

APRIL 1822,

SHIELDS, JAMES C
VS
BATES, ELIAS

Partnership settlement

Compel defendant, as administrator of
Zopher P. Evans, to account for monies
owed to plaintiff when he and Evans
dissolved their partnership as
carpenters in Mine a Burton

Notice

is hereby given that the Partnerships hereto-
=on existing under the firm of Evans and
Shuler ^{trading} ~~trading~~ ^{trading} ~~trading~~ All persons having

any demands against said firm with
present them for settlement to the Subscri-
ber at the firm of Barton, and all

²³⁴⁵
¹⁷⁵⁰ those indebted to them are requested to come

or were and pay their respective
Balances to

John C. Barton

April 11 1814

John C. Barton

To the Honorable the Judge of the circuit
Court of Jefferson County in the State of Missouri
Sitting in Chancery most respectfully complain-
ing sheweth unto your Honor your Orator
James C Shields of the County of Fayette State
of Kentucky that Sometime in the fore part of
the year 1807 your Orator entered into partner-
ship with one Gopher P Evans of the District
of St Genevieve Territory of Louisiana now
Washington County State of Missouri in the
Cabinet house Joiner and Carpenter business
at the Village of Mine a Baston in the then
District of St Genevieve now County of Washington
And the said Gopher P Evans being poor and
deprived of little Property and but few Tools
to carry on the business aforesaid your Orator
furnished the principal part of the Tools which
Tools were to go into the firm of Evans and
Shields as so much Joint Stock and when the
affairs of the firm aforesaid should be finally
settled the profits arising therefrom were to be
equally divided between your Orator and
(1)

(2)

and the said Zopher P Evans. That your Orator and the said Zopher P Evans purchased a lot of ground in the said Village of Uxine a Boston and erected thereon a workshop the more completely to carry on their aforesaid business. That your Orator and the said Zopher P Evans continued to work in partnership and carry on the aforesaid Cabinet House Joiner and Carpenter business until some time in the year 1813 when your Orator went to the State of Kentucky. That in the year 1814 your Orator received by letter a notice from the said Zopher P Evans signed in his own proper hand writing bearing date April 7th 1814 declaring the firm of Evans and Shields was thereby dissolved and requiring settlements to be made with and payment to be made to the said Zopher P Evans which notice is marked C. and annexed to this Bill and your Orator prays to be made a part and parcel thereof. That your Orator and the said Zopher P Evans some time in the year 1811 had their Partnership books posted by one Jeph W. Cooper and there then was something upwards of

Thirteen hundred dollars due to the said firm in
notes and Book accounts and that the aforesaid firm
of Evans and Shields owed somewhere about two
hundred dollars, that from the year 1811 when the
books aforesaid were posted until your Orator
went to Kentucky and until the date of the
aforesaid notice of the dissolution of said Partnership
there has been no further account of the state of
said firm neither has there been any settlement
between your Orator and the said Gopher P
Evans nor has your Orator received his part
of the profits arising to your Orator from the
aforesaid firm of Evans and Shields either from
the said Evans or any person for him. And
when your went to Kentucky he supposed and
believes there was about the sum of one thousand
dollars due him from the aforesaid firm of Evans
and Shields besides his part of the Tools stock
on hand and house and lot, that whatever sum
or sums of money or otherwise your Orator may
have received from said firm he believes are
charged on the Books of said firm the amount
nor items are now recollcted by your Orator
that the said Gopher P Evans continued to

carry on the cabinet and other business as aforesaid
 in the shop that your Orator and the said Gopher
 P Evans had built for that purpose and with
 the Tools as aforesaid until sometime in the year
 1817 when the said Gopher P Evans removed to the
 Town of Heraklanum in the County of St Louis
 now County of Jefferson aforesaid and carried the
 Tools aforesaid with him. That the said Gopher
 P Evans sometime in the year 1819 departed this
 life leaving no heirs or representatives except his
 wife who has since departed this life also
 That a certain Elias Bates of said County of
 Jefferson (and who your Orator prays to be made
 a Defendant to this Bill) was by the Circuit
 Court of said County of Jefferson appointed
 Administrator of all and singular the goods
 Chattels rights and credits of the said Gopher
 P Evans deceased, that the said Elias Bates admin-
 -istrator as aforesaid has proceeded to perform
 his several duties as administrator aforesaid and
 among other goods and Chattels of the said
 Gopher P Evans deceased he the said Elias
 Bates as administrator has Invented the
 Partnership tools belonging to the firm of
 Evans and Shurt as Evans property

and made sale thereof and refuses to account to your Orator for the one half of the proceeds of the sales of said Tools. (I bid your Orator further sheweth that the said Elias Bates administrator as aforesaid has possession of the books and papers belonging to the said firm of Evans & Shields and refuses to let your Orator or his attorney examine them to discover how the accounts of said firm stand if there are any debts not yet collected and what amount may be due to your Orator of those uncollected debts. That the said Elias Bates as administrator aforesaid refuses to account with your Orator for the several sums of money that the said Zopher P Evans in his lifetime has collected of the partnership debts and appropriated to his the said Evans own use and benefit and not accounting to your Orator for his half part thereof.

All which doings and doings of him the said Elias Bates and his confederates (which your Orator prays may be made parties to this Bill when discovered with apt and proper words to charge them and every of them as Defendants) are contrary to right equity and good conscience and tend to your Orator's wrong and injury. (5)

In Tender consideration whereof and forasmuch as matters of this nature are most properly cognizable and relivable in a Court of Equity before your Honor and in regard that your Orator cannot compell the said Elias Bates as administrator of the said Joseph P Evans deceased to make a full discovery of all the Books and papers belonging to the said firm of Evans and Shields and account to your Orator for what may be due to him from said firm out of the assets of the said Joseph P Evans deceased or so far as the said Evans has collected of said Partnership debts But by the aid and assistance of a Court of Equity

To the end that the said Elias Bates upon his Corporal oath to the best of his information knowledge remembrance and belief true full and perfect answers to all and singular the premises aforesaid as fully and particularly as if the same were here again repeated and interrogated, And that the said Elias Bates may set forth whether of his knowledge or information your said Orator and Joseph P Evans did not enter into Partnership in the cabinet house Joiner and Carpenter business as aforesaid set forth

In the year 1807 aforesaid at Union a Boston aforesaid
Whether firm of Evans & Shields did not continue
until the 17th day of April 1814 the date of
the notice aforesaid? Whether there has been any
Settlement between your Orator and the said Gopher
P Evans and whether there would not be a large
sum due to your Orator on the Settlement of the
said firm of Evans & Shields? Whether the said
Gopher P Evans did not carry on the aforesaid
Cabinet house Joiner and Carpenter business
with the Tools of the said firm until the said
Evans removed to the Town of Herculaneum
and after his removal until his death? Whether
he the said Elias Bates was not after the decease
of the said Gopher P Evans appointed by the
Circuit Court of Jefferson County administrator
of all and singular the goods & chattels rights and
credits of the said deceased? Whether he the
said Elias Bates as administrator of said
said deceased has not Invented and sold the
Tools belonging to the firm of Evans and
Shields as the property of Evans?
(7)

whether he the said Elias Bates has not the Books and papers of the firm of Evans & Shields in his possession in which are contained the accounts of the firm aforesaid? Whether of your knowledge you know that the said Gopher P Evans did collect debts due said firm and appropriate to his own use without accounting therefor? Whether are not sundry accounts remaining in said Books unsettled and to what probable amount?

And your Orator prays your Honor to grant him the gracious writ of Subpoena directed to the said Defendant Elias Bates to personally appear before this Honorable Court to answer the premises and to stand to and abide such order and decree therein as your Honor shall deem agreeable to equity and good conscience and as in duty bound your Orator will ever pray &c.

John Brickley Solicitor
for Complainant

The clerk of Jefferson County will issue a Subpoena in this case

John Brickley, Solicitor

State of Missouri }
County of Jefferson } I Elias Watts of said County
Greeting.

You are hereby commanded that you be
and personally appear before the Judge of
our Circuit Court at a Court to be held in the
Town of Herculaneum in and for said County
on the second Monday of April next, then &
there to answer the Bill of Complaint of James
C. Shields exhibited against you in Chan-
cery, and that you fail not

Witness Saml. Woodson Clerk
of our said Court, at Herculaneum
the Eleventh Day of Feb'y in
the year of our Lord eighteen
hundred and twenty two -
and of American Independence
the forty sixth

[Signature] By Clerk

State of Missouri } Joachin Township February 28th 1822
County of Jefferson } I then served the within Petition and
Summons by reading the same in the hearing of the
within named Elias Bates

Chauncy Smith Sheriff

Sheriff's fees Service \$0.80
Travel 10
1190

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April Term 1822

James L. Shields

~~James~~ Chauncy

Elias Bates

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State of Illinois To any Judge or Justice of the peace
Jefferson County ³ in the County of Menro & State of
Illinois Greeting We reposing special trust and
Confidence in your integrity & benevolence to require
and Command you that you cause to come before you
such persons as may be named to you by James C. Shill
his agent or solicitor and then examine upon their
Oath to be by you administered touching their
knowledge of any thing that may relate to a certain
matter of Controversy now pending in our Circuit Court
sitting as a Court of Chancery for the County of Jefferson
aforesaid wherein the said James C. Shill is plaintiff
and Elias Bates as administrator of Joseph P. Evans
deceased is Defendant on the part of the plaintiff and having rendered
the Depositions to be by you taken as aforesaid to writing you
shall send the same together with this Commission enclosed
under your seal to our said Court with all convenient
speed

Witness Samuel Woodson clerk of our
said Court at office this twenty second day
of September in the year of our Lord
one thousand eight hundred and twenty
three and of our Independance the
forty eighth
Sam Woodson Clerk

James B. Shields
vs
Wm. Dedmon
Elias Bates

James B. Shields
vs
Elias Bates

In Chancery

On vacation this twenty

second day of September one thousand
eight hundred and twenty three On motion of John Bridgely
Attorney for plaintiff it is ruled that a Dedmon issue to
any Judge or Justice of the Peace in the County of Monroe
in the State of Illinois to take the Depositions of Witnesses to be
read in evidence on the trial of the above cause

A copy

Sam Woodruff Clerk