

Jefferson County Circuit Court
Case Files - Civil
August 1838, No. 9

Folder 1042

Box 4 Folder 6

Gammache, Louis D.

vs.

Gammache, Joseph

Certiorari

Certified from JP Austin Shelton on
unlawful detainer of dwelling house, store
house, and 7 acres on road leading from
Herculanum to St. Louis, 2 miles from
Ferry on Merrimack in 8574226

Res't. Squawch. I'm hereby
informed and request that you in
ten day deliver to me the possession
of the infirmities in your possession
in the townships 42. Section 25
Range 16. Located on the Big
Bear and Milk River
Res'ton. Davis. D. Squawch.

Served by leaving a copy of the
written at ~~the~~
Joseph Gannache
1838.

the residence of ~~the~~
Thebany 28
James M^d Miller

Filed Aug 4th 1838
J. H. Allen
Att.

To Austin Shetton. One of the Justices
of the peace within & for the County of Jefferson
and Township of Joachim Greeting—

The undersigned your Petitioner complains of
Joseph Gurnash, of an unlawful detainer
(tenant) your petitioner let, or gave the possession of
a certain Improvement, &c, to the said Joseph Gurnash
on the 23^d day of October last past, for him the
said Joseph to have hold & enjoy the same until
the first day of the present month (March 1838) said
Improvement consists of a dwelling house, Store house
& other buildings, together with about six or seven
acres of land under fence, & is situate in said County
of Jefferson, on the road leading from Herculanum
to St Louis, about two miles from the ferry on the
Merriamack, & in Township 42, Section 5 & Range
6, although your ~~petitioner~~ the time has expired when
the said Joseph was to deliver to your petitioner
the peaceable possession of the said Improvement,
& although your petitioner have made demand
of the same ^{in writing} but, have refused & still doth refuse
to deliver the same to your petitioner, he there
fore prays that your honor may take such steps
as is necessary for the recovery of the same & your
petitioner will be in duty bound &c—

Jefferson County— Louis. D. Gurnache

March 10th 1838

Filed March 10th 1838

Austin Sherron Justice

Hamache

Hamache

Filed Aug 24th 1838

John A. Sherron

Attest

The State of Missouri
To the Constable of Joachim Township in the
County of Jefferson Greeting — You are hereby
commanded to summon Joseph Gurnash
of the County of Jefferson to appear before
the undersigned Justice of the Peace within &
for said County at my office in said County
on the twenty third day of the present month
(March) at the hour of twelve o'clock, in the
forenoon of said day, then & there to answer
and defend against the Complaint of Louis, D,
Gurnash of an unlawful detainer made
by the said Joseph Gurnash upon the Lands
or Improvements of the said Louis, D, Gurnash
as by the Complaint of the said Louis, D, Gurnash
hereto annexed, will more fully appear, and
have you then & there this precept, with the
return of your proceedings thereon
given under my hand this 10th day
of March 1838

Austin Stetson Justice.

Executed the within by leaving a copy at the residence
of Joseph Gumash and reading to a white member
of his family over the age of 15, ^{years} M. Doyce
March 12th 1838 Constable

Louis B. Gumash
As 3/5 Lums.
Joseph Gumash

Witnessed & attested
1838/4

Constable fees -- 50c

Filed Aug 4th 1838
M. Doyce
M. Doyce

Mr Joseph Sumner

Also take notice, that I
shall attend on Monday the 15th Instant
at ten of the hour of John, B, Prouty, living
in said County (titled Deer Creek), for the purpose
of taking the deposition of Nathaniel Prouty &
Ernest Prouty, to be offered in evidence in a
certain action of unlawful detainer against
you wherein I am complainant, before
Justice Shelton Esq on the 23^d Inst, when
& where you may attend if you think
proper

Leflore County—
March 10th 1838

Wm. B. Sumner.
by his agent

H. B. Schmitt

Executed the within by leaving a copy and reading
it to a white member of the family of the person
named Joseph Sumner. ^{12th 1838} ^{12th 1838} ^{12th 1838}
March 12th 1838

Notice by
Louis D. Sumner
25-
constable fees 50¢
Filed & Mathew
aug 4th
1838. } *Wk*

State of Wisconsin
County of Jefferson The State of Wisconsin

Do the contents of foregoing Township in said County
meeting—You are commanded to summon David Mc-
-Mear, William Roy, James Roy, Nathaniel Brumby, Nathan
Brumby, James McMichael, Joseph Smith, Sumner, Enos
Brumby, John Brumby & Nathan Drayton, that they be and
appear before the undersigned Justices at my office, on the
23^d day of the present month, at twelve o'clock, to give testimony
between Lewis D. Sumner & Joseph Sumner, and I have given
them these this writ thereof 1838
Given under my hand 1838 Austin Weston Justice

Presented this within by bearing
to the within named witnesses
except David M. Freeman in
consequence of high water
J. M. Thompson
Constable

Louis D. Gurnea
w. 3 Mra
Joseph Gurnea
for 18 3/4
1

constables for \$4.50

Filed Aug 4th 1838

J. M. Thompson
Clerk

The State of Missouri

To the Constable of Loachin Township in
Laid County ^{Superior} & greeting — Whereas comp-
-plaint in writing has been made to the undersigned
a Justice of the peace in & for said County
of a certain unlawful detainer made by
Joseph Gumark in the Messuage or on the
Land of Louis D. Gumark in the County aforesaid
There are Therefore to command you that
you cause to come before the said Justice
at my office in the County aforesaid on
the 23^d day of the present month, at the
hour of Twelve o'clock of said day Twelve
Good & lawful men of the body of the County
to make a Jury to enquire into an unlawful
detainer before aforesaid

Given under my hand this 10th
day of March 1838

Austin Shelton Justice

David D. Gannett

23 June

Joseph Gannett
25

for
July

Created this 1st day
of March

Wm. Gannett
Comptroller

Filed Aug 4th 1838

Matthew B. H.

Henry Henry

John Williams

John Williams

William Williams

John Williams

John Williams

John Williams

John Williams

John Williams

John Williams

John Williams

John Williams

John Williams

John Williams

Comptroller
for 4th

Filed Aug 4th 1838

Matthew B. H.

Austin Shallow Esq^r

Sir

You will please send
Subpoenas, in the suit of L.D. Gurnache
against Joseph Gurnache, for the following
named Witnesses - Sophia Gurnache,
Mary^r Gurnache, Noel Onore, Jonas Gates
Stephen Smith, John Richardson,
David M. Main - all made returnable to
the 23rd day of the present month -

Joseph Gurnache
Decr. 14th 1838.

L. D. Gunnach

⁶⁴
J. Gunnach

before A. Shetton Esq.

memo^m for wit^o
on the part of
the def^t

(Filed Aug 4th 1838

W. A. Thayer
clerk

the State of Missouri Society of Jefferson to the
Comptroller of the State in said County great
ing the Comptroller to the Comptroller of the
Marquet Gurnard Lee and James Gurnard
Smith John Richardson David M. Meiers they
all Excesses and delays set aside they be and
appear before the undersigned for the
why office in said Township on Monday the 23
day of this instant at the hour of 10 of the
Clock of that day to give testimony in a
to contain the same before me pending the same
and Gurnard as present and Joseph
Gurnard on the part of the Defendant
"I am under my hand this 14th of March
1838 as the Sherton Justice of the peace

Executed the within
 by reading to the within
 named witnesses except
 drew the means which
 could not be found in
 consequence of high water
 March 20th 1838 W. Floyd Constable

Louis Gurnamch
 1839
 Joseph Gurnamch

Constable J. W. 1838

Thos. Aug 4 1838
 (Thos. Aug 4 1838)

W. C.

~~Executed the within by having a certified
 copy and reading it to a white member
 of the family after the usual fashion
 March 14th 1838 W. Floyd Constable~~

State of Wisconsin
County of Jefferson
The State of Wisconsin

This day personally came before
me the undersigned Justice of the Peace, Wm. L. Smith,
a Sheriff. John Davis. D. Gurneys, Wm. L. Smith, and Joseph
Gurneys, Defendants, for an unlawful detainer, who
upon their oath. State that one John appears heard
said Joseph Gurneys say that he had heard a
certain improvement (said) the purveyor in dispute
from his mother said D. Gurneys only for the
last winter, and then to give said Davis possession
in the spring '86. said said and others to this—
on day of March 1838 As witness my hand

Hannacher

17

Hannacher

Stilles Aug 14th 1838

[Signature]

[Signature]

State of Missouri
County of Jefferson The State of Missouri

At the Court of Leachman Township in
said County greeting— The Command Your
Writ Your Counsel to Come before the undersig-
ned Justice, Andrew Good & Lucile Mary Com-
-plaint to serve as Jurors in Justice Court
to appear at my office in said Township
of Leachman on Saturday the 14th of June
next at the hour of 12 o'clock of that day
to make a Jury between Lewis S. Gumbel
Plaintiff & Joseph Gumbel Defendant
and have you then & there the Jurors, with
a return of your finding thereon
given under my hand & Seal— 23rd 1888
Jas W. Shelton Justice

Forwrit

for duty

Lucio D. Gunn

Joseph Gunn

25

Forwrit

Alfred Aug 4th 1838

Alfred Aug 4th 1838

Joseph Gunn

John Gunn

John Gunn

Charles D. Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

John Gunn

The State of Missouri County of Jefferson To the
Constable of Joachim Township in said County
Greeting we Command you To summon —
David W Means Jonas Yates ~~Alb~~ and
Samuel Byrd that they be and appear
before the under signed Justice at my
office in said Township on Saturday the 14
day of April Next to give testimony in
a certain matter before me Pending
wherein Luis D Gumach is Plaintiff and
Joseph Gumach Defendant on the part
of the Defendant ~~and~~ have you then and there
this writ given under my hand this
24 day of March 1838

Austin Shotton Justice

Luis D Gumarch
vs { Supra
Joseph Gumarch
18 3/4

Constables fees \$11.00

Filed Aug 4th 1838
Matthew
Clerk

Executed the within by ~~James~~ James to Samuel
Baird & James party David W. & Thomas not found
in consequence of high water.
Wm. Joseph Constable.

The State of Missouri County of Jefferson
to the Constable of Potosi Township in said
County greeting the Command now to summon
David M. Meers and Allen Vincent that they be
and appear before the undersigned Justice of
my office on Saturday the 14 day of April Next
at the hour of twelve O'clock of that day to give
testimony in a certain matter before me when
during wherein Lewis J. Gunnard Plaintiff and
Joseph Gunnard Defendant on the part of the
Plaintiff and have against them and them this
verdict given under my hand this 24th of
March 1885

Justin Skilton Justice

Executed the within by acknowledgement
of Allen Diamond David Mc. Means not
found in consequence of high water
Wm. Slope Constable

Lucas D Gumarch

vs Supra

Joseph Gumarch

1834

constables fees \$ 50

Filed Aug 4th 1838

Wm. Slope

at the

The State of Missouri's County of Jefferson to the
Com. Sales of Jackson Township in said County
meeting the Com. Sales now to be summoned within
the Township ^{for the purpose of} and alleges that she means wife of
David Black means that all excesses relative
they do and appear before the undersigned
Jus. in said Township on Saturday the 14 day of
this instant at my office at town of Elmore
obtain of that day to give testimony in
a certain matter before me pending between
said person's Plaintiff and Joseph Guinn
defendant on the part of the Plaintiff given
under my hand this 5th of June 1858

Thus the Sherriff Justice

Executed the within by reading to John &
Wm McDonald ~~David~~ Mc Means ~~John~~
not found in consequence of high water
Wm. Hodge Constable

Luis Gumarach

PR

Joseph Gumarach

Supremacy 18 3/4

Constable fees \$11.00

Filed Aug 4th 1838

J. Mathew

clerk

State of Missouri
County of Jefferson }
vs

To the Court of the said County
Your Petitioner James D. Smith
doth with to appear before the undersigned
Justice to give testimony between Louis A.
Smith and Joseph Smith
Defendant on part of Dft

Given under my hand this 14
day of June 1838

Austin S. Foster Justice

Returned served this 14
day of April 1838

Wm Lloyd
Constable

5 shillings
for 27th 18th 1/4
constables fees 5003

Given August 15/1838

Wm Lloyd
Constable

State of Missouri The State of Missouri
County of Jefferson To the Clerk of the Court of
the County of Jackson
Shunbys in said County greeting — The
Comman and Just that your summons
Benjamin Livingston, that all execution
and delays are away to be and appear
forth with before the undersigned Justice
at my office in said County at the
hour of ten o'clock of this day, to testify
and hear to say in a certain matter
of controversy, before me pending, of an
undisputed certain, when said
summons is complained of Joseph Sum-
-ahs Defendant, on the part of Plaintiff
and herein said not and said not at
space said, I was unable my hand this
14th day of June 1838

Thus test Sherton Justice

Executed the within, ^{by} acknowledgement of
of Benj Johnston Myrlogoe Constable

Luis D gumarch
or

Jos. D gumarch

Supremacy 1831/4

constables fees - 50^{cts}

Filed Aug 4th 1838

W. M. at the
J. M.

State of Missouri } The State of Missouri
County of Jefferson } 3

To the Constable of Joachim
Township in Said County Greeting— We Command
you that you Summon Twelve Good & Lawful
Men of your County, to appear before the under-
signed Justice, at my office in Said Township, on
Saturday the 12th day of May next, at the
hour of ten o'clock in forenoon of that day, to make
a Jury between Louis D. Gurnash Complainant
and Joseph Gurnash Defendant, for an unlaw-
ful detainer, and herein fail not & fail not
at your peril, & have you then & there this
precept, with your return on the same—
Given under my hand this 19th
day of April 1838,
Austin Shotton Justice

~~Robert Thompson~~
~~Benjamin Lusk~~
Thomas Cole
Jas. Thurstall
~~John Thurstall~~
John Thurstall
Richard Thurstall
William Cole
Joshua Thurstall
John Thurstall
James H. Thurstall
William Thurstall
Leonard Thurstall
William Thurstall
Benjamin Thurstall

Louis D. Gurnard
25-
Joseph Gurnard
25-

Constable, fees \$4.00

Filed Aug 4, 1838

Matthew
Baker

The State of Missouri } to the Constable of Jackson
County of Jefferson }
dooms him in said County
The Command you that my said Summons I serve Means
and his wife and ^{other the parties} William Ellis that, ^{they} be and appear
before the under signed Justice at my office in said
township on Saturday the 12th of this instant at the
hour of ten o'clock of that day of to give testimony
in a certain matter before me pending wherein
Lewis Guernsey Plaintiff and Joseph Guernsey
Defendant on the part of the Plaintiff have you
then and there this writ given under my
hand this 1 day of May 1838

Austin Shelton Justice

Executed by reading to the within
named witnesses May 12th 1838
J. M. Doyle
Constable

Luis D Gumarch
as { Supreme 18
Joseph Gumarch 17

David McMeans and
his wife
Wm. McConald
Wm. Ellis on the part
of the Plaintiff

Constables fees 2.00

Filed August 4th 1838

J. M. Doyle
Clerk

The State of Missouri } Or the Constable of Jackson
County of Jefferson } Towns begin in said County
the command you to ^{to} ~~summons~~ ^{seize} ~~and~~ ^{with} Samuel
Byrne and David McNamee that they be and appear
before the undersigned Justice at my office in
said Towns begin on Saturday the 12th of this instant
at the hour of ten O'clock of that day to give testimony
in a certain matter before me ^{concerning} with
as in his research Plaintiff and Joseph ^{quarant} defendant
on the part of the Defendant have you then there
this writ given under my hand this 10th of May

1838

James H. Shotton
Justice

Executed by reading to the
within named witnesses except
Samuel Byrd who could not
be found May 12th 1838

J. W. Floyd
Constable

Lucas D. gunnarch
25

Joseph gunnarch

Supremacy 18⁹/₄
for Stephen Smith

David McMeans

Samuel Byrd on

the Part of the Depend

constables fees 10⁰/₁₀₀ or

(Filed Aug 4th 1838)

J. W. Floyd
Constable

Stephen Smith
David McManis
Samuel Byrd
Gona Gattis
John Richardson
Sophia Gumash
Margaret Gumash
Noel Onori
Defendants
~~Plaintiffs~~ Witnesses

Filed Aug 4, 1838

J. Matheis

B. Johnston
D. W. Means
Jm Joy
Gas Joy
~~Flathorne Bushy~~
Rich. Bushy
Gas McMillon
Sophia Gumash
John Bushy
~~John Diamond~~
Allen Diamond
John McDonald
Jm McDonald
~~Bathman McManis~~
Thos Tucker
William Ellis
Plaintiffs Witnesses

1804
The day being doom the defendant objected to the
indefiniteness of the process. On this point that the
Commons had not been ⁱⁿdecided on or referred
to the Comptrolr. where objection the bill was
overruled & requires the trial to proceed.

Mr. Pearson. Then offered in evidence a paper purporting to
be the deposition of such party to the reading of which the
defendant objected which objection was overruled by the Court.

Filed Aug 4th
1838

Wm. Atkes
clerk

189 The plaintiff having closed his case the defendant
offered a motion to prove a verbal deal by showing the
Parasels of his proposition to the plaintiff in dispute
to which testimony the plaintiff offered that he had
disputed the objection.

24-122

27-00

20

20

180

Pilea Aug 4th 838 1.80

55, 11 2 1/2

Matthew

24 122

612

31, 00

As the Jury find the defendant guilty of the
unlawful detainer in manner and form as the
Complainant hath in his Complaint alleged

Joseph Lloyd
of counsel

Gamache
vs
Gamache

Filed Aug 4th 1838
Matthew
C. M.

Know all men by these presents that I Joseph Gamache as principal and we John Richardson and Isaac Hunt as securities are held and firmly bound unto Louis D Gamache of the County of Jefferson and State of Missouri in the just and full sum of one hundred dollars to be paid the said Louis D Gamache or to his certain attorney executors administrators or assigns to the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 14th day of May in the year of our Lordy eighteen hundred and thirty eight.

The condition of the above bond is such that whereas the above bond Joseph Gamache hath this day obtained a writ of certiorari allowed by the clerk of the Circuit Court for the County of Jefferson in the State of Missouri for the removal of certain proceedings now pending before Austin Shelton a Justice of the Peace for said County commenced by Louis D Gamache against the said Joseph Gamache upon a certain request of forcible entry and detainer or unlawful detainer of certain lands and premises in said proceedings mentioned. Now if the said above bond Joseph Gamache shall prosecute his writ of certiorari with effect to a decision in the Circuit Court or if judgment be rendered against him in the Circuit Court he will pay to the said Louis D Gamache double rent from the time of such forcible entry or unlawful detainer of the premises until the redemption thereof to the Plaintiff and that he will satisfy all costs that may be adjudged against him both before the Justice and the Circuit Court aforesaid. Then this obligation to be null and void otherwise to remain in full force and virtue.

Joseph Gamache ^{his} Seal
Mark

John Richardson Seal

Isaac Hunt

Seal

25
Joseph H. Hume
as J. Hume
Secy of Hume

John & Mary 14 1788

State of Missouri }
County of Jefferson }

The State of Missouri to Austin
Shelton a Justice of the Peace within and for the
County of Jefferson aforesaid Greeting.

You are hereby commanded to send up
to the Circuit Court of the County of Jefferson
aforesaid the Judgment record and proceedings had
before you on a case of forcible entry or unlawful
detainer wherein Louis D Gamache is plaintiff
against Joseph Gamache defendant in order that
said Judgment record and proceedings may be examined
for error which the said Joseph Gamache as aforesaid
alleges hath been committed by your Court and is apparent
in said record and proceedings. To be heard at the
next August term of said Circuit Court to be held
on the first Monday of August aforesaid and that
you certify how you execute this writ

Witness John S. Matthews Clerk
of our said Circuit Court at Office
in Mercurianum this 14th day of May
in the Year of our Lord eighteen
hundred and thirty eight

John S. Matthews, Clerk

Joseph Hamacher
W³ J. Bentons
Lewis Hamacher.
to
Austin Shelton.
Parties of the
Peace

Joseph Hamacher
has given bonds as
required by law
Matthew
Bent

Filed Aug 4th 1835
Matthew
Bent

Louis D. Gurnark } Be it remembered
Josephth Gurnark } That on the 10th day
of March 1838. Louis D. Gurnark filed his
Complaint under oath of unlawful detainer
against Joseph Gurnark before one Austin Shelton
a Justice of the Peace for the County of Jefferson
in the State of Missouri in the Words & figures
following to wit. Do Austin Shelton Be-
fore one of the Justices of the Peace within & for
the County of Jefferson & Township of Joachim
greeting— The undersigned your petitioner—
Complain of Joseph Gurnark of an unlaw-
ful detainer to wit your petitioner let or gave
the possession of a certain Improvement &c. to
the said Joseph Gurnark on the 23^d day of October
last past, for him the said Joseph to have hold &
enjoy the same until the first day of the present month
March (1838) said Improvement consist of a dwelling
Store house & other buildings together with about
six^{or seven} acres of Land under fence & is situate in said
County of County of Jefferson on the Road leading
from Mercurianum to St Louis about two miles
from the ferry on the Mercurianum & in Town-
ship 42 Section 5 & Range 6. although the
time has expired, when the said Joseph was
to deliver to your petitioner the peaceable possession
of the said Improvement & although your petitioner
have made demand in writing of the same, but
hath refused & still doth refuse to deliver the same
to your petitioner. he therefore prays that your
honor may take such steps as is necessary for the
recovery of the same & your petitioner will ever be

- in duty bound &c (Signed)

Louis D. Gurnark,

Jefferson County

March 10th 1838. and therefore on the same

day (to wit) the 10th day of March 1838 I issued my
Warrant for a Jury & a Summons for the def-
endant, agreeable to the Statute in such cases made
& provided - Which Warrant and Summons are in
the words & figures following (to wit) The State of
Missouri to the Constable of Joachim Township
in the County of Jefferson Greeting - you are hereby
Commanded to Summon Joseph Gurnark
of the County of Jefferson to appear before the
undersigned Justice of the Peace within & for said
County at my office in said County on the 23^d
day of the present month (March) at the hour of
12 o'clock in the forenoon of said day, there to
answer & defend against the Complaint
of Louis D. Gurnark of an unlawful detainer
made by the said Joseph Gurnark upon the
Lands or improvements of the said Louis D. Gurnark
as by the Complaint of the said Louis D. Gurnark
will more fully appear which is herewith annexed,
and have you then & there this precept with the
return of your proceedings thereon. Given under my
hand this 10th day of March 1838. Austin Shelton -
Justice of the Peace, The State of Missouri, to
The Constable of Joachim Township in said County
of Jefferson Greeting - Whereas Complaint in Writing
has been made to the undersigned a Justice of the
Peace in & for said County of a certain unlawful
detainer made by Joseph Gurnark, in the premises
or on the lands of Louis D. Gurnark in the County

aforesaid. These are therefore to Command you
that you Cause to Come before the Said Justice
at my office in the County of Jefferson aforesaid—
on the 23^d day of the present Month, at the hour of
12 o'clock of Said day— Twelve Good & lawful Men
of the body of the County of to Make a Jury to—
enquire into an unlawful detainer before me described
Given under my hand, this 10th day of March 1838.
Austin Shelton Justice— & on the 23^d day of March
1838, Thomas, W. Floyd, Constable, returned the Summons
endorsed June 86. as follows (to wit) executed the within
by leaving a copy at the residence of Joseph Gurnam
and reading, to a White Member of his family over
the age of fifteen years— March 12th 1838, W. W. Floyd—
Constable— at the same time also returned the warrant
endorsed as follows (to wit) executed this 10th day of—
March 1838, W. W. Floyd Constable— and on the 10th
of March, Supraenaz— Issued by order of the Plaintiff
for David M. Means— William Loy— James Loy—
Eatharine Busby— Richard Busby— James M. Miller
Sophia Gurnam, Emelia Busby— John Busby &
Richard Dimond— & by order of the defendant—
for Stephen Smith, David M. Means, Samuel Byrd—
Sophia Gurnam, Margaret Gurnam, Noel Orrora
Jonas Yates & John Richardson (which were returned
by the Constable— on the 23^d day of March 1838, endorsed
as follows— executed the within by reading, W. W. Floyd
Constable— and afterwards to wit, on the 23^d day of March
1838 the parties appeared— before me at my office
in Jefferson County and laid Jurors & witnesses over
and one of the parties, (to wit) the defendant Joseph
Gurnam, not being ready for trial— a continuance
is had by consent of parties until the 14th day of
April 1838, all Illegalities & ommissions on the part

- of the plaintiff or Justice, being waived by the defend-
-ant. Now on this 14th day of April 1838, the parties
appeared before me at my office in said County - &
the Jurors & witnesses also. and the parties being
ready for trial, the said Jurors were empaneled -
and sworn, well and truly, to try whether the Complaint
of Louis, D. Gurnard, the plaintiff, then laid before
them, was true according to evidence, and the proofs
and allegations - of the parties being fully heard -
and their till papers exhibited to the Jurors - the said
Jury retired to consider on their Verdict - and afterwards
on the same day - returned into Court, and stated to
the Justice that they could not agree - whereupon they
were discharged by the Justice, & by & with the consent
of the parties - and the Cause continued until the
12th day of May 1838 - and a new Jury Summons -
issued - Now on this day the parties appearing together
- or with the Jury & witnesses - for both plaintiff &
defendant, and the parties being ready for trial - the
said Jurors to wit - Thomas Ogil, Jacob Haverstick,
John Shoup, Richard Henderson, William Ogil,
Joshua Herrington - Josiah Craft, General, S.,
Johnston, William Kersley - Leonard Metts, Will-
-iam Null & Benjamin Hunt, Melus Good & lawfully
Men, of the County of Jefferson, who were empaneled
and sworn, well and truly to try whether the Complaint
of Louis, D. Gurnard, the plaintiff then laid before
them was true according to evidence, Here the defend-
-ant, objected to the process - and moved for an arrest
upon the ground that the Complaint, ~~had~~ had not
been attached to the Summons - which objection -
the Court overruled, and required the trial to proceed,
and the proofs & allegations of the parties being

fully heard, the said Jurors retired, to consider on
their Verdict - and afterwards on the same day re-
-turned into court, at the office aforesaid and after
being called and all being present, delivered to me the
said Justice their Verdict in Writing as following, (to wit)
We the Jury find the defendant guilty of the
unlawful detainer, in manner & form, as the
Complainant, hath in his Complaint alleged -
(signed) Josiah Crafts foreman, It is therefore considered
by me the said Austin Shelton, (Justice of the peace
aforesaid) & that the said Louis. D. Gurnash, recover
and have restitution of the premises and also
that he recover of the said Joseph Gurnash -
his cost in this suit expended - taxed at \$35-12 1/2 cts

Austin Shelton Justice
of the peace,

~~Now on this~~

State of Missouri
County of Jefferson 31st

I Austin Shelton an
acting Justice of the peace within and for
the County of Jefferson do hereby Certify
that the above is a true Copy from my
Docket, given under my hand this 28 day
of July 1838

Austin Shelton Justice
of the peace

A. B.

The defendant in this case, moves the Court
to grant a new trial in this cause, for the
reasons following -
1st because he admitted evidence to go to the
Jury which ought to have been excluded -

? because he admitted evidence which ought to have been excluded—

The plaintiff having closed his case, the defendant offered a witness to prove a Verbal Sale & by Lewis D. Gurnash of his possession to the premises, in dispute, to a third person to which testimony the plaintiff objected & the Justice, sustained the objection—

Austin Shelton Justice

State of Missouri

County of Jefferson &c I Austin Shelton

a Justice of the Peace, in & for said County do Certify the above to be a true transcript

from my docket, given under my hand this 7th day of Dec 1888 — Austin Shelton Justice

1009
Lucus, D. Gurnasob
to B. on the subject
of the
Joseph Gurnasob
388

Dransfield

Filed August 4th 1838

John D. Woodhouse
Attorn

Filed Dec 10th 1838
Henry D. Gurnasob
Attorn

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County, — GREETING:—

You are hereby commanded to summon

John Richardson
George W. Haters
Gideon Hunt

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the eightth day of August next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Louis O. Buchanan plaintiff, and Joseph Buchanan defendant, on the part of the

Witness,

John O. Buchanan Clerk of our said Circuit Court, at the town of Herculaneum, this eightth day of July.

in the year of our Lord one thousand eight hundred and

John O. Buchanan CLERK, C. C.

8/25/87

I served this writ on John Richardson
Esq Hunt on the 23d day of July 1838
and on G.W. Waters.

Wm Hammond Deputy Sheriff

Jeff. Perkins Esq
Aug 1st 1838

Louis O. Hamache

Joseph Hamache

for Debenants

John Richardson

Esq W.W. Waters

Esq W.W. Waters

Filed Aug 7th 1838

Wm Hammond

Deputy

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson County,—GREETING:

You are hereby commanded to summon

John Richardson. Isaac Hunt
George W. Waters. James H. Whiting.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the twelfth day of October, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein
and George W. Waters plaintiff
and Isaac Hunt defendant,
on the part of the plaintiff;
and have you then there this writ.

WITNESSES, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-

laneum, this twelfth day of October.

in the year of our Lord one thousand eight hundred and thirty-eight

John C. Watson CLERK, C. C.

John C. Watson

I ~~Exhibited~~ this write on James Mc Millin and Isaac
 Hunt ^{on the 20th day} of October 1838 by Reading the same in their hearing
 and presence and on John Richardson George Watters
 on the 23^d day of October 1838 by Reading the
 within write in their presence and hearing

John Hammond Sheriff

Attest
 December 1838

Joseph H. H. H.

George W. H.

for Plaintiff

John Richardson

George W. H.

Isaac Hunt

James Mc Millin

Filed Nov-3 1838

Attest
 J. H. H.

State of Missouri County of Jefferson
In Jefferson Circuit Court August Term 1838 August
8th 1838 were had the following proceedings

Louis D Gamache

vs
Joseph Gamach } on writ of certiorari the
Defendant by his Attorney having
Suggested to the Court that there was Inimination in
the records and proceedings as certified up by the
Justice of the peace it is ordered that the Transcript
be remanded to the Justice and that he perfect the
Same and make return of the Same to the next Term
of this Court to be held in the Town of Herendunum
within and for the County aforesaid on the second
Monday of December next and that he further certify the
Same with all the objections made by said Defendant
to certain irregularities in his proceedings.

Witness John S. Matthews Clerk of our
Said Circuit Court at office in Herendunum this 19th
day of September A.D. 1838 John S. Matthews Clerk

I Served this notice on Austin Shelton Esq
by Delivering him a copy of the same on the
13th day of October 1838 and by delivering him
the Transcript and papers remanded to him by the
Circuit Court. John Hammond Sheriff

Louis D Gamache

vs

Joseph Gamache

Defendant

Filed & Cor 10th 1838

Attest
Clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

Jefferson County, — GREETING.

You are hereby commanded to summon

James M. Whitten, Dickson Buchanan
Bathenee Buchanan, Oatridge Buchanan
James Jay Lewis, Mrs M. Caroline
Benjamin Oatridge

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the twelfth day of December at the town of Herculanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Joseph H. Buchanan plaintiff, and James Jay Lewis defendant, and on the part of the

Witness, HENRI J. HARRIS, Clerk of our said Circuit Court, at the town of Her-

culanum, this

22 day of

October

in the year of our Lord one thousand eight hundred and

38

John A. Reed CLERK, C. C.

I executed the within^{with} by reading ~~in the~~
 Benj a felon on the 16 day of Nov 1838 and on
 James Toyden by leaving a copy of the within
 at his place of residence on November
 the 17th 1838 also on Catharine Busher by
 reading the within supra in his hearing
 on the 17th day of November 1838 Mr Mc
 Daniel not found in my bailiwich

W. Moss
~~Deputy~~ Sheriff
 fees 1:50

Dr Jeff Bicuit Court
 December Term
 1838

Joseph Hamacher
 vs 3 copies
 David Hamacher
 for Defts

James McWhirter
 Richard Hughes
 Catherine Busher
 Estate Busher
 James Toyden
 William McDaniel
 Perry Estabrook

Given Dec 8th 1838
 Wm a Thayer Clerk

Of Bicuit Court My writ on this 13th day of December
 Busher by leaving the same in their presence
 and reading in the 1st day of November 1838
 and James McWhirter
 reading it in his hearing in
 the same day 1st Nov 1838
 fees \$1:50

State of Wisconsin County of Jefferson
In Jefferson Circuit Court August Term 1838 August
8th 1838 were had the following proceedings
Lewis D. Gannett

By Joseph Gannett } on behalf of Plaintiff the
} Defendant by his Attorney having
suggested to the Court that there was Summons in
the records and proceedings as certified up by the
Justice of the Peace it is ordered that the Plaintiff
be remanded to the Justice and that he perfect the
same and make return of the same to the Justice
of the Court to be held in the Town of Mount Pleasant
within and for the County of Jefferson on the second
Monday of December next and that he further certify the
same with all the objections made by said Defendant
to certain irregularities in his proceedings.

Witness John D. C. Matthews Clerk of said
Circuit Court at office in Mount Pleasant this 19th
day of September 1838 John D. Matthews Clerk

Louis D Gamache
vs
Joseph Gamache
Dissolution

Filed Nov 10th 1838

J Mathew

Clerk

I have a this notice on subscription the Court copy
by delivering him a copy of the same on the
13th day of October 1838 and by delivering him
the manuscript and papers remitted to him by the
Siccut Court - John Warrum Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Benjamin C. Hutton. vs. Isaac Hunt
James McMillin

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the twelfth day of December, at the town of Her-
lanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Joseph Harnpacher plaintiff,
and James Harnpacher defendant,
on the part of the Defendant; and have you then there this writ.

Witness, Henry P. Hanes, Clerk of our said Circuit Court, at the town of Her-
culanum, this 27th day of October
in the year of our Lord one thousand eight hundred and 38

John C. McArthur CLERK, C. C.

I Executed this note on the 1st day of Nov 1838
By Reading the Same in the presence & Hearing
of Isaac Hunt & James McMillin
John Hammock Clerk

In West County Dist
Dec 16th 1838
Joseph Hammock
vs
James McMillin
for Defendant
Henry C. Walker
Plaintiff
James McMillin

Chicago Dec 8th 1838

Matthew Calk

I Executed this note by Reading the Same
in their hearing

Louis Hamack

Joseph Hamack

The defendant in the above

case comes here in Court and alleges that
in the Record and proceedings as exhibited at
by the Master of the Prison there is a statement
in this that the said defendant has not been
all the while from the date by the defendant to certain
inmate located in his proceedings -

Recd for Sept

Louis Gamache
Joseph Gamache

Filed Dec 10th 1838

J. Mathew

The defendant in this case moving the Court to grant a
verdict in this case for the Bagon forthcoming.

1st Because he admitted evidence to go to the jury which
ought to have been excluded,

2d Because he excluded evidence which ought to have
been admitted -

Gamache

vs

Gamache

Filed Dec 10th 1838
Mathias
clerk

State of Missouri County of Jefferson
In Jefferson Circuit Court Aug Term 1838
Aug 8th 1838 were had the following proceedings
Louis D Gamache

Joseph Gamache } On writ of Certiorari
having suggested to the Court that there was
diminution in the in the records and proceedings
as certified up by the Justice of the Peace, It is
ordered that the transcript be remanded to the
Justice and that he perfect the same and make
return of the same to the next term of this Court to be
held in the Town of Merculaneum within and for
the County aforesaid on the second Monday of Decem-
ber next and that he ^{further} certify the same with all
the objections made by said defendant to certain
irregularities in his proceedings.

Witness John F. Mathews Clerk
of our said Circuit Court at Office
in Merculaneum this 19th day of
September A D 1838

John F. Mathews Clerk

De heer van der Bunt
De veldman
1838

Louis Duval
 as Destin
 Joseph Duval

Alidade 1075-1838

Ch. Nuttree
b/k

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI

To the Sheriff of St Louis County,—GREETING:
You are hereby commanded to summon

Asst. Secy. Hanna & Co.
Baron & Co.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the 12th day of Decr next, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Lewis Q. Hanna & Co. is plaintiff, and ~~Baron & Co.~~ is defendant, on the part of the

Witness, ~~HENRY D. BATES~~, Clerk of our said Circuit Court, at the town of Herculaneum, this 22 day of Octbr in the year of our Lord one thousand eight hundred and 38

A. H. H. Clerk, C. C.

Mr Jeff Brink

Decr 10th 1838

Joseph Gamache

30 30 Dupre

Louis Gamache

for Deff

Baptiste Gamache

Filed Dec 10th 1838

Matthew

clerk

Served this writ by reading it to
Baptiste Gamache on the 4th
day of December 1838 in the county
of St Louis
service rocks

Wm Brotherton
Sherriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of St Louis

County,—GREETING:

You are hereby commanded to summon

Stephen D. Corbin.

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *twelfth* day of *December*, at the town of Her-
lanewum, then and there, to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein. *Joseph H. Harnacke* plaintiff,
and *Josie Q. Harnacke* defendant,
on the part of the *Plaintiff* and have you then there this writ.

WITNESSES,

~~HENRY P. RATES~~, Clerk of our said Circuit Court, at the town of Her-

culanewum, this

twelfth

day of

October

in the year of our Lord one thousand eight hundred and *thirty eight*

John A. McArthur CLERK, C. C.

Mustaff-Birleant
Deer Term 1838

Joseph Gamache
w }
Louis Gamache

Witness for Plaintiff

Sophia Cortois.

Filed Decr 10th 1838

Wm. M. Thorne
Clerk

Executed this writ in the county of St Louis
by reading it to Sophia Cortois on the 22nd day
of October 1838

Service \$ = 50 }

Marshall Brotherton Sheriff
By Benjamin Lacy Dpt Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of *Lewis County*,—GREETING:

You are hereby commanded to summon

John Baptiste Lamache

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *twentieth* day of *April* next, at the town of *Herculaneum*, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Louis B. Lamache* is plaintiff, and *Joseph Lamache* is defendant, on the part of the *pett* and have you then there this writ.

Witness, Henry P. Davis, Clerk of our said Circuit Court, at the town of *Herculaneum*, this *23* day of *February*

in the year of our Lord one thousand eight hundred and *89*

Wm. A. Johnston CLERK, C. C.

In Debt for Court
April Term 1839

Louis O'Garnache

vs
Joseph O'Garnache

for Debt

John B. Garnache

Filed Feb'y 8th 1839

Wm O'Brotherton
Clerk

Executed this writ by reading it
Baptiste Garnache on the 11th day
of March 1839 in the county of
St Louis

Service 5-0cts

Wm Brotherton
Shiriff

The State of Missouri County of Jefferson

The State of Missouri to Austin Shelton
Esq a Justice of the peace within and for said County
Greeting. Whereas a certain inquisition was held before
you on the fourteenth day of April 1838. in the name of
Louis D Gamache against Joseph Gamache for an
unlawful detainer of certain lands and tenements, and
a Certiorari was issued out of the Office of Clerk of the
Circuit Court of said County commanding you to send
up to said Court the record and proceedings in the said
cause. ~~to the August term~~ of said Court, and the
record and proceedings sent up in obedience to said
order, having been said not to contain a full transcript
of the cause as it stood before you, but that there was
diminution in the same, and the Court ordered that
you be commanded to send up a full true and
perfect Transcript of the said Record and proceeding
to the December Term of said Circuit Court, and
at said December Term the Record and proceeding
sent up by you being said still to contain a
diminution as aforesaid. These therefore are to command
you, that the inquisition aforesaid together with all proceed-
ings thereon as fully and entirely, with all things touching
the same, as it remains before you, you certify to the
said Circuit Court at its next term to be held on the
second Monday in April next, at the town of Mercuraneum
in and for said County, together with this writ, so that the
said Court may be able to proceed thereon and do what shall
appear right or to them ought to be done. Whereof fail
not and have you then there this writ.

Witness John W. Mathews Clerk of our
said Circuit Court at Office in the Town
of Mercuraneum January 5th 1839

John W. Mathews Clerk

Execute this writ on Austin
Shelton Esq by reading the
Same in his presence & hearing
him the 28th day of January 1839
at the Court in the County of January
the 28th 1839
John Hammond Sheriff

In September Court
April Term 1839

Louis Gamache
vs } Bertinore
Joseph Gamache

To
Austin Shelton Esq

Filed March 5 1839
W. A. Wallace
Clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson

County,—GREETING:

You are hereby commanded to summon

John Richardson
Isaac Hunt
George W. Bates
James McWilliam

that, setting aside all manner of excuse and delay, they be and appear in proper person before the Judge of our Circuit Court, on the twelfth day of April next, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Lewis O. Banache is plaintiff,
and Joseph Banache is defendant,
on the part of the defendant; and have you then there, this writ.

WITNESSES, John McWilliam
HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
laneum, this 25th day of February
in the year of our Lord one thousand eight hundred and 59

John McWilliam CLERK, C. C.

I Served this writ on Isaac Hunt By Reading
ing the same in his Hearing on the 28th day
of March and James McMillan By Reading the
same in his presence on the 28th day of March
1839 Served on John Richardson and George W
Watters by Leaving a copy with there wives on
the 28th day of March 1839

John Hammance Sheriff

Jefferson Davis Court
Springfield 1839

Louis D. Hancock

Joseph Hancock

For Debt

John Richardson

Isaac Hunt

George W. Watters

James M. Whitin

9 to a fine

Sherriff's fee \$100

Filed for fine 1st 1839

Matthew
Cott

COUNTY OF JEFFERSON, SCT.

JAMES STAMM OF MISSOURI,

To the Sheriff of Jefferson County, — GREETING.

You are hereby commanded to summon

Richard Brooke
Matthew Brooke
Berkie Brooke
James M. Whittier
Benjamin Whittier
James Day

that, setting aside all manner of excuse and delay, they be and appear in proper person before the Judge of our Circuit Court, on the ninth day of April next at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Joseph Hamacher is plaintiff,
and Joseph Hamacher is defendant,
on the part of the Jeff and have you then there this writ.

Witness, HENRY R. DATES, Clerk of our said Circuit Court, at the town of Her-
culaneum, this 23 day of July
in the year of our Lord one thousand eight hundred and 89

Wm. W. White CLERK, C. C.

John B. Hamacher, At Law

I Serve a writ on Richard Busha Catherine
Busha Batis Busha on James McMillin By the
Same to them in there Hearing By giving Batis
Busha copy on the 28th day of March 1839

Serve on Benjamin Offallon By giving Mrs Offallon
a copy of this writ on the 2d day of April 1839
~~Serve~~ John B Gamach on the 8th day of April 839
By Reading

John Hammond Sheriff

In Jeff Davis Court
April Term 1839

Louis B Gamache

Joseph Gamache

Wife for J. M.

Richard Busha

Catherine Busha

Batis Busha

Daniel McMillin

Benjamin Offallon

John B Gamache

April 9th

Sherriff fees \$3.00

GIVEN April 8th 1839

John Hammond Clerk

March 1839

I Serve this writ on James Day By
Copy Delivered to his wife on the 28th of

John Hammond Sheriff

April term 1839

Joac Hunt @ Land free
Will in case of Ed Gammock (in
Joseph Gammock (as witness)

1 day attendance - 50 }
20 miles travel 80 } 1.30

Geo. W. Hooty @ times in some case

1 day attendance 50

10 miles travel 98 1.48

James McMillan in some case

1 day attendance 50

20 miles travel 100 1.50

James M. McMillen & Son
born to and published
before me June 10th 1839
Matthew C. Mc

filed April 9th
1839

Matthew
C. Mc
1850

Hammock

1

Hammock



Legation of American in this that
the letter has not certified the fact that after
the plaintiff had gone through his case and finished
the examination of his witnesses told the defendant
he was through his case, the deft. moved the judge
to admit the complaint because the plaintiff had
not proved that the ~~defendant~~^{defendant} had received something
from the deft. - to give up his deposition of the
premises in dispute, stating that motion and against
the testimony of the deft. the ~~defendant~~^{defendant} presented
proof of such action to be introduced."

Gamache

107

Gamache

Suggestions of
diminution

filed Apr 10th 1839

Matthews

B/K

Manache } Dr Jeff Davis Receipts

as

Decr Term 1838

Manache } John Richardson a contribution
to above case claiming

1 day attendance & 20 miles travel \$1.50

Amount to be paid me

Decr 13th 1838

Matthew Dike }

John Richardson

Gamache

vs

Gamache

see file

Filed April 10th 1839

Matthews
clerk

W. H. Amoshe

Joseph Amoshe } Joseph's brother's clearing
the attendance as a Minister in the above
case as follows.

3 days attendance Dec - Jan 1838 21st \$3.00

30 miles Travel _____ 5⁴ 2.50

1 day attendance April - Dec 1839 _____ 1.00

30 miles Travel _____ 5⁴ 2.50

Amount to subscribers before } \$9.50

the Aug 9th 1839 } Aug 18th 1839 } 3.50

the authors &c } Joseph's brother's
mark

Gamache

^{vs}
Gamache

filed April 11th 1839

J. Mathew
clerk

County of Jefferson Yet. The State of Missouri. To Austin
Shelton Esqr a Justice of the peace for said County Greeting

Whereas a certain inquisition was held before you on the 14th
day of April 1838 in the name of Louis D Gamache plaintiff against
Joseph Gamache defendant for an unlawful detainer of certain lands
and tenements, and a certiorari was issued out of the Office of the Clerk
of the Circuit Court of said County commanding you to send up to said
Court the records and proceedings in the said cause to the August Term of
said Court, and the record and proceedings sent up being said to contain
diminution (which suggestion of Diminution is in the words and figures
following to wit, "Gamache vs Gamache, } Suggestions of Diminution
"in this that the Justice has not certified the fact that "after the
"plaintiff had gone through his case and finished the examination of
"his witnesses & told the defendant he was through, his case the defendant
"moved the Justice to dismiss the complaint because the plaintiff had not
"proved that the defendant had received written notice from the plff-
"to give up possession of the premises in dispute, & after that motion and
"against the protestations of the deft, the Justice overruled the motion and
"permitted proof of such notice to be introduced" These therefore
are to command you that the inquisition aforesaid together with all
proceedings thereon as fully and entirely with all things touching the same
as it remained before you, you certify to the Judge of our Circuit
Court at its next term to be held on the first Monday in August
next at the Town of Merculaneum in and for said County, together
with this writ so that the said Court may be able to proceed thereon
and do what shall appear right or to them ought to be done in the
~~in the~~ premises. Whereof fail not and have you then & there this writ

Witness John S. Weather Clerk of our
said Circuit Court at Office in the Town
of Merculaneum this 22^d day of May 1839

J. S. Weather, Clerk





Pefferon Lewis
August 11 1839

Louis Hamack
or
Joseph Hamack

to Austin Phelps Esq

Westmore and
Pier August 11 1839

Wm D. Weather

Esq

State of Missouri }
County of Jefferson } I Austin Shelton in obedience to the
an exco certiorari issued from the office of the Clerk
of the Circuit Court within and for the County of Jefferson
and State of Missouri and to me directed as a Justice
of the peace within and for said County before whom
proceedings were had in relation to a case of detainer
wherein Louis D Gamache was plaintiff and Joseph
Gamache was defendant having examined the said
suggested diminution of record in the transcript heretofore
Certified to the Honorable the Circuit Court in the
above named cause which diminution is said to be
as follows "after the plaintiff had gone through his case
"and finished the examination of his witnesses & told the
"defendant he was through his case, the defendant moved
"the Justice to dismiss the complaint because the plaintiff
"had not proved that the defendant had received ^{written} notice
"from the plaintiff to give up possession of the premises in
"dispute & after that motion and against the protestation
"of the deft the Justice overruled that motion and permitted
"proof of such notice to be introduced; I certify that I
have no recollection that the above motion to dismiss the
cause was made on the above mentioned grounds, and
that I have heretofore certified up to said Circuit Court
a full transcript of the record and proceedings had before
me in the above mentioned cause together with all the
original papers filed in the same and the written
objections if any filed by the defendant to the proceedings
of the Justice in full —

Given under my hand the first day of
August in the year of our Lord eighteen hundred and
thirty nine —

Austin Shelton
Justice of the peace