1/41

No 39

David Griffy and Catherine Griffy (late Catherine Quathing), executors of
John Quathing, deceased

vs

Daniel F. Steinbeck, Admin for Louis Lorimier, deceased

Nov 1823
New Madrid

Pleas at the Circuit Court holden at New Madrid in the County of New Madrid in the fourth Judicial Circuit of the State of Missouri at the Term of June of said Court in the year of our Lord one thousand eight hundred and twenty three before the

Honorable Richard S Thomas Judge.

Be it remembered that heretofore towit on the second day of June in the year aforesaid the Clerk of the County Court of New Madrid County filed with the Clerk of the Circuit Court aforesaid a certain Transcript and papers which said transcript and papers are in the words and figures following towit.

" Pleas at the County Court for the County of New Madrid in the State of Missouri held at the Town of New Madrid at the Term of November of said Court in the Year of our Lord, one thousand eight hundred and twenty three.

Before G. G. Alford Presiding Justice

Thos. C Powell Justice.

Be it Remembered that heretofore on the tenth day of July in the year aforesaid Daniel F Steinbeck filed in the Clerks Office of said Court a Notice to David Griffy and Catharine Griffy late Catharine Guething Executrix and John Shrader Executor of John Guething deceased, which said notice was on the 15th day of July aforesaid returned by the Sheriff of Scott County with his return thereon endorsed indorced and now at this twelfth day of November of the Term aforesaid Daniel F Steinbeck Admr. of ~~Louis Larimere dec.~~ Louis Larimere decd.

David vs Griffy & Catharine Griffy, late Catharine Guething Executrix of John Guething decd. impleaded with John Shrader Executor.

On notice given for application to have certain demands against said estate proven and allowed

This day the Plaintiff Daniel F Steinbeck by his agent appeared and David Griffy and Catharine Griffy being solemnly called came not whereupon the Court received proof of the debts and ordered that the said Daniel F Steinbeck as Administrator as aforesaid recover of David Griffy Admr. and Catharine Griffy Executrix the sum of three hundred and eighty five dollars, forty nine cents together with his costs and charges to be levied of the goods and chattels rights and credits of the deceased in the hands of the Administrator and Executrix to be administered

At the Term of February of said Court in the year of our Lord, one thousand, eight hundred and twenty three on Wednesday the 12th day of the month before

the Justices aforesaid, came John Shrader and moved the Court on affidavit filed for an appeal on the Judgement of the Court at the November Term. It appearing to the satisfaction of the Court, that all the Costs have been paid an appeal is therefore Granted. And which said affidavit is in the word and figures following to wit.

"This day John Shrader one of the executors of the Estate of John Guthing dec^d came into open Court and made Oath that he does not ask an appeal on the Judgment in favor of Daniel F Steinbeck ~~Administrator of Louis Larimer deceased ag~~ Administrator of Louis Larimer deceased against the Executors of said Guthing for the purpose of vexation or delay but that he believes himself as Executor of said estate aggrieved by the Judgment of the County Court.

Sworn to and Subscribed
in open Court 12th. February 1823

C G Hout Clk

John Shrader

And which said papers is in the following words and figures to wit.

On demand I promise to pay to Louis Lorimier Senr. or his assigns the Sum of Forty five Dollars in Specie, lawful Currency of the United States; It being for value received of him, and for the Balance ~~remaining~~ due on a Lot of an acre of ground in the Town of Cape Girardeau, being No. 13 in Range B. and more particularly described in the Deed from L. Lorimier to me for the same dated the fourth day of March last. In surety of the payment of which said sum of Forty five Dollars, I do hereby sell in mortgage and deliver unto the said L. Lorimier or his representatives, the said Lot of ground and the improvements made & to be made thereon, making the same liable for the full payment of the present obligation with interest from the date thereof.

Witness my hand & Seal at Cape Girardeau this tenth day of April in the Year of our Lord, One thousand eight hundred & ten

D. F. Steinbeck

John Guthing (Seal)

Dr. John Guething in Acct. with the Estate of Louis Lorimier (decd.) Cr.

1805 Apl.	8	To paid Hogh. Dickson on your acct.	$ 49	—		By carried over —	$ 339	17
July	8	" 1 mare	60	—				
"	"	" 1 Bridle 3,00						
"	"	" 1 pair Shoes 3,00						
"	"	" 1 Yd. cloth 1,25						
"	"	" Cash 9,50						
"	"	" Washing 1,00	17	75				
Augt.	10	To 25 lbs Bacon	4	—				
Septr.	30	To 1/2 lb Powder 75 & 2 lb lead 30	1	05				
Octo.	10	To Cash	"	50				
Decr.	1	To 1 Yd linnen 1,50						
"	"	" 2 Skeins thread 25						
"	"	" Silk 50						
"	"	" 1 Yd check 1,00	3	25				
"	7	To 1 Stick twist	"	25				
"	16	To 3 Yds Binding	"	75				
"	23	To 415 lbs Pork @ 3 cts 12,45						
"	"	" 82 " Salt @ 6 " 4,92	17	37				
"	24	To 2 barrels Corn	5	—				
1805 Jany.	2	To 6 Candles	"	75				
"	"	" 3 Weeks boarding Jno. Dougherty	6	—				
"	"	" Negro & Oxen (labour)	2	—				
"	"	" 6 Candles	"	75				
"	20	" 12 ditto	1	50				
March	16	To paid Hall for you	18	—				
June	16	" Cow & calf 12,00						
"	"	" 1 pair Horse Shoes 1,00						
	"	" 1/2 Gall. Whiskey 1,00						
	"	" 1 Skein thread 12 1/2						
	"	" paid to Jos. Mayer 8,00						
	"	" 1 Small dressed Skin 1,00	23	12 1/2				
Octobr.	14	To 1 Ell cloth	5	—				
1806 Jany.	18	To 1 pair Boots 12,00						
	"	" 1 Quire Paper 1,00	13	—				
Novr.	5	To 1 Yd Grey Cloth	4	50				
	"	" 1 " linnen & trimmings	2	12 1/2				
May	23	To 1 Curb Bridle	3	—				
	"	" 1 Paper Sprigs	1	75				
July	21	" 5 1/2 Yds Check	5	50				
	"	" 4 Skeins thread	"	50				
Augt.	12	" paid Jas. Scott 6,00						
"	"	" pc. do do for Sprigs 1,75	7	75				
Septr.	25	To 2 Skeins thread	"	25				
Novr.	25	" 1 1/2 Yds Coating @ 2,00	4	50				
Decbr.	7	" 2 5/8 " ditto	7	87 1/2				
	"	" 1/4 " Coarse linnen	"	37 1/2				
	"	" 1 Skein thread	"	12 1/2				
1807 Jan	6	To boarding yourself & apprentice from this day to March 15th at 8 $ pr. mon	36	—				
March	15	To Hire of negro Sophia for 2 months @ 5 $ pr. month	10	—				
April	30	" Skeins thread	—	37 1/2				
May	15	To your acct. paid Archd. McNabb	17	—				
1809 Mar	10	To 12 bushels corn 50	6	—				
June	21	" 5 ditto do	2	50				
			$ 339	17			$ 339	17

Dr. John Guething in acct. with the Estate of Louis Lorimier Cr.

1810		To amt. brought over	$ 339	17	1807 May	15	By repayment on acct. of McHabb	$ 3	—
Jany.	20	To hauling 1½ loads	1	50			By Book acct. rendered by Mr. Shrader	35	75
	"	" do 1 " from the Mills	1	50			By balance from Dr. side	385	49
Augt	24	" 4 Bushels Corn pr. order	2	—					
1811 Jany	—	" 4 ditto do	2	—					
		To your obligation dated April 16. 1810 with Interest	45	—					
		To 12 Years & 3 Months Interest	33	07					
			$ 424	24				$ 424	24

To Balance due Lorimiers Estate $ 385 " 49

I Certify the above account to be truly extracted from Louis Lorimiers books which I kept at that time and I believe the same to be just B Cousin

Sworn to and subscribed before me a Justice of the peace for Cape Girardeau Township in the County of Cape Girardeau this fourth day of July A.D. 1822

George Henderson Justice of the Peace.

I Christofy Houts Clerk of the County Court of New Madrid County in the State of Missouri do certify that the foregoing is a true copy of the record of said cause and that the inclosed are all the original papers relating to the same which remain in my office.

(Seal) Given under my hand and seal of said Court this 1st day of May 1823

C. G. Houts clk

And now at the Term aforesaid of said Court before the Judge aforenamed and on the third day of the month came Daniel F Steinbeck administrator of Louis Lorimier decd. by A Buckner his attorney and filed the following notice towit " Lorimier's Administrator versus Guethings Executors " Appeal from County Court Mr. John Shrader & David Griffy Executors &c. " or Mr. John D Cook their attorney Take notice that on Thursday the fourth " day or as soon as the Court can hear the same of the present June Term " of the Circuit Court for the County of New Madrid I will move said Court " to dismiss the appeal granted in the above cause for the following reason " towit 1st Because the costs accrued in the County Court have not been paid " in the above cause before appeal granted. 2nd Because there is no bond taken " in the above cause conditioned to prosecute the appeal nor is there any " bond at all. 3rd Because the appeal was granted too late or after the time " allowed to appeal in such cases had elapsed: 4th Because the whole pro- " ceedings are irregular &c June 3d. 1823 I am Yours &c

A Buckner attorney for Steinbeck.

And afterwards to wit at the Term of said Court aforesaid on wednesday the fourth day of the month before the Judge aforesaid

" Daniel F Steinbeck Administrator of Louis Larimeer decd Plaintiff
" versus
" David Griffy Admr and Catherine Griffy Executrix impleaded
" John Shrader Executor of John Guething decd Defendants

On Appeal from the County Court

" The parties by their attornies came and the arguments on the plaintiffs motion to " dismiss the appeal on reasons filed being heard by the Court it is ordered that the " appeal be dismissed because the appeal was not prayed for at the term of the " Court when the judgment was rendered and because there was no bond given by " the defendants to prosecute their appeal before the appeal was granted to which opin= "=ion of the Court the Defendants attorney files his bill of exceptions". which said bill of exceptions is in the words and figures following to wit

" Daniel F Steinbeck administrator of Lewis Lorrimier deceased vs David Griffith " and Catherine Griffith late Catherine Guething executrix and John Shrader " Executor of John Guething deceased. In the Circuit Court of the June Term 1823 for " New Madrid County in State of Missouri on an appeal from the County Court of " said County. Be it remembered that the said appealants having at this time filed " the transcript and proceedings of said County Court in said Case which is as " follows Pleas at the County Court for the County of New Madrid in the State of Missou "=ri held at the Town of New Madrid at the Term of November of said Court in the "year of our Lord one thousand eight hundred and twenty three before G G Alford presiding "Justice Thos C Powell Justice. Be it remembered that heretofore on the tenth day of July "in the year aforesaid Daniel F Steinbeck filed in the Clerks office of said Court a "Notice to David Griffy an Catherine Griffy late Catherine Guething Executrix and John "Shrader Executor of John Guething deceased which said notice was on the 15th day "of July aforesaid returned by the Sheriff of Scott County with his return thereon "indorsed, and now at this twelfth day of November of the Term aforesaid. Daniel F "Steinbeck Admr of Louis Larimere decd vs David Griffy & Catherine Griffy late "Catherine Guething decd impleaded with John Shrader Executor. On notice given for ap= "=plication to have certain demands against said estate provin and allowed. This day "Daniel F Steinbeck by his agent appeared and David Griffy and Catherine Griffy "being solemnly called came not whereupon the Court received proof of the debts "and ordered that the said Daniel F Steinbeck as Administrator as aforesaid "recover of David Griffy Admr and Catherine Griffy Executrix the sum of three hun= "dred and eighty five dollars forty nine cents together with his costs and charges "to be levied of the goods and chattels rights and credits of the deceased in the hands of the "administrators and Executrix to be administered. At the Term of February of said "Court in the year of our Lord one thousand eight hundred and twenty three on wednesday "the 12th day of the month before the Justices aforesaid came John Shrader and moved the "Court an affidavit filed for an appeal on the judgment of the Court at the November

"Term It appearing to the satisfaction of the Court that all the costs have been paid an
"appeal is therefore granted. This day John Shrader one of the Executors of the estate of John
"Guething dec^d came into open Court and made oath that he does not ask an appeal on the
"Judgment in favour of Daniel F Steinbeck Administrator of Louis Lorimier deceased against
"the Executors of said Guething for the purpose of vexation or delay but that he believes himself
"as Executor of said estate aggrieved by the judgment of the County Court. John Shrader
"Sworn to and subscribed in open Court 12th February 1823 C.G. Houts clk.
"On demand I promise to pay to Louis Lorimier Senr or his assigns the sum of forty five
"dollars in Specie lawful currency of the United States It being for value received of him and
"for the balance remaining due on a lot of an acre of ground in the town of Cape Girar=
"dean being No 13 in Range B and more particularly described in the deed from L Lori=
"mier to me for the same, dated the fourth day of March last In surety of the pay=
"=ment of which said sum of forty five dollars I do hereby sell in mortgage and de=
"=liver unto the said L Lorimier or his representatives the said lot of ground and
"the improvements made & to be made thereon Making the same liable for the full
"payment of the present obligation with interest from the date thereof. Witness my
"hand and seal at Cape Girardeau this tenth day of April in the year of our Lord
"one thousand eight hundred & ten John Guething (Seal)
" D. F. Steinbeck

Dr John Guething in Acct with the Estate of Louis Lorimier dec^d C^r

1805 apl	8	To paid Hez^h Dickson on y^r acct		$ 49		By carried over	339.17
July	8	1 Mare		60			
		" 1 Bridle	3.00				
		" 1 Pair Shoes	3.00				
		" 1 Yd Cloth	1.25				
		" Cash	9.50				
		" Washing	1.00	17	75		
Aug^t	10	To 25 lbs Bacon		4			
Sept^r	30	To ½ lb powder 75 & 2 lbs lead 30		1	05		
Octo	10	To Cash			50		
Dec^r		To 1 Yd linen	1.50				
		" Skeins thread	25				
		" Silk	50				
		" 1 Yd check	1.00	3	25		
	7	To 1 Stick twist			25		
	16	To 3 Yds binding			75		
	23	To 415 lbs pork a 3 cts	12.45				
		" 82 Salt 6 cts	4.92	17	37		
	24	To 2 Barrels corn		5	—		
1805 Jan^r	2	To 6 Candles		" "	75		
		" 3 Weeks boarding Jno Daugherty		6	—		
		" Negro & Oxen (labour)		2	—		
		" 6 candles			75		

	20	" 12 ditto		1	50
March	16	To paid Hall for you		18	
June	16	" 1 Cow & Calf	12.00		
		" 1 pair horse Shoes	1.00		
		" ½ Gallon Whiskey	1.00		
		" 1 Skein thread	12½		
		" paid to James Mayer	8.00		
		" 1 Small dress^d. Skin	1.00	23	12½
Oct^rs.	14	To 1 ell cloth		5	—
1806 Jan^y.	18	To 1 pair Boots	12.00		
		" 1 Quire paper	1.00	13	00
Nov	5	" 1 Yd grey cloth		4	50
		1 " linen & trimings		2	12½
May	23	To 1 Curb bridle		3	00
		" 1 paper Spriggs		1	75
July	21	" 5½ yds check		5	50
		" 4 Skeins thread			50
Aug^t.	12	" paid Jas Scott	6.00		
		do for Sprigs	1.75	7	75
Sept	25	To 2 Skeins thread			25
Nov	25	" 1½ yds coating 3.00		4	50
		" 2 5/8 ditto		7	87½
		" Coarse linen			37½
		" 1 Skein thread			12½
1807 Jan^y.	6	To boarding yourself & apprentice from this day to March 15th. at $8 p^r mo.		36	—
March	15	To hire of negro Sophia for 2 months at $5 p^r. mo		10	
Apl	30	Skeins thread			37½
May	15	To your acct paid Arch^d. McNabb		17	—
1809 Mar	10	To 12 bushels corn 50		6	0
June	21	" 5 ditto		2	50
				339	17

D^r.		John Guething in acct with the Estate of Louis Lorimeir dec^d.					C^rs.
1810		To amt bro^t. over	339	17	1807 May 15	By repayment on acct of McNabb	3 —
January	20	To hauling 1½ loads	1	50		By book acct rendered by Mr Schrader	35 75
		" do 1 from the mill	1	50		By balance from D^r side	385 49
Aug^t	24	" 4 Bushels corn p^r Order	2	—			
		" 4 " ditto	2	—			
		To your oblig^n dated april 10th. 1810 with interest	45	—			
		To 12 yrs & 3 mo Interest	33	07			
			$ 424	24			$ 424 24
		To balance due Lorimeirs estate	$ 385	49			

"The said Daniel F Steinbeck moved to dismiss the said appeal for the following
"reasons (viz) 1st the appealants did not give bond and security for said appeal
"2nd The appeal was not taken at the term of the Court on which judgment was
"rendered Which objections the said Circuit Court sustained and dismissed said
"appeal To which decission of said Court the said David Catherine and John
"~~excepts~~ objects and prays this their bill of exceptions to be signed sealed and
"made a part of the record in this case R. S. Thomas (Seal)
And the Original papers are by the Court remanded to the County Court

I the Clerk of the Circuit Court of the County of New Madrid in the fourth Judicial Circuit of the ~~County~~ State of Missouri do Certify the foregoing eight pages to contain a true transcript and record of the plaint aforesaid together with all things touching the same as fully as the same remains of record in my office.

Given under my hand and the Seal of said Court at Office this 18th day of November A D 1823

Chrest G Houts clk

Clerks fees for this transcript

Copy 3291 words @ 10c p 100	$3.29
Searches	1.25
Certificate	5 50
Tax on Certificate & Seal	1.00
	$5.95

C G Houts clk

62 Copy Record.
David Griffy et al &
against
Daniel F. Steinbeck Administrator
of Louis Lourmier deceased

Recd and Filed November 22d 1823

State of Missouri fourth Judicial District ss

The State of Missouri to the sheriff of Cape Girardeau County, Because in the Record and proceedings and also in the giving of Judgment in a plaint which was in our County Court for the County of New madrid before our Judges of our County Court for the County aforesaid and State of Missouri, by our writ between Daniel F. Steinbeck Administrator of Louis Lorimier deceased Plaintiff and David Griffey and Catherine Griffey late Catherine Guathing executors of John Guathing deceased impleded with John Shrader Executor defendants, an notice given to have certain demands against said Estate proven and allowed— Manifest Error hath intervened to the great damage of the said David Griffey and Catherine Griffey late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Executor as by their Complaint we are informed, The Record and proceedings of which said Judgment we have lately Caused to be brought before our Judges of our Supreme Court of our State of Missouri aforesaid, For Certain Causes of Error, and we being willing that the error if any there be, should in due manner be Corrected and full and speedy Justice done to the parties aforesaid, as is just, Command you that by good and lawfull men of your bailiwick, you make known to the said Daniel F. Steinbeck administrator as aforesaid, that he be before our said Judges of our Supreme Court aforesaid, at their next term to be held for the fourth Judicial District aforesaid, at the Town of Jackson in the County of Cape Girardeau, on the fourth Monday in November next, to hear the Record, and proceedings aforesaid, if it shall seem expediant for the said David Griffey and Catherine Griffey late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Executor, And Further to do and receive what our Supreme Court aforesaid, before our Judges thereof, shall Consider of the said Daniel F. Steinbeck administrator as aforesaid, in this behalf, and have you then there the names of those by whom you shall so make known to him and this writ

Witness Peter R. Garrett Clerk our said Supreme Court, at Office, the eighteenth day of September in the year of our Lord one thousand eight hundred and twenty three

Peter R Garrett Clerk S.C.

I acknowledge the service of the within Scire facias by Levi L. Leightner and Moses McClean and the Sheriff is hereby authorised to return the same accordingly agreeably to law
October 28th A.D. 1823

D. F. Steinbeck

62

Scire Facias to Cape Girardeau Co

Supreme Court Fourth Judicial District
November Term 1823

David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Plaintiffs

versus

Daniel F. Steinbeck Administrator of Louis Lorimier deceased Defendant

September 15th 1823

P. R. Garrett Clerk

This Scire facias made known to Daniel F. Steinbeck ~~in the presence of~~ by Levi L. Leightner and Moses McClean in Cape Girardeau township - October 28. 1823.

Wm. Creath Sheriff

Returned November 25th 1823

State of Missouri Fourth Judicial District S.S.

The State of Missouri to the Sheriff of the County Cape Girardeau, Greeting, Because in the Record and proceedings and also in the giving of Judgment in a plaint which was in our County Court for the County of New Madrid before our Judges of our County Court for the County aforesaid, and State of Missouri by our writ, between ~~Daniel Griffy~~ Daniel F Steinbeck administrator of Louis Lorimier deceased plaintiff and David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleaded with John Shrader Executor Defendants, on Notice given to have Certain demands against said Estate proven and allowed, Manifest error hath intervened to the great damage of the said David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleaded with John Shrader Executor, as by their Complaint we are informed, The Record and proceedings of which said Judgment we have lately Caused to be brought before our Judges of our Supreme Court of our State of Missouri aforesaid, for Certain Causes of Error, and we being willing that the error, if any there be, should in due manner be Corrected, and full and speedy Justice done to the parties aforesaid, as is just, Command you. that by good and lawfull men of your bailiwick you make Known to the said Daniel F Steinbeck administrator as aforesaid, that he be before our Judges of our Supreme Court aforesaid, at their next term to be held for the fourth Judicial District aforesaid, at the Town of Jackson in the County of Cape Girardeau, on the fourth Monday in November next, to hear the Record and proceedings aforesaid if it shall seem expedient for the said David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleaded with John Shrader Executor, And further to do and receive what our Supreme Court aforesaid, before our Judges thereof shall Consider of the said Daniel F. Steinbeck administrator as aforesaid, in this behalf, and have you then there the names of those by whom you shall so make Known to him and this writ

Witness Peter R Garrett Clerk of our said Supreme Court, at Office, this the Fifteenth day of September in the Year of our Lord One thousand eight hundred and twenty Three

Peter R Garrett Clerk S.C.

I acknowledge the service of the within scire facias by Levi L. Lightner and Moses McClean and the sherriff is hereby authorised to return the same accordingly agreeably to law

October 28th A.D. 1823.

D. J. Steinbeck

63

Scire Facias to Cape Girardeau Co

Supreme Court Fourth Judicial District

November Term 1823

David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Executor Plaintiffs

versus

Daniel F. Steinbeck administrator of Louis Lorimier Defendant

September 15th 1823

P. R. Garrett Clerk

This Scire facias made known to Daniel J. Steinbeck by Levi L. Lightner and Moses McClean in Cape Girardeau township - October 28. 1823.

Wm. Creath Sheriff

Returned November 25th 1823

State of Missouri County fourth Judicial District S.S.

The State of Missouri to the Justices of the County Court for the County of New Madrid in the District aforesaid. Greeting, Because in the Record and proceedings in our County Court for the County of New Madrid, before you, at the suit of Daniel F Steinbeck administrator of Louis Lourier deceased plaintiff and David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleaded with John Shrader Executor defendants, on Notice given to have Certain demands against said Estate proven and allowed Manifest Error hath intervened to the great damage of the said David Griffy and Catherine Griffy Executors as aforesaid as by their Complaint we are informed, and we being willing that the error, if any there be, shall in due manner be Corrected, and full and speedy Justice done to the parties aforesaid, in this behalf, Command you, that if Judgment thereon be given, then you send to our Judges of our Supreme Court aforesaid, distinctly and openly under your seal, the Record and proceedings of the action aforesaid, with all things Concerning the same, and this writ, so that the same may be before our said Judges of our Supreme Court of our State of Missouri, at their next term to be held for the fourth Judicial District aforesaid, at the Town of Jackson in the County of Cape Girardeau, on the fourth Monday in November next, That the Record and proceedings aforesaid, being seen and examined, may Cause to be done therein, for Correcting that error, what of Right and according to the law of our State ought to be done

Witness Peter R Ganett Clerk of our said Supreme Court, at Office, the Fifteenth day of September A.D. Eighteen hundred and twenty Three

Peter R Ganett Clk

62

Writ of Error County of New Madrid

Supreme Court 4th Judicial District

November Term 1823

David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Exec. plaintiffs

versus

Daniel F. Steinbeck Administrator of Louis Lorimeir deceased Defendant

15th September 1823

P. R. Garrett & Co.

40

State of Missouri fourth Judicial District SS.

The State of Missouri to the Justices of the County Court for the County of New Madrid in the District aforesaid, Greeting, Because in the Record and proceedings in our County Court for the County aforesaid before you at the suit of Daniel f Steenbeck administrator of Louis Lorimier deceased plaintiff against David Greffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased — impleded with John Shrader Executor defendants, on notice given to have certain demands against said Estate proven and allowed — Manifest Error hath intervened to the great damage of the said David Greffy and Catherine Griffy Executors as aforesaid as by their Complaint we are informed, and we being willing that the error if any there be should in due manner be Corrected and full and speedy Justice done to the parties aforesaid. — Command you, that if Judgment thereon be given, then you send to our Judges of our Supreme Court of Our State of Missouri aforesaid, distinctly and openly under your seal, the Record and proceedings of the action aforesaid, with all things Concerning the same, and this writ, So that the same may be before our said Judges of Our Supreme Court aforesaid, at their next term to be held for the fourth Judicial District aforesaid, at the Town of Jackson in the County of Cape Girardeau, on the fourth monday in November next, That the Record and proceedings aforesaid being seen and examined, may Cause to be done therein for Correcting that Error what of right and according to the Law of our state ought to be done, —

Witness Peter. R. Garrett Clerk of our said Supreme Court, at Office the Fifteenth day of September A.D. Eighteen hundred and twenty Three —

Peter. R. Garrett Clk:

63

Writ of Error County of New Madrid

Supreme Court 4th Judicial District

November Term 1823

David Griffy and Catherine Griffy late Catherine Guathing Executors of John Guathing deceased impleded with John Shrader Exor Plaintiffs

versus

Daniel F. Steinbeck Administrator of Louis Lorimier deceased defendant

15th September 1823

P. R. Garrett Clk

1823 November 22d Returned

P. R. Garrett Clk

39

Pleas at the county Court for the county of New Madrid in the State of Missouri held at the Town of New Madrid at the Term of November of said Court in the year of our Lord one thousand eight hundred and twenty two. before G. G. Alford presiding Justice, Thos B Powell Justice

Be it remembered that heretofore on the tenth day of July in the year aforesaid Daniel J Steinbeck filed in the Clerks office of said Court a notice to David Griffy and Catharine Griffy late Catharine Guething Executrix and John Shrader Executor of John Guething deceased, which said Notice was on the 15th day of July aforesaid returned by the Sheriff of Scote County with his return thereon endorsed And now at the Term of November aforesaid on the twelfth day of the month Daniel J Steinbeck, versus David Griffy and Catharine Griffy late Catharine Guething Executrix of John Guething deceased impleaded with John Shrader Executor On Notice given for application to have certain demands against said Estate proven and allowed, This day Daniel J Steinbeck by his agent appeared and David Griffy and Catharine Griffy being solemnly called came not, whereupon the Court received proof of the debts and order that the said Daniel J Steinbeck have and recover of David Griffy Adm and Catharine Griffy Executrix of the said John Guething deceased the sum of three hundred and ten dollars ninety two cents, together with his costs and charges, to be levied of the goods and chattles rights and credits of the deceased in the hands of the administrator and Executrix to be administered.

At the Term of February of said Court in the year of our Lord one thousand Eight hundred and twenty three on Wednesday the twelfth day of the month before the Justices aforesaid came John Shrader and moved the Court on affidavit filed for an appeal on the Judgment of the Court at November ~~Court~~ Term, It appearing to the satisfaction of the Court that all costs have been paid an appeal is therefore Granted

" This day John Shrader one of the Executors of the Estate of John Guething dec^d came into open
" Court and made oath that he doth ask an appeal on the Judgment in favour of Daniel J
" Steinbeck against the Executors of said Guething for the purpose of vexation or delay but that
" he believes himself as Executor of said Estate aggrieved by the judgment of the County Court
" John Shrader, sworn to & subscribed in open Court 12th February 1823 G G Hunts Clk

Which said Notice is in the words and figures following to wit

" Mr David Griffy & Catharine Griffy late Catharine Guething Executrix and John Shrader,
" Executor of John Guething deceased take Notice that I shall as administrator of Louis
" Larriner deceased as surviving partner of the firm of Reineker and Steinbeck and in my
" own name lay before the County Court of New Madrid County at their next Term to be holden
" at New Madrid on the second Monday in August next for allowance the following demands
" against the Estate of the said John Guething, to wit An Account in favour of Louis Larriner
" deceased for three hundred and Eighty five dollars ~~and~~ forty nine cents for goods wares and
" Merchandize: An Account in favour of Reineker & Steinbeck for sixty dollars ninety &
" one fourth cents: An account in my favour of two hundred and thirty six dollars fifty one
" & three fourth cents, both of which last said accounts is for goods wares and merchandize
" A Note in favour of Reineker & Steinbeck for twenty seven dollars twenty five & half cents
" A Note with Mortgage in favour of Louis Larriner for forty five dollars: a Note for seven
" dollars and fifty cents in favour of Reineker & Steinbeck: a Note in favour of Bartholomew
" Cousins and assigned to D. J. Steinbeck for thirty seven dollars & fifty cents, and an other
" Note given to B. Cousins and assigned to Danl J Steinbeck for thirteen dollars, all of which
" said Notes are executed by the said John Guething. When you are requested to attend, Daniel

" F. Steinbeck 10th July 1822. The sheriff of Scote County will serve this notice according to law
" and return the same to the August Term of the County Court of New Madrid County Christo G Hou
" Clk. Served on David Griffith on the 15th July 1822 I A Hopkins Sheriff of Scote Cty

On or before the 20th day of November in the year 1813 I promise to pay to Bartholomew Cousin or order the sum of thirty seven Dollars & 50cts one half of which is to be cash & the other half such property as may suit said B Cousin at cash price it being for value received Witness my hand this 20th day of November 1812 John Guething. I assign the within to Dand F Steinbeck B Cousin. Due B Cousin the sum of thirteen dollars cash for value received witness my hand this 15th decemr 1806 John Guething. I assign the within to Dand F Steinbeck B Cousin Ten days after date I promise to pay Reinecker & Steinbeck or assigns the sum of Twenty seven dollars twenty five & half cents for value received as witness my hand & seal this 22nd day of June 1811 John Guething (Seal) Test Henry Eckhart

Received of Reinecker & Steinbeck seven dollars and fifty cents borrowed money which I promise to repay on demand July the 20th 1810. John Guething

Dr. John Guething in Acct with D. J. Steinbeck Surviving partner of Reinecke & Steinbeck Cr.

1811 June	22	To your note at 10 days $ 27. 25½					By amt charged in D. J. Steinbeck's acct	60	90¼
		" Interest untill Aug.t 12th 1822 17. 98½	45	24½					
July	17	To Rachel McIntosh 2.31¼							
		" Thos. Byrne 4.00 James Davis 50							
		2 large Scalping Knives 3.00	9	81¼					
		To Interest after 12 months	5	85					
		$	60	90¼			$	60	90¼

To amt due D. J. Steinbeck as surviving partner of Reinecke & Steinbeck $60.90¼

Dr. John Guething in account with D. J. Steinbeck Cr.

		To amt due the late firm of Reinecke & Steinbeck	60	90¼	1812 Nov	12	By 3 Bushels potatoes 1.12½		
							" 110 lbs pork a 3 cts 3.30	4	42½
1812 Jan.y	10	To 3 dressed deer Skins 3.75					" Interest after 12 months	2	53½
		" 1½ doz Buttons 75					" By balance from Dr side	149	27¼
		" 1 hooks & eys 75							
		" 1 pen Knife 75							
		" 1 Comb 62½							
		" 1 pair cotton cards 2.25							
		" 1 ps. Tobacco 12½							
		" 1 paper pins 50							
		" 2 files 87½							
		" 1 comb 1.00							
		" 1 fine do 87½							
		" 1 doz.n Spanish Segars 25	12	50					
1813		To interest after 12 months	7	18½					
Feby	27	To 1 pair Cotton Cards 4.50							
		" Balance on ditto 2.50							
		" 2½ yds muslin 75 1.87½							
		" 1 Hankerchief 75							
		" 4 lbs. Sugar & 1 lb pepper 1.75							
		" ½ lb powder 50 & 1 lb lead 12½ 62½							
		" 1 yd muslin 75 & 1 Knife 75 1.50							
		" 5½ yds Callico 125 6.87½							
		" ¼ yd Cambric muslin 250 1.25							
		" 2 " Ribbon 25 & 2 ditto 50 75							
		" 2 " Wire 25 & thread 12½ 37½							
		" 2 lbs. powder 200 & 2 lbs. lead 25 2.25	25	00					
		To interest after 12 months	12	50					
Augt.	30	To 4 lbs. Sugar 100 & ½ lb pepper 37½ 1.37½							
		" 1 pair Mockasins 75	2	12½					
		To interest after 12 months	1	02					
		To 1 Dun Mare (for pork at cash price	35	—					
		$	156	23¾			$	156	23¾

		To balance due D. F. Steinbeck		149	27¼		By amt transferred to John Guethings estate	236	51¾
1806 Decr	15	To due bill to B Cousin & transferred							
		" to D F Steinbeck		14	50				
		To interest untill aug^t 12th 1822		13	56				
1813 Nov	20	To 1 note to B Cousin & transferr^d as above		37	50				
		To interest untill aug^t 12th 1822		21	68½				
			$	236	51¾			$ 236	51¾

Dr.	John Guethings estate				To	D. F. Steinbeck	Cr.	
	To amt due by John Guething	$	236	51¾		By amt from Dr side	$ 273	49¾
1813 Nov. 27	To 1 Muslin Shirt	2.50						
	" 7 yds Muslin 62½	4.37½						
	" 1 - Cambric	2.25						
	" 1 pair cotton socks 100 & 1 Ball bafs	1.25						
	" 4 ½ pts wine	1.50						
	" 7 qts whiskey	1.75						
	" ½ ℔ nails 18¾ & 50 springs 18¾	.37½						
	" Thorn & Cameron digging grave	50						
	" ½ doz coffin screws	12½						
	Sundry expences in house	10.00						
	2^d nails	75	25	37½				
	To interest after 12 months		11	60½				
		$	273	49¾			$ 273	49¾

To amt due D F Steinbeck $273.49¾

"State of Missouri County of Cape Girardeau ss I do hereby certify that on examining and comparing
"the forgoing accounts with the books which contain the charges against John Guething in favour of
"the late firm of Reinecke & Steinbeck and also the accounts in favour of Daniel F Steinbeck against
"John Guething also the accounts against the estate of said John Guething dec^d in favour of said Stein
"beck find the charges contained in said books to have been proved before me by the affida
"vits now on said books of Henry Eckhart taken before me the 9th day of April 1812 and on
"the 12th day of Novr 1814 who kept the books at the time the charges were made (except the

Pleas at the Circuit Court held at New Madrid in the County of New Madrid in the fourth Judicial Circuit of the State of Missouri at the Term of June in the Year of our Lord one thousand eight hundred and twenty three before the

Honorable Richard S Thomas Judge.

Be it remembered that heretofore towit on the second day of June in the year aforesaid ~~David~~ John Shrader ~~Steinbeck~~ by the Clerk of the New Madrid County Court filed in the Circuit Court aforesaid a certain transcript and papers certified on appeal from the said County Court which said transcript and papers are in the words and figures following towit

" Pleas at the County Court for the County of New Madrid in the State of Missouri held at the Town of New Madrid at the Term of November of said Court in the year of our Lord one thousand eight hundred and twenty two Before G G Alford presiding Justice

Thos C Powell Justice

Be it remembered that heretofore on the tenth day of July in the year aforesaid Daniel F Steinbeck filed in the Clerks office of said Court a Notice to David Griffy and Catharine Griffy late Catharine Guething Executrix and John Shrader Executor of John Guething deceased which said Notice was on the 15th day of July aforesaid returned by the Sheriff of said County with his return thereon endorsed.

And now at the Term of November aforesaid on the twelfth day of the month

David F Steinbeck

versus

David Griffy and Catharine Griffy late Catherine Guething Executrix of John Guething deceased impleaded with John Shrader Executor

On notice given for application to have certain demands against said Estate proven and allowed

This day Daniel F Steinbeck by his agent appeared and David Griffy and Catharine Griffy being solemnly called came not. Whereupon the Court received proof of the debt and order that the said Daniel F Steinbeck have and recover of David Griffy Adm^r and Catharine Executrix of the said John Guething deceased. the sum of three hundred and seven dollars ninety two cents, together with his costs & charges to be levied of the goods and chattles rights and credits of the deceased in the hands of the Administrator and Executrix to be administered.

At the Term of February of said Court in the year of our Lord one thousand eight hundred and twenty three on Wednesday the twelfth day of the month before the justices aforesaid came John Shrader and moved the Court on affidavit filed for an appeal on the Judgement of the Court at November Term. it appearing to the satisfaction of the Court that all costs have been paid an appeal is therefore granted

Affidavit

" This day John Shrader one of the executors of the estate of John Guething dec^d came into open Court " and made oath that he doth not ask an appeal on the judgment in favour of Daniel

"J Steinbeck against the Executors of said Guething for the purpose of vexation or delay
"but that he believes himself as Executor of said estate aggrieved by the judgment of the
"County Court. John Shrader Sworn to & subscribed in open Court 12d February 1823.
"C.G. Houts Clk. Which said notice is in the words and figures following towit
"Mr. David Griffy & Catherine Griffy late Catherine Guething Executrix and John Shrader
"executor of John Guething deceased take notice that I shall as Administrator of Louis
"Laxmer deceased, as surviving partner of the firm of Reinecker and Steinbeck and
"in my own name lay before the County Court of New Madrid County at their next
"term to be holden at New Madrid on the second monday in August next for allow
"ance the following demands against the estate of the said John Guething, towit an account
"in favour of Louis Larimer dec for three hundred & eighty five dollars forty nine cents
"for goods wares & merchandize: An account in favour of Reinecker & Steinbeck for sixty dol
"lars ninety & one fourth cents: An account in my favour of two hundred and thirty six
"dollars fifty one & three fourth cents both of which last said accounts is for goods wares
"& merchandize. A note in favour of Reinecker & Steinbeck for twenty seven dollars twenty
"five & half cents. A note with mortgage in favour of Louis Laxmer for forty five dol
"lars. A note for seven dollars & fifty cents in favour of Reinecker & Steinbeck. A note in
"favour of Bartholomew Cousins and assigned to D. J. Steinbeck for thirty seven dollars
"& fifty cents. And another note given to B. Cousins and assigned to Dan.l J Stein
"beck for thirteen dollars. All of which said notes are executed by the said John
"Guething. When you are requested to attend. Daniel J Steinbeck 10d July 1822
"The Sheriff of Scott County will serve this notice according to law and return the
"same to the August term of the County Court of New Madrid County Chas G. Houts Clk.
"Served on David Griffith on the 15d July 1822 J. A. Hopkins Sheriff of Scott Cty.

Note — "On or before the 20d day of Novem.r in the year 1813 I promise to pay to Bartholomew
"Cousin or order the sum of thirty seven dollars & 50 Cts one half of which is to be cash
"& the other half such property as may suit said Cousin at cash price, it being for value
"received Witness my hand this 20d day of November 1812 John Guething. I assign

assignment — "the within to Dan.l J Steinbeck B Cousin. Due B Cousin the sum of thirteen

Note — "dollars cash for value received witness my hand this 15d Decem.r 1806 John

assignment — "Guething. I assign the within to Dan.l J Steinbeck B Cousin.

Note — "Ten days after date I promise to pay Reinecker & Steinbeck or assigns the sum of
"twenty seven dollars twenty five & half cents for value rec.d as witness my hand
"& seal this 22d day of June 1811 John Guething (Seal) Test Henry Eckhart.

Note — "Received of Reinecker & Steinbeck seven dollars and fifty cents borrowed money
"which I promise to repay on demand July the 20th 1810 John Guething.

D. John Guething in Acct with D. J. Steinbeck Surviving partner of Reinecker & Steinbeck Cr.

1811 June	22	To your note at 10 days	$27.25½				By amt charged in D.J. Steinbecks acct	60	90¾
		Interest untill August 12th 1822	17.98½	45	24				
July	17	To Rachel McIntosh	2.31¼						
		" Thomas Byrne	6						
		" James Davis	50						
		" 2 large scalping Knives	3.00	9	81¼				
		Interest after 12 months		5	85				
				60	90¾			60	90¾

To amt due D.J. Steinbeck as surviving partner of Reineck & Steinbeck $60.90¾

Dr. John Guething in account with D. F. Steenbeck Cr.

		To amt due the late firm of Reinecke & Steenbeck		60	90½	1812 Nov.	12	By 3 bushels potatoes	1 12½	
								" 110 lb pork a 3	3 30	4 42½
1812 Jan.	16	To 3 dressed deer skins	3.75					Interest after 12 months		2 53½
		" 1½ doz. Buttons	75					By balance from Dr. side		149 27½
		" 1 hooks & eyes	75							
		" 1 pen knife	75							
		" 1 Comb	62½							
		" 1 pair cotton cards	2.25							
		" 1 pc tobacco	12½							
		" 1 paper pins	50							
		" 2 files	87½							
		" 1 Comb	1.00							
		" 1 fine do	87½	12	50					
		" 1 doz. Spanish segars	25							
1813 Feby	23	To interest after 12 months		7	18½					
		To 1 pair cotton cards	4.50							
		" balance on ditto	3.50							
		" 2½ yds muslin 75	1.87½							
		" 1 Bankerchief	75							
		" 4 lb sugar & 1 lb pepper	1.75							
		" ½ lb powder 50 & 1 lb lead 12½	62½							
		" 1 yd muslin 75 & 1 Knife 75	1.50							
		" 5½ yds callico 1.25	6.87½							
		" ½ yd Cambric muslin 250	1.25							
		" 2 " Ribbans 25 & 2 yds do 50	75							
		" 2 " wire 25 & Thread 12½	37½							
		" 2 lb powder 200 & 2 lb lead 25	2.25	25	00					
		" To interest after 12 months		12	50					
Aug.	30	To 4 lb sugar 100 & ½ lb pepper 37½	1.37½							
		" 1 pair Muckasins	75	2	12½					
		To interest after 12 months		1	02					
		To 1 Dun mare (for pork at cash price		35	–					
			$	156	23½				156	23½
		To balance due D. F. Steenbeck	$	149	27½			By amt transferred to John Guethings estate	236	51¾
1816 Dec.	15	To due bill to B Cousin & transferred								
		" to D. F. Steenbeck		14	50					
		To interest until August 12th 1822		13	56					
		To 1 note to B Cousin & transferred as above		37	50					
		To interest until Aug. 12th 1822		21	68½					
			$	236	51¾				236	51¾

Dr. John Guethings estate Cr. To D. F. Steenbeck

		To amt due by John Guething	$	236	51¾			By amt from Dr side	273	49¾
		To 1 muslin Shirt 250 7 yds muslin 62½	68¾							
		" 1 yd cambric	2.25							
		" 1 pr cotton socks 100 & 1 ball boss	1.25							
		" 4 ½ pts wine 150 7 qts whiskey 1.75	3 25							
		" ½ lb nails 18¾ 50 4 prigs 18¾	37½							
		" Thorn & Cameron digging grave	50							
		" ½ dozen coffin screws	12½							
		Sundry expences in house	10.00							
		2 lb nails	75	25	37½					
		Interest after 12 months	$	11	60½			To amt due D. F. Steenbeck $273.49¾	273	49¾
			$	273	49¾					

"State of Missouri County of Cape Girardeau Ss I do hereby certify that on examining and
"comparing the foregoing accounts with the books which contain the charges against John Guething in
"favour of the late firm of Reinecke & Steinbeck and also the accounts in favour of Daniel
"J Steinbeck against said John Guething, also the acct against the estate of said John Guething
"decd in favour of said Steinbeck find the charges contained in said books to have been
"proved before me by the affidavits now on said books of Henry Eckhart taken before me the
"9th day of April 1812 and on the 12th day of Nov. 1814 who kept the books at the time the
"charges were made (except the charge of thirty five dollars for a dun mare) Given under
"my hand this 4th day of July A.D. 1822 George Henderson Justice of the peace. It is unde-
"-stood that the charges for interest is not stated on the books G Henderson J.P.
" I Christo G Houts clerk of the County Court of New Madrid County in the
"State of Missouri do certify that the foregoing is a true copy of the record of said
"cause and that the inclosed are all the original papers relating to the same
"which were on file in my office. Given under my hand and the seal of said
"Court this 1st day of May A.D. 1823 C.G. Houts clk. (Seal)

And now at the Term aforesaid on the third day of the month before the Judge
afore named came Daniel J Steinbeck by A Buckner his attorney and filed his
notice & reasons which said notice and reasons is in the words and figures
following to wit " D. J Steinbeck vs Guething Executor appeal from the County
"Court Mr. Jno Shrader & David Griffy Executors or to Mr John D Cook their at-
"torney take notice that on thursday or as soon as the Court can hear the same
"or the forth days of the present June term of the Circuit Court for the County of
"New Madrid I will move said Court to dismiss the appeal granted in the
"above cause for the following reasons to wit, 1st Because the costs accrued in the
"County Court have not been paid in the above cause before appeal granted —
"2do Because there is no bond taken in the above cause conditioned to prosecute
"the appeal Nor is there any bond at all. 3do because the appeal was granted
"too late or after the time allowed to appeal in such case had elapsed 4 Because
"the whole proceedings are irregular &c June 3d 1823 I am yours &c A Buckner
"attorney for Steinbeck

And at the Term aforesaid on Wednesday the fourth day of the month before
the same Judge.

"Daniel J Steinbeck — Plaintiff
"versus
"David Griffy Adm. and Catherine Griffy Executrix — On Appeal from the County Court
"impleaded with John Shreader Executor of John Guething decd Defendants

" The parties by their attornies came and the arguments on the Plaintiffs motion to dis
"miss the appeal on reasons filed being heard by the Court it is considered by the
"Court that the appeal be dismissed because it was it was not prayed for at
"the term of the Court when the judgment was rendered and because there was
"no bond given by the Defendants to prosecute their appeal before the same was
"granted to which opinion of the Court the Defendants attorney filed his bill of
"exceptions which said bill of exceptions is in the words and figures follow
"ing to wit. Daniel J Steinbeck vs David Griffith and John Shrader executors & Catherine Guething executrix of the
"last of John Guething deceased On appeal from the County of New Madrid County Be it remembered that on the
"first day of the present term of this Court the said executors and executors filed in the clerkes office of this court
"a transcript of the record and proceedings of the said County Court in this case as follows.

"charge of thirty five dollars for dun mare) Given under my hand this 4th day of July A.D. 182[illegible]
"George Henderson Justice of the peace. It is understood that the charges for interest is not stated on
"the books G Henderson J.P. I Christo G. Houts clerk of the County Court of New Madrid County
"in the State of Missouri do certify that the foregoing is a true copy of the record of said
"cause and that the inclosed are all the original papers relating to the same which were
"on file in my office. Given under my hand and the seal of said Court this 1st day of May
"(Seal) A.D. 1823 C.G. Houts clk. Whereupon the said Daniel T Steinbeck moved the
"Court to dismiss the said appeal because the said appeal was granted at a term of said
"County Court next after that at which the order of said Court was made and because
"the said Executors and Executrix gave no bond and security to prosecute said appeal previous to
"granting the same On which said motion the Court adjudged and ordered that said appeal
"be dismissed to which the said executors and executrix except and tender this their
"bill of exception and pray to have the same signed sealed and made a part of
"the record which is done accordingly R. S. Thomas (Seal)
And the original papers are remanded to the County Court.

I Christo G Houts Clerk of the Circuit Court for the County of New Madrid in the fourth Judicial Circuit of the State of Missouri do certify that the foregoing is a true copy of the record and proceedings of said cause together with all things touching the same as fully as they are of record in my Office

Given under my hand and the Seal of said Court at Office this nineteenth day of Nov-ber in the Year of Our Lord one thousand eight hundred and twenty three

Christo G Houts clk

Clerks fees for this Copy

For Searches in Records	$1.25
Copy 4110 words a 10c pr 100	4.11
Certificate	50
Tax on Certificate & Seal	1.00
	$6.86

C. G. Houts clk

63 Copy Record

David Greffy et als
against
Daniel F Steinbeck administrator of
Lewis Loiemier deceased

Recd and Filed November 26th 1823