

Jefferson County Circuit Court
Case Files - Civil
April 1873

Box 31 Folder 2

Barton, T. B.

Barton, W. S.

vs.

Estate of Henry M. Wiatt

Certiorari

Certified from Probate Court
on \$197.50 note

\$197 (51) Six months after date. We
promise to pay to L.B. & W. L. Barton. One
Hundred and Ninety six and 2/100 Dollars,
value received with interest from date, as
withup our hands & seals this 28th day
September 1860.

Wm. H. H. H.

Wm. H. H. H.

James M. W. H. H.

\$ 341.34

State of Virginia

Corporation of Fredericksburg to wit.

Personally appeared before me John S Berry a notary public in and for the Corporation and State aforesaid Wm S Barton, one of the parties to the bond hereto attached bearing date the 28th September 1860. and executed under ^{their} seals by Henry M Wiatt and James M Wiatt for the sum of \$197.50 cts: and made oath, that the said J. B. & W. S Barton have given credit to the Estate of Henry M Wiatt decd for all payments and offsets to which it is entitled, and that the balance claimed hereon hundred and ninety seven⁵⁰ Dollars with interest from the 28th September 1860 is justly due. There having been no payment whatever of either principal or interest since its execution

Given under my hand & official seal this 26th day of March 1872.

John S. Berry N.P.



149 50
6
118 500
12
142 20
197 50
439 70

Wm S. Benson
or
E. H. M. Wiat

continued

Filed April 18/70
W. R. Somerville

State of Missouri }
County of Jefferson }

In The County Court of
the County of Jefferson aforesaid on 15th April 1873.
T B & W S Barton } On Note
Estate of H H Wiatt decd } Filed Notice waived & Cont-
inued to next Term. To wit on the 13th day of
January 1873 the following remains of record
in said Court To wit

T B & W S Barton }
R } on Account
The Estate of H H Wiatt }

Now at this day comes
the Plaintiff by his attorney and upon his
suggestion the Judge of said Probate Court
having been of counsel in said case prior
to qualification as such Judge it is ordered
by the Court on account of the Judge having
been interested in the case as counsel therein
That the same be certified according to Law to
the Circuit Court of said County of
Jefferson for Trial together with all the
papers and proceedings Thereon.

State of Missouri }
County of Jefferson } I Jas J Williams Judge
of Probate within and for the County aforesaid
do hereby certify that the above and foregoing is
a full true and complete Transfer of all the

entries made in the record of said
Probate Court and of all matters and Proceedings
relating to said cause T B A W S Barton plaintiff
against the Estate of H M Wiatt and that the
Papers accompanying this are the original papers
filed in said cause and are all and the only papers
filed in said cause.

In witness whereof I have
here to signed my name
affixed the seal of said
Court at office at Hillsboro
in said County this 17th
day of January 1873

Jos. J. Williams
Judge of Probate

Cost in the above

Judges fees - for filing one paper	—	05-
Entering order on record	15-	15-
For Transferring certificate & seal	—	80
Total Cost	\$1.00	

Jos J Williams
Judge

3449

W. H. J. Barton

ve

Est. H. H. Wiat

Transcript

Filed April 23rd 1873
W. H. J. Barton
R. C. The Marine & E. Co.

3423

1 The Court declares the law to be that if Henry M. Tate entered the Army of the Confederate Government in the beginning of the late war and remained in said Army during the entire war except the last eighteen months, which time he was a Federal prisoner ^{in Fort Delaware}, and was discharged from prison in July 1865, and afterwards to wit in the fall of 1866 said Tate left Virginia and came to Michigan, and then resided until his death, and that said plaintiff now residents of Virginia during all this time, the Court should find for the plaintiffs -

2. If the Court should find that said Tate by absconding, or concealing himself, or by any improper conduct or act prevented the commencement of a suit against him on said note within ten years after its maturity, then the time such suit was so prevented should not be taken as any part of the time limited for the bringing of said suit.

Parton

by

W. H. C.

Instructions for diff