

Jefferson County Circuit Court
Case Files - Civil
May 1876

Box 35 Folder 49

Pipkin, Philip, adm.
Kendal, Margaret

vs.

Parker, Horace M.
Green, Michael W.
Moss, Claiborn T.

Appeal

Defendants appealed from Probate
Court on citation for \$208.52
due by defendant as Kendal's
former administrator; depositions

Kinnimiek Mar 11 1875

Judge Williams
I send Inventory
of estate Margaret Knidal

I think it best to proceed w:
Parker & his securities. M W Green
& C. J. Mox under the provisions
of Sec^s 69. 70. 71. R Statutes
Chap 120.

The notices will have to be
served by yourself. Those for
this Co. Can be served by
our sheriff. Parker is
in St John's Co. I will have
him served there.

Respy
O. P. Pike

P. Piskin Admr

D. B. N. M. Randall

H. M. Parker
et al

Filed March 11th

1875 = J. Williams

Judge Probate

Filed May 7th 1876

C. Thos. Hornieck

By C. Marsden Dep.

P. Pipkin
vs
H. M. Parker
M. W. Green
C. J. Mof.

In the Probate court of Jefferson County
Missouri

Philip Pipkin Adm^r. de bonis non
of the estate of Margaret Rindal
deceased states, that on or about
the day of March 1875 the term
of administration of the estate of
said deceased, granted to H. M.
Parker were revoked by the
Said Probate Court of Jefferson
County Missouri and said
Pipkin was appointed as his
successor, that some time
prior to said date to wit,
on the 8th day of April 1864.
said administrator made an
annual settlement in which
he charged himself with the
sum of \$208.52 balance due
said estate that since
that time said administrator
has made no settlement.
Wherefore plaintiff said Pipkin says
that said Parker is indebted to
said estate in the said sum
of \$208.52 with interest thereon,
from said 8th day of April
1864. Wherefore plaintiff prays
the Court to issue a citation
against said Parker and his
sureties to show cause why
judgment should not be rendered

against them for the said sum
with interest

P. P. Perkins

Ad. de bonis non
of Margaret Kindeel
decd

P. P. Perkins Ad.
de bonis non

Wm Parker

W. W. Green

C. Y. Wray

complaint

Filed October

12th 1875

Wm Williams
Judge of Probate

To W. M. Parker, M. W. Green and
C. J. Moss

Take notice that a
Petition of which the above is
a copy is on file in the probate
Court of Jefferson County,
Missouri and that the same
will be heard by said Court
at Hillsboro in said County
on the 8th day of November
1875 when said Court will
ascertain the amount of money
and property if any in the
hands of W. M. Parker Adm^r
of Margaret Wendel and
render judgment against
him and his securities
on his Bond as such in
accordance with Law

Witness my hand
and the seal of said
Court October 15th
1875- Jos. Williams
Judge of Probate

I Executed the within writ on the
 within named H. M. Parker and M. W.
 Green of the County of Jefferson Mo
 on the 19. day Oct. 1855. 1855 by
 delivering the a true copy of this
 writ as furnished by the Judge
 of Probate Court
 and I did J. B. Mopp Sheriff
 on the 21st day of Oct 1855 serve
 on H. J. Mopp. ^{by delivering to him a true copy of this writ} ~~at the County of~~
 Jefferson State of Missouri J. B. Mopp, Sheriff
 By W. J. McArthur
 Deputy

J. B. Mopp, Sheriff

vs.
 H. M. Parker
 & others

original

Served by
 Parker on 19th
 Oct

Shuff per 300

180

90

160

330

Jefferson Co. Mo.
Received in the Month of Nov- and in
the year 1863 of H. M. Paul Co. Administrator
of the Estate of Margaret Kendall Dead;
Twenty Dollars being money due to me
By said Margaret Kendall's Est. Having
given said Estate all just Credit- and
effects which it is entitled to-
I am to and subscribed

before me Nov. 5th 1875

William H. T. Tor
Justice of the Peace.

W. H. T. Tor

Nov. 23 - 1875
Prairie Lf. Co. Mo

Filed May 9th 1876
to the Marine Lf.
By G. Marsden Lf.

William H. Campbell
 Petff
 vs.
 Joshua L. Smith +
 James Heaven
 Defts

In the St Louis Court of Common
 Pleas Nov 8, 1860
 County of St Louis &c. The plaintiff
 states that the said defendants on
 the first day of June in the year
 eighteen hundred and sixty, made
 their certain promissory note in wri-
 ting of that date. (which said note is hereto annexed
 marked A.) and thereby promised to pay to the order
 of Horace M. Parker (by the style of H. M. Parker adminis-
 trator of the estate of Margaret Kendall deceased, the
 sum of two hundred and five dollars, four months
 after date thereof, for value received negotiable and pay-
 able without defalcation or discount with interest at
 the rate of ten per cent per annum after maturity, and
 delivered the same to the said Horace M. Parker, and the
 said Horace M. Parker, thereafterwards to wit, on the same
 day, indorsed, assigned and delivered the said note
 to the plaintiff, which said note still remains due
 and unpaid. Wherefore the plaintiff asks judgment
 for the same together with his interest damages & costs &c
 St. Holmes Atty for Plff

State of Missouri
 County of St Louis &c. Edward N. Parker agent of the Plain-
 tiff in this behalf maketh and saith
 that the matters & things stated in the foregoing petition
 he believes to be true as therein set forth.

Edward N. Parker.

Sworn to and subscribed before me this 27th day
 of Oct 1860.

Leon J. Parker CLK.

In the St Louis Court of Common Pleas.
November Term 1860.

Monday November 26th 1860.

William H. Campbell }

vs.

James Heaven.

} Now at this day comes the
Plaintiff by his attorney and
dismisses this suit, as to the de-

fendant Joshua L. Smith, but the defendant Joshua L.
Smith, but the defendant Heaven, although being
duly summoned and called comes not. but
makes default wherefore it is ordered that the petition
herein be taken against him as confessed. and there-
upon the Court finds that he is indebted to the plain-
tiff in the sum of Two hundred and eight and 18/100
dollars. on account of the instrument of writing on
which this action is founded. Therefore it is considered
by the Court that the plaintiff recover of said defen-
dant Heaven the debt aforesaid as found, with inter-
est at the rate of ten per cent per annum until paid
together with his costs herein expended and have
execution therefor

THE STATE OF MISSOURI,

To the Sheriff of the County of St. Louis==Greeting:

Whereas, William H. Campbell

Twenty-sixth day of November

St. Louis Court of Common Pleas

at our ~~CIRCUIT COURT OF ST. LOUIS COUNTY,~~

^{vs} the sum of Two hundred and eight

together with Ten

his costs and charges in that suit expended. These are, therefore, to command you, that of the goods and chattels and real estate of the said

James Heaven

you cause to be made the debt with interest thereon at 10% per annum till paid and costs, and that you have the same before the Judges of said Court, on the first Monday of April next, to satisfy the debt and costs aforesaid, and that you certify how you ~~have~~ executed this writ.

Leon J. Papin

Witness, J. FRED. THORNTON, Clerk of our said Court, with the seal

thereof hereto ^{to} affixed, at Office in the City of St. Louis, this 10th day of December in the year of

our Lord eighteen hundred and ~~seventy~~ sixty

Seal

Leon J. Papin

Clerk. C.C.P.

on the

in the year of our Lord one thousand eight hundred and ~~seventy~~ sixty recovered against James Heaven

Dollars and Eighteen cents debt

Dollars and Twenty cents, for

Rec'd Dec 10. 1860

John H. Andrews Esq
Mayor Kansas City

No. 138
St Louis Court of Common Pleas.

April Term, 1861

William H. Campbell

vs
James Heaven

Judgment for - 26th 1860
costs at 10% fee paid
\$ 208.18

Wm. Heaven 5.15

Tracy 1.25

Esq Andrews 1.50

Judge Tolson 1.00

Plaintiff 3.00

\$ 219.08

J. H. Adams

506 N. 60

Sheriff's Sale. By virtue and authority of an execution issued from the office of the clerk of the St Louis Court of Common Pleas returnable to the April Term 1861 of said Court, and to me directed in favor of William H. Campbell, and against James Heaven, I levied upon and seized the following described real estate, as the property of the said defendant to-wit: A lot of ground situate in that portion of the Commons of the City of Carondelet, lying south of the river des Peres, being fractional lot No (92) Ninety two, in survey south, containing five and ninety four hundredths (5.94-100) acres more or less, as laid down and designated on the plat of subdivision of said Commons south of the River des Peres, by Jasper Meyer, and on file in the Recorders office of St Louis County, being the same property conveyed by the Corporation of the City of Carondelet to James Heaven by deed dated the 12th day of September 1859 and recorded in Book 228 page 329 and I will on Saturday the 20th day of April 1861 between the hours of nine o'clock in the forenoon, and five in the afternoon of that day, at the east front door of the Court House, in the City of St Louis, State of Missouri, sell at public vendue, for cash, to the highest bidder, all the right title, interest, claim, estate and property of the above named defendant of, in and to the above described property, to satisfy said execution and costs. John H. Andrews Sheriff.

Made by sale of the real estate described in the advertisement, and sold on 20th April 1861. Twenty dollars, which amount I have applied to the payment of costs, the balance of costs paid by the plaintiff. no other property goods chattels or real estate belonging to the defendant found in my County, whereon to levy this writ and make the within debt or any part thereof

John H. Andrews Sheriff
Theodore La Beaume

State of Missouri }
County of St Louis } J. J. Fred Thornton Clerk of the Cir-
cuit Court of St Louis County, being also
the Custodian of the papers and records of the late St.
Louis Court of Common Pleas, certify the above and
foregoing to be true copies of the ^{Petition} Judgment and execution
together with the Sheriffs return thereon. as fully as the
same remain of record and on file 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 19th day of Novem-
ber AD 1875

J. Fred Thornton

Clerk.

William H. Campbell

vs.

James Heaven

Transcript

Filed May 9th 1876
A. Ho. Horner Clerk
By C. M. aradew Sept.

~~400~~ paid by T. M. Parker.

State of Missouri
County of Franklin

Deposition of Witness, produced, sworn
and examined on the Seventh day of February A.D.
1876 between the hours of Eight O'clock in the forenoon
and six O'clock in the afternoon of that day at the office
of the "Franklin County Observer" in the Town of Wash-
ington in the County of Franklin and State of Missouri
before me William H. Hagsbusch a Notary Public
for and within the County of Franklin, Edward W.
Parker who being duly sworn according to law,
in a certain cause now pending in the Probate
Court of the County of Jefferson in the State of Missouri
between Phillip Pipkin Administrator of the Estate
of Margarette Wendall Plaintiff and H. M. Parker
M. W. Green and C. T. Moss Defts. - on the part of
Deft. Says

Some time in 1861-62, is not positive
about the year Horace M. Parker, a resident of Sulphur
Springs, Jefferson County, Missouri, gave to him for
collection a note for two hundred and five dollars
(\$205.) against Joshua C. Smith and James Harms
and in favor of Margaret Wendall or her Estate of
which Horace M. Parker was Administrator. H. M.
Parker got him to try and collect the money because
Mr. Smith lived in St. Louis as well as E. W. Parker
& he could see him often without much trouble
which he done but never succeeded in getting any

money from him on the note. After some more the H. M. Parker desired him to sue on the note. The note was endorsed he thinks over to William H. Campbell who was a clerk in his store, the reason was his time was less valuable than E. N. Parkers & besides said Parker was absent from St. Louis much of the time in those years and was liable to be away from St. Louis at the time the suit might be called in Court. The note was sued on in the name of Wm H. Campbell sometime in 1862-63. judgement rendered, execution issued and returned by the Sheriff. nothing found & it remains in this shape at the present time as far as he knows. He never paid H. M. Parker any money or anything else for the note nor did Wm H. Campbell or anybody else. The note was put into his hands for collection & suit was brought in W. H. Campbell's name for the reasons stated above.

Edward A. Parker

Saw and subscribed to
before me this 4th day of
February A.D. 1876

W. H. Hoaghus esq
qualified as such June 6th 1873
whose term expires June 6th 1874



Filed May 9th 1876
C. Jho. Horine Clerk
By G. Marsden Sept.

J. P. Phipps, Adm^r - debou^r mon^y
of Margaret Kendall, dec^d - Plaintiff

vs.

H. M. Parker } In the Probate Court
N. W. Greene } of Jefferson County
C. F. Moss, } Minors
Defendants }

The Defendants, answering the above motion or petition of Plaintiff, deny that the said H. M. Parker, as Administrator of the Estate of Margaret Kendall, dec^d - was indebted to said Estate, at the time of his settlement in the County Court of Jefferson County Missouri on April 8th 1864, in the sum of \$208.52, or any other sum. They state that although said Settlement shows a balance in favor of said Estate of \$218.52, yet, that said balance was made up mainly by a Note charged in said Administrator's settlement made April 9th 1862 for the sum of \$203.00, given by Joseph L. Smith and James Weaver to said Margaret Kendall, in her life time, do wit on 1st of June 1860, - and that said Administrator never collected said Note, or any part of it, although he sued on it & got judgment, yet could not collect any part of it as nothing could be made out of the said

Smith & Heaven by law, The said Ad-
 ministrator is therefore entitled to a Credit
 for the same, to wit, — \$ 205.00
 In addition to this, said Admin-
 istrator is entitled to a Credit for Costs
 paid in said suit of — \$ 31.00
 Also, to the amount paid N. H. Green
 for his Bill against said deceased, — 20.00
 Do. By amount paid N. Holmes, At-
 torney for Plaintiff in said suit — } — 25.00
 By Boarding & Clothing Negro Girl, Ellen
 belonging to said Estate, from April 2nd,
 1860 to the time she was sold, — 5 years
 at \$5 per year — 100.00
 \$ 381.00

And for further defence against the
 Plaintiffs motion, these Defendants, state
 that, if any debt or balance was due said
 Estate of Margaret Kendall, on the settle-
 ment made on April 8th 1864, said Claim
 is now barred by the Statute of limita-
 tions; and Defendants here interpret
 said Statute, and deny that any action
 can be had or maintained to recover the
 amount of \$ 208.52 claimed ^{by plaintiff}, or any part
 of it, or any sum whatever, as they deny
 that said debt if it ever existed, accrued within

ten years before the commencement of this action.

And for further Answer and defence to the motion & Complaint of Plaintiff, filed on the 31st day of February 1876, Defendants state that all the matters trumped up in said motion as having occurred prior to the settlement of said H. M. Parker in April 1864, have been passed upon and adjudicated by the County Court, and are not ^{now} open for further investigation, And they deny that any of the charges and credits given to said H. M. Parker in his settlements of April 3rd 1861, and April 9th 1862, and of April 1864, were procured by fraud,

And Defendants deny that said H. M. Parker, as Administrator of Margaret Kendall, dec^d, ever received as assets of said Estate, a Note dated May 3rd 1859, due on the 1st day of January 1860, in favor of said Margaret Kendall, for \$142.⁰⁰, and against Joseph L. Smith and Louis Jennings, - and deny that said Parker ever collected, or ever had any such Note, or ever received any money on any such Note, or from such persons, And Defendants deny that said Administrator ever received any assets of said Estate, except what he has charged himself with in his settlements. And Defendants deny that any balance stands against him, said H. M. Parker, as such former Administrator, and deny that Plaintiff is entitled to a judgment against these Defendants for \$872.52, or any sum whatever - H. M. Parker
By A. Green, Esq. Atty

J. D. Kim, Administrator
of M. Kendall
vs.
H. M. Parker
N. W. Greenett
C. F. Moss

Answer

Filed July
21st A.D.
1876 J. D. Williams
Judge of Probate

Filed May 9th 1876
L. J. Hoar
by L. J. Maroden, Clerk

Philip Pipkin administrator
of the estate of Margaret
Kendal deceased

as
Horace M. Parker
Michael R. Green &
C. T. Mop.

In the Jefferson
County Probate Court

The above named administrator
of said estate now comes and
files this as an amended statement
and complaint in the above
entitled cause, and says: that
his predecessor the said Horace
M. Parker, took charge of the
estate of said deceased as ad-
ministrator thereof about the day
day of ^{April} 1860, and charged himself
in his first annual settlement
made on the 3^d day of April 1861
with the sum of \$71. amount
of two notes due said estate and
the sum of \$4800⁰⁰ lab bill in
all \$4871⁰⁰. of which sum said
administrator credited himself
with the sum of \$72 of which last

sum almost the entire amount
was for illegal and fraudulent
charges, and for services which said
Parker never rendered to said estate
that in said Administrators ~~last~~
most settlement filed on the 9th
of April 1862 said Administrator
charged himself with a note
dated 1st June 1860 for \$205 on
Joseph L. Smith and James Hansen
for rent of farm for that year
which note said Administrator
has collected and failed to account
for and pay over; that at
same time said Administrator
charged himself with only the
sum of \$25 for rent of said
farm for 1861. When he actually
received or ought to have received
at least one hundred and fifty
dollars, If said sum was not
received by said Administrator
it was by reason of his negligence
in failing to take proper security
for the same. At said above
mentioned settlement said Admin-
istrator credited himself with the
sum of \$6 for alleged services which

he never performed, or if performed
never money pay and useful to
said estate: that in said admin-
istrator next and last attempt
of death April term 1864. said
administrator again credited
himself with the sum of 15 dollars
for pretended services in taking
negroes to Hillsboro to be sold
and for taxes which he never
paid. all of which charges were
fraudulent and not properly due
by said estate.

Plaintiff further states that said
administrator received as assets
belonging to said deceased, a
certain note bearing date May
3^d 1859 due on the first day
of January 1860 in favor of said
deceased and against Joseph L
Smith and Lewis Kernig for
the sum of \$142, which note
with the interest thereon said
administrator failed and neglected
to charge himself with, and
which he has fully collected
and has not accounted therefor.
Plaintiff states that said adminis-

trator has received assets belonging to said estate as follows.

and as per additional Inventory	\$ 71.00
" sale bill	48.50
" rents for 1861.	25.00
" note of May 3 ^d 1859	142.00
" " June 1 st 1860	<u>205.00</u>
Total amount	\$ 491.50

During the time said administrator had charge of said estate and up to the date of his last settlement he claims to have paid out on said estate in fraudulent and illegal

charges the sum of 130.98
which as aucta have \$ 360.52
all of which he has had in his hands for 15 years and 6 months, the interest on which at 10 per cent is 538.00
\$ 898.52

which is justly due and owing to this plaintiff. Wherefore he prays the court to order and adjudge a restitution ^{together with all illegal & fraudulent charges & also interest} thereof to this plaintiff administrator de bonis non of said estate and successor to said H. M. Parker and

that execution issue therefor against
said Horace M. Parker and the
said Michael W. Green and
C. J. Mop secures on said
Parker bond as administrator
of said Margaret Knudal

P. Piskin
Adm^r. de bonis non
of Margaret Knudal

Filed May 2nd 1876
P. M. Home clk
by C. Marsden Deft.

P. P. Kin Sam.
Margaret Kundal
vs

A. M. Parker

M. W. Green

C. J. Map

Amended Complaint

Filed, J. Eby
May 1876

Wm. McIlhenny
Judge of Probate

Estate of Margaret Kendall }
Horace M. Parker Admr }
on the application of
Philip Ripkin Admr DE
Bonis non, of said Estate to
the Court to ascertain the
amount of assets, money, property
and evidences of debt of said
Estate in the hands of said
Parker at the time of the
Revocation of his letters the
Court finds as follows, viz,

That the Sale Bill of said Estate
amt. recd by said Parker was \$48.50

That he received a note taken by
himself as such Admr for assets
of said Estate drawn by
Joseph L. Smith & James Heaven
dated June 1st 1860 due 4 months
from date with 10% int. from
maturity for \$205.00

That he received Rents on the
farm of the Estate Dec. 1861 for
rent of Year 1861 25.00
Carried forward \$278.50

Amt. brought forward

\$278.50

That he received a note payable
to Margaret Kendall assets
of said Estate dated May 3rd
1859 due Jan. 1st 1860 bearing
6 % from maturity given
by Joseph L. Smith and Louis
Hennings

\$142.00

That said Parker collected said
note of \$205.00 on J. L. Smith &
James Heenan receiving the
Balance thereof Aug. 14th 1866
collecting Interest thereon up
to said last day, and that
said note having drawn 10
pr. ct. Interest from maturity he
is chargeable with interest on
the principal \$205.00 for 5 years
& 10 months at that rate up to
Aug. 14th 1866 being

\$119.50

That he has had said \$205.00
since August 14th 1866 but
has not had it loaned but has
used it & should be charged thereon
Interest from that date at 6 %
being for 9 $\frac{1}{2}$ years

\$116.85

Amt. carried forward = \$656.85

Amt. brought forward

\$656.85

That said Parker collected the amount of said note of \$142.⁰⁰ Drawn by J. L. Smith & Louis Hennings at the same time he collected said note of \$205.⁰⁰ on said Smith & Heavren that the said \$142.⁰⁰ note having drawn 6% interest from January 1st 1860 Interest was by him collected at that rate up to the time he collected the principal, and having had the money in his hands since he ought to pay 6% percent interest thereon also since it was collected that is that he ought to pay interest on said \$142.⁰⁰ at 6% for 16 years 1 month & 20 days aggregating

137.49

Amt. carried forward = \$ 794.34

Amt. brought forward= \$ 794.34

That on August 1860 said
Parker had in his hands assets
of said Estate cash collected
being \$50.⁰⁰ Collected on note of
A. E. Atley & M. W. Green pay-
able to Margaret Kendall \$ 50.⁰⁰
also

\$21.⁰⁰ which he then had in his
hands on a note of W. C. Fine
drawn by in favor of J. L.
Smith & by him assigned to
Margaret Kendall \$ 21.⁰⁰

That he having had said sums
aggregating \$71.⁰⁰ in his hands
since Aug. 16th 1860 should
account for 6% interest thereon
for 15½ years aggregating the ~~\$ 408.86~~
sum of ----- \$ 66.03

That he said Parker should
be charged with 6% interest on
the amt. of his sale Bill \$48.⁵⁰
Since the day of his sales of
Personal Property of the Estate as the
Sale Bill shows he sold for cash
which being 15 years & 7 months the
Interest is -----
amt. carried forward \$ 45.33
\$ 97.67

Amt. brought forward \$976.70

That said Parker should
account for interest at
6% on the \$2500 rent
of farm or estate for
year 1861 from January
1st 1872 which being
13 years aggregates

Debits against Parker - \$ 19.50
\$ 996.20

The court finding that said
Parker as Administrator did
not charge himself in
his settlements of said
Estate with said note of
\$142.⁰⁰ or with any interest
on any of the assets of
said Estate - The court
also finds that in his
settlements in The County
Court he received credits
against said Estate for
disbursements as follows

In a settlement of April
3rd 1861, he was credited
with disbursements
aggregating

\$75.72

Of which sum the court
finds the following items
with which he was then
credited by said court to
have been improperly allowed
him and for that the court
now disallows the same
and surcharges him therewith
by deducting same from said
\$75.72 and giving him credit
with the remainder thereof, viz,
he was improperly credited

- 1st with expenses to Hillsboro to
settle with Hunt with regard to
notes &c \$2.50
- 2nd with Board during same time \$2.00
- 3rd with Services for same 3.00
- 4 with expenses to Hillsboro to get
distribution of money 3.00
- 5 amt. paid Sheriff St. Louis Co,
for serving petition on Long 4.00

Proper credits in 1st Settlement = $\$14.50 = 14.50$
\$61.22

amt. credit forward \$61.22

on this amt. \$61.22 said

parker is entitled to 6%

Interest from April 3rd 1861 being 54.38

He is entitled to credit allowed
him in his 2nd settlement filed

April 9th 1862 aggregating 21.35

on this amt. \$21.35 he is entitled

to 6 pr. ct. Interest from April

9th 1862 aggregating 17.84

He is entitled to credit in his

3rd settlement aggregating 33.91

on same he is entitled to interest

6 pr. ct. from April 8th 1864 being 24.36

he is entitled to credit for amt.

said A. Holmes atty, for

collecting notes of \$205.⁰⁰ &

\$142.⁰⁰

25.00

on which he is entitled to 10% &

Int. at 6 pr. ct

15.00

amt crs. forward =

\$ 253.06

Amt. Credits forward = 253.06

He is also entitled to credit
for an amt paid M. W. Greene 20.00

also he is entitled 12 $\frac{1}{4}$ yrs.
Int. on same at 6 pr. ct. being 14.70
credits \$ 287.76

Debits brought forward \$996.20
Credits " " \$287.76
Balance \$ 708.44

The Court in charging against
said Parker Advs the note
as hereinabove set out of
\$142.00 drawn by J. S. Smith
& Louis Hennings to Margaret
Kendall of date May 3^d 1859
overlooked a credit indorsed
thereon May 3^d 1859 of \$50.00
Therefore credit the above
with amt. of Principal over-
charged above on said note = 50.00
Carried forward = \$ 658.44

Am't. brought forward = \$ 658.44
also deduct the interest on
said \$50.00 having charged
the same above on the
whole note of \$142.00 for
16 years 1 month & 20 days
deduct interest on \$50.00
for that period at the rate
above charged

Balance in hands of Parker = \$ 610.03

4238

Philip Ripkin
Admr D. B. W.
vs
H. M. Parker
W. W. Greene &
C. J. Moore

Facts found by
the Court

Filed February
23rd 1876 W. Williams
Judge of Probate

Filed May 9th 1876
G. W. Horne Clerk
by C. Marsden Deft.

Philip Lipkin, administrator }
debonis non, of the Estate of }
Margaret Kendall, deceased, - Plaintiff

Against
Horace M. Parker, }
Michael W. Greene, and }
Clairborn J. Moss, — Defendants

In the Probate Court of Jef=
ferson County Missouri
On Motion for order to deliver over
Property &c

Horace M. Parker, Michael W. Greene and Clai=
borne J. Moss, the above Defendants, make oath and
state that their appeal from the Judgment of
the Probate Court of Jefferson County Missouri, ren=
dered on the 23rd day of February 1876, against these
appellants for \$ 610. 03, to the Circuit Court of
said Jefferson County, is not taken for the
purpose of vexation or delay, but because these
Affiants believe that they, the said Appellants,
are aggrieved by the decision and judgment
of said Probate Court.

Sworn to and
Subscribed
before me March
2nd 1876
Joseph Williams
Judge of Probate

H. M. Parker
M. W. Greene
C. J. Moss

Philip Perkins
Attor of Est.
of Margaret Kendra
vs

H. M. Parker
W. W. Greene &
C. J. Mott

Affidavit for
appeal

Filed March
2nd 1876 J. Williams
Judge of Probate

Filed May 2nd 1876
J. H. Hoome, clk.
by A. Marsden, Dep. Ck.

Philip Pipkin, administrator
de bonis non of the Estate of
Margaret Kendall, deceased, - Plaintiff
Against

Horace M. Parker,
Michael W. Greene, and
Claiborn J. Moss, — Defendants

In the Probate Court of Jefferson
County Missouri, -

On motion to deliver over property, &c,

We, Horace M. Parker, Michael W. Greene
and Claiborn J. Moss, ^{and George L. Johnston} acknowledge our-
selves indebted to Philip Pipkin, ^{Administrator of} ~~the~~
the Estate of Margaret Kendall, dec'd, ^{in the}
in the sum of one thousand dollars,

to be void upon this condition; Whereas,
Horace M. Parker, Michael W. Greene, and
Claiborn J. Moss, have appealed from the
decision and judgment of the Probate
Court of Jefferson County Missouri, to the
Circuit Court of said Jefferson County in
an action between said Philip Pipkin, ad-
ministrator de bonis non of the Estate of
Margaret Kendall deceased, ~~is~~ Plaintiff,
and said Horace M. Parker, Michael W.
Greene, and Claiborn J. Moss, ~~are~~ Defend-
ants; Now, if the said Appellants shall pros-
ecute their said appeal with effect and

without delay, and shall pay all debt,
damage and Costs that may be adjud-
ged against them by said Circuit Court.
Then this Bond shall be null and void,
otherwise to remain in full force.

Witness our hands and seals this
2nd day March 1876.

H. M. Parker (seal)

M. W. Greene (seal)

C. T. Moss (seal)

Geo L. Johnston (seal)

In Probate Court
Jefferson County

J. P. W. H. H. H.
of M. Kendall

vs.

W. M. Parker
M. W. Greene &
C. F. H. H.

Appeal Bond

Filed and approved
and the appeal
granted March
2nd 1876 - J. P. Williams
Judge of Probate

Filed May 9th 1876
J. H. H. H. H.
by C. H. H. H.

In the Record of Proceedings
of the Probate Court of
Jefferson County Missouri
had on the 23rd day of February
1876 the following is of
Record, to wit,

Philip J. Skin Administrator
De Bonis non of the Estate of
Margaret Kendall
vs
Horace M. Parker,
Michael W. Greene &
C. J. Moss

} Application to ascertain
amount of money &c in
hands of former adminisr
- also for judgment for
same &c,

Now at this day comes the plaintiff
in his proper person and the
defendants having been served with
notice of the pending of this proceeding
come also by their attorney and
thereupon said parties submit
said cause to the court upon the
pleadings and evidence which
was by said parties respectively
offered and the court after having

heard the Evidence and
arguments respectively offered
by said parties doth find
that the defendant Horace M.
Parker was heretofore
Administrator of said Estate of
said Margaret Kendall and
that the other defendants
Michael W. Greene and C. J.
Moss, were his securities on
his Bond as such and the
Court further finds that
prior prior to the institution
of this proceeding the Letters of
Administration which had been
issued to said Horace M. Parker
had been revoked by this
Court and Philip Sipkin had
been appointed by this Court
Administrator de bonis non of
said Estate and the Court
doth find further that at the
time of the ~~Revocation~~ Revoca-
-ation of the Letters of
Administration of said Horace
M. Parker which said ^{Letters the} Court
finds were issued to ~~issued to~~
said Parker by the County Court

of Jefferson County Missouri
while said court possessed
probate jurisdiction

Said Parker in his capacity
of Administrator of said Estate
of said Margaret Kendall had
received and then had in his
hands money due and belonging
to said Estate amounting to the
sum of Six Hundred and Ten
& $\frac{03}{100}$ Dollars wherefore it is
considered and adjudged by the
Court that the Plaintiff have
and Recover off and from said
Horace M. Parker, and said
Michael W. Greene and C. J.
Moss the said sum of Six
Hundred and Ten & $\frac{03}{100}$ Dollars
so found by the Court as
aforesaid to be due as aforesaid
together with his proper
costs in this proceeding
laid out and expended
and that execution issue
in favor of Plaintiff against
said defendants therefor

and afterwards Towit in vacation

of said Probate Court in the
Record of Proceedings of
said Court - which proceeding
was had in vacation on March
2nd 1876 The following is of
Record, To-wit,

Philip Piskin Administrator
De Bonis now of the Estate
of Margaret Kendall

vs
Horace M. Parker,
Michael W. Greene &
C. J. Moss

} application to ascertain the
} amount of money &c in hands
} of former administrator &
} for judgment for same
Now on this 3rd day of March
1876 in ~~fact~~ vacation of the
Probate Court of Jefferson County
Missouri before the undersigned
Judge of Probate of said County
Came the defendants & file their
Affidavit and Bond for an appeal
in the above cause to the Circuit Court
of said County which Bond is approved and
such appeal is granted = J. Williams
Judge of Probate

State of Missouri }
County of Jefferson }

The above and foregoing
is a True Transcript of the
Record Entries of The Judgment
and order granting an appeal
therefrom as had in said Cause
of Philip Pipkin Administrator
Debonis non of Margaret Kendall
vs. Morace M. Parker, Michael
W. Greene & C. J. Moss as the
same are of Record in the Record
of the Probate Court of said
County and the original papers
and files in said Cause now
in said Court are herewith
~~files~~ returned and accompany
this Transcript.

Witness my hand and the
Seal of the Probate Court of
said County at office
therein this May 8th
1876 = J. Williams
Judge of Probate

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To

Wm C. Fine

and

Henry Langelum

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 12th, day of September, 1876, 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 of Missour of M Kendall is Plaintiff, and Parker, Greene and Moss are Defendant & on the part of Peff,; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereunto affixed, at office, this 28th day of August, A. D., 1876

C. Tho Horine, CLERK.

P. P. Kinn Adm^r of
M Kendall de^t

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Parker, Greene & Mass

P

Wm C Fine 1878

Henry Langehenning 11

Filed Sept. 14th 1876

C. Th. Horine clk

by C. Marsden Sept.

Shuff per 100

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of have noticed the within on the 9 day
of Sept 1876

J. B. Proff shaft