austin Sheriff of Randolph City
Certify that I came to hand the 3th day of this Inst
Meirch 1839

Henry Austin Shff R.C

To the
Sheriff of
Randolph County
Mo

State of Missouri }
County of Platte } ss The State of Missouri

To the Sheriff of Platte County Greeting

You are hereby Commanded [redacted]
to Summon John S Malott Thomas Ingrim
and Samuel Munsell that all Excuses
and Delays Set aside they be and appear
before the Judge of our Platte Circuit Court
at the Court house at the Dalles of Platte on
the first day of our next March term of
said Court it being the fourth Monday
of March 1839 to testify the truth of
their Knowledge touching a Certain
Matter of controversy pending in said court
wherein George Frazier is plaintiff and
Joseph Mullikin is defendant on the
part of the plaintiff herein fail not
at your peril and that you have then
and there this writ.

Witness Jesse Morin Clerk
of said Court with his privat
Seal there being no Seal of
Court provided done at office
this 25th day of March 1839

(Seal)

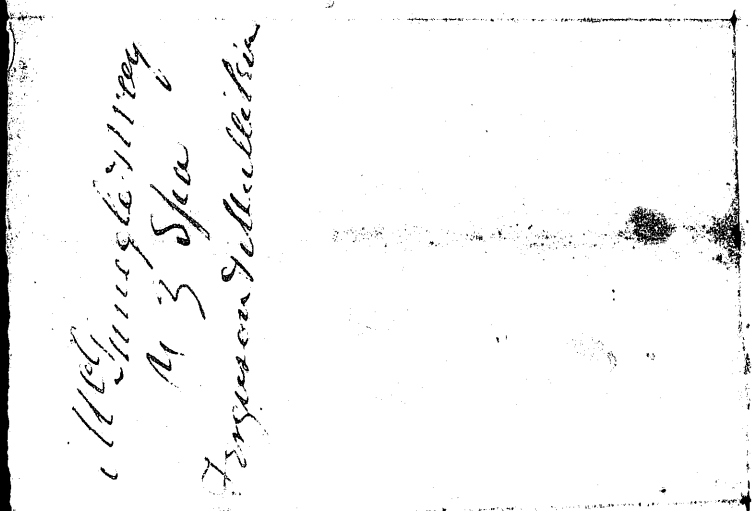
Jesse Morin Clerk

I John H Owen Sheriff of Platte County do certify that I executed the within Thomas Sturgeon & Wm S Mallette by reading the within in their hearing in Platte County on the 25 day of March 1839

Samuel Monsel not found

John H. Owen Sheriff

Sheriff fees 1.12½



Know all men by these presents that we Glen A. Bennett and Davies Hunt are held and firmly bound unto Thomas Ferguson and Joseph Mullin in the sum of Three Hundred dollars for the payment of which well and truly to be made we bind ourselves our heirs, executors and administrators firmly by these presents Signed with our names and sealed with our seals this 15th day of April A.D. 1839.

The Condition of the above obligation is such that whereas George R. McGunnegle and James Gray Merchants and Partners trading under the firm and style of McGunnegle & Gray have instituted, in the Platte Circuit Court, an action of trespass on the case on promises by summons and writ original attachment, against Thomas Ferguson and Joseph Mullin, Grocers and Partners trading under the firm and style of Ferguson & Mullin; and whereas the said suit is now depending in the said Circuit Court of Platte County as aforesaid and the said McGunnegle & Gray are about to sue out from the office of the clerk of said Platte Circuit Court a writ of attachment to be entitled in said cause and in aid thereof, Now should the said plaintiffs prosecute the

Suit with effect and without delay, and pay all damages that may accrue to the defendants, or to any garnishee in consequence of said attachment then this obligation to be null and void, otherwise to remain in full force and effect.

Witness our hands and seals the day and year first above written.

L O Burnett (Seal)

David Ligon (Seal)

M. A. Summerlin & Wife
vs.
L. Burnett.
Ferguson & Mullikin

The affidavit of Thomas Ferguson states that Thomas Ferguson and Joseph Miller Jr., Grocers and Partners trading under the firm and style of Ferguson & Miller Jr are justly indebted to George K. McGunnegle and James C. Way; Merchants and Partners trading under the firm and style of McGunnegle and Way, after allowing all just credits and set-offs in a sum above fifty dollars, that is the sum of Seven Hundred and Ninety-eight dollars, and that this affiant does believe that the said Thomas Ferguson and Joseph Miller Jr are about fraudulently to dispose of their property so as to delay their creditors.

Sworn to and subscribed Thos Ferguson
before me this 18th day of
April 1839

Silas Morris Clerk
of the Platte Circuit Court.

M. Gunnell & Way
vs. 3 Affidavit.
Ferguson & Mullikin

State of Missouri } Sct
County of Platte } The State of Missouri
To the Sheriff of Platte County Greeting
You are hereby Commanded to Summon
Thomas Ferguson and Joseph Mullikin
Grocers and partners Trading under the
firm and Styte of Ferguson and Mullikin
To appear before the Judge of the ~~Circuit Court~~ at the Court house at the Falls
of Platte in said County on the first day of
our next July term of said Court It being
On Monday the 22nd day of July 1839
To answer unto George R McGunnigle
and James C. Way Merchants and partners
trading under the firm and Styte of Mc
Gunigle and Way in an action of trespass
on the Case on promises. And that you
have then and there this writ

Witness Jesse Morin Clerk
of our said Court with his
private Seal affixed There
being no Seal of office yet
provided at office this 18th
day of April AD 1839

Jesse Morin Clerk

I Jonas H. Crow Sheriff of Platte County do certify that I executed the within Declaration and Summons thereunto annexed by Reading the same in the hearing of the Defendants Thomas Ferguson & Joseph Mullikin in Platte County Missouri on 15 day of April 1839

J. H. Crow Sheff P C

Sheff fee 2.00

M Gamble & May
vs
Ferguson & Mullikin

State of Missouri }
County of Platte } ss.

The State of Missouri to the Sheriff of Platte County Greeting. You are hereby commanded to attach Thomas Ferguson and Joseph Mullikin, Grocers and partners trading under the firm and Style of Ferguson & Mullikin, by all and singular their lands and tenements goods, Chattels, moneys effects and credits, and so much thereof as shall be sufficient to satisfy the sum of seven Hundred and Ninety-eight dollars with interest and costs of suit, in whose soever hands or possession the same may be found in your County so that they be and appear before the Judge of our Platte Circuit Court on the first day of the next term thereof to be holden at the Walls of Platte on Monday the 22nd day of July 1839 to answer George K. McGunegle and James L. Way Merchants and partners trading under the firm and Style of McGunegle & Way of a plea of Trespass on the said suit having been commenced by Summons and with the case &c. damages, and also that original attachment, and this Writ being in aid of said suit. You Summon as Garnishees all such persons found in your County as may be directed by the plaintiffs or their agent, to appear before the said Judge at the time and place aforesaid, to answer what may be then and there objected against them

I J. H. Owen Sheriff of Platte County do certify that I Executed the within attachment by Seizing and attaching one negro Man named Wellis as the property of Joseph Pruitt in and also and declaring to the following persons that I did Summon by Summons as Garnishees Hezekiah William Hall to appear at the Return Day of the writ to answer the interrogatories which may be propounded by the Plaintiffs, to wit Little James Mackey James L Compton Joel Brown Daniel Shackelford on the 10th day of June 1839 Jones H Owen Sheff p c by J R Owen his Dept

M C Mumpower Att'y
vs
Joseph Pruitt
Attachment
Sheriff's Return
Filed April 15th 1839

and also I Executed the within attachment by Reading the same to the Defendants in Platte County aforesaid on 15 day of April 1839

Sheff fee $12.00 J. H. Owen Sheff p c

McGunigle & Hay
vs
Ferguson & Mullikin } Assumpsit with attachment.

Margaret Mullikin Comes into the Court here and asks leave to interplead in the above Cause and avers that the negro man Willis attached as the property of the defendant Mullikin is not the property of the said defendant but the alledges and avers that the said negro man Willis at the time attached is her property and of right belongs and appertains to her and not the debts levied upon the Same &c

Almond & Allen attys for Interpleadg.

McGunnigle Mary

Interpleader of

Margaret Mullikin

Ferguson & Mullikin

Filed this 22d

day of July 1839

J Mainwaring

McGunigle & Bray
vs
Ferguson & Mullikin
} Assumpsit & Attachment

Felix G. Mullikin comes into the Court here and asks leave to interplead in the above cause - and avers that one half of the notes, bonds and accounts, together with one half of the proceeds of the Books attached in the hands of Hiram Wilburn as garnishee in this cause, due & payable to Joseph & Felix G. Mullikin doing business under the name & style of J. & F. G. Mullikin, as the property of the defendants Ferguson & Mullikin are not the property and effects of the said defendants but he alleges and avers that one half of the said notes, bonds and accounts & one half of the proceeds of the said books are his property and effects and of right belong & appertain to him - And of this he puts himself upon the Country &c Amon d -

Atto. for F. G. Mullikin

McGunigle & Ray
vs
Ferguson & Mullikin

W. G. Mullikin
Interpleader

Filed the 22nd day
of July 1839
I Morin Clerk

M Cheney for Pltf

vs

Ferguson & Mudlin

And the said Defendt
Joseph Mudlin by his attorney Comes &
defends the wrong and injury when &c
and says that he did not undertake
& promise in manner and form
as the said Plaintiff have above thereof
complained against him and of this he
hath put himself upon the Country Wheaton & Chisom Atty

Mullen

vs

McGonigle et al

Plea & Ans

Filed this 23

day of Jan 1839

J. Main

Clerk

And the said plaintiff doth the like.

Burnett & Lawrence

Attorneys Plaintiff

M.ᶜ Gunnegle & May
vs
Ferguson & Mullikin

The affidavit of Thomas Ferguson states that Thomas Ferguson and Joseph Mullikin are justly indebted to George K. M.ᶜ Gunnegle and James C. May, Merchants and Partners trading under the firm and style of M.ᶜ Gunnegle & May in the sum of Seven Hundred and ~~Ninety Eight~~ Ninety three dollars and seventy-four cents due by book account for goods wares and merchandize sold and delivered, after allowing all just credits and set-offs, and that said affiant has good reason to believe, and does verily believe that the said Thomas Ferguson and Joseph Mullikin are about fraudulently to dispose of their property, so as to hinder or delay their creditors.

Thos Ferguson

Sworn to and subscribed in open Court.
July Term 1837

Jesse Moore Clerk

M. Gurney & Way
vs
Affidavit.
Sturgeon & Mullikin

M Gunnegle & Wife
vs
Ferguson & Mullikin

Sumpsit & Attachment
In the Latte Circuit
Court July Term 1859.

And the said plaintiffs for allegations and interrogatories against William Litte Summoned as garnishee in this case, allege and say that at the time of the commencement of this suit and the service of the writ herein, the said garnishee, had in his possession or under his control, large amounts of property effects and evidences of debt of the defendants, and that the said garnishee and the said defendants, or one of them, large sums of money to wit the sum of One Hundred dollars. And for interrogatories for said garnishee to answer the said plaintiffs file the following-

1st. At the time of the commencement of this suit and the service of the writ herein, had you in your possession or under your control any goods. Chattels effects or evidences of debt of the defendants or either of them? If so how much, of what Kind, and of what value.

2nd At the time of the commencement of this suit and the service of the writ herein did you owe the defendants or either of them any money or property? If so what amount, when due and on what account and if not yet due, when will it become due?

Burnett & Denipham
Attys. for Plffs.

M. Gunnegle & Gray
vs 3 Allegations &
3 interrogatories.
Ferguson & Mullin

Do Wm Little.

Guarnashee.

McGunnegle & Way
vs
Bergen van & Mullikin

In the Platte Circuit Court
July Term 1859

And the said Plaintiffs for Allegations and interrogatories against Edward Wilcox Summoned as garnishee in this case allege and say that the said garnishee at the time of the commencement of this suit and the service of the writ herein was indebted to the said defendants in large sums of money to wit the sum of Nine Hundred dollars, and also had large amounts of property of the defendants in his hands. And for interrogatories in this behalf for the said garnishee to answer the said plaintiffs fill the following

1st At the time of the commencement of this suit and the service of the writ herein, had you in your possession, or under your control any money, goods, chattels, or evidences of debt of the defendants? or either of them? If so State what Kind, how much, & of what value?

2nd " At the time of the commencement of this suit and the service of the writ herein, did you owe the defendants, or either of them, any money or property? If so what amount when due, and on what account, and if not yet due, when will it become due?

Burnett & Denison
Attys for Plffs.

Mr Gunnegle M'Cay
No. 3 Allegations & inter-
rogatories.
Ferguson & Mullikin

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Do Edward Wilcox
Granashie.

M^c Gunnegle & Ulayz
vs.
Rogers an & Mullikin

In the Platte Circuit Court
July Term 1859.

And the said plaintiffs for allegations and interrogatories against Hiram Welburn summoned as garnishee in this case allege and say that at the time of the commencement of this suit and the service of the writ herein, the said garnishee had in his possession large quantities of property, goods, money, effects, and evidences of debt of the defendants, and of the said Joseph Mullikin one of the defendants and the said garnishee owed the said defendants large sums of money to wit the sum of Nine Hundred dollars. For interrogatories for said garnishee to answer the said plaintiffs file the following.

1st At the time of the commencement of this suit and at the time of the service of the writ herein had you in your possession or in any manner control any goods, chattels, moneys, choses in action, or evidences of debt of the defendants or either of them? If so state what property, of what kind, how much, and of what value.

2nd At the time of the commencement of this suit and at the time of the service of the writ herein, did you owe the defendants or either of them any money or property? ~~or either of them~~? If so state what amount, when due, and on what account, and if not yet due when will it become due?

Burnett & Compton
Attys for Plffs.

M. Gunnegle & Ors

vs 3 Allegations and
3 interrogatories.

Hegarty & Miller Kin

Do Miriam Wilbourn

Guarnashu.

M. Gunnegle & Wife
vs
Ferguson & Mullikin

In the Platte Circuit Court
Assumpsit & Attachment. July Term 1839.

And the said Plaintiffs for allegations and interrogatories, against Wm. J. Dale Summoned as garnishee in this case allege and say that the said garnishee, at the time of the Commencement of this suit and the Service of the writ herein, had in his possession large quantities of goods, money, chattels, choses in action of the defendants, and particularly of said Joseph Mullikin, and owed the said defendants, and particularly the said Mullikin large amounts of money and deputy, to wit the sum of Five Hundred Dollars. And for interrogatories for said garnishee to answer, the said Plaintiffs file the following.

1st. At the time of the Commencement of this suit and the Service of the ~~process~~ writ herein, had you in your possession or under your control any goods, money, chattels, effects, choses in action or evidences of debt of the said defendants or either of them? If so, how much, of what kind, & of what value.

2nd At the time of the Commencement of this suit and the Service of the writ herein, did you owe the defendants or either of them, any money or deputy, or do you now owe them any? If so what amount, when due, on what account; and if not yet due, when will it become due?

Bennett & Doniphan
Attys for Plffs.

M. Gunnell & Clay

vs 3 Allegations &
3 Interrogatories.
Steigers and Mullin Pro

Do Wm. O. Date

Interrogatories

M Gunnegle & Way
v.s
Ferguson & Mullikin

In the Platte Circuit Court
July Term 1839.

And the said plaintiffs for allegations and interrogatories against said Shobe Ferguson ~~Anderson~~ summoned as garnishee in this case, allege and say that said Anderson, at the time of the service of the writ in this case was largely indebted to the defendants, and had in his possession large quantities of property of the defendants; and for interrogatories ~~in this~~ to said garnishee propound the following.

1st At the time of the commencement of this suit and the service of the writ herein, did you have in your possession or under your control any money, goods, property or effects of the defendants? If so how much, of what kind, and of what value?

2nd At the time of the commencement of this suit and the service of the writ herein, did you owe the defendant any money, or property? If so, state what amount, when due, and what account?

Barnett & Cunniphan
Attys. for Plffs

N. Gunnegle Ulay
ors. 3 Allegations &
interrogatories.
Fergus an J. Mullikin

Do Daniel Shackleford

Grainesbre

M. Gunnegle & Way
vs
Ferguson & Mellishen

In the Platte Circuit Court
July Term 1839.

And the said plaintiffs for allegation and interrogatories against Dale Grover summoned as a garnishee in this case allege and say that at the time of the commencement of this suit and the service of the writ here in the said garnishee had in his possession or under his control large quantities of property goods chattels credits and effects of the said defendants; and that the said garnishee at the commencement of this suit, and the said defendants large sums of money and property to wit the sum of two thousand dollars. And the said plaintiffs, for interrogatories for said garnishee to answer fill the following.

1st At the time of the commencement of this suit and the service of the writ, had you in your possession or under your control any goods, chattels, moneys, effects, or evidences of debt of the defendants or either of them? If so, state what property, how much, and of what value.

2nd At the time of the commencement of this suit and the service of the writ herein, did you owe the defendants or either of them any money or property? If so state what amount, when due, and if not due when will it become due?

Burnett & Campbell
Attys for plff.

Mr Grenville Way
vs
Allegations
& Interrogatories
Augustus and Mallerton

Lo Saul Grover

Granwashu