

March 1831 No. 2

State ex rel

Lane, James S.

Knox, George

Farler, Lemon, et al

vs.

Johnston, Gabriel J.

Johnston, General W.

Wideman, Meredith

Helderbrand, Alexander, et al

Sheriff's bond

Defendant allowed Joseph W. Garraty
to escape, imprisonment for \$310
debted to plaintiffs; other
plaintiffs William T. Tilton, John D.
Stoddard; other defendants Benjamin
Johnston, Sr.

In the Circuit Court

March Term 1830

Jefferson County Court

|||||||

The State of Missouri who sues
to the use of James S Lane George Snodgrass
Parker William S Sillou and John D Stoddard
by Gamble her attorney complains of Gabriel
J Johnston Benjamin Johnston Senr. Mer-
edith Widdemoir and General W Johnston
of a plea that they render unto her the
sum of five thousand dollars which to
her they owe and from her unjustly de-
tain. For that whereas on the ^{thirtieth} ~~fourth~~ day
of ^{October} ~~September~~ in the year eighteen hundred
and twenty eight at the County aforesaid
the said defendants by their certain writing
obligatory sealed with their seals and now
here to the Court shewing the date whereof is
the day and year aforesaid acknowledge
themselves to be held and firmly bound unto
the State of Missouri in the sum of five
thousand dollars ~~for the payment of~~
for the payment of which they bound
themselves by the said writing obligatory

Nevertheless the said Defendants although
often requested have not paid to the said
Plaintiff the said sum of money in the
said writing obligatory mentioned or any
part thereof but to pay the same hitherto
have and still do altogether refuse to
the damage of the said Plaintiff of
one hundred dollars and therefore she
sues, &c

A. H. Gamble atty for

State of Missouri
County of Jefferson

The State of Missouri

To the Sheriff of said County "Greeting

You are hereby commanded to summon Gabriel J Johnston, Benjamin Johnston Senior, Meredith Wideman, and General W Johnston, that they be and appear before the Judge of our Circuit Court at the next Term thereof to be held at the Town of Hannibal within and for said County of Jefferson on the third Monday of March next. There and there to answer to the State of Missouri who sues to the use of James S Lane, George Knox, Lemor Parker, William S Tilton and John D Stoddard of a plea that they rendered unto her the sum of Five thousand dollars, to the damage of said plaintiff of One hundred dollars, and have you then there this writ.

Witness Chauncey Smith Clerk of our said Circuit Court at office this 14th day of February in the year eighteen hundred and thirty one.
Chauncey Smith Clerk.

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The State to the use of
some known & to

by

Gabriel Johnston this
accusation

This is an action of debt
for \$500. on a promissory
note given \$100

Set a summons & serve
a subpoena
a subpoena

Filed February 14th 1831
to Sheriff Clerk

Served the within writ and declaration on Gabriel Johnston
Benjamin Johnston Senr and General W Johnston by reading the
same in their hearing on the 3^d day of March inst and on
Meredith Wideman by reading the same in his hearing
on the 4th day of March instant
March 4th 1831

A Knighten Shff

Sheriff fees \$4

The State, to the use of ~~same~~ } In the Jefferson Circuit
Knox & Co: } Court - Nov. 7. 1832.
27 }
Gabriel, J. Johnston, et al }

and the said plaintiffs, as to the said plea of the said defendants by them pleaded, say, that they, said plaintiffs, by reason of any thing in said plea alleged, ought not to be barred from having and maintaining their aforesaid action thereof against the said defendants, because they say, that heretofore, to wit, on the thirty first day of October in the year one thousand eight hundred and ~~thirty~~ ^{thirty} eight James M. White and James S. Lane, to the use of the said plaintiffs, recovered by the consideration and judgment of the ^{Judge of the} Circuit Court in and for the County of Jefferson aforesaid, at the October Term of said Court in said year, against one Joseph W. Garraty the sum of five hundred and twenty dollars and forty cents for their damages by them sustained, by reason of the non-performance of certain promises and undertakings in the declaration of them, the said then plaintiffs, against the said Joseph W. Garraty, mentioned, as well as their costs and charges by them about their suit in that behalf expended, whereof the said Joseph W. Garraty was convicted,

as by the records and proceedings thereof still re-
maining in the said Circuit Court of the State
of Missouri, in and for the County of Jefferson, ^{will} more
fully and at large appear; and the said plaintiffs
further say, that ~~they~~ ^{the said then plaintiffs} for having execution of the
said judgment, afterwards, to wit, on the tenth day
of August in the year one thousand eight hundred
and twenty nine, sued out of the office of the Clerk
of the said Circuit Court for the County of Jefferson,
at Jefferson aforesaid, a certain writ of the State of
Missouri, called an execution, upon the said judg-
ment of the said ^{then} plaintiffs against the said Jos-
eph M. Garraty, directed to the Sheriff of the County
of Jefferson; and ~~which said writ was as follows,~~
~~namely, The~~ "State of Missouri, County of Jefferson,
for the State of Missouri to the Sheriff of the County
of Jefferson, Whereas James M. Garraty and
~~James M. Garraty and~~ ^{James M. Garraty} ~~James M. Garraty~~
~~James M. Garraty~~ ^{James M. Garraty} ~~James M. Garraty~~
~~James M. Garraty~~ ^{James M. Garraty} ~~James M. Garraty~~
~~James M. Garraty~~ ^{James M. Garraty} ~~James M. Garraty~~
by which said writ, the

the said State of Missouri Commanded the said Sheriff of the County of Jefferson that of the goods and chattels lands and tenements of the said Joseph W. Garaty he should cause to be made the damages aforesaid, and that for want of sufficient goods and chattels, lands and tenements whereon to levy and make the same, then the said State Commanded the said Sheriff to take the said Joseph W. Garaty, if he should be found in his, (said Sheriff's) custody, and him safely keep, so that the said Sheriff should have his, (the said Joseph's) body before the Judge of the said Circuit Court, on the third Monday of November then men following, to satisfy the said ^{then} Plaintiffs of the aforesaid damages and costs in form aforesaid recovered, and that the said Sheriff should certify to the said Judge how he should execute the said writ, and that he should have then the said

writ. And the said writ afterwards and before
the same was delivered to the said Sheriff, to
suit, on the day and year aforesaid was duly
endorsed with the amount of the said judgment
and of the costs of the recovery thereof. And which
said writ, so endorsed, afterwards, and before the
said return thereof, to suit on the eleventh day
of August in the year eighteen hundred and
twenty nine, at the County of Jefferson aforesaid,
(and after the making and delivery of the said
writing obligatory, in the said declaration, of the
said present plaintiffs against the said present
defendants, mentioned) was delivered to the said
Gabriel J. Johnston, who then and thenceforth
until, and at, and after the return of said writ
was Sheriff of the County of Jefferson aforesaid,
to be executed in due form of law. By virtue
of which said writ, the said Gabriel J. Johnston,

so being Sheriff of the County of Jefferson as
aforesaid, ~~levied and made~~ afterwards and
before the return of said writ to writ on the sin-
teenth day of October in the said year eighteen
hundred and twenty nine, at the County of
Jefferson aforesaid, levied and made out of
the goods and chattels, lands and tenements of
the said Joseph W. Garraty the costs of said judg-
ment and execution together with the sum of
two hundred and fifty nine dollars and sixty
eight cents of the damages, so as aforesaid recov-
ered by said ^{then} Plaintiffs; and the said Gabriel I.
Johnston, so being Sheriff as aforesaid, afterwards,
to writs on the day and year aforesaid, at the
County of Jefferson aforesaid and within his
bailiwick, to satisfy the residue of said dam-
ages, to wit the sum of three hundred and
ten dollars and seventy two cents, by virtue
of said writ, took and arrested the said Joseph

W. Garraty by his body and then and there, by
virtue of the said writ, had and detained him
in his custody, in execution for the said res-
idue of said damages to wit the sum of
three hundred and ten dollars and seventy
two cents, and kept and detained him, said
Joseph, in his custody from thence until
the said ~~Joseph~~ Gabriel J. Johnston, so
being Sheriff of the County of Jefferson as
aforesaid, afterwards, to wit, on the day and
year last aforesaid at the County of Jef-
ferson aforesaid, suffered and permitted
the said Joseph W. Garraty to escape
and go at large, and the said Joseph
did then and there escape and go at-
large whithersoever ~~he~~ would, out of
the custody of him, said Gabriel, so being
then and there Sheriff of the County of

of Jefferson as aforesaid, and the said sum
of three hundred and ten dollars and
seventy two cents, the residue of said dam-
ages as aforesaid, being then and still
wholly unpaid and unsatisfied to the
said plaintiffs, to wit at the County of
Jefferson aforesaid. Contrary to the
form and effect of the said condition
of the said writing obligatory, to wit
at the County of Jefferson aforesaid. And
this the said plaintiffs are ready to verify
wherefore they pray judgment, and their
cost and damages to be adjudged to
them &c.

A. R. Gamble }
J. Murray } atts

State, use Lane, Thore
L Co

Dr:

Cabriel S. Johnston at

Education

W H Smith

Albany

add

Delat March 14th 1888

W Smith Clerk

The State of Missouri
vs. John C. Knox & Co.

Gabriel I. Johnson
Benjamin Johnson Senr.
Meredith Wideman
General W. Johnson

In Defense Circuit Court

The said defendants by their
attorney come and defend the wrong and injury
done to and crave over of the writing obligatory in
the declaration mentioned with the condition thereof

Grays for depts

Attest the true
of Jane Knice 980
v
Gabriel & Eliza Knice

Witnessed March 21st 1831
E. Smith Clerk

Gabriel Johnson
& others

ads

The State of Missouri } and the said defendants
are & } come and defend the wrong and
injury where and having viewed over of the said
supposed writing obligatory the same is read to them
in the words & figures following

" Know all men by these presents that I Gabriel I
" Johnson as principal and Mr General W Johnson, Mer-
" cede Widenman Alexander Heldebrand & Benjamin
" Johnson Senior as securities are held and firmly bound
" unto the State of Missouri in the just and full sum
" of five thousand dollars to the payment whereof we
" jointly and severally bind ourselves & our heirs &c
" The condition of the above obligation is such that whereas
" Gabriel I Johnson above bound has been elected and
" commissioned as sheriff of the county of Jefferson in the
" said State of Missouri. Now therefore if the said Ga-
" briel I Johnson shall well and faithfully perform the
" duties of his said office as sheriff aforesaid according
" to law and pay over according to law all monies
" which shall come to his hands as sheriff as aforesaid
" then the above obligation to be void else to remain
" in full force & effect. Witness our hands & seals at
" New Orleans this Thirtieth day of October A.D. 1828.

G I Johnson *G.I.*
G W Johnson *G.W.*
Mercede Widenman *M.W.*
B Johnson Sr *B.J.*

which being read and heard the said defendants
say that the said Gabriel hath well and truly
performed fulfilled and kept the said con-
dition of the said writing obligatory contained in all
things in the said condition mentioned in his part
and behalf to be done performed fulfilled
& kept. And thus the defendants are ready
to verify wherefore they pray judgment &c

G. W. B. for diff.

State -
" -
Edmondstal
Alca