

Jefferson County Circuit Court
Case file Civil
March 1866

Box

17

Folder 3

Garrigues & Miles

VS

Graves, John H & Co

Appeal

Defendant appealed from JP
Patrick Byrne on unlawful
detainer of flat boat and
cross cut saw



State of Missouri
County of Jefferson } for Patrick Byrne a
Justice of the Peace of Morrisman township

Plaintiff states that he is lawfully
entitled to the possession of one flat Boat ^{and one Crook Cut spade of the} now in
the possession of the Johanna Graves that the same
was on the seventh day of February 1866 unlawfully
taken and is now wrongfully detained in said
County and that plaintiff is in great danger
of losing said property unless taken out of
Defendants possession plaintiff further states
that for the detention of said property and all
injuries thereto he is damaged twenty five
Dollars wherefore Plaintiff prays judgement
for the recovery of said property and twenty five
Dollars damages for the detention of said property

B. W. Garrigues & Miles Makes Oath
and says that to the Best of their ~~ability~~
knowledge and ability the facts contained
in the above statement are true

Sworn and subscribed

Before me this seventh
day of February 1866

Patrick Byrne
Justice of the Peace

Garrigues & Miles

Garrigues & Miles
vs
Johana Graves

Order of Delivery
The State of Missouri
to the Constable of
Merrimac township in the

County of Jefferson you are Commanded to
take one flat Boat and one Cross Cut saw
of the value of fifty dollars out of the possession
of the Defendant Johana Graves and to deliver
them to the Plaintiff Garrigues & Miles upon
their giving the Bond required By law and
you will make due return of this order Before
me on the 24th day of February 1866 and you are
further Commanded to summon the said
Johana Graves to appear on said day at my
office in Merrimac township to answer further
touching the Complaint of Garrigues & Miles
and for the unlawful detention of said Property

Dated this th day
of Feb^y 1866

Patrick Byrne
Justice of the peace

Executed the above writ By
delivering unto the Possession of the Plaintiff
the above named saw and Boat and
also summoning the said Defendant to
appear Before said justice on the 24th day
of February 1866 served on the 8th day of Feb^y
1866 by Merrimac township in said County of
Jefferson

Nathan Pepper Const

George & Milla

125

Johnna Grace

1891

Johnna Grace 1st 00

Garrigue & Miles }
vs } Before Patrick Byrne
Johanna Graves } Justice of the Peace
of Merrimac township

Bond

We undertake and are Bound unto the
Defendant Johanna Graves in the sum
of two hundred Dollars for the prosecution
of the action in the above entitled Cause for
the return to the Defendant Johanna Graves
of the Boat and saw If return thereof be
acquiesced and for the payment to her the
Defendant of such sum as may for any Cause
grow out of the order in the Cause be
recovered against the plaintiff and for
the payment of all costs of suit

Garrigue, & Miles

Benjamin Badger

Approved February the 5th 1866

William Pepper Const

State of Missouri }
County of Jefferson }

To the Constable of
Morrimas Township in the County of
Jefferson We Command you to summon
six Lawful men of your County qualified
to serve a jury in the Circuit Court
of said County and who are not of kin
to either party to appear before me at my
office in the township of Morrimas on the
24th day of February 1866 at ten of the Clock
A M to make a jury in the action Between
Garaguas & Mules plaintiffs and Johana graves
Defendant Because as well the said plaintiffs
as the said Defendant have put themselves
on the Country for trial and have you
then and there the names of the jury
and this writ

Witness my hand this 24th day
of Feb^y 1866 Patrick Byrne
Justice of the Peace

Sanjiv's 10 Miles } Before Patrick
vs } Boyne brother of
Johna Graves } the price
Claim and delivery of
personal property

We the jury find that
the property taken from Defendant was
the property of Plaintiff that the dam-
ages of the value of \$50.00 dollars and
the damages for detection no damages ~~there~~

John Dungan for man ~~there~~

Larriguera and Miles
vs. plaintiffs
Johanna Gref, defendant

Before
Patrick Byrne,
Justice of the peace.
Johanna Gref, defendant in

the above styled case, being duly sworn upon her oath
states, that this application for an appeal is not made
for vexation or delay, but because she verily
believes, that this appealant is injured by the verdict
of the jury and the judgment of the above named
justice of the peace.

Sworn to and subscribed before me
this 24th day of February, 1886, *Justice Gress.*

Patrick Byrne
Justice of the Peace

Was the undersigned Johanna Gref as principal and
Alfredman & John Rose as securities.

acknowledge ourselves indebted to Larriguera and Miles
in the sum of One hundred dollars, to be void upon this
condition. Whereas said Johanna Gref has appealed from
the judgment of Patrick Byrne, a justice of the peace,
in an action between Larriguera and Miles, plaintiffs and
Johanna Gref defendant, now if, on such appeal, the
judgment of the justice be affirmed, or if, on the trial
new, in the appellate court, judgment be given against
the appellant, and she shall satisfy such judgment

or, if her appeal shall be dismissed, and she
shall pay the judgment of the justice, together
with the costs of the appeal, then this recognition
shall be void.

Attested and approved this
twenty fourth day of
February A.D. 1866

Johanna. Green Seal
H. Gieselmann
John Weare Seal

Approved this 24th day of
February 1866

Patrick Byrne
Justice of the Peace

Garrigue & Miles
vs
Johanna Graves

Plaintiffs, filed
February 7th 1866 their
affidavit and Bond
for a writ of replevin for
one flat Boat and one cross cut saw of the
value of fifty dollars in the possession of the
defendant and ordered a writ to Issue which
is done and delivered to Nathan Peppers Constable
made returnable to the 24th day of February 1866

Patrick Byrne J. P.
February 24th - 1866 the writ Issued in this Cause
is returned executed as the Law directs and the
Cause coming on to be heard a jury Being
demanded the following persons appeared as jurors
(viz) Oliver Cromwell, William Sullens John
Dunigan, Abraham, Smith, Philip Wetterbrand
and Henry York good and Lawful Citizens
of the body of the County who having heard
the evidence returned their verdict as follows
We the jury find the property for the plaintiffs
John Dunigan foreman { Wherefore it is Consi-
dered By the justice that plaintiff receive
said property and have judgement for Costs
of suit Patrick Byrne
and on this
Witnesses
Judgement for plaintiffs.

2121

Manuscript

Yamaguchi

Yamaguchi

Filed Mar 19 1866.
Samuel H. P. & Co.

Henry Debbles	}	Justice fee	\$ 4 ⁰⁰ 75
John Shepherd		Court fee	5 00
John Wese		Jury fee	4 ⁰⁰ 50
Joseph Ghost		Shlups fee	4 00

and on this 24 day of February 1866 Comes said
 defendant and files her affidavit and Bond
 for an appeal with Henry Gieselman and John
 Wese as securities which is granted By the justice
 and approved

State of Missouri }
 County of Jefferson } I Patrick Byrne

a justice of the peace
 within and for Jefferson
 County do Certify that the foregoing to be
 a full true and Complete transcript of the
 entries and proceedings in the Case of Garrigue's
 & Miles vs Johanna Graves as the same are
 of Record on my docket and that the papers
 thereto attached are all the Original
 papers on file in my office

Witness my hand this 7th day of
 March 1866
 Patrick Byrne
 Justice of the Peace

Garrigue & Miles } Before
vs: } Patrick Byrne
Johanna Greer } Justice of the Peace

Defendant moved this
court to dismiss this case, for the reason, that
the justice has no jurisdiction of the above
case, in this to wit, that the value of the property
therein claimed is more than fifty dollars, which
she is ready to verify & prove. Louis Gottschell
att'y for Def. B.

Trustee's Sale

Whereas Frederick Heilb & Christina
his wife conveyed to the undersigned
trustee.

Appeal

Carrington & Miller
are

Johnna Green