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J. Barr to H. R. Miller (22 January 1861)

J. Barr

Hugh R. Miller

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Aford July 23rd 1851

Dear Sir,

Your favour was rec^d in due time and I feel pretty well assured that if you will give my letters another perusal you will find the adage "Great-Minds never stoop to little things" verified for once in yourself, but I am obliged to you for your advice and suggestions. Mrs. F. Thomas vs Mr. B. Seaman vs M. P. Erwin stands thus upon record of which fact I thought I had advised you of & think so still. Erwin will leave in a week or two for Missouri will fall short of meeting his liabilities \$10,000 at least. The debt you may consider a desperate one. Sett^d in the above case \$2300. Sam^l \$188.50. Lawrence M. Bingham vs James Eitzenber Judgt. \$53.50. James Morrison vs Mrs. Gordon Judgt. \$1486.27 - this case will be bonded - but paid probably in the Spring R. C. One vs Mrs. Stewart - & Thos. McGill Judgt. \$183.33 ch. J. R. Callaway vs J. M. Tucker settled at Pet^{ff} 1850. Pollock Brown vs H. Wright vs Lewis Ryan Judgt. \$340.15 & One old case of Callaway stands here cost-unsaid of which fact - e. y. was advised of when over here case - Our Clerk threatens to serve a scire facias against - him. Chalmer advised me to withdraw my motion against - Butler in Callaway's case in addition to the other reasons I stated before & the fact - that Butler has no property but what is under the valuation law were the motions which induced me to act - as I did & I know that Callaway ^{interest} would have suggested the same course

In the case of Packer vs. Sumner Committee the Clk has taxed
in the bill of costs \$44.00 for attendance of witnesses. Upon "Witness
Roedel" is entered attendance proved Packer 7 days May term 40.

Wesson, attendance proved 7 days & 18 miles May term 40. There are also
subpoenas in the office ^(endorsed from the two) ~~on these two~~ ^{now}. To this term Packer attendance proved
6 days & 60 miles. There is no subpoena in the office for this
term. Had P. off. in the above a right to subpoena witnesses at
first term? Had no defence been made it would have been
necessary to have instituted a writ of inquiry in ascertaining the
damages when there would have been a case for witnesses.
But it can be proved that a plea was filed on Monday
the first day of court - that P. off. was advised of the fact
for on Tuesday he solicited me to let the case come ^{to trial} that term
& I told him positively it could not. so that it strikes me
that Packer & Wesson cannot claim attendance for more
than the first day of the court. In regard to Packer to
the last term a subpoena not being in the office, the rule
would be that where a witness proves ^{either} ~~to~~ ^{to} swear before the Clk
he was subpoenaed & attended the presumption is that he was
subpoenaed & attended. The taxation of costs is I think
at all times under the control of the court & if I be correct here
I have a right to motion the Court to correct the taxation of costs.
The Sept. ^{being} ~~is~~ opposed to paying one cent - more than they are bound
strictly just to pay are my reasons for detaining these partic-
ulars to you. vide How & Kuch p. 16. & 10. It is a little provoking
that a tavern keeper should be brought 30 miles to prove what
tavern keeper's services are worth which was all Packer could
testify to. In regard to the attachment - the Sept. residence
in N. York without effect there - & owns a good quan-

city of land in this country - is largely indebted to P. O. P.
in Attachment and he has no remedy whatever if the
laws of this State give none, but I think this case will come
within the spirit of the provisions of our attachment-act

The Act - is to be construed in the most liberal manner
for the benefit of Creditors Non Resident - Or. Hence the
benefit of it - where their Br. have left the State & the
of Non Residents - can be adjudicated in this State?

§ 434. Sec 37 our Statute provides for almost every proper
case to reach property here where the ordinary process
of Law cannot be served upon parties and there is no
ing prohibition in the statute to the present proceeding. As things
exist - the impossibility of reaching this property otherwise -
the liberal manner in which the statute is to be construed - the
intention of the statute, to detect fraud - & advance justice
& benefit Creditors (Resident - or Non Resident), I think it
an advisable course on the part of the P. O. P. to make
the effort - at least. If he should appear here & give
special bail, my impression is we could com-
mence suit against ^{him} H. but not being apprised
of our laws - I think it probable he will ac-
cede to the proposition of P. O. P. convey him the title to the
He may see the land - the purchase come here & litigate
but rights H. H. Unless the pre requisites of the statute
are complied with a judgment rendered upon an attachment
would be void & the steps title a nullity. Ever since the
Session of the C. C. here I have had a sick family which I think
is a good apology for the various accounts I have given you
Mary was taken with the winter fever before she was able to
leave her room & has had a long & very dangerous attack.

She had continued fever for more than 30 days & being in a very weak
 and feeble state from her previous confinement - was immediately
 prostrated & was unable to speak louder than a whisper for 5 or 6
 days. She has been free from fever for a day or two past -
 & I hope she may recover. Her fever was precisely the char-
 acter of that our girl died with
 Our boy grows & thrives remarkably and is very healthy
 altho. we have had to use the bottle entirely since May
 taken

10
 Jas. B. [unclear]
 Hugh R. Miller Esq.
 Baltimore
 Maryland

PAID
 1878
 May 10
 10
 Mail

I have seen Hale Admin. Sept. frequently. A section of land will be sold
 in the Spring for a debt of \$1,000. There is no probability of any money
 beside being collected before or at that time. The Sec. of the Key is be-
 coming uneasy. I think it probable no more or not much more will
 be collected by Hale -
 Tell Margaret - Our Mary rec'd her letter & will cer-
 tainly answer it when she gets able
 A young man was shot down in town a few days ago
 & died the day after - the act was a justifiable one
 Marshall is the name of the deceased
 J. Barr