

To Peterson County Circuit Court
Case Files - Civil

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12

January 1854

Chamblain, Frederick B.
Churchill, Levi

vs

Mammoth Mining Company

Motion to quash execution

Defendant moved to quash execution
from JP Luther Johnson on #28 note;
Supreme Court

Frederick B. Chamberlain }
 & Levi Churchill }
 Thomas Welch agent for }
 Jefferson County, Mo }
 vs }

the Commonwealth of Big River Township
 vs proceeding in Jefferson County and
 Doct \$28.00 Returnable on the 15 Day
 just 45 of May 1852
 Justice fee 50
 Constable fee 25
 Notice of Execution 25
 Execution 25
 Service on J. O. R. Diney
 by Riding in his
 Pursuits the 6 Day of
 May 1852

\$30.00 Charges on all Debt
 Constable fee 25

and J. O. R. Diney one of the magistrates
 appeared on the 15 Day of May
 1852 and confessed Judgment for the
 Plaintiff for the sum of \$28.00
 Justice and Cost and Execution issued on
 the 15 Day of May 1852

Returned this Execution no Property was
 found on July 11 1852 B. McKee has
 credit on the Execution by the
 said Defendant the sum of \$8.00
 B. McKee Const

Frederick
B. Chamberlain

John Chamberlain

Thomas Chamberlain

Alfred

Chambers with mining Co

Wm. J. Chamberlain

Get ————— 82.8.00

Just ————— 75.

Just ————— 50.

Just ————— 25.

Just ————— 25.

Just ————— 25.

Just ————— 25.

83 10 10

Just ————— 25.

Just ————— 25.

Just ————— 25.

Just ————— 25.

Just ————— 25.

Just ————— 25.

213 Chamberlain & Co

"

Chambers Mining Co

Transcript

Filed Jan 30th 1854
Chas. W. Chamberlain

See also

Fred. B. Chandler & Co. } In the Cir. Court.
The Mammoth Mining } Jefferson County May Term
Co. } 1854,

The defendant by his atty. Comr & moves the Court to
quash the execution in the above entitled Cause
for the following reasons to wit.

1. Because there was no Judgment upon which
execution could issue.
2. Because the transcripts of the proceedings
upon said supposed Judgment are informal,
insufficient & void.
3. Because there is no certificate appended
to the supposed Judgment.
4. ~~Because the proceedings state that~~
4. Because it does not appear that
Reddick has any authority to confer
a Judgment.
5. Because there was no confession
in writing.
6. Because Reddick had no authority
whatever to confer Judgment.
7. Because the whole proceedings are
informal, defective & void.
Because there was no Judgment against the Mammoth
Mining Co.

Beas & Son, attys, for defendants

Memorandum

7 B Chancery St
as

Man living No

motion to grant
execution

Filed May 23^d 1854.

Wm A McLehose

at N



Frederick B Chamberlain &
Levi Churchill

vs

The Mammoth Mining Co.

On motion to quash Execution

in the Jefferson Circuit
Court

May Term 1854

Be it remembered that at

the May Term of the Circuit Court of said County
of Jefferson 1854. The said Defendant files his motion
to quash the execution issued in the above Cause of
which motion and the execution referred to the follow-
ing is in words and figures a copy, to wit (here
copy the execution & motion). upon the hearing of
which motion the plaintiff produced and read to the
Court the transcript ^{& of the judgment} and endorsements & certificates thereon
upon which said Execution issued, of which transcript
endorsements & certificates the following is in words
and figures a copy to wit (here copy the same). The
plaintiffs then introduced Peter E Blow as a
witness who testified that J. F. Redding the person
whose name appears on the transcript was at the
date of the judgment therein mentioned the acting
President of the Mammoth Mining Company
and reported and recognized as such

The plaintiffs
then introduced Luther Johnson the Justice of the
Peace before whom the said Judgment was rendered
who produced his docket and the note filed as the
foundation of the action from which it appeared
that said note was made payable to Frederick
B. Chamberlain & Co a firm composed of Frederick
B. Chamberlain & Levi Churchill. that the latter
"Co." which appeared at the head of the transcript in
giving the title of the parties to the suit did not
appear in the original entry in said docket. thereupon
the Court permitted the said Justice to correct said

said Transcript by striking out therefrom the said
letters or word "Co." ^{as to conform to the entry in said docket} and being so corrected the
Court overruled said motion to quash said execution
to which said several decisions and rulings of the Court
and the action of the Court above set forth the said
Defendants objected and excepted and tenders here
to the Court this his Bill of exceptions which
is prayed to be signed sealed and made part
of the record in this Cause which is done

John H. Stone Seal

Chamberlain & Churchill
N

Mannock Mining Co

1177
Bill of Expenditures

Filed May 23rd 1854
Geo. W. Deane
CLK

Know all men by these presents that we
James Hunt & Basil Haring as Secs
are held & firmly bound to J. B. Chamberlain &
Geo. Leitch

in the sum of one hundred dollars, which
payment well & truly to be made we bind ourselves
fully by these presents.

Now the Condition of the above obligation is
such that whereas the Mannorth Mining
Company has appealed from the Judgment
of the Jefferson Cir. Court with Case of
J. B. Chamberlain ^{Chamberlain} & Geo. Leitch against the Mannorth
Mining Company.

Now the Condition of this bond is such
that if the appellant will pay all costs
and damages which may be awarded
against him occasioned by the appeal &
also that the appellant shall prosecute his
appeal, & shall perform such Judgment, as shall
be given by the Supreme Court & such as the
Supreme Court may direct the Circuit Court to give
& if the Judgment, or any part thereof be affirmed,
that he will comply with, & perform the same.
So far as it may be affirmed & will pay all damages,
which may be awarded against the Appellant by the Supreme
Court. And the two of us will be taken as joint & several.
James Hunt, Basil Haring, Secs.

Chambersville

4

Thank you very
much.

Yours truly

Filed May 25 1854
Wm. A. M. L. C.

IN THE SUPREME COURT OF MISSOURI, AT SAINT LOUIS.

Frederick B. Chamberlin
& Levi Churchill
D.

The Mammoth Mining
Company.

October Term, 1854.

Appeal from the Circuit Court
of Jefferson County.

NOW come again the parties herein
by their respective attorneys, and the Court here being now sufficiently
advised of and concerning the premises

do consider and adjudge, that the judgment aforesaid, in form aforesaid, by said
Circuit Court rendered, be in all things affirmed
and stand in full force and effect;

And it is further considered by the Court, that said respondents recover
against said appellant their costs and charges
herein expended and have thereof execution.

THE STATE OF MISSOURI, SS.

I, WILLIAM S. GLANVILLE, Clerk of the Supreme Court of the State of Missouri, at St.
Louis, certify the foregoing to be a perfect transcript of the judgment
of said Court, in the above entitled cause, decided by said Court, at the term first above stated,
on appeal from said Circuit Court.

WITNESS my hand, and the Seal of said Supreme Court, at
Office, in St. Louis, this twenty fifth day of

November 1854.

WILLIAM S. GLANVILLE, Clerk.

Sept 1874

Chamberlain and
Churchill

Q.

Warrington Mining

Company.

Warrington, N.Y.

A.

Filed Nov 29 - 1874
Wm C. Melcher
C.N.