

Jefferson County Circuit Court
Case Files - Civil
April 1877

Box

37

Folder 14

Hiney, Bazile, assignor
Armstrong, Steven, adm
Armstrong, William B.

VS

Armstrong, G. L.
Vinyard, Charles

Appeal

Defendant appealed from JP
Sullivan Frazier on \$65 note

\$65⁰⁰

Twelve months after date we or either of
us promise to pay to the order of Stephen Armstrong
the Administrator of the Estate of Wm B. Armstrong deceased
the sum of sixty five dollars for value received of him
with ten per cent interest after due.

This February 13th 1875.

G L Armstrong
Charles Vinyard

Endorsed. \$72⁰⁰

Received on the within note thirty five dollars
June 20th 1875.

Rec^d Feb. 5th 1876

Filed for suit 21st day February 1877 Strayer, J.
Filed April 6th 1877. C. Tho. Horine clerk

A true Copy of the original note with
the endorsements thereon, Feb. 3rd 1880,
C. Tho. Horine Clerk Circuit.

SUMMONS.

THE STATE OF MISSOURI,

To the Constable of *Central* Township, in the County of Jefferson,

GREETING:

We Command you to summon *J. R. Armstrong*
and *Charles Vineyard*

to appear before the undersigned, one of the Justices of the Peace of
Central Township, in Jefferson County, on the *16th*
day of *March*, 1877, at *10* o'clock in the forenoon,
at his office, in said Township, to answer to the complaint of *Elizabeth*
of Armstrong administrator of the Estate of
William B. Armstrong deceased

Given under my hand, this *21st* day of *February*, A. D., 1877.

Lucas Krager

Justice of the Peace.

Served the Within Writ by Reading it to the
 Within named Charles Vineyard Served the within
 on Writ on G L Armstrong by Leaving A Copy
 at his house With his Wife

fees 1.35

J W Havens
 Constable

Remittance No 1
 Stephen's administrative
 administrator of the
 estate of W B administrative
 no
 W L administrative
 Charles Vineyard

Debit —	\$1.85
AP fees —	1.05
Com fees	1.35

File closed 6-7-877
 Thudstone
 Cecil

Bazile Hiney Assignee of
Stephen A. Armstrong Administrator
of Wm B. Armstrong Deceased
against
G. L. Armstrong and
Charles Vinyard Defendants

Now at this day
comes Charles Vinyard ^{one of the above defendants} and
moves the Court to set aside
the judgment ^{by default} in the above
cause & grant them a new
trial for the following reasons viz:
Because the justice had no
right to make the amendment
of the summons and by making
new Plaintiff,
~~Because the Bazile Hiney was not~~
~~the real party in interest~~

John L. Thomas, shro
attys for Chas Vinyard

Steel March

1044

66.
50.
811

148

Filed April 6 1877

Chas. H. Haines

clerk

29
48
56

6740768

Bozile Hiney Assignee of Stephen A. Armstrong
administrator of Wm B. Armstrong deceased
Plaintiff

against
G. L. Armstrong &
Charles Vinyard Defendants —

Before Just. Frozier J. P. for Central Township
We the undersigned Charles Vinyard
as principal & Samuel McKee and
J. B. Coffin & Lawson Armstrong
as securities, acknowledge ourselves
indebted to Bozile Hiney Assignee
of Stephen A. Armstrong Administrator of
Wm B. Armstrong deceased in the
sum of one hundred and
forty dollars, ~~in the~~ to be paid
upon this condition: Whereas Charles
Vinyard has appealed from the
judgment of the Justice in the
above cause, now if, on such
appeal, the judgment of the Justice
be affirmed, or if, on a trial anew
in the appellate Court, judgment
be given against the appellant, and
he shall satisfy such judgment,
or if his appeal shall be dismissed,
and he shall pay the judgment
of the Justice, together with
the costs of appeal this

recognisance shall be void.
Approved Lawson Armstrong Secy
This day of Mar 1877 Char. Vinyard Secy
Samuel McKee Secy
Joseph B. Coffey Secy

Bazile Hiney assignee of Stephen A.
Armstrong Assignee of the Estate of H. B. Armstrong
Decorum Plaintiff

against
G. L. Armstrong &
Chas. Vinyard Defendants

Before ~~J. J. Walker~~ J.P.

~~Charles Vinyard~~ ^{W. H. Thomas attorney} of the Defendants

Charles Vinyard
in the above cause makes oath
and says that his application
for an appeal ^{in the above cause} is not made
for vexation or delay but because
he believes he is injured by the
judgment of the Justice

subscribed and sworn

to before me this 24 day W. H. Thomas
of March 1877

J. J. Walker

Justice of Peace

approved March 24th 1877

W. H. Thomas Justice

4547
R. Henry Aspinne

=vs=

G. L. Armstrong &

Chas Vinyard

Appl of Appeal

Filed April 6 1877

C. H. Stone

Clerk

Re. m. 80. affr. 20

S. Grayson
Justice of Peace

Docket 10
Fees 10

Summons 35

Judgt. 50

affidavit for

appeal 35

Grand 35

Summons 5

1.80

this trans

cript and
certificate 1.00

deputy clerk

summons 1.35

rule 3.15

March 10th 1877

the summons in this cause is not

executed as the Law directs the cause coming on

to be heard the Parties appeared in open Court

the Plaintiff asked the Court to amend the Summ

ons so as to read Bazil Glaney assignee of Stephen

A Armstrong administrator of the Estate of Will

iam B Armstrong deceased which was done the def

endants then went out of Court the Court proceed

ed to hear the Plaintiffs proof of his demand the

Proof showing that the credits on the note upon

which said Suit was brought was erroneous

the Plaintiff having made proof of his demand

it is therefore considered by the Justice that Plain

tiff have Judgement against defendants for the

Sum \$65.00 for his debt and \$7.00 for his damages

and \$2.45 for costs and that he have Execution

therefor

the for

Stephen A Armstrong Administrator of the

as

Plaintiff

Charles Vineyard

Plaintiff filed for Suit February 21st 1874

A note dated Feb. 13th 1875 for \$65.00 with

a credit of \$35.00 dated June 20th 1875 also

one for \$13.50 dated February 5th 1876 and

ordered a Summons to issue which is

done and delivered to J. W. Havens decess

ible made returnable the 16th day of March

1877 by regular Lawday Sull Greyer

March 10th 1877 the Summons in this cause is not

executed as the Law directs the cause coming on

to be heard the Parties appeared in open Court

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and \$2.45 for costs and that he have Execution

therefor

the for

Sull Grayson J. P.

Estate of Wm B. Armstrong

Trans De

after due

State of Missouri
County of Jefferson

Bazel Hiney Assignee of Stephen A. Armstrong
Plaintiff
vs
J L Armstrong
Charles Vineyard } Defendants

I Sully Hargreaves Justice of the Peace within and for
the Township of Central in the County of Jefferson
aforesaid hereby certify that the above and foregoing
is a full true and complete transcript of all the
entries made in my docket relating to said cause
of Bazel Hiney Assignee of Stephen A. Armstrong Plai-
ntiff against J L Armstrong and Charles Vine-
yard defendants and that said transcript is accom-
panied by all the Process and other papers filed with the
Justice relating to such suit given ~~it~~ under my hand
this 4 day of April 1877 Sully Hargreaves Justice of
the Peace

Bazel Hiney Assignee
of Stephen A. Armstrong
vs
J L Armstrong
Charles Vineyard

Justice Hargreaves fees \$2.50
Sully Hargreaves vs 1.35

Filed April 6th 1877
C. H. Hiney
Clerk

To Bazile Hiney You will take
notice that I have taken an
appeal to the Circuit Court of
Jefferson Co. Mo. in the case of
Bazile Hiney assignee of Stephen
Armstrong Administrator of
Wm B. Armstrong deceased against
G. L. Armstrong and Charles Vinyard
from the judgment of Sul Hrazier
Justice of the Peace of Central
Township Jefferson Co. Mo.
May 17th 1877 Charles Vinyard

Set out the within notice in Jefferson
County Mo on the 16th day of May 1877 by
delivering a true copy to Bazile Hines

John Williams Sheriff
by J L W. Deputy

Bazile Hines
as. sc

as

Chas. Winward

Filed May 16 1877

Chas. Winward

Clerk

Chas. Winward, 50

docket book 20
 Lums 38
 Indgt 50
 Const fees 140

Stephen A Armstrong

of B Armstrong
 of the Estate of
 Administrator

W L Armstrong
 De Charles Vineyard

Plaintiff filed for suit February 21st
 1877 a note dated February 13th 1875
 for \$65.00 due twelve months after
 date with ten percent interest after
 date with a credit of \$35.00 dated
 June 20th 1875 also one for \$13.50
 dated February 21st 1876 and ordered
 a summons to issue which is done
 and delivered to J W Havens Clerk
 of Central Township made not
 available the 16th day of March 1877 my regular
 law day
 Sull. Hager Justice of
 the Peace

March 16th 1877 the summons in this cause is
 returned executed as the law directs the cause
 coming on to be heard the Parties appeared
 in open Court the Plaintiff asked the Court
 to amend the summons so as to read Bazel
 Hiney Assignee of Stephen A Armstrong Ad-
 ministrator of the Estate of William B Arm-
 strong deceased which was done. The defendants
 then went out of Court they Court proceeded
 to hear the Plaintiffs Proof of his demand
 the Proof showing that the credits on the note
 upon which suit was brought was erroneous
 the Plaintiff having made Proof of his demand

it is therefore considered by the Justice
that Plaintiff have judgement against Defend-
ants for the sum of \$65.00 for his debt and
\$7.00 for his damages and \$2.45 for costs and
that he have execution therefor Sull. Frazer J P
March 16th 1877 on this day came the defendants
and asked for a new trial which was overruled
by the Justice on the 24th day of March 1877 the defendants
filed their affidavit and Bond for an appeal to the
Circuit Court of Jefferson County which was
approved by the Justice and they appeal granted
Sull. Frazer Justice of the
State of Missouri }
County of Jefferson } D

Stephen A. Armstrong Adm^r of the estate of Jm
B. Armstrong Deceased Plaintiff
against

J L Armstrong
Charles Vineyard 3 Defendants
J Sull. Frazer J Justice of the Peace within and
for the Township of Central in the County
of Jefferson aforesaid hereby certify that the
above and foregoing is a full true and
complete transcript of all the entries ^{made} in my do-
cket relating to said case Stephen A. Armstrong Adm^r
Plaintiff against J L Armstrong & Charles
Vineyard Defendants and that such transcript
is accompanied by all the Process and other
papers filed with the Justice relating to such
suit given under my hand this 25th day of August 1877
Sull. Frazer Justice of the Peace

Stephen A. Armstrong

Armstrong, Virginia

Just to be paid - \$3.75
deposited per

Filed Aug. 29 1877
O. P. Morris
Clerk

Bazile Hiney Assignee of
Stephen A. Armstrong & Plaintiff
against
G. L. Armstrong &
Chas. Vinyard Defendants

Now at this day come
for the purpose of making this motion ^{as other}
Charles Vinyard, and moves the
Court to dismiss the above case
for the following reasons viz:
Because the Justice of the Peace
amended the summons in this
Cause an motion of the Plaintiff
to read Bazile Hiney Assignee of
Stephen A. Armstrong Administrator
of William B. Armstrong deceased
instead of "Stephen A. Armstrong
administrator of the estate of
Mr. B. Armstrong deceased" as it was
served thereby substituting ~~an~~
a new Plaintiff which is not authorized
by law.

John L. Thomas Esq
Atty. for Chas. Vinyard

Bozile King &

against

L. L. Armstrong &
Charles Vinyard

Motion to dismiss
filed by Chas. Vinyard

Filed Sept. 11th 1877,

Wm. H. Haines

Clerk

Bazile Honey assignee
vs

Charles Vinyard, et al.
In Jefferson Circuit
Court

Plaintiff moves the Court
to dismiss the appeal
in this cause for the
following reasons

1st

Because the securities
thereon are insolvent,
as well as the Principal

2nd

Because Saml. McKee
one of the securities is
now dead and J. B. Cotten
the other security - is
insolvent - Williams
for Plff.

B. Feney
my

C. Vinyard
et al

Motion to
Dismiss
Appeal

Filed Sept. 11th 1877
C. H. Stone
Clerk