

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

Folder 2 of 2

Box 4 Folder 7

Gammache, Louis D.

vs.

Gammache, Joseph

Certiorari

Certified from JP Austin Shelton on
Unlawful detainer of dwelling house, store
house, and Traces on road leading from
Herculanum to St. Louis, 2 miles from
ferry on Merriamach in 5574226

COUNTY OF JEFFERSON, SOI.
THE STATE OF MISSOURI,

To the Sheriff of

County, greeting:

YOU are hereby commanded ~~to appear~~

Richard Bush
Catherine Bush
Capitolo Bush
James McWhiter
William McWhiter
James Story
John B. McWhiter

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 *fifth* day of *August* at the town of *Wesellan* wherein *Louis Bonache* is plaintiff, and *Joseph Bonache* is defendant, on the part of the plaintiff; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court, at the town of *Wesellan* this *first* day of *July* in the year of our Lord one thousand eight hundred and *thirty nine*

John S. Mathews Clerk.

I Sovece Mr write write on Recha
and Busha Catharine Busha Bateer Busha
James Mc Millin and James Toy on
the 1st day of July 1839 By Reading
the same in there presence and hearing

John Hammond Sherriff

Jeff-kins Court
August Term 1839

Louis D. Gamache

vs
Joseph Gamache

for Plaintiff
vs
Re Busha
Catherine Busha
Bateer Busha
James Mc Millin
~~James Toy~~
James Toy
~~James Toy~~

5th Aug 39

Sherriff fee \$2.50

filed July 24 1839
Wm. Thayer
clerk

COUNTY OF JEFFERSON, SOU.
THE STATE OF MISSOURI,

To the Sheriff

County, Seizing;

YOU are hereby commanded ~~to~~

John Richardson
Isaac Hunt
George W. Waters
James McWhiter
Arthurine Roberts

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 fifth day of August at the town of Beverly wherein Louis Barnack is plaintiff, and Joseph Barnack is defendant, on the part of the defendant; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court, at the town of Beverly this first day of July in the year of our Lord one thousand eight hundred and thirty four.

John S. Mathews Clerk.

I Executed this write in Jefferson
County. By Reading the Same to all
the within named witnesses on the
16th day of July 1839 Except
Antoine Robear who was not found in
my County

John Hammond Sheriff

John Lewis Beant
Augt 1839

David Grunache

Joseph Grunache

for D of

John Richardson

Joseph Grunache

Geo. W. Prater

James M. Miller

Antoine Robear

5th Aug

Shenckle \$2:12¹/₂

piece July 24th 1839

Matthews B. 11

ans I Gamache } Double entry & return
as Joseph Gamache }

In answer to the dismission of
Record suggested in this case. & the rule
Austin Shotton says that the transcript
sent to this court is a full & perfect
transcript from his book of every
entry by him made in said cause
He also sent with his book every
paper filed in said cause with every
motion made by Defendant which
will show whether he neglected to
make any entry in his book which
he ought to have made. The
objection that the Summons had not
been endorsed on or attached to the
complaint ^{was overruled} because this irregularity
if any had been before this objection
was made by the Plaintiff being raised by
Defendants ^{agent} the cause continued at
his request I have no recollection
of the Defendants objection to proof
of notice to deliver papers from but
believe the sum of notice was
admitted

Austin Shotton Justice of the
peace

Baruch

or

Baruch

Testificatio in answer
of petition

Filed Aug 6th 1839

Matthew 18th

It is the duty of every citizen of the
State to support the laws of the State

State of Missouri
County of ~~Franklin~~ ^{Jefferson}

The undersigned subscribers to this affidavit, being duly sworn on their oaths, do say that they well remember that on the trial of a certain suit of forcible detainer before Justice Shelton commenced on or about the 12th day of ~~April~~ May 1838. in which suit Louis Gamache was plaintiff & Joseph Gamache was defendant, Gabriel Johnson appeared as agent for the plaintiff & John Bent for the defendant. That after Gabriel Johnson had gone through with his witnesses, Bent asked him if he was done. Johnson replied he was. Bent then moved the Court to dismiss the suit because plaintiff had not proved the service of written notice to quit, on the defendant, the Justice overruled the motion & permitted the plaintiff to adduce evidence of the service -

Sworn & subscribed to
August 6th 1839

Wm. Mathews

et al

John Bent

Wm. Wright

Josiah Craft

C. W. Murphy

Samuel
7
Office
Samuel

Filed Aug 6th 1839

Wm. H. H. H.
6/16

John H. H.

Wm. H. H.

Wm. H. H.

Wm. H. H.

Wm. H. H.

Wm. H. H.

Wm. H. H.

Louis Gamache

⁷
Joseph Gamache The said defendant in
addition to the demurrer ~~pleaded~~ in the
Courtroom opened at the August Term 1839. Requests
That there is further demurrer in this viz; that
the transcript as certified up does not show the
various objections made by the defendant
below to the admissibility of testimony and the
overruling such objections, or the Reason for
so overruling them. That said transcript does
not show the objections made to the suffi-
ciency of the process made by the defendant
nor the Reason of the Justice for overruling
the same - That the said transcript does not
show that defendant offered testimony to
prove a verbal sale of land lot by plaintiff
or his possession of the premises in dispute -
nor his Reason for refusing such testimony
nor the objection thereof

John Bent
atc for deft

Hancock

93 Elysian

Hancock

Freeed Aug 6 1839

Wm. A. Freeed

John 1839

Louis J. Samach

Save the Belams for his return

22

once in the alone land

Joseph L. March

April 26th 1892

3 miles mileage 1/4 mile Each way 39 miles \$ 2.10

August Term of 1839 to 2 May Attendance

Area 32 Miles² Travel

Never to be true more

Aug 6th 1839

From Lewis

Heard

John A. Theobald

2,600
184,700

248

Garnache
vs
Garnache

filed Aug 5th 1839

J Mathew
cc 11

James D Gamache } Jefferson County Mo
6th Sept 1839

Joseph Gamache }
John Richardson claims attendance
as a witness for Joseph Gamache at this
term (two days) - 50 cts
Travel each way 10 miles - 1.00

\$2.00

I hereby certify that the above fee has
been paid in full by - John Dickson
Dec 17th 1839
John Dickson

filed Aug 6th 1839

Mathew Walker

Deer D. Gamache } Suffer from Poverty the
Joseph Gamache } the Aug. Term 1839

Grace Hunt claims attendance as a
notary for Joseph Gamache (defunct)
at three terms two days - - - 50cts. - 1.00
Travel thirteen miles each way 5cts. 1.30
~~but she~~ he can not Mar 16 a Moay \$2.30

I hereby certify that the above fee bill
is correct and payable by the Justices

filed Aug 6th 1889
Matthews
b/k

Lewis D Gammon
in Joseph Gammon

Washington County
11th Sept 1837

George W. Mather claims attendance as a
Notary for Joseph Gammon at this term
(two days - - - - - 50cts. 1.00
travel seven miles each way 50cts. 1.00

\$1.70

I hereby certify that the above fee bill is
correct and payable by the

W. D. Mather

B/M

Filed Aug 6 1839
Matthew
Call

Given to Mary
for 15210
of 120
Grenville
as
Grenville

David Hamack

Joseph Hamack } James McMillin, clearing his
attention in the above case,

2 days attendance Aug Decm 1839 1.00
20 miles Travel to & from Decm 1.00

Money to Aug 16 1839

\$2.00

~~James McMillin~~

James McMillin

Gamache

vs

Gamache

filed Aug 7th 1839

Matthew
C. 112

Lewis & Gamache } Different Country 1700
 as } 6th day 1839

High Gamache }
 Richard Bonche claims attendance as
 a witness ~~himself~~ and wife, ~~three~~ terms
 (including with this) - for Lewis & Gamache

~~Sum~~ ^{Sum} 1838 - 1 day each 2 days - 1.00
 16 miles 30¢ for each - 64 miles 3.20
 April term 1839 1 day each 2 days - 1.00
 16 miles each way for each 64 miles - 3.20
 Augt term 1839 - 2 days each 4 days - 2.00
 16 miles each way for each 64

13.60

I hereby ~~certify~~ certify that the foregoing
account is correct and payable by -

John A. McFarlane

B/L

Richard X. Partridge
recd

Gamache
vs
Gamache

filed Aug 7th 1839

Lewis & Gammon's Baptisten County New
 as August 1839

Baptisten Gammon's Lewis & Gammon's
 as a writing for Lewis & Gammon's for three
 lot terms. (ending with August 1839)

December term 1838 - 1 day - .50
 travel each way 16 miles - 1.60

April term 1839 - 1 day - .50
 travel each way 16 miles 5¢

August term 1839 - 2 days - 1.00
 travel each way 16 miles - 1.60

travel each way 16 miles - 1.60

\$5.80

I hereby certify that the above is correct
 Baptisten & Gammon's

Gamache
vs
Gamache

Baptiste Gamache
Fee bill

filed Aug 7th 1839

Wm. Mathews
clerk

Louis Gamache
or

Joseph Gamache } The said defendant by Bent
his attorney, excepts to the Return of the said Justice
Shelton Justice of the peace to the Courtroom in
this Court, and avers that the matters and things
in said Return set forth are not according
to the true state of facts as they occurred
on the trial nor are they according to the
facts as they appear from papers here filed
by the said Justice of Record in said cause
wherefore the said defendant prays that
said Justice be ordered to make Return accord-
ing to the very truth.

Bent for deft

Hamack
Eaton
Hamack

Recd Aug 7th 1839

Wm. Matthews
Black

Lewis D. Gamache

Joseph Gamache

Augustine
Clerk Court

1839

The plaintiff in the above case
was in the court to offer in the
judgment of the justice rendered
therein, upon the ground that
there is no substance even in the
proceedings of the court below.

Bid & Co

for plaintiff

Kanache
or
Kanache
W. H. H.

Filed Aug 7 1883

W. H. H.
B. H. H.

Hamacke

20

Hamacke } Baptiste & Hamacke clearing

his attendance in the above cases

Decr Term 1 day attendance from 1838 1-00

50 Miles Travel 2.50

1839
April Term 1 day attendance 1.00

50 Miles Travel 2.50

Aug Term 2 day attendance 2.00

50 Miles Travel 2.50

Sum to before me \$11.50

Augt 1st 1839

Wm Matthews } J B his Clerk
man

Ganche

vs

Ganche

fee Bise

filed aug 7th 1839

W. Mathews
clerk

Lewis Barnacke



Joseph Barnacke } Unlawful Detainer

vs. Barnacke W. Stoy or Constable &c.

12.00

vs. Drummering Cherry -

.50

vs. Henry Motte or Lewis Barnacke

50. 15.

vs. Drummering Cherry -

27.50

vs. Henry Motte or Lewis Barnacke

vs. Drummering Cherry -

vs. Henry Motte or Lewis Barnacke

filed Aug 7th 1839

J. Mathews

Mr Joseph Gamache

See take estate that I shall witness at the
house of John Diamond on the waters of Rock Creek in Jefferson
County and state of Missouri on the 8th day of September 1838 between
the heirs of an estate of the foramen and your estate of the estate
more of that day than and there to take the depositions of John
Diamond and others to be made at the place now depending in the
County of Lewis
"at the place where you are present and myself are at present
where you may attend if you please September 3rd 1838

Josiah P. Gamache

I Served the within citation
Joseph Gamache by delivering a true
copy of said citation the 4th day
of September 1838

A. R. Wilson

Constable

His day

Filed Dec 10th 1839

Matthews

clerk

~~The Wilson~~

~~of the Court 1838~~

~~in order~~

~~I Served the within citation~~

~~with Joseph Gamache~~

State of Missouri }
County of Jefferson }
Deposition of John Diamond sworn and examined on the
Eighth day of Sept in the year of our Lord Eighteen Hundred
and thirty eight between the hours of ten o'clock in the
forenoon and four o'clock of the afternoon of that day at the
house of John Diamond on the waters of Rock Creek in the
County and State aforesaid agreeable to notice before James
Winn Justice of the peace within and for the County aforesaid
in certain cause now depending in the Circuit Court
of the County of Jefferson in the State of Missouri between
Joseph Gamache plaintiff and Louis D Gamache defendant
on the part of the defendant

In the words as follows,

I was requested by Louis D Gamache to ~~ask~~ ask Joseph Gamache
if he would be responsible to Louis D Gamache to ~~take charge of~~
the place crop of corn together with his stock & and he answered
~~yes~~ in the affirmative.

Question by Louis D Gamache
Who had you in possession of the place which give rise to this
suit

Answer Louis D Gamache

Question to who did you give possession of said place when
you ~~left~~ left it

Answer to Louis D Gamache

Question by Same

QD what time did you give possession and did not Joseph
Gamache move in on the conditions above stated

Answer on the twentieth of October 1837 and Joseph Gamache
~~agreed~~ moved there on the conditions as above stated

Question by Same

QD what length of time did you understand from Joseph
Gamache he was to keep possession of the place

Answer

during the winter season and then he would move to his
own place on the Rock Creek

And further this deponent doth not
sworn to and subscribed to before me
on this day at the place and hour aforesaid
James Winn Justice of the peace

John Diamond

State of Missouri
County of Jefferson

I James Skinn a Justice of the peace within and for the
County of Jefferson in the State of Missouri do hereby Certify
that John Diamond the defendant were by me ~~personally~~ sworn
to testify the whole truth of his knowledge touching the matter
in controversy aforesaid that he was examined and his examination
reduced to writing and by him subscribed in my presence on the
day between the hours and at the place in that behalf filed
aforesaid

James Skinn Justice of the peace

G D Hamache
vs Deposition
Joseph Hamache

Filed Dec 10 1783

Attest
W H

Deposition of John Deamock
Verculamm Court
Jefferson County

Deposition of John Deamock

COUNTY OF JEFFERSON, MOI.

THE STATE OF MISSOURI,

to the Sheriff of To the Sheriff of Madison County Missouri; Greeting;

YOU are hereby commanded To summon

John D. Hamache and
Benard W. Marshall

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 15th day of August 1889 at the town of Beresford wherein they are now pending in our said Court, wherein *John D. Hamache* is plaintiff, and *Benard W. Marshall* is defendant, on the part of the plaintiff; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,

at the town of Beresford this 15th day of July in the year of our Lord one thousand eight hundred and thirty-nine

John S. Mathews
Clerk.

Jeffm Lewis Deane
August Term 1839

Louis D Gamache }
vs }
Joseph Gamache }
page

Wit for Goff
John Baptiste Gamache
Demaris Mcarschall

5th Aug
filed Decr 11th 1839
Mo J. Leathers
Ck

Executed this writ in the county of St Louis by reading
it to the within named witnesses on the 18th day July 1839

Service \$1.00

Marshall Brotherton Sheriff
By Benjamin Lacy Dpt Sheriff

County of Jefferson Sit
The State of Missouri to the Sheriff
of Jefferson County. Greeting.

Whereas certain proceedings at law in relation
to an unlawful detainer of lands and tenements, were had
before Austin Shetterly a justice of the peace in and for
the County of Jefferson on the day of 1838
wherein Louis D Gamache was plaintiff and Joseph
Gamache was defendant, wherein the said justice
rendered judgment for the said Plaintiff Louis D
Gamache, and whereas the said proceedings were removed
from the control of the said justice by a writ of certiorari
issued out of the Office of the Clerk of the Circuit Court
of the County of Jefferson to bring the said proceedings up
to said Court, and the said cause so brought up having
come on to trial in the said Circuit Court on the
day of August 1839, when said Circuit Court affirmed
the judgment of the justice of the peace ^{with costs} and ordered
that a writ of restitution to the said premises be issued
in favor of the said plaintiff. These are therefore to
command you that you go on the said premises &
to ~~reclaim possession thereof~~ cause the said ~~Writ~~ to be
forthwith removed therefrom, and the said L. G. to have
peaceable restitution of the same; and also to levy ~~the~~ of
~~some~~ of the goods & chattels of the said ~~Writ~~ in your county
the sum of dollars and cents, being the costs
on trial ~~as aforesaid~~ together with your own

fees and ~~matters~~ so that you have the same
before the judge of our circuit court on the
second Monday of December next. to render
to the said L. D. G. the costs & charges ~~in~~

Mt- 82.18
other 70.22

152.40
Bibb- 3.710.

Comanche
vs
Comanche

Concert Court
Sept. Term 1838

Geo. W. Matley Comy Attendance

as witness for Defendant
2 days. --- 50 --- 1.00
74 Miles Travel 50c --- 70

A warrant issued 9th 1838

John Matley vs Geo. W. Matley \$1.70

Joac Shunt - Charges attendance

for Defendant 2 days - 50 - 1.00

26 Miles Travel - 5 - 1.30

A warrant issued 9th 1838

John Matley vs Joac Shunt \$2.30

The Defendant in the above cases pay the above
fees billed attest John Matley \$116

Gamache

vs

Gamache

per bill

Filed Dec 11th 1839

Matthews

attk

Dorothy Sumner

the 10th 1838

no

Dec Term 1838

Sumner Dorchester

~~Sumner~~ Sumner a writing

in the above case

I stay attendance and 26 miles travel 5 \$11.80

Sumner to Dec 13th 1838

Sumner Sumner

Sumner to Dec 13th

Sumner

Ganache
vs
Ganache

filed Dec 11th 1839
Matthew
Hall

J. G. Mather 4 Certiorari 2.00 Taking Bond 25. Docket 50
Aug Term 1838. Suggestions 25. Court 25.

Dec. " " 25 " 25.

April 1839 do 25 " 25.

Aug. " Submrs 25. Motion 25. Judgment 50. Pet 25

Suggestions 25. 4 Affidavits 1.00. 12 Subjecs. 6.00

Writ of restitution 1.00. filing 111 papers 4.12 ^{appearances} 80 17.37 1/2

Sheriff Hammond serving 4 Certiorari, 4.00 { 18 oaths 87 1/2 18.29 1/2

21 Summons 10.50 2 non Ests, 25. calling cause & terms 40. do 19.54

parties 40. — — — — — 15.55

Mc Bruther vs Shff St Louis County 3 Sub. 1.50

Austin Shelton's fees — — — — — 5.62 1/2

Thomas W Floy & Constables fees 27.50

Witnesses. John Richardson 3.25

Isaac Hunt 7.40

G W Waters 4.88

3.00 Richard Dousha & wife 13.60

Sophia Cortois — 12.50

Baptiste Dousha 6.80

1.00 James Toy 4.70

2.00 Baptiste Dousha 11.50

James Mc Miller 6.75

Ric Diamond 2.00

William Toy 6.00

Sam Byrd 1.00

Jones Yates .50

~~16.25~~
152.40

Louis, D. Gamark } action of unlawful De-
Joseph Gamark } tainer.

Bill of fees
Justices of the peace fees — \$5.02 1/2

Witness - Richard Busby - 4 days	—	2.00
do, — John Busby - 4 do.	—	2.00
do. Katharine Busby 2 day	—	1.00
do. James M. Miller - 3 days	—	1.50
Serving notice	—	25-
do. Richard Diamond 4 days	—	2.00
do. James Doy — 2 do	—	1.00
William Doy — 2 do	—	1.00
do. Saml. Byrd — 2 do	—	1.00
do. Noel Onora — 2 do	—	1.00
do. — Jonas Yates — 1 day	—	50-
Amount		\$18.87 1/2

I hereby certify the above fee bill to be correct and true — Austin S. Shetton Jus-
tice of the peace

H. B. Constable fees, (omitted) to be made by himself —

For value received I transfer the amount of my fees above to Mr John S. Matthews.

Aug 15th 1839 —

Austin S. Shetton

3/562 1/2
187 1/2
375

Louis D. Guinard
No 3 de Rice
Chapelle Guinard

\$18.87½.