

Jefferson County Circuit Court  
Case Files - Civil

August 1837

Perry, John, Admin  
Emmis, Nicholas

Rankin, Charles Admin  
Honey, Mary L. Admin  
Honey, John W., Deceased

Appeal

Plaintiff appealed from County  
Court on demand for lead receipts

Box No.

3

Folder No.

32

John Perry admt. of  
Nicholas Burns admt.  
do

Charles S. Rayburn  
Mary S. Honey admt.  
of John W. Honey admt.  
do.

Order and  
Judgment in the  
County Court of Jefferson  
County July Term  
1837

The Clerk of the Circuit Court of the county  
of Jefferson do hereby will issue a writ of  
Error to the Clerk of the County Court of  
the county of said clerk's law, to send  
up to the Circuit Court of said county  
the record and proceedings in said case  
in order that the case may be argued  
into for error therein as it is alleged, at the  
next December Term of said Circuit Court  
to be holden within and for the county  
of said.

August 25<sup>th</sup> 1837.

W. B. Baker Clerk of  
the Circuit Court of  
Jefferson County Va.

J. P. B. att.  
In test.

John Perry ad.

is M

Charles & Barbara  
Lucas & Henry  
Sisters

Presided for  
Week of June.

June Oct. 9th 1839.

at 10 P.M. at Church

State of Missouri  
County of Jefferson ss.

Jefferson County Court

Be it remembered that on the eighth day of November in the year of our Lord one thousand eight hundred and thirty six came John Perry Administrator of Nicholas Ennis and filed <sup>in the clerk's office of the County Court of said County</sup> the following notice and receipts in the words and figures following to wit.

Jefferson County 1st January Term

of the County Court 1837.

John Perry administrator of Nicholas Ennis deceased hereby gives notice to Mary Honey and Charles Rankin administrators of the estate of John W. Honey deceased, who was one of the late firms of Bates & Honey and Honey and Bates that he as the administrator of said Ennis holds a demand against the estate of said John W. Honey as one of the aforesaid firms, for a large quantity of Lead delivered by the said Nicholas Ennis in his lifetime to the firms aforesaid on storage say 3781<sup>lb</sup> pounds of lead at one time 3092<sup>lbs</sup> at another 2745<sup>lbs</sup> at another and 2847 pounds at another time, all which will more fully appear by reference to the receipts of said firms for the same, a copy whereof for your information is hereto subjoined, which Lead was of great value to wit of the value of

dollars.

and although I as the representative of said Ennis have demanded of your representatives of the said John W. Honey due the delivery of said Lead, yet you have hitherto refused and still refuse to deliver the same, or to pay the value of said Lead although often <sup>thereto</sup> requested I therefore therefore give you notice that I shall present the above demand for allowance at the next term of the County Court to be held within and for the County aforesaid.

John Perry

Adm<sup>r</sup> of N Ennis dec<sup>d</sup>.

A Copy of the receipts referred to, and made a part of  
that by the within notice.

"Not Negotiable."

N<sup>o</sup> 995 Herculaneum Missoury 27<sup>th</sup> August 1825

Received of Nicholas Ennis a negotiable rep \$922<sup>1</sup>/<sub>2</sub> for  
56 pigs ~~Lead~~ <sup>weighing</sup> "Three Thousand and seventy two pounds,  
on storage for Nicholas Ennis and to be credited in his lead  
account

56 pigs 3072 pounds

Bates & Honey

N<sup>o</sup> 200 Herculaneum Missoury May 31<sup>st</sup> 1830

Received of Thomas Woolsey forty eight pigs of Lead  
weighing twenty eight hundred and forty seven pounds  
on storage for Mr. Nicholas Ennis and to be credited  
in his Lead.

48 Pigs 2847 pounds.

Honey & Bates

for J. H. Alford

"Not Negotiable."

N<sup>o</sup> 988 Herculaneum Missoury 26<sup>th</sup> Aug<sup>r</sup> 1825

Received of J. Blackwell jr R near fifty two  
pigs of Lead weighing twenty seven hundred and  
seventy five pounds on storage for Nick<sup>t</sup> Ennis  
and to be credited in his lead account

52 pigs 2745 pounds.

Bates & Honey

N<sup>o</sup> 327 Herculaneum Missoury Aug<sup>r</sup> 10<sup>th</sup> 1830

Received of William Andspeth sixty one pigs of  
Lead weighing three thousand seven hundred  
and eighty one pounds on storage for Mr. Nicholas  
Ennis and to be cr in his lead ac<sup>t</sup>

61 pigs 3481 pounds.

Honey & Bates

for J. H. Alford

And afterwards to wit at the April Term of the  
County Court for the County of Jefferson <sup>in the year 1837</sup> the following  
order was made <sup>the</sup> words and figures following  
to wit.

John Perry Admr of Nicholas Ennis dec'd

vs

John W Honey Admr

upon Act

Upon affidavit

filed and application of defendants This cause is  
continued till next Court

And afterwards to wit at the July Term of said  
Court for the year 1837 the following order was made  
in the words and figures to wit

John Perry Administrator of  
Nicholas Ennis dec'd

upon Lead Receipts

vs

Charles I Rankin and Mary  
J Honey Administrators of  
John W Honey deceased

This day came the defendants  
and the plaintiff being solemnly called comes not  
but makes default. It is therefore considered  
by the Court that the plaintiff take nothing upon  
his claims and that the defendants recover  
of said plaintiff their costs

And afterwards to wit at the same term of said  
County Court the following order was made in the  
words and figures following to wit

John Perry Administrator of  
Nicholas Ennis deceased

vs

Charles I Rankin and Mary  
J Honey Administrators of  
John W Honey Deceased

Upon Lead Receipts

This day came the plaintiff  
and upon his motion and oath and for sufficient reasons  
appearing to the Court the non suit granted in this cause  
during the present term is set aside and the said cause  
reinstated and thereupon came the parties aforesaid who  
being heard and said cause submitted to the Court

It is considered that the plaintiff take nothing from his claims and that the defendants recover their costs &c.

And at the same Term of said Court the following order was made to wit

John Perry administrator of  
Nicholas Emis deceased  
vs.

Charles I Rankin and  
Mary I Honey administrators  
of John W Honey Deceased  
& Johnson H. Alford administrator  
of Elias Bates, Deceased

Upon said Receipts

This day came the plaintiff and filed his affidavit herein and prayed an appeal to the Circuit Court which was granted and thereupon the said John Perry as principal and Elisha Ellis as security acknowledged themselves indebted to the said Charles I Rankin and Mary I Honey, Administrators of John W Honey deceased, and Johnson H Alford administrator of Elias Bates deceased in the sum of One hundred dollars each of their respective goods and chattels lands and tenements to be levied and to the said defendants to be rendered to be void if the said plaintiff shall prosecute his said appeal and pay all the debt damages and costs that may be adjudged against him otherwise to remain in full force and of this they acknowledge themselves content.

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

John Perry Administrator  
of Nicholas Eunis

vs.

Charles I Rankin Adm't. of  
Mary J. Honey Adm't. of  
John W. Honey and same

vs.

Johnson A Alford Adm'r. of  
Elias Bates.

Jefferson County,  
County Court  
July Term 1837.

The plaintiff prays  
an appeal in said Cause and files this his aff-  
=idavit and makes oath that he does not take  
this appeal for the purpose of vexation or delay but  
because the affiant believes himself aggrieved  
by the decision of this Court.

Subscribed and sworn to  
before me this 25<sup>th</sup> day  
of July 1837.

John Perry

Henry P. Bates Clerk

State of Missouri  
County of Jefferson } ss

I Henry P. Bates Clerk of the  
County Court within and for the County aforesaid  
do hereby certify that the foregoing is a full true  
and perfect transcript of the record and  
proceedings in the Cause therein stated as they  
remain of record in my Office.

In testimony whereof I have hereunto set  
my hand and the Seal of said Court  
at Avenlanum this 4<sup>th</sup> day of August  
Eighteen hundred and thirty seven

Henry P. Bates Clerk  
Clerk

318

John Jerry Adams  
of Nicholas County  
At E. Traversfield  
Charles W. Raudins son &  
Mary C. Hooley Adams  
of John W. Hooley decd

Filed Aug. 4<sup>th</sup> 1837  
At 12 o'clock  
At 12 o'clock

John Perry actor of  
Nicholas Evans and  
pleneiff

vs

Charles J Rankin  
Mary J Henry  
actors of John W Henry  
and. deff.

Suit on a Demand  
&

Judgment in  
the County Court  
of Jefferson County  
July Term 1837

The defendants in the above case with  
leave taken that I have caused a writ  
of Error to issue for the removal of the  
records and proceedings therein to the  
Circuit Court of Jefferson County, to be  
heard and determined at the next December  
Term of said <sup>circuit</sup> Court for the County aforesaid

August 29<sup>th</sup> 1837  
October 11<sup>th</sup> 1837

J. Rankin  
att. for deff.  
in Error.

When Perry asks  
a  
Charles S Rankin  
Mary S Honey  
as above

Notice of  
Writ of Error

The Sheriff will  
give a copy to  
Charles S Rankin  
for the writ. J. B. L.  
Acting Sheriff

Fee \$1.00

I served the within notice on the within named Charles  
S. Rankin by delivering him a copy of the same  
on the Twenty first day of November 1837.  
Mary S Honey not summoned owing to her letters  
of Administration being revoked by Marriage  
J. B. L. Sheriff

Fee \$1.00

State of Missouri }  
County of Jefferson } SS October 11<sup>th</sup> 1837

The State of Missouri to ~~Henry P. Bates~~ Clerk of the County  
Court within and for the County of Jefferson aforesaid  
speaking you are hereby Comanded to send up to the Circuit  
Court of the County aforesaid the Judgment record and  
proceedings had in said County Court wherein John  
Perry Administrator of Nicholas Emery deceased was plaintiff  
and Charles T. Rankin and Mary S. Henry Administrators  
of John W. Henry deceased were defendants in order  
that said judgment record & proceedings may be examined  
for error, which the said John Perry as Administrator  
as aforesaid alleges hath been committed by said County  
Court and is apparent in said record and proceedings to  
be heard at the next December term of said Circuit Court  
and that you certify how you execute this writ.

Witness Henry P. Bates Clerk of  
said Circuit Court at office this 11<sup>th</sup>  
day of October 1837

Henry P. Bates Clerk  
C. C.

State of Oregon  
County of Jefferson } SS

I Henry P. Bates, Clerk of the County  
Court within and for said County of Jefferson, do hereby  
certify that in obedience to a writ of error to me directed  
from the Circuit Court within and for said County of  
Jefferson, I have sent up to said Circuit Court a  
perfect transcript of the judgment record and proceedings  
in the case of John Perry administrator of A. Scholey  
Estate deceased against Charles S. Rankin & Mary S. Honey  
administrators of John W. Honey deceased lately depending  
in said County Court In testimony whereof I have  
hereunto set my hand and the Seal  
of said Court this 11th day of October  
1837

Henry P. Bates Clerk  
C. C.

17

John Perry & Son  
Nicholas Louis

22.

~~Charles W. Hays~~

Admiral's.

318

Filed Oct 11<sup>th</sup> 1837

419 13<sup>th</sup>  
below  
at.

State of Missouri {  
County of Jefferson } 55

Be it remembered that on the  
eightth day of November in the year eighteen hundred  
and thirty six, came John Perry administrator of  
Archelus Emis deceased, and filed in the office of  
the County Court within and for the County of Jefferson  
aforesaid, the following notice against Charles S  
Rankin and Mary S Haney administrators of John  
W Haney deceased to wit

Jefferson County 1st January Term of the County Court 1837  
John Perry administrator of Archelus Emis deceased  
Notice hereby gives notice to Mary Haney and Charles Rankin  
administrators of the estate of John W Haney deceased  
who was one of the late firms of Bates and Haney  
and Haney and Bates, that he as the administrator  
of said Emis holds a demand against the estate  
of said John W Haney as one of the aforesaid firms  
for a large quantity of lead delivered by the said  
Archelus Emis in his lifetime to the firms aforesaid  
on storage say 3781 pounds of lead at one time  
3072 <sup>lbs</sup> at another time 2775 lbs at another and  
2847 pounds at another time all which will more fully  
appear by reference to the receipts of said firms for the same  
a copy whereof for your information is hereto sub-  
joined which lead was of great value to wit of the  
value of                      dollars and although as the representatives

Notice of said Emin have demanded of you representation of the said John W Hany as? the delivery of said lead, yet you have hitherto refused and still refuse to deliver the same, or to pay the value of said lead although often thereto requested, I therefore give you notice that I shall present the above demand for all awance at the next term of the County Court to be held within and for the County aforesaid John Perry Agent of A Emin as?

copy  
of  
repts

a copy of the receipts referred to and made a part of the within notice" Not negotiable, No 995- Herculaneum Mysore 27<sup>th</sup> Augt 1825. Received of Nicholas Emin a negotiable recp 922½ for 56 pigs of lead weighing three thousand and seventy two pounds on storage for Nicholas Emin and to be credited in his lead account, 56 pigs 3072 pounds Bates & Hany

No 200 Herculaneum Mysore May 31<sup>st</sup> 1830 Received of Thomas Wooley forty eight pigs of lead weighing twenty eight hundred and forty seven pounds on storage for Mr Nicholas Emin and to be credited in his lead, 48 pigs 2847 pounds, Hany & Bates p J H. Alford No 988 Not negotiable, Herculaneum Mysore 26<sup>th</sup> Augt 1825 Received of J Blackwell p R Man fifty two pigs of lead weighing twenty seven hundred and seventy five pounds on storage for A E Emin and to be credited in his lead account

52 pigs 2775 pounds Bates and Hany No 327 Herculaneum Mysore Augt 10, 1830 Received of Mr Hadspeith sixty one pigs of lead

Copy of Receipts weighing three thousand seven hundred and eighty one pounds as storage for M Nicholas Erwin and to be on in his hand as  
b1 pgs 3781 pounds Henry & Bates & J H Alford

Upon which said notice was endorsed the following to wit " We acknowledge service of the within notice Nov 7<sup>th</sup> 1836 C S Rankin Adr M J Harry ad

Ant at the April term of the County Court for said County of Jefferson on the 24<sup>th</sup> of said month in the year eighteen hundred and thirty seven the following order was made in said cause to wit

John Perry admr of Nicholas Erwin decd?

John W Harry Admr

Upon affidavit filed and application of defendants this cause is continued till next Court

and at the July term of said Court on the 25<sup>th</sup> of said month in the year 1837 the following order was made in said cause to wit

John Perry Administrator of Nicholas Erwin decd

Charles S Rankin & Mary Harry

Administrators of John W Harry decd

Mon 21<sup>st</sup> This day came the defendants and the plaintiff being solemnly called comes not but makes default. It is therefore considered by the Court that the plaintiff take nothing <sup>upon</sup> his claims and that the defendants recover of said plaintiff their costs

And at the July term of said Court on the 25<sup>th</sup> of said month in the year 1837 the following order was

made in said cause to wit

John Perry Administrator of Nicholas Emis deceased } Upon Lead

Charles S Rankin & Mary S Haney Administrators } Receipts  
of John W Haney deceased

Judge

This day came the plaintiff and upon his motion and oath  
and for sufficient reasons appearing to the court, the  
non suit granted in this cause during the present term  
is set aside and the said cause reinstated, and there  
upon came the parties aforesaid who being heard and  
said cause submitted to the court it is ~~considered~~  
that the plaintiff take nothing upon his claims and  
that the defendants recover their costs &c

State of Missouri

County of Jefferson } SS

I Henry P Bates Clerk of the  
County Court within and for said County do certify  
that the foregoing is a full true and perfect tran-  
script of the record in the case of John Perry  
Administrator of Nicholas Emis deceased against  
Charles S Rankin and Mary S Haney administrators  
of John W Haney deceased as the same now  
remain in my office In testimony whereof I

have hereunto set my hand and  
the Seal of said Court at St Louis  
Missouri this 11<sup>th</sup> day of  
October 1837.

Henry P Bates Clerk  
cc

John Perry adm of  
St Francis

Rankin & Co adm  
of John W. Henry.

Σ above used

Σ of error to  
County Court

Client's Court

Per Term 1837

The plaintiff in the above case alleges  
the following errors for the reversal of  
the judgment of the county court.  
1<sup>st</sup> There is no legal judgment rendered  
by the county court, as appears by the record  
2<sup>d</sup> There is no official finding by the  
plaintiff preferring the demand as  
required by law.

3. The judgment is rendered and  
proceedings therefor are irregular  
and void, & the said plaintiff  
prays that the same may be reversed  
annulled and held for nothing.

J. Henry atty

And the said defendants in error by their attorney  
come here into Court and say there is no such  
error or irregularity in the rendering and giving  
of the judgment and proceedings by the County  
Court as the said plaintiff in error hath  
alleged—

Given for steps  
in Error

John Dwyer and  
of Ennis

J. H. Collier  
and J. B. B. B.

John Dwyer

Thos Dwyer 1833.  
J. H. Collier.  
B. B. B.

John Perry Administrator  
of ~~Richard~~ <sup>James</sup> Erwin's deceased

vs

Charles S Rankin & Mary  
S Henry Administrators of  
John W Henry deceased

Writ of Error to  
County Court

Be it remembered that the

defendants by their attorney ~~made~~ their motion in  
writing to dismiss the writ of Error in this case  
which motion is in the words and figures following  
to wit (here copy it) which motion the Court over-  
ruled to which opinion of the Court in over-  
ruling said motion the defendants except and  
pray this their bill of exceptions to be signed  
sealed and made a part of the record in  
this Cause, which is here done accord-  
ingly - 13.<sup>th</sup> Dec. 1837

James Evans (clerk)

John P. G. Allen  
of New Brunswick

127

~~of the Atlantic~~

of the Atlantic

of the Atlantic

Writing down to

County Court

Filed Dec 13<sup>th</sup> 1837

Matthew

at N

Charles S. Brundin &  
Attorney of Henry, come next  
of John W. Henry accused  
as  
John Perry Attorney  
of the Charles Lewis accused

to Court of Error  
to County Court  
the defendants by their

attorney move the Court to dismiss the suit of Error  
in this Cause for the following reasons

- 1<sup>st</sup> Because the writ of Error is unwarranted by law
- 2<sup>nd</sup> Because no writ of Error lies in Probate Causes  
from the Circuit to the County Court
- 3<sup>rd</sup> Because the Circuit Court have no jurisdiction of  
the case

Reasons for defendants

CS Reinhardt &  
Henry S. Henry  
owners of stores  
as { modern  
A. Lewis & Lewis

4

W. Lee 11/11/83  
J. Matthews  
W. Lee

Jefferson County Circuit Court April Term 1838

John Perry Administrator of  
Nicholas Ennis deceased  
against

Writ of Error

Charles S Rankin and Mary  
S Henry Administrators of  
John W Henry deceased

to the County Court

The defendants ~~Charles~~

I in the above cause pray an appeal to the  
Supreme Court and the defendant Charles  
S Rankin being duly sworn in open Court  
upon his oath saith that his appeal is not  
taken made of vexation or delay but because  
the appellant believes that the appellant is aggrieved  
by the judgment or decision of the Court

Sworn to & subscribed  
as above 15th April 1838  
Matthew Clerk

C. S. Rankin Admin  
of John W. Henry's Estate

J Perry  
as  
J W McCreary  
Secur

Chilee April 11 1783  
Mucithers