Jefferson County Circuit Court
Case File - Civil

Box 21 Folder 49

May 1868, No. 158

State ex rel
Pounds, Elizabeth E.

vs

Murrell, John
Johnson, George W.

Administrator Bond

Defendants securities for Milton Baker, adm. of Orson Baker, who failed to pay $124.65 to plaintiff; $5,000 Bond

The State of Missouri
to the use of
Elizabeth E. Pounds. Plff.
vs
John M.Urrell &
George W. Johnson Dfts.

In the Circuit
Court of
Jefferson
County Missouri.
May Term 1868

Plaintiff States that many years ago viz about the year 1841 Orson Baker departed this life intestate in the County of Jefferson aforesaid leaving Surviving him his widow Martha, and the following named Children viz. Calvin Baker, Lucy a daughter who married one James McCollock, Susan a daughter, Elizabeth Baker a daughter, Nancy C. Graham a daughter, Lethia L. Baker, Sarah A. Baker, & Martha A. Baker daughters, And Alvin M. Baker a son, that Elizabeth aforesaid Baker intermarried with one Thomas S. Pounds about the 14th day of July 1844 and that this plaintiff Elizabeth E. Pounds was born of said Marriage on or about the 1st day of March 1846 and that said Elizabeth the mother of Plaintiff departed ~~this~~ this life intestate soon after the birth of plaintiff viz about the 5th day of March 1846 leaving Plaintiff her only child & heir at Law. Plaintiff further says that letters of Administration

on the Estate of said Orson Baker were granted by the County Court of Jefferson County Missouri to Milton Baker and James McCulloch about the 26th day of October 1841 on which day said Milton Baker & James McCulloch duly qualified as such Administrators and took upon themselves the Execution of their duties as such and Executed a Bond of that date to the State of Missouri Signed by said Milton Baker and James McCulloch as principals & W. A. Mothers-=head, George W. Johnson and John Murrell as Securities ~~the Conditions of which Bond~~ for the Sum of Five Thousand Dollars the conditions of which Bond was that said Milton Baker & James McCulloch as Administrators of the Estate of said Orson Baker would faithfully Administer said Estate, account for and pay and deliver all money and property of said Estate and perform all other things touching said Administration required by Law or the order of any Court having Jurisdiction thereof. which Bond (which is hereto attached and made a part of this Petition) was approved by said County Court & filed and recorded in the Office of the Clerk of said Court November 1st 1841.

Plaintiff says that said Administrators did not faithfully Administer said Estate and account for and deliver all ~~money~~

Money & property received by them, as required by Law & the terms of said Bond, but on the Contrary Plaintiff Charges that said Administrators received as the proceeds of the Sale of personal property of said Estate on the 26th of October 1841 the Sum of $770.10½ and on the 13th of Feb. 1842 they received the further Sum $5.68¾ arising from Sale of personal Property, and at the time of taking Charge of said Estate, viz. Nov. 4th 1841 they received in cash & Interest bearing notes which were collected by them of said Estate the Sum of $76.75. and also accounts which they collected amounting to $13.70 making in the aggregate ——— $865.38

and afterwards on the 10th June 1843 said Admrs received of one David Stites $27.50

and from A. Cheatham for the hire of a negro of said Estate on the 30 of Nov. 1842 $22.00

also they received from F. Villeman for the hire of a negro man Will belonging to said Estate on the 30th of Nov. 1843 $74.20

they also received Nov. 1844 from A. Cheatham for hire of negro man "Will" belonging to said Estate $70.00

and from C. Baker for hire of said negro for 1845 $40.00 ———

They also received from D. Tidden in 1845 for hire of negro woman of said Estate $21.50

and about the first of June 1846 said Admrs. received further assetts of said Estate in the Sum of ——— $115.96

and also said Admrs received about the
Month of Nov. 1846 for rent of Farm of
said Estate & hire of negro man "Will" for
the year 1846 $74.00
Making the aggregate sum received by
said Administrators of the assets of said
Estate ——————— $1391.44

Plaintiff further states said Admrs in
~~Charged themselves on the inventory of said~~ their
Settlements with the County Court of said County
received credits in their Settlements as follows
viz: In their Settlement of Feb. 6th 1843
they received a credit of $224.62
to be taken from the amount actually in their
hands belonging to said Estate which left
a ballance in their hands due said Estate of
$640.65

In a Settlement made Mar. 19th 1844 they
obtained a credit of 60.16
leaving a ballance due said Estate of $704.18
In a Settlement made Sept. 17th 1845 said
Admrs received a credit of 347.82
and leaving a Ballance due said Estate of 571.88
And on the 17th of Jan 1848 said Milton Baker surviving
Administrator said Jno Collier having died
made another & final Settlement with
said Court wherein he obtained Credit
for ——————— $114.18

leaving a ballance due said Estate
for distribution of ——— $647.66
as appeared from said Settlement

Plaintiff States that said Widow died before Final Settlement of said Estate leaving the distributees of said Estate her sole heirs. that before her death She had received of said Estate only $150. for which said Admrs received Credit in their Settlements.

Plaintiff Says that Plaintiff as a distributee of said Estate was entitled to receive one ninth of the ballance of $647.66 which ~~which~~ was found to be due said Estate & for distribution at Final Settlement in Jan. 1848, being the Sum of $98.83 which Sum said Surviving Administrator wholly failed to pay to Plaintiff.

Plaintiff Says further that said Administrators intending to Cheat & defraud Plaintiff & other distributees of said Estate fraudulently omitted in all the Settlements made by them ~~with~~ of said Estate in the County Court to charge themselves with any interest upon any of the notes or Sums of money received by them as aforesaid, and that the amount of interest due ~~by~~ upon money received by said Administrators of said Estate at the Final Settlement of said Estate by Milton Baker the Surviving Administrator & for which he fraudulently failed to charge himself was $232.40 one ninth of which being $25.82 the

Plaintiff was Entitled to.

Plaintiff says the Court in Consideration of the premises to render Judgment for plaintiff against Defendants for the Sum of Five Thousand Dollars and to award Execution thereon in favor of plaintiff for one hundred and Twenty four $\frac{65}{100}$ Dollars ~~from January~~ with interest ~~at Six per cent~~ from the 17th of January 1848 till the rendition of Judgment.

Jos. J. Williams
Atty. for Plaintiff

State to the use of
Elizabeth E. Pounds
vs
John Murrell &
G. W. Johnson

Suit on Admrs. Bond

Original

Filed Mar 14th 1868
E. J. Henry Clerk.

Clerk issue Process
Williams
Atty. for Plaintiff

Due plaintiff as which sum $25.82 The

The State of Missouri to the use of Elizabeth E Pounds. Plff.
=vs=
John M Murrell & George W Johnson Defts.

In the Circuit Court of Jefferson County Missouri

May Term 1868,

Plaintiff States that many years ago, viz: about the year 1841, Orson Baker departed this life intestate in the County aforesaid leaving surviving him his widow Martha, and the following named children viz; Calvin Baker Lucy a daughter who married one James McCullock. Susan a daughter Elizabeth Baker a daughter. Nancy le Graham a daughter. Letitia A Baker, Sarah A Baker & Martha A Baker daughters, and Alvin M Baker, a son that said Elizabeth Baker intermarried with one Thomas S Pounds about the 14th day of July 1844, and that this Plaintiff Elizabeth E Pounds was born of said marriage on or about the 1st day of March 1846, and that said Elizabeth the mother of Plaintiff departed this life intestate soon after the birth of Plaintiff viz: about the 5th day of March 1846, leaving plaintiff her only child,

& heir at law. Plaintiff further says, that letters of Administration on the Estate of said Orson Baker were granted by the County Court of Jefferson County Missouri to Milton Baker and James McCullock about the 26th day of October 1841 on which day said Milton Baker & James McCullock duly qualified as such administrators and took upon themselves the execution of their duties as such and executed a Bond of that date to the State of Missouri signed by said Milton Baker, and James McCullock as principals & M.A. Mothershead, George W Johnson and John Murrell as securities for the sum of Nine Thousand dollars, the conditions of which bond was that said Milton Baker & James McCullock as administrators of the Estate of said Orson Baker would faithfully administer said estate, account for pay and deliver all money and property of said Estate and perform all other things touching said administration required by law or the order of any Court having jurisdiction thereof which Bond (which is hereto attached and made a part of this petition) was

approved by said County Court & filed and recorded in the office of the Clerk of said Court November 1st 1841
Plaintiff says that said Administrators did not faithfully administer said estate and account for and deliver all money & property received by them as required by Law & the terms of said Bond, but on the Contrary Plaintiff charges that said Administrators received as the proceeds of the sale of personal property of said estate on the 26th of October 1841 the sum of $770. 10½ and on the 12th of Feb 1842, they received the further sum $5.58 3/4 arising from sale of personal property, and at the time of taking charge of said Estate Viz - Nov 4th 1841 they received in cash & interest bearing notes which were collected by them of said estate the sum of $76.75 and also accounts which they collected amounting to $12.75 making in the aggregate, ~~$~~ $865.28
and afterwards on the 10th of June 1843 said Admrs
receives of one David Stiles $ 27,50
Also from A Cheatham for the hire of a negro
of said Estate on the 30th Nov 1842, $ 22,100
Also ~~from~~ they received from J Villeman for
the hire of a negro man Will belonging to said
Estate on the 30th of Nov 1843. $ 74,20

they also received Nov 1844 from A Cheatham
for hire of negro man "Will" belonging to said estate $70,00
and from Baker for hire of said negro for 1845, $40,00
They also received from D Hidden in 1845 for hire
of negro woman of said estate, $2,50
And about the first of June 1846, said Admrs.
received further assets of said estate
in the sum of $115,96
And also said Admrs received about the month
of Nov 1846, for rent of Farm of said estate
& hire of negro man "Will" for the year 1846, $74,00
making the aggregate sum received by said
Administrators of the assets of said estate $1291,44
Plaintiff further states said Admrs in their
settlements with the County Court of said
County received credits in their settlements
as follows Viz; In their settlement of Feby 6th 1843
they received credit of, $224,62
to be taken from the amount actually in
their hands belonging to said estate which
left a balance in their hands due said estate of 640,65
in a settlement made Mar 19th 1844 they obtained
a credit of, 6,16
leaving a balance due said estate of $704,18
in a settlement made Sept 17th 1845 said Admrs received a credit of $247,82
and leaving a balance due said estate of, 571,58
And on the 17th of Jan 1848, said McCullock having died
said Milton Baker surviving administrator made another

& final settlement with said Court wherein he
obtained credit for $114,18
leaving a balance due said estate for distribution of 647,66
as appeared from said settlement,
Plaintiff states that said widow dies before
Final settlement of said estate leaving the distributees
of said estate her sole heirs, that before her
death she has received of said estate only
$150. for which said Admrs received credit in
their settlements,
Plaintiff says that Plaintiff as a distributee
of said Estate was entitled to receive one ninth
of the balance of $647,66 which was found
to be due said Estate & for distribution at
Final settlement in Jan 1848 being the sum
of $98,83 which sum said surviving admin=
istrator wholly failed to pay to plaintiff,
Plaintiff says further that said Administrators
intending to cheat & defraud Plaintiff & other
distributees of said estate, fraudulently
omitted in all the settlements made by them
of said estate in the County Court to charge
themselves with any interest upon any of
the notes or sums of money received by
them as aforesaid, and that the amount
of interest due upon money received by
said administrators of said Estate at the
Final settlement of said Estate by Milton Baker
the surviving administrator & for which

he fraudulently failes to charge himself
was ——————————— $232.40
one ninth of which being $25.82 the plaintiff
was entitled to.

Plaintiff prays the Court in consideration of
the premises to render judgment for plaintiff
against Defendants for the sum of Five
Thousand Dollars and to award execution
thereon in favor of Plaintiff for one hundred
and twenty four & 65/100 Dollars from the 17th
of January 1848, till the rendition of judgment.

Jos J. Williams
Atty for Plaintiff

A true Copy of the original petition now on
file in my office.

Witness my hand and the seal of
said Court at office in Hillsboro
this March 16th 1868.

Elias F Haney Clerk
Per C L Vinie Deft

THE STATE OF MISSOURI, } ss.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon John Murrell and George W Johnson,

if they be found in your County, that they be and appear before the Hon. Judge of our Circuit Court, on the first day of the next term thereof, to be begun and held at the town of Hillsboro, within and for the County of Jefferson, on the ~~ninth~~ Monday after the fourth Monday of March 1868 ~~next~~, then and there to answer unto The State of Missouri to the use of Elizabeth E Pounds

upon their original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, *Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this* Twelfth *day of* March *A. D. 1868.*

Elias F Honey
Clerk Circuit Court.
Per O D St Clair Dep't

I Executed this Writ in Jefferson County Missouri
on the 30th Day of March 1868 on George W. Johnson
by Delivering to him a true Copy of the Writ and
Petition named on John Maxwell by Delivering
to him a true Copy of this Writ as furnished by
the Clerk

John Williams Sheriff

No 108.

2687

JEFFERSON CIRCUIT COURT.

May Term, 1868.

The State of Missouri
to the use of E. E. Pounds

vs

John Murrell
& Johnson
Geo W. Shipton

original

John Williams Sheriff

fee $2.00

THE STATE OF MISSOURI, } ss.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon John Murrell
and George W Johnson
if they be found in your County, that they be and appear before the Hon. Judge of our Circuit Court, on the first day of the next term thereof, to be begun and held at the town of Hillsboro, within and for the County of Jefferson, on the ~~next~~ *Monday after the fourth Monday of* March *1868* ~~next~~, *then and there to answer unto* The State of Missouri to the use of
Elizabeth E Pounds

upon their *original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.*

Witness, ELIAS F. HONEY, *Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this* Fourteenth *day of* March *A. D. 1868,*

Elias F Honey
Clerk Circuit Court.
Per O P Kinne Dep't

TO

JEFFERSON CIRCUIT COURT.

May Term, 186

The State of Missouri

to the use of

E. O. Pounds

vs

Jno Murrill

Geo W Johnson

The State of Missouri
to the use of Elizabeth
Parnell Plff
vs
John Murrell &
George W. Johnson

In the Circuit
Court
May Term
1868.

Defendants for answer to
plaintiffs petition state that
they have no knowledge or
information sufficient to form
a belief as to whether the said
administrators Milton Baker and
James McCulloch administrators
of the estate of said Orson
Baker deceased faithfully administered
account for and paid over and
delivered all money & property by them
required by law and the terms of their
said administrators bond,
Defendants are advised, and they
aver the fact to be, that the
said administrators did pay over
and account for all money
or property as said administrators,
alleged to have been received by them
in plaintiffs petition to the
aggregate sum of $647.66

For answer to plaintiffs allegation that said administrators intending to cheat and defraud plaintiff and other distributees of said estate fraudulently omitted in all the settlements made by them of said estate in the County Court to charge themselves with any interest upon the sums or sums of money received by said administrators amounting in the aggregate to $232.40, defendants have no knowledge or information sufficient to form a belief.

Defendants say that a final settlement of said estate was made by Milton Baker surviving Admr. of said Orson Baker, estate in January 1848 more than twenty years before this suit was brought, that said settlement was approved by the Court and an binding order, on all parties interested, that the same has the force and effect of a judgment and cannot be set aside in this proceeding.

Defendants aver that said sum of $98.83 which appears

to be due the mother of the plaintiff was received by her in her life time, that although the same was receipted for by her husband as having been received in her right yet in fact the same was never paid to him, but was paid to his said wife, and she being dead at the time of making final settlement the said Thomas S. Pounds receipted for the same

Defendants aver that the wife of said Thomas S. Pounds the mother of the plaintiff had received during her life time in full of all of her distributive share in the estate of her father, that all of said share had been paid before final settlement, that none of said share was unpaid at the time of the death of said Elizabeth that both principal and interest had been fully accounted for, that both administrators of said Orson Baker estate have been dead many years, that final settlement has been made

more than twenty years, that the Claim of the plaintiff is stale, and, that it would be inequitous and unjust after a lapse of so many years to have and maintain said a claim against the estate of said administrators and having fully answered asked to be discharged with cost.

John Merrill &
G. W. Johnson
By P. Pipkin
their atty,

The State of Alpsm
to use of Elizabeth E
Pounds
v
John Murrell &
G. W. Johnson

Defendants Answer

Filed May 21st 1866
E. F. Norfleet C.

COUNTY OF JEFFERSON.

The State of Missouri,

To John Evans

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 23d day of November 1868, at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein The State to use of E & E Pounds is Plaintiff, and Murrell & Johnson are Defendant, on the part of Plaintiff and herein you are in no wise to fail.

WITNESS, **ELIAS F. HONEY**, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 15th day of Oct A. D. 1868,

Elias F Honey Clerk.

By Thos Horine Dep't

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 186 8,

State to use E. Pounds

vs

Murrell & Johnson

Dor Plff

John Evans Copy

John Williams Sheriff fee 50

I executed the within subpoena on John Evans by leaving him a true copy of the same at his usual place of abode with a free white person over the age of fifteen years this 10th day of November 1868

John Williams Sheriff

By Jn McInnis D.S.

COUNTY OF JEFFERSON.

The State of Missouri,

To T. S. Pounds

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 23rd day of November 1868 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein The State to the use of T. S. Pounds is Plaintiff, and Murrell & Johnson and Defendant on the part of Defendants and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 22 day of October A. D. 1868

Elias F. Honey Clerk.

By Thos. Herring Dep.

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 186 8,

State to use E. E. Pounds
vs
Murrell & Johnson

Def'ts,
T. S. Pounds +

John Williams
Sheriff fee 50

I served the within Subpoena on the 23rd
Day of Oct 1868 on T. S. Pounds by reading
the same to him.

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Ruth Evans. John Baldwin Jr. and Evans A Cheatham

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 23rd day of November 1868 at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein State To the use of E E Pounds is Plaintiff, and Munsee Johnston is Defendant, on the part of Plaintiff and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 6th day of Nov A. D. 1868

Elias F Honey Clerk.

By Thos Hume Dep

SUBPOENA.

To Jefferson Circuit Court.

Nov. Term, 1868.

State to the use of
E. E. Pounds
vs
Murrell & Johnston
for Plffs
Ruth Evans. John Baldwin
John Evans Schoolcraft

John Williams
Sheriff fee $2.00

I Executed the within writ at the
County of Jefferson on the 11th day of
November 1868 on Ruth Evans John
Evans by reading in their hering
and on A. Scheatham reading
in hering and the same on John
Baldwin by Leaven a true Copy
of the same at his usual place of
abode with a white member of his
family of the age of fifteen years

John William Sheriff

By John Vinyard

State of Mississippi to use
of Emeline E Pounds

vs

John Murrel & Washington
Johnson

In the Jefferson
Circuit Court.
Nov. Term 1868.

I do hereby dismiss the above
entitled Cause which was brought
in my favor against the above
named defendants, & securities
on the Bond of Milton Baker
and James M. Colbert.

Given under my hand
this 18th day of November 1868

Emeline E Pounds
~~Emeline E Pounds~~

Mr Thos