Brooks, John v. Cochran, John & Clark, John 1858 St. Louis 404/9
Franklin H. Goddard, Claimant

Old Box 598/2

GP = list of products

sheriff levied property of Brooks as result in favor of Cochran & Clark
Goddard claimed property as his
Cochran gave indemnification bond
but Goddard said prop. value was more
overruled motion to declare bond insuf.

Oct. 1858
Filed 1857
Affirmed
Richardson
A: ND & GP Strong

27
500

O = court could only entertain objection as to security

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State of Missouri }
County of St. Louis } ss. Be it remembered that heretofore to wit: on the 18th day of October AD 1856 there was filed in the Office of the Clerk of the St. Louis Court of Common Pleas within and for the County aforesaid a certain motion which is in the words and figures following to wit;

Motion by Claimant to declare indemnifying bond insufficient

John Cochran and John Clark	}	In the St. Louis Court of Common Pleas Oct Term 1856
vs	}	Judgmt. March 25th 1856
John Brooks	}	fi fa

And now comes Franklin H. Goddard who claims the property sold by the Sheriff of St. Louis County under the above entitled execution and objects to the sufficiency of the bond of indemnity taken by the said Sheriff in the matter of said levy and sale for the following reasons.
1st Said bond was not filled up at the time of the signing & sealing of the same by the pretended obligors but was signed and sealed in blank with a view to being filled up afterwards, and is therefore no bond.
2 Said bond is taken in the penal sum of Twenty ~~four~~ hundred dollars whereas the actual value of the property seized and sold greatly exceeds that sum, Said claimant therefore moves the Court that the said Sheriff James Caspells be cited to show cause why said bond should not be adjudged insufficient and generally to answer the above objections.

A D T G. P. Strange
attys for Claimant

(25)

And afterwards the following further proceedings were had in this cause to wit;

Tuesday February 24th 1857

Stipulation filed and continued by Consent,

Which stipulation is in the words and figures following to wit;

Stipulation

And now comes the said plaintiffs by H. H. Hart their attorney and also the Sheriff of St Louis County by the same attorney and ask the Court to continue the motion heretofore made by the said Goddard for additional security and to quash the bond of indemnity heretofore filed by the said Sheriff in the above entitled cause &c

And the said plaintiffs and the said Sheriff hereby waive all and every objection that may arise or grow out of the continuance of said motion and the application of said Goddard as aforesaid

Henry H. Hart for Cochran & Hart &c
James Castello Shf.

And afterwards the following further proceedings were had in this cause to wit;

Friday July 3d 1857

Wo for rule on Sheriff Castello to shew cause &c Ord & Appeal all.

The motion of Franklin H. Goddard the claimant herein for a rule on James Castello, Sheriff of St. Louis County to show cause why the bond taken by him herein should not be adjudged insufficient being submitted to the Court, and the Court being fully advised in the premises doth overrule said motion whereupon said Goddard files a Bill of Exceptions and also an affidavit for an appeal and on his motion by attorney an appeal is allowed him to the Supreme Court from the judgment herein.

(3)

The Bill of Exceptions is in the words and figures following to wit;

Bill of Exceptions,

Be it remembered that on the hearing of the motion of said claimant the same was read and is as follows; (Inserted herein on Page 1 &c) Claimant also read in evidence the Execution No. 28 to Oct Term 1856 of said Court and the return of the Sheriff thereon, also the affidavit and claim of said Goddard claiming the said property levied on under said execution, and also the Bond of John Cochran Henry Dean & Thomas Matthews returned by James Castello with said execution,

The State of Missouri

Execution No. 28 Oct T 1856 & Shff's Return,

To the Sheriff of the County of St. Louis, Greeting; Whereas John Cochran & John Clark on the Thirteenth day of March in the year of our Lord One thousand eight hundred and fifty Six at Our St. Louis Court of Common Pleas recovered against John Brooks the sum of Six hundred and forty dollars and One cents debt together with eight dollars and seventy five cents for their costs and charges in that suit expended These are therefore to command you, that of the goods and challels and real estate of the said John Brooks you cause to be made the debt and costs and that you have the same before the judge of said Court On the Second Monday of October next to satisfy the debt and costs aforesaid, and that you certify how you execute this writ

Seal Witness Charles W Hicks, Clerk of our said Court with the seal thereof hereto affixed at office in the City of St. Louis this Seventeenth day of March in the year of our Lord eighteen hundred and fifty Six C. W. Hicks, clerk, C.C.P.

Shff's Return.

On the eighteenth day of August 1856 in the County of St. Louis State of Missouri. I levied upon and took into my custody as the property of the within named defendant John Brooks under and by virtue of this execution and Execution No. 1217 Oct Term 1856 Com Pleas a stock of Fancy goods and Millinery a description of which is attached to the bond of indemnification hereto attached,

On the 19th day of August 1856 Franklin A Goddard notified me in writing that he claimed said property as his own and on the fourth day of September 1856 H. L. Slop agent & trustee of S D Hall & Co notified me in writing that he claimed for said Hall & Co said property as belonging to them which said notices are hereto attached, as also the bond of indemnification of John Cochran one of plaintiffs, taken according to an act of the General Assembly of the State of Missouri, entitled "An act concerning the duties of Sheriff and Marshall in the County of St. Louis in relation to the levy and sale of such property under execution or attachment as may be claimed by third persons" approved March 3d 1855, and on the fifth sixth eighth & ninth days of September 1856, between the hours of nine in the forenoon and five in the afternoon of said days at the store (No 58) on Market street in the City of St. Louis formerly occupied by the said defendant) I exposed to public vendue to the highest bidder for cash, said property, having previously given public notice of the time terms and place of said sale by advertisements according to law, at which said time and place said property was stricken off and sold to various bidders for the total sum of Twelve hundred and forty two dollars and eighty two cents.

The following articles levied upon and enumerated in the inventory

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attached to the aforesaid bond, there claimed by John Brooks and delivered to him by me, as property exempt from execution, Plaintiffs by their attorney H. A. Hart consenting to said delivery; List of property claimed by John Brooks under and by virtue of the various acts of the Legislature of the State of Missouri: exempting certain property from levy & sale under execution.

Two Beds & the bedding belonging to them, Wearing apparel 1 Wash stand $1 20/100 1 dressing bureau $8 00 Stove $5 00 2 chairs 60¢ looking glass $2 00 1 doz Chairs $4 00/100 $21.65

2 Leaf tables $2 00 1 dressing bureau $10 00 1 drawer stand 75¢ 1 Wash stand $2.50 2 Carpets $16 00 } 31.22

1 Clock 1 50/100 cooking utensils $10 00/100 1 Rocking Chair $1 00 1 do $5 00 1 Mirror $2 00 1 dce Chest $5 00 1 bath Tub $8 00 } 28.00

1 Bedstead & furniture for same $10 00 1 Cooking stove $10 00 20.00

$100.87

Amt. to be applied to debt and damages in this execution and execution 127 Oct Term 1856 Cir Pleas after paying costs and expenses of sale $102 33/100 This execution satisfied in full Balance in my hands to be applied to execution No 127 as above $365 84/100

John Castello Shff
By Jno A Watson

Aff.t of claim of Goddard

Franklin A Goddard being duly sworn says he is the lawful owner of the stock of goods consisting of fancy and millinery goods in the store numbered fifty eight on Market street between second & third streets in the City of St. Louis County of St. Louis State of Missouri: with the exception of certain articles of perfumery & jewelry which were delivered to this affiant to be sold on commission: that John Brooks the defendant in a certain writ of fieri facias in favor of Cohran & Bart now in the hands of the Sheriff of St. Louis County aforesaid by virtue of which said goods have

(1)

been seized has no right title or interest directly or indirectly in or to said goods or any part thereof, but that this affiant is in good faith the lawful owner of all of said goods except those held by him on Commission as aforesaid and that he this affiant is lawfully entitled to the possession of said articles of perfumery & jewelry as the factor and or agent of the owners thereof for the sale of the same & that said Brooks is not the owner of said articles of perfumery or jewelry or of any part thereof, nor has said Brooks any right or title directly or indirectly in said articles of perfumery or jewelry nor in any part of the property claimed by this affiant. This affiant further states that this claim is not made in collusion with the said defendant Brooks for the purpose of vexing hindering or delaying the said plaintiffs Cochran & Park in obtaining their just rights

Franklin A Goddard

Subscribed & sworn to before me this 19th day of August A.D. 1856. In Testimony Whereof I hereunto

Seal subscribe my name and affix my Official seal at Office in this the year and date aforesaid

Wm. P. Johnson Notary Public

Bond of John Cochran Henry Dean & Thomas Matthews

Know all Men by these Presents That we John Cochran as principal and Henry Dean & Thomas Matthews as sureties are held and firmly bound unto the State of Missouri, in the sum of Twenty four hundred and twenty five dollars 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 at St Louis this Eighteenth day of August Eighteen hundred and fifty six. The condition of the above obligation is such that whereas two writs of fieri facias have issued from the

(7) Clerk's Office of the St. Louis Court of Common Pleas being Fol. 28.127 re-turnable to the October Term 1856 of said Court in favor of John Cochran and John Clark and against John Brooks ~~been delivered to James Castello~~ directed to the Sheriff of the County of St. Louis, and has been delivered to James Castello as such Sheriff to be executed by him and the said Castello has executed the said writ, at the request of said plaintiffs by taking as the property of the said John Brooks the following described personal property to wit;

4 Boxes Cock Roach Poison, 37 bottles of perfumery - 27 do - 7 do - 10 do - 23 boxes Harrisons soap & Tooth powder - 1 doz per-fumery ½ doz Shaving cream 8 Packgs soap 10 Bottles perfumery 28 do Warrior Oil & Pomade 8 do of indellible ink 27 bottles Perfumery - 5 boxes lip salve - 3 boxes of perfumery (15 bttles) 6 boxes pocket combs - 1 do - Court plaster 5 boxes spool silk. 9 Bottles Marking ink 2 Boxes fancy wax ½ doz fruit Knives 14 gross Hooks & eyes 3 do do ½ doz thimbles 2 Boxes dices (8 doz) 2 Razor strops - 1 Box wax - 3 Razors - 3 Watch safes 1 Doz erasive soap 2 Boxes fancy Do 3 Bottles Macassar oil 5 Bottles Oleophane (shaving) 5 Bottles Lavender 1 Doz White Puffs 26 Bottles perfumery 5 Work Boxes 6 Boxes Warrior pomade - 5 Shaving Boxes 4 Boxes Pomade 4 Pots of Po-made 11 Packgs Erasive soap 2 do Toilet do - 3 Large Watch stands 5 Small do - 1 Doz Puffs. 1 clock 3 Looking glasses - 28 Boxes Liquid Hair dye 1 Glass jar (containing 17 pieces soap) 18 Tooth Brushes 1 doz Nail do - 1 Box Knitting Needles - 1 Japanned tray - 1 fancy box 2 velvet Reticules - 2 port folios - 1 writing case - 2 large reticules 8 small do 2 fancy do - 1 Cigar case - 4 Reticules. Lot of whale bone & cap wire - 4 Packgs soap 4 pair Jet bracelets - 19 finger rings 2 Boxes side combs - 2 bundles quills - lot wrapping paper 3 Boxes corset & shoe laces. 2 Boxes Moravian Cotton

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2 do tape – 1 do French embroidering Cotton 7 dress holders
1 watch guards 28 Pr Suspers – 1 Box – 1½ Gross Half dress buttons
(2 Boxes) 4 Great Brow Braid – 20 dress Protectors (1 Box) 3¼ Gross
Fancy dress Buttons lot of violin strings. Broken box linen buttons
7 doz bras pointed 212 Boxes Metal Buttons 29 do do 2 Gross
buckles 28 Boxes assorted buttons 11 Boxes Cut buttons – 1 Box
embroidering braid 1 do linen do 1½ Gross Corset laces 1
Box linen thread – 1 do Cut Plaster 1 Do Agate buttons 2 do
Pearl Bone 1 Do Socks (9 pro) woolen – 1 do (4 pro woolen) 1 do
(3 pro) Do 1 Box do silks – 1 do socks Woolen feet – 1 Box Do
2 pro Scarlet collow 2 Box do Silk Hose 1 Box Do Worsted
Cotton 1 Box pins – 4 suspender ends – 1 Box collow Shoe strings
1 Box embroidering Worsted Braid – 1 Box wave worsted braid – 1 do
Coat Braid worsted 1 do skirt braid Woolen – 2 do worsted do
2 do Wide Silk – 7⅓ embroidering Silk. 4 ¾ gross dress buttons
31 pair Kid after Gloves (3 boxes) – 1 doz Cashmere Gents) – 2
Ladies embroidered Spun – 1 do Mens India Cashmere 2 doz
ladies Cashmere Gloves, 2 Boxes (9 pr) Mens Buck gloves, 3
Magic Razor straps – 1 Gross Nail pins 72 Gross sewing cotton
1 doz Ladies Cashmere gloves – 2 do White gloves 1 do Lisle thread
Do 1 Box (5 pro) Mens Wesco Gloves, 1 doz embroidered cotton do
5 pro Gents cloth gloves, 7 pro fancy thread do 3 pro do do
2 pro colored Kid do 1 pr Do Do 1 pr fancy spun do, 7 Boxes
Nail pins – 32 Balls India Rubber – 1 Box Corset laces 2
Boxes air pistols (13) 1 lot straw trimmings – 300 Reels colored
sewing silk (1 Box) 1000 do Embroidering do) 1 Box) 1100 colored
sewing silk (1 Package) 1 Box spools sewing silk ~~(1 Box)~~ Do 16
spools embroidering Do 2500 Reels sewing silk (2 boxes) 1 Box
watch Guards (silk) 16 pieces cotton tape, 3 Gross silk shoe
laces – 9 Doz Corset laces – 3 Razor straps – 5 Brace ends
1 Box cotton stay laces 7 port monnies (1 Box) 1 Box port monnies
(3) 1 Do Do (4) 1 Do (50) 1 Do Do (1 doz) 1 Box fancy (8) – 1 do do

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~~XXX~~ (1 doz) 1 Box cigar cases (5) 1 do do (2) 1 do do (3) 1 do do (4) 1 Box snuff Boxes (3) 3 Doz air pistols - 1 Box (6 pieces) velvet ribbon 1 Box (5 prs) Silk gloves 6 pr Gloves silk 3 do Do Do 6 pr gloves cotton 4 do do Black silk 7 do do - Fancy 3 do do do Thread 2 do do fancy silk, 11 do do fancy spun silk 1 do do do Cashmere 4 do do do silk 1 do do do lavender silk 4 Do Do Do silk 5 Do Do Do White cotton 11 1 pr Black cotton gloves 1 Doz silk & cotton 2 pr Black silk - 3 pr White cotton 1 doz silk 1 doz lisle 2 pr gauntlets 1 Box Bodkins - 10 cases Worsted Braid 3 Necklaces 9 pr Brace ends 8 Ladies shoulder Braces 1 Box spool cotton (3) 7 purse belts 1 pair gauntlets 1 Box 34000 Needles 9 Doz Coats spools 7 1/3 - spools 1 Box Knitting pins 1 Drawer straw trimmings 1 Box (contg 3 stocks) 1 Do (do) 1 Do (Do) 1 Do (contgng 5 fancy) 1 Box contgn 9 Napoleon Ties 1 do (Do = 11 Do) 2 Muslin ties 4 Do Do 4 Mohair Ties 1 Box contg 7 ties 11 fancy cotton ties 2 1/2 Silk cravats 6 Bdls Bonnett willow 1 Box asst.d cording (6 bundles 1 Box silk undershirts (cont.d 6) 1 Do (contg 1) 1 Do (contg 5) 1 Box cotton Do (contg 2) 1 Do Do (contg 2) 1 do do (contg 4) 1 Do Angola Do (contg 3) 1 Box (contg 1 Do) 1 Box (contg 3 silk Do) 1 Do contg (2 Merino) 1 Do Do (3 Merino) 1 Box contg (5 Do cotton) 1 Box Do 2 cotton) 1 White Linen shirt 5 Linen Do 14 cotton drawers 3 Woolen drawers) 4 pr Do Do 1 pr Do Do 4 pr do do 3 pr woolen Do 3 pr cotton Do 3 pr Merino 4 do do 2 pr cotton Do 2 Do Merino Do ~~3 pr cotton Do 3 pr Merino 4 Do Do 2 pr cotton Do 2 Do Merino Do~~ 1 Piece Nankeen (6 Yds) 1 Doz silks Pockets 4 Muslin cravats 2 scarfs 1 Box Buttons 25 Childrens pck.t Hankerchiefs 21 Silk 3 Black silk Cravats 3 Ties Satin 3 locks 2 Marino undershirts 16 pr children shoes 22 white Linen Hdkfs 3 silk cravats 3 pr Ribbed drawers 4 Linen Hdkfs 10 lbs skein cotton 1 lbs linen thread 1 3/4 Grop braid 2 undershirts 5 Pr Woolen undershirts 4 1/2 Doz side combs

(10)

1 lot of elastic Braid 4 Tooth ~~brushes~~ brushes 6 Nail do 6 Doz Wooden pocket combs 5 cakes Shaving Soap 7 Nail Brushes 6 Buffalo combs 5 Tooth Brushes 6 do do 3 pr Merino Drawers 3 striped Hickory shirts 1 pr Drawers 1 Undershirt 9 pr Shoulder Braces 3 pr Suspenders 4 pr suspenders 1 purse Belt 2 Glove sticks 3 Bathers cap 11 Bunches slow trimmings 1½ Doz Derby Covers 14 Shirt collars 27 Sapons 1 Bottle Bay rum 15 Bottles Rose Oil 9 Boxes Lily White 3 do Tooth Wash 3 Pots Rouge 1 do Tooth Picks 4 Boxes Meene Gum 9 Bottles Jenny Lind Hair Oil 5 pots of Pomade 5 Bottles of Colongne 2 Bottles Golden Oil 1 Backgammon board 1 Stand 1 Box of Socks (5 pr) 1 do do (7 pr) 1 Turne Box 3 Large Tureen spoons 6 Small do 6 Table do 3½ doz Tea sp 1 Doz salt 1 Carpet sack 1 pin cushion 1 piece striped Hickory (3¼ yds) 3 pieces Drep Lining (21¼ yds 24¼ do 27 do) 1 piece black 30¼ yds 2 do White (10¼ yds 2¼ do) 1 do Brown (18¾ yds) Lining silk Brown 11¼ yds do Gray 3 yds do White 12⅛ yds do pink 7¼ yds do Lavender 5¼ yds do Blue 13¼ yds do Green 7¼ yds do Narrow 6 yds do Green 2⅝ yds do Cherry 1⅞ yds do Brown 6¼ yds do Black 4 yds Light Blue 10 yds Cherry 1⅝ yds do White 9¼ yds do Tarleton 5¼ yds 2 embroidered pocket Hdkfs 1 fancy Buffalo Brush 2 do Hair Brushes 8 do do do 8 common Hair Brushes 14 Common Dreping combs 15 Tortoise shell do 10 shaving Brushes 10 Hat Brushes 1 fancy Hair Brush 2 do do do 1 Tortoise shell Back Hair Brush 12 Nail Brushes 8 fine Baby brushes 1½ doz fancy Tortoise shell combs 6 Buffalo Dreping combs 17 Common do 2 Rosewood Hair brushes 2 Back Combs common 8 Buffalo Dreping combs 5 do do do 1 do Brush 1 Tortoise black Hair brush 1 Fancy do do do 2 Shaving Brushes, 2 Whiskers Brushes 3 Comb Brushes 7 Children Hair Brushes 5 shaving Brushes 5 small Brushes 7 Tortoise shell front combs

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43 fine combs 5 Metal combs Black 2 fancy shaving Boxes 1 Nat brush 3 Buffalo Tooth combs 1/2 Doz ebony 2 Pocket do Combs 8 pr side do 7 Black combs 1/2 Doz Tortois shell combs 7 Back combs 4 dressing combs 4 small do 37 fine do 9 Pocket do 10 do combs 18 do do Combs 1 Tooth picks 16 Tooth combs 1 Tortois shell) 3 Nat Brushes 3 whisker brushes 4 Hair do 39 pr Tortois shell side combs 4 fancy Nat brushes 1 Large Hand Mirror 1 medium 1 small 1 Brush 1 Box (contg 5 snuff Boxes 1 port monaie 1 Cigar case 1 Box contg (1 Ivory card case 1 Tablet velvet 1 Inkstand 1 Tortois shell card case ~~1 Fancy~~ 1 Ivory Portmonaie 1 Morocco do 4 small circular do) 1 Box (contg 3 Razor straps 1 traveling companion 3 Morocco common ~~card~~ Cigar cases 1 fancy Cigar case 1 fancy tobacco box 1 Ivory Port monaie 1 morocco do Monaie 3 steel clasped cigar cases 2 do do do small 1 Box (contg 1 inkstand paper machee card case 1 tablet inlaid 3 common port monnies 1 do pearl 1 do Ivory 2 Watches 1 spectacle case) 17 Morocco Pocket Books 2 common do small 12 plain do Large 2 Tortois shell Back Combs Lot of small fancy combs 14 portmonies 14 Tweezers 1 Box Tooth picks 5 silk purses 23 Pocket Knives 3 German silver Pencils (26 lead Leads 15 Pencers 37 chrochet Needles 1 Box chrochet Needles 1 snuff Box 1 Box sewing needles 20 shell hair pins 4 Boxes steel pens Box No. 1) - (Box 2 2 pearl paper cutters 1 fancy do do 2 India rubber Rattles 3 do do Rattles) - (Box 3 65 steel & jet slides Buckles 1 Imitation diamond Pin 2 Purse rings 5 pin Cushions 6 tape measures 8 setts shirt buttons 32 Ivory Buckles 30 fancy Ivory do 14 Cornelian charms 2 Pin cushions 1 fancy Bracelets 4 do do 2 Gilt crosses 4 Broaches 10 Cornelian rings 1 scarf pins 12 Tooth picks 3 steel rings 3 Tweezers 1 steel watch Key 3 fancy smelling bottles 1 Card Case

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2 spectacle cases 1 Bouquet holder 1 dressing comb 2 Lead pencils 1 Pen Holder 14 Bodkins 20 steel thimbles 13 Ladies do 1 Box steel pens 3 enamel Boxes pens 17 shawl Pins 3 Jet bracelets 5 coral do 3 coral necklaces 1 Broch 2 Jukelands 2 Boxes button fastenings 3 do brass rings 6 strings steel beads 1 Doz Boxes pencil leads 3 Tooth picks Pearl 1 Box Hooks & eyes 1 Satin Tye 9 belt springs 2 Table Bells 4 Scissors 3, 3 pr children Cotton socks 10 do Girls do & stockings 6 do Boys do Socks 7 do Girls Brown socks 6 children's 1 pr Girls stockings 6 pr Girls stockings 5 pr Ladies Hose 3 pr do Girls Hose 9 pr Girls do 3 pr ladies do 3 pr Black Moravian Hose 4 pr Gray do 2 pr Tawn do 1 pr Cashmere do 5 pr Children stockings 3 pr Ladies Brown cotton do 5 do White do 2 pr White cotton 7 do Brown do 5 do white do 7 do Brown do 2 Black cotton Hose 1 Black Moravian do 7 Children's fancy socks 17 children's angola socks 1 gray Hose children 9 Childrens Black Hose 8 children's fancy do 11 children's angola socks 7 bundles mitten 1 Box embroidering braid & rosettes 2 Head dresses 1 fan a porter socks 1 Box Sealing wax 3 do cotton yarn 4 do Skirt braid 1 large fancy Reticule 2 small do do 128 garters 4 pr girls stockings 11 pr girls gloves (3 Boxes containing 38 pr Kid gloves) (2 Boxes containing 14 pr do) 1 Box cont 4 pr do) 2 pr spun do 1 Silk do 2 fancy do 7 collars 21 pr of sleeves, 13 Collars 14 yds Edging 2 caps & Embroidered Hdkfs 4 pr silk gloves 4 pr fancy silk gloves 4 pr spun do do 1 Black do do 12 " Tafeta, 1 Doz Puffs 1 Box purse twist 1 Black lace veil 2 doz cotton cord 3 boxes pistols (1 doz each) 6 Boxes cotton cord 9 pr white silk gloves 2 shaving boxes 6 cards elastic Braid 3 pr Cashmere Gloves 2 do cotton do 2 do Cashmere do 3 pr cotton embroidered do 6 do white

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cotton do 4 pr colored do 2 silk Do 1 pr Cashmere Do
9 pr Silk do 2 pr cotton do 10 pr Mitts do 9 pr cotton do
1 pr colored do 3 pr Cashmere do 7 pr cotton do 3 pr cotton
Gloves 9 do kids do 4 pr white cotton do 9 Do Cashmere do
4 pr cotton Do 17 pr Do Do 7 pr white do 7 do colored Do 5
pr childrens do 2 Parasols 2 pieces of Buchram Straw
trimmings 4 Umbrellas 1 Carpet sack 9 comforters neck
4 Rigletts 18 pr Cuffs ladies 5 do do do 9 Comforts 2 Hoods
4 Boas 5 Boas 33 pr childrens woolen socks 6 pr woolen
Cuffs 1 Box bonnett Flowers straw 5½ yds Black Crape 8
Ruches 49 pr Boys socks 4 pair childrens Cashmere Gloves
7 pr childrens Cotton Gloves 7 pr Ladies black do 11 pr white
cotton do 4 Cashmere do 1 Fancy spun Do 8 white cotton
do 5 purse Drops steel 7 Bead purse tapels 11 do Do Do
46 Purse tapels 12 Purse Tapels 2 pr Rings 11 Clasps 5 cotton
Ruches 1 Box cotton do 1 Box silk do 9 pr childrens woolen
Boots 7 do infants Do Do 2 Boxes silk Bonnet wire
1 Box contg 8 do 16 gilt clasps & gilt tapels, 1 Box cotton Ruches
1 Box do Balls 20 Mourning collars 2 Auto Maccaros 1 Feather
fan 33 prs Ladies cotton Hose 6 Do Do White open Work Do
5 pr do Plain white do 1 pr do Brown lace do 1 Box cotton
Ruche 17 Purse Tapels 5 Bdles Boot laces 3 pr Flowers
2 Feathers 4 Port folios 1 pieces bonnett stuff 1 Bdle pasto
board 1 Carpet sack 6 Do Fans Chinese 3 Broken Boxes buttons
76 Bundles of Batting 18 pieces Flaming binding 16 pieces
Marron Ribbon satin 15 pieces do do 12 pieces do do 94
pieces Do Do 61 pieces Do Do 17 pieces Do Do 50 yds of
Bonnett ribbon 11 pieces full do do 26 Do Do Do Ribbon
17 yds of cotton Thule 1 Scarfe 1 pr Silk Gloves 1 Pocket
Hdkf 1 Parasol Remnants of Muslin 1 pr yarn Socks
8 yds Blue Satin 10¼ yds black Crape 4 yds Do Do 2½ yds
Straw do, 8 yds Do Do 16¼ yds Tinsel Ribbon 93¾ yds
Marceline Silk 4 Wreaths 4 Wreaths 143¾ yds of Thule

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31¼ yds Thule 3 Veils 8 Roses Flowers 3 Wreaths 1 piece Black Crape 12 yds 66½ yds Coat trimmings 72 yds Do 142 yds Blond trimming 1 Piece white Do 12 yds 1 piece Black lace 29½ yds 2 Pieces white lace edging 37 yds cut Full Pieces Bonnett Ribbon 336½ yds Full pieces Bonnett Ribbon 186 Yards cut pieces 61 pieces cap ribbon 4 Do cloak trimmings 17 Do Dress Do 19 Do Velvet Ribbon 6 pr Black elastic 9 Do Wide Do 7 Pieces Dress trimmings 6 Do elastic Do 7 pair Black lace Mitts 54 pr black lace Mitts 4 pr Garters 4 pieces Braid 4 Skeins Cotton 1 Scarf 2 pieces Braid 4 Tape Measures 1 Bunch Trimmings 64 cards Gold lace 7 Cards Gold fringe 2 Cards Sample 1 Box Gilt & silver buttons 37 skeins Gold Twist 2 Bunches Silver fringe 17 skeins silver twist 19 spools Do Do 67 spools Gold Twist 24 skeins Silver twist 10 Spools Do Do 32 spools Do Do 8 spools Gilt twist 1 Box silver wire Gold Tapels Silver spangles 1 lot gold wire 53 Gold Buttons 30 Silver = 77 Pieces Silver Gimp 2 Do Do Fringe 1 Doz Worsian spools 18 Balls Wax 3 Bundles Willow 4 pieces Tortois shell 2 Brushes 1 Cloth Brush 1 Box Neck Laces 2 Umbrella sticks 2 Yard Measures 1 Book Gold Leaf 6 fancy Dress caps 3 Band Boxes (1 Bonnett in each) 19 Bonnets Straw 3 Dress caps 20 Straw Bonnetts 1 Mourning Bonnett 1 White silk 2 Colored silk 2 Black Mourning 1 White silk 5 Straw Hats 1 Burlin Wool Hat 1 Cap 33 fans 6 Bonnetts 2 Straw trimmed Bonnets 3 fancy straw 2 fancy silk colored 2 Bonnets 6 Do fancy silk 16 dress caps 1 Lot Black Gurles 1 Lot colored do 7 Cap stands 7 Embroidered Hdkfs 6 fancy dress bonnets 9 Do Do Caps 1 Brown Head dress 2 pr lace sleeves 1 Lace Collar 2 pieces Ribbon 1 Morning Head dress 46 colored Band Boxes 25 Green Boxes, 26 Sheets of

(15) Common Band Boxes (3 in a Nest) 4 large Cameo Broaches, 4 Small Do Do. 4 Gilt Do Do 3 fancy Do Do 5 pr of Earings Do 4 Watch Keys 7 Hook chains 2 chains Watch 1 Scarf pin 1 pr Blue Spectacles 1 large Counter Show case 2 Small 1 Large fancy Store Counter 1 Small fancy 1 Plain Counter 1 Large fancy Show case 2 Mahogany Square stools covers with hair 2 Cane bottom chairs 2 Common Do 1 Walnut table & Cover (Round. 1 Wash Tub 1 Ice Cooler 1 Safe 1 Medium Desk 1 Small Do 1 Large Mirror (square) 1 Small Mirror 1 Circular 3 Bonnetts Shapes 1 Large Wooden Caps 1 Hand saw 1 Paper Cutter 1 Iron Umbrella Stand 3 wire frames 1 Powder flask 1 Paper Cutter 1 Letter Holder 2 Inkstands 1 Sand Box 1 pr Shoemakers nippers 1 Stale 1 paper Weight 1 Box snuff 1 Store & pipe 1 Knife 8 Yds Blue Sat" 1 Desk stool 1 Box cont'g 1 piece of White Dress lining 3 Cut Blue Scarlefon 1 piece Yellow 2 Cut pieces white piqueduct 1 piece do do 1 piece Illusion Do 1 piece Blue silk net 3 pieces (9½ Yards) Black silk net 1 piece Buckram (Remnant) 1 Love rail 1 Dusting Broom 6 Window Sashes 11 Cap Stands 1 Trunk conting Kit Shoemakers Tools & papers 1 Willow case 7 Old sun shades 2 accordeons 1 Box mixed articles 1 Do Steel pens 8 Tweezers 1 Paper Weight 1 Ink stand 1 paper Weight Lot of Medals 2 Tinder Boxes 2 Port Mon=naies 1 Ink stand Alabaster 1 Cork Screw 1 Wax light 1 Box Sundries 1 Dox Head dresses 5 pr Children's shoes 1 pr India Rubber 8 pr Shoes 6 Do Do 11 Stocks 1 Lot steel Rings Lot Buttons 28 stocks 5 Puff Boxes 18 Bottles perfumery 3 pieces Mustin 3 damaged glasses 1 Lot sundries 5 pr White Kid slippers 3 carpet sks 4 statuettes 1 Looking glass 2 paper Mache Trays 1 Watch stand 1 Toilet Bottle 1 vase 1 Lot wire screens

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7 Leather Belts 2 pr Slippers Sundries 26 Bonnetts 12 fancy Bonnets 5 pr Indian Mocasins Lot small Boots 1 Box thimbles steel 2 pr suspenders 1 Box perfumery samples 1 Bag of Twine 8 Pail stands Iron 1 Lot of straw Trimmings & Straw Hats 1 Bathing Tub 1 stove 1 Bedstead bedding 1 Wash stand 2 Chairs 1 Dressing Bureau 1 Lot Bottles & Mirror,

of the value of Twelve Hundred dollars, and Franklin Goddard has claimed said property according to the third section of the act of the General Assembly of the State of Missouri entitled "An act concerning the duties of Sheriff and Marshall in the County of St. Louis in relation to the levy and sale of such property under execution or attachment as may be claimed by third persons" Approved March 3d. 1855 and in the manner therein mentioned,

Now if the aforesaid plaintiff will pay to the aforesaid claimant all damages that he the said claimant may sustain in consequence of such levy and in consequence of any sale which may be made under or in virtue of such then this obligation shall be null & void; otherwise it shall remain in full force and virtue.

John Cochran (Seal) Henry Dean (Seal) Thomas Mathews, (Seal)

Approved by me the day and year aforesaid, James Castello, Sheriff of the County of St. Louis aforesaid.

Also the stipulation that this motion should be continued to this term without prejudice, (Inserted herein on page 2d)

Bill of Exceptions Cont.d

Claimant then offered to prove that said bond was executed by said obligors in blank & that it did not at the time it was executed contain any description of the property levied on and that the name of Francis Goddard was inserted therein as claimant & not the name of Frank

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lin H Goddard, the claimant herein, & that it had been changed in these particulars since the execution thereof, And claimant also offered to prove that the value of the property levied on & claimed by said Goddard was thirty eight hundred dollars and not twelve hundred dollars as city in said Bond To the introduction of all of which evidence in ~~reference~~ reference to the execution and alteration of said bond & the value of said property the said plaintiffs Cochran & Clark & the said Sheriff James Castello by their Counsel objected, Whereupon the Court excluded said evidence and refused to permit the same to be given, To which decision of the Court excluding said evidence & refusing to permit the same to be given the said Claimant did then and there except.

Said Motion being then submitted it was by the Court overruled;

To which decision of the Court overruling said motion and refusing to require the Sheriff to give a sufficient Bond the said Claimant did then and there except & prays that his Bill of Exceptions may be signed & made part of the record herein which is accordingly done

Saml. Reber Judge &c

The affidavit for appeal is in the words and figures following to wit;

Affidavit for appeal

And now comes the said Franklin H Goddard and prays an appeal from the judgment of the Court in this cause and being duly sworn says that such appeal is not made for vexation or delay but because he believes that the appellant is agreeved by the decision of the Court

Sworn to before me this 3d July 1837

Franklin H Goddard

C. W. Hicks cl

(19)

State of Missouri
County of St. Louis } ss. I Charles W Hicks Clerk of the St. Louis Court of Common Pleas within and for the County aforesaid certify the above and foregoing to be a full true and complete transcript of the record and proceedings in the above entitled cause as fully as the same remains in my Office

In Testimony Whereof I hereto set my hand and affix the seal of said Court at Office in the City of St. Louis this 22nd day of August AD 1837

C W Hicks
Clerk

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(9)

Oct. Term. 1858

John Cochran and
John Clark
vs Z Transcript
John Brooks
Franklin H Goddard
Claimant, Appltt

Appeal from St. Louis Court of Common Pleas

Filed 8 October 1857
Wm. J. Glanville Jr.
N. D. & G. P. Strong

Exd.
$ 7.50 paid by F. H. Goddard

92 (87)

Apr 1st / stat for apt. / brief for apt. / joinder / org. by apt. / sub. for res /
Affirmed 18 Dec. 1858 - B. p. 322 /

389

John Cochran & Als
vs
John Brooks.
Franklin H. Goddard Claimant of Property levied on by Shff: Appellant.

In the Supreme Court
March Term A.D. 1858.

And now comes the said Appellant, and assigns as errors in the record in this Cause, the following.

1st The Court erred in excluding the evidence offered by the Claimant, and refusing to permit the said Claimant to prove that the said bond was filled up after the execution thereof, and that the value of the property levied on, greatly exceeded the amount secured by the bond returned by the Sheriff.

2d The Court erred in refusing to sustain the motion of said Claimant, and in over ruling the same.

Wherefore for these and other manifest errors in the record herein, the said Appellant prays that the decision of the Court below may be reversed, & this Cause remanded &c.

N. D. & G. P. Strong
Attys for Appellant.

Respondents join in error.

Hugh Hart
for nsfts

92

John Cochran & al

vs

John Brooks deft.

F. W. Goddard Claimant

Assignment of errors.

Filed April 21, 1858

N. D. & G. Strong

Attys for Appellants

~~Goddard~~ } Supreme Court.
~~No. 92. vs~~ {
Cochran & als }
No 92 vs {
John Brooks & al. This was a motion made by Franklin H. Goddard, in the St Louis Court of Common Pleas, to require the Sheriff to file a new or sufficient bond, in the case of Cochran & Clark vs John Brooks, in which the Sheriff had levied on the property of Goddard, & taken an indemnifying bond from the Pltffs in the execution, & sold the property.

The bond (for $2400.00) was returned into Court, & in due time Goddard moved that the Sheriff file a sufficient bond, alleging that the bond filed was wholly insufficient & was void.

Castello the Sheriff was made a party to the motion, & with Cochran & Clark, appeared & resisted the application.

Upon the hearing of the motion the Claimant offered to prove that the property levied on was worth over thirty eight hundred $3800.00 dollars instead of $1200. as valued by the Shff, and also that the bond was executed in blank as to

the property taken & filled up afterwards, & that it was also made to secure the rights of Francis A. Goddard, & after execution was altered without authority, so as to make the name Franklin H. Goddard.

The Court refused to permit the evidence to be given, & overruled the motion, & the Claimant took his appeal to this Court.

The points are all preserved in a bill of exceptions.

Geo P Strong
for Appt

92

John Cochran & al
Mr

John Brooks & al.

Abstract & Statement
for Appt

Filed 6 Nov. 1858.
W. S. Glanville Ck.

Geo P Strong
for Appt

Cochran & Clark
No 92, vs
John Brooks & Ets

In this case, the Appellant, F. H. Goddard, the Claimant of property levied on by the Sheriff, & claimed according to the provisions of the Act of March 3. 1855, relating to Shyfs & Co. in St Louis Co. Contends that the Court below had authority & ought to have exercised it, to order the Sheriff to file a new or additional indemnifying bond, & to have heard evidence as to the value of the property; Acts of 1855. p. 464. s. 8.

The bond filed was wholly insufficient in the amount of its penal sum.

Sess. Acts. 1855. 464. p. 1.

The evidence offered tended to show ~~that the bond was~~ not only that the bond was wholly insufficient in amount, but was rendered invalid by a material alteration after its execution & delivery.

Strong for Appt

No 92.

John Cochran & als
vs
John Brooks, & als

Points &c for Appt

Filed 6 Novr. 1858.
W. S. Glanville
Ck.

Geo P Strong
for Appt

No 92. Cochrane v Brooks

The only objection which the Court can entertain to the bond of indemnity under the the 7th section of the local act concerning the Sheriff and Marshals of St Louis county, (Sess. Acts. 1855. p. 464) is in relation to the sufficiency of the security, and of course the action of the Court under the 8th section is not conclusive on the claimant as to any other valid objection to the bond

The proceeding will be affirmed. The other Judges concurring

Jno. D. Richardson

No 92

Cochran

v

Brooks

Opinion of the

Court

Affirmed

Filed 18 Dec. 1858.
Wm S Glanville
Ck.

Rubaston

x