

Jefferson County Circuit Court
Case Files - Civil

December 1838, No. 12

Box 4 Folder 17

Duncan, Charles H.

vs

Pipkin, Philip

Debt, note

Debt \$164.32; depositions from
Kentucky; note for books, clothing,
and other supplies while defendant
was a student at Cumberland
College

State of Missouri
County of Jefferson

In the Jefferson Circuit Court
December Term 1838

To the Jefferson Circuit Court
Charles H Duncan plaintiff states that he is
the legal owner of a Note against the defendant
Philip Pipkin to the following effect. —

"\$64.32 One day after date I promise
"to pay Cha. H Duncan the sum of Sixty
"four Dollars & thirty two Cents for value rec.
"November 7th 1834

Witness
"Sandra Duncan Jr

(signed)

Philip Pipkin"

yet the debt remains unpaid, therefore, I sue
and judgement for his debt, and damages for the
detention thereof, together with costs. &c.

Polk atty for Plff

5012

399
Horton Birchall-Bowst
December 1855

Abasco St. Domingue

to
Philippe P. Wilson

This is Payment in Debt
on Note No 64. 32

The Clerk will please
acknowledge.
J. Smith for P. W.

Attest October 29 1783

J. Matthews

State of Missouri In the Jefferson Circuit Court
County of Jefferson } December Term 1838

So (To the Jefferson Circuit Court
Charles Mc Duncan plaintiff States that he is the legal
owner of a note against the defendant Philip Pipkin
to the following effect

\$64.32 One day after date I promise to pay Chas
Mc Duncan the sum of sixty four dollars thirty two
cents for value received Nov 7th 1834
Witness Saml Duncan } Philip Pipkin
Yet the debt remains unpaid therefore he demands
judgement for his debt and damages for the detention
thereof together with costs. &c

Polk atty for Plff

State of Missouri County of Jefferson Set
(The State of Missouri to the Sheriff of
Jefferson County Greeting you are hereby
commanded to summon Philip Pipkin that he
be and appear before the judges of our Circuit
Court at a court to be held in the Town of Mer-
= culeman on the ~~second~~ Monday of December
next then and there to answer the complaint of Charles
Mc Duncan a copy of which is hereto attached
and have you then there this writ

Witness John S. Matheos clerk of
our Circuit Court at Office in the
Town of Mercurianum this 29th
day of October in the year 1838

John S. Matheos
clerk

I Enclosed this write on Philip Piskin
By delivering him a copy of the within write
on the 17th day of November 1838

John Hammond Sheriff By
Mark Mott Deputy Sheriff

At Jefferson City Court
December Term 1838
Charles W. Duncan
vs
Philip Piskin

Filed Dec 12 1838
Matthew Bell

~~At the residence of the defendant on the 17th day of December 1838~~
~~By the undersigned~~
~~Matthew Bell~~

Philip Popkin

vs

Charles H Duncan

{

Jefferson County, Circuit Court
December Term 1835

And the said defendant by Bent his attorney
comes and defends the Wrong and injury when he
and says that the said plaintiff ought not to
have and maintain his action aforesaid against
him the said defendant because he says that
at the time of the making the said note in the
declaration mentioned he was an infant under
the age of twenty one years, and thus he is ready
to verify wherefore he prays Judgment &c

Bent
for deft

Philip Appleton
as J. P. Lee
Charles H. Duncan
Henry

Filed Dec 10th 1838
Matthews
10/16

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Jefferson County, — GREETING:

You are hereby commanded to summon

Philip Miller Senr

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, ~~at the~~ *at* of *Southville*, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Charles H. Duncan* is plaintiff, and *Philip Miller Senr* is defendant, on the part of the

and have you then there this writ.

WITNESSES, *Henry P. Bates*, Clerk of our said Circuit Court, at the town of Herculaneum, this *12th* day of *Decr*.

in the year of our Lord one thousand eight hundred and *Twenty eighth*

John H. McNeely CLERK, C. C.

I executed this writ on Philip Depkin
by receiving it within his presence and
returning on the 13th day of December 1838

Mr Geo B Deputy
Sheriff
Fees 50

Chas H Duncan

" J E
Chas H Duncan

for
Philip Depkin

for
the
same

filed Dec 12th 1838

Wm C. Heath
611

Wm C. Heath
611

Philip Pepper

vs

Charles H Duncan } December Term 1858.

And the said defendant for ^{Rejoinder} ~~Rejoinder~~ to the first Replication of the said plaintiff above replied to the plea of the said defendant comes and says that he the said defendant did not after he became of age, touch on the said fourteenth day of May in the year of our Lord Eighteen hundred & thirty five touch at the County of Jefferson aforesaid apart to or Ratify & confirm the said note in said Petition mentioned in manner and form as the said plaintiff has in his said Replication alleged and of this he puts himself upon the Country &c

Bent for deft.

And the said Plaintiff doth ~~the like~~ ^{the like} J. P. M. P. &c

And as to the said second Replication of him the said plaintiff above replied, for Rejoinder thereto says that by reason of any thing in the said Replication contained the said plaintiff ought not to have and maintain his aforesaid action thereon against him, nor is he bound by the laws of the land to answer the same, wherefore he prays Judgment if the said plaintiff ought to have & maintain his said action, & prays to be hereof discharged &c

Bent for deft.

And said Plaintiff prays in the alternative ^{Demurrer} ~~Demurrer~~ J. P. M. P. &c

And for Rejoinder to the second Replication of the said plaintiff the defendant says that the said note in the said declaration mentioned may not given and executed by the said defendant for the said plaintiff for & on account of inaccuracies furnished by the said plaintiff to the said defendant, and of this he puts himself upon the Country &c

Bent for deft.

And the said Plaintiff doth ~~the like~~ ^{the like}

J. P. M. P. &c

Thelph. 1838

1838

Chas. H. Duncan

Application

Memorandum

Filed Dec 13th 1838

Wm. H. H. H.

6/12

Charles H Demean } to the Jefferson Circuit
Philip Pipkin } Court December Term 1838
And the said plaintiff by
Tolk his attorney as to the said plea of him the
said defendant comes & says that he the said plaintiff
ought not to be barred from having or maintaining
his aforesaid action thing against the said defend-
ant by reason of any thing by the said defend-
ant in that plea alleged because he says that
after the making the said Note in the said Pe-
tition mentioned and after the said defendant
had attained his age of Twenty one years and
before the commencement of this suit, to wit,
on the twentieth day of May in the year of
our Lord Eighteen hundred thirty five, to wit,
at the County aforesaid in the said defendant
assented to, & then & there ratified & confirmed
the said Note in the said Petition mentioned and
thus he the said plaintiff is ready to verify, where-
fore he prays judgment if he ought to be
barred from having or maintaining his aforesaid
action thing against the said defendant to
Tolk for Plff

And the said plaintiff by his said attorney by leave
of the Court for that purpose first had obtained
for further replication to the said plea of the said
defendant comes & says that he the said plain-
tiff ought not to be barred from having or main-
taining his aforesaid action thing against him the
said defendant by reason of any thing by the said
defendant in his said plea alleged because he

Says that the said Note in the said plain-
tiff's petition mentioned was given & executed by the
said Defendant to the said plaintiff for on
account of necessities furnished by the said
plaintiff to the said defendant and that
the said plaintiff is ready to verify where-
fore he prays judgment if he ought to be bar-
red from having or maintaining his present
action thing against him the said defendant
ss

To the Court

Suppose Circuit Court
Cumberland Term 1838

Charles Holloman

vs
Philip J. McKim

Replication ss

To the Court

Filed Dec 13th 1838

J. Matthews
Clerk

Notice to take Depositions of
Charles H. Duncan }
Philip P. Piskin } In the Jefferson Circuit Court

To the above named defendant - You are hereby notified that on the twenty first day of February A.D. Eighteen hundred & thirty nine between the hours of Eight O'clock in the forenoon & six O'clock of the afternoon of that day at the dwelling house of Charles H. Duncan in the Town of Princeton in the County of Caldwell in the State of Kentucky, depositions of witnesses will be taken to be read on the trial of the above entitled cause on the part of the Plaintiff, and that the taking of the same if not completed on that day will be continued from day to day at the same place & between the same hours until the same shall be completed when & where you can attend

Charles H. Duncan
by his atty J. Polk

I acknowledge the Receipt of a copy of the above
Herculeanum Dec. 13th 1838.

John Bent atty for def

Notice to take depositions
Charles H. Sumner
vs
Philip P. Allen

Jefferson
COUNTY OF ~~ST. LOUIS~~ SCT.

THE STATE OF MISSOURI,

**To any Judge or Justice of the Peace or other Judicial Officer of the
State of *Kentucky***

GREETING.

WE, reposing special trust and confidence in your integrity and circumspection, do au-
thorize and require you, that you cause to come before you, such person or persons as
shall be named to you by *Charles A. Dimean his*

Attorney or Agent, and him or them examine upon his, her or their corporal oath, (to be
by you administered,) touching their knowledge of any thing that may relate to a certain
matter of controversy, now pending in our Circuit Court, for the County of *Jefferson*,

wherein *Charles A. Dimean* is

plaintiff and *Philip Tipton*

is defendant on the part of the *Plaintiff* and having

so reduced the said depositions so taken by you as aforesaid in writing, you are required
to send the same, together with this commission, enclosed under your seal, to our said
Circuit Court, with all convenient speed.

John S. Mathews
Witness, ~~JOHN S. MATHES~~, Clerk of our said Circuit

Court, at ~~St. Louis~~ *St. Louis*, this *twenty eighth*
day of *January* in the year of our Lord, one
thousand eight hundred and thirty- *nine*

John S. Mathews Clerk C. C.

Dr. J. B. Bricmont
Office Term 1839

Charles A. Deane

vs
John A. Smith

Complaint to take
Depositions

Depositions of Witnesses produced, sworn and examined at the dwelling house of Charles H Duncan in the town of Princeton in the County of Salowell and State of Kentucky before me John M. Hara — a Justice of the peace in and for said County in a certain Cause, now depending in the Jefferson Circuit Court State of Missouri, between Charles H Duncan Plaintiff and Philip Piptkin Defendant, on the part of the plaintiff, Sanford G. M. Campbell of lawful age, being produced, sworn and examined on the part of the plaintiff deposes and says —

Question by Plff. Were you or were you not the Clerk for Chas H Duncan (the plff in the above Cause) at this Store in Princeton Ky during the year 1834?
Answer — I was during the whole of said year and long before and afterward.

Question by Plff. Were you at that time acquainted with Philip Piptkin the Defendant in this Cause.
Answer I was, he was then attendant at Cumberland College near this place.

Question by Plff. Did he or not during the year 1834 purchase goods of said Duncan Ch, or you as his Clerk and have the same charged to him, and if so, what was the amount of his acct?

Answer, He did purchase Merchandise at the Store of said Ch Duncan, and his account amounted to the sum of sixty four dollars and 33 cents for account which is now before me and which I have examined.

Question, Did he P. Piptkin or did he not execute to said Ch Duncan his note in consideration of said account and article therein mentioned, and if so, when, and whether or not it is the same note sued on in this Case.

Answer, He did execute his note to Ch Duncan in consideration of the article mentioned in said account about Nov. 1834. and it is the same note sued on in this Case.

Question by Plff, Did or did not said Phipkin receive all the articles charged in said account?

Answer, He did, except the amount charged for making the different garments of clothing which was paid directly to the person or persons who made them for his use and benefit.

Question by Plff, You say that you have examined the account here exhibited marked (A) Will you state whether or not the different items therein charged are not at the fair market value of the articles at the time, as charged

Answer, ~~Answer~~ I have examined the account, marked A as above stated which is now before me, and the articles therein mentioned are charged at the fair market value of each at that time in this place.

Question by Plff, Was or was not each item charged in said acct sold and delivered to said Phipkin (the acct) at the time and price therein set forth & charged, and were they or not in your opinion necessary for a man in the debt's then situation and circumstances?

Answer, The articles and goods mentioned in the acct all and each one of them were sold and delivered to the debt at his especial instance and request at the times and for the prices therein stated, and I should state that all and each one of the articles therein charged were necessary for the debt at the time with the exception of the Deck of cards charged on the 20th Augt. 1834, 25 cents and the wine charged on the 7th June 1834, 18³/₄ cents both of which I have marked on the acct thus (+) And further this deponent saith not.

Sandford Duncan

I John Mara — a Justice of the peace in and for the County of Caldwell and State of Kentucky do hereby Certify that Sandford Duncan is the deponent whose place of Residence is the town of Princeton in the

County and State aforesaid, was by me sworn to testify the whole truth of his knowledge touching the matter in Controversy in the Cause aforesaid; that Depoent was examined, and his examination reduced to writing, and Subscribed by said Depoent in my presence on the twenty first day of February in the year eighteen hundred and thirty nine, between the hours of eight o'clock in the forenoon and two o'clock of the afternoon at the dwelling house of Charles H Duncan in the town of Princeton in the County of Caldwell and State of Kentucky, according to and agreeably with the notice hereto attached. Given and Certified the 21st day of February 1839.

John O'Hara J. P.

I John O'Hara a Justice of the peace in and for the County of Caldwell and State of Kentucky ~~that~~ do Certify that in pursuance of the annexed notice and commission came before me at the dwelling house of Charles H Duncan in the town of Princeton in the County and State last aforesaid Sanford Duncan Jr who was there by me sworn and examined and such examination reduced to writing and Subscribed by him, in my presence, and his said Deposition now herewith returned. Given at Princeton in the County of Caldwell and State of Kentucky this 21st day of February 1839.

John O'Hara J. P.

Justice fee \$1.00.

Witnesses — 50.
\$1.50.

John O'Hara J. P.

Ann Carr

afsc In Testimony Whereof I hereunto
Subscribed my name and affixed the Seal
of sd Court at office in Princeton this
23^d Day of February 1839
Ch^s B. Dallan

Princeton Calaveras County Kentucky

Philip Piptin To Charles H Duncan Dr

1834

1834					
March	20 th	To	2 Shirt Collars @ 37 1/2	1 Duck Card 25	\$1.00
	21	"	1 Pair Gloves 75	1 Herwells Philosophy	32.5
"	"	"	1 Potters Antiquities 48	1 Chemistry 1872	5.87 1/2
"	"	"	1 Butlers Analogy 112 1/2	quills 12 1/2	12.5
"	"	"	1 Vest Pattern 150	1 1/2 Yds Lining 25	1.87 1/2
"	"	"	Stiffening 25	Thread, Tape & Buttons 25	50
"	"	"	1 1/4 Yds Jacket for Cravat @ 75		94 1/2
April	10	To	7 1/2 Yds Summer Cloth @ 2 1/2		\$15.00
"	"	"	Stiffening 37 1/2	Padding 62 1/2	5 White Lining 25
"	"	"	8 Seams Silk @ 10	1 Set Coat Buttons 50	1.30
"	"	"	Buttons for Pants 12 1/2	1 1/2 Yds Bop 2 1/2	Wadding 25
"	"	"	3/8 Yds Silk Velvet @ 5 1/2	1/2 Yds Bro, Holland 37 1/2	20 1/2
"	"	"	1 mit 12 1/2	1 1/2 quine Letter Paper 37 1/2	Soap & G.
"	"	"	1 Course of Time 50	4 Yds Domestic 18 3/4	12.5
"	"	"	Pair for making Drawers 18		1.00
"	"	"	Thread Buttons & Tape 25		25 1/2
May	14	"	1 Stock 250	Parchment 68 3/4	\$3.18 1/4
	20	"	1 Moores Melodius 50	1 Paradise Lost 50	100
June	2	"	3 Yds Rufia Drilling @ 6 1/2	Trimming 25	3.25
"	"	"	Making & Cutting 112 1/2	Trimming 25	13 1/2
"	"	"	3 Yds Drilling @ 50	Cutting Making 112 1/2	2.63
"	7	"	1 Wine 18 3/4	1 Paleys Philosophy 75	94
"	"	"	1 Paleys Evidences 75	Carb 10 per for books 50	12.5
July	18	"	5 Yds White Domestic @ 31 1/4		\$1.57
"	"	"	Irish Linen 18	Thread & Buttons 12 1/2	1.12 1/2
"	"	"	Pair for making 2 Shirts @ 75		1.50
"	25	"	Carb Lent 150		1.50
August	5	"	1 Chamber Pot for order 3		50
October	28	"	1 lb Sugar 9	6 Yds White Flannel @ 62 1/2	3.87 1/2
"	"	"	Thread 9	Pair for making 2 Shirts 75	1.63
					\$5.50 1/2
					\$64.33
					13.87
					\$4.46

Miss John

My dear

Charles H. Duncanson
\$64.33.

To which (\$4) as mentioned
in the Dept of A. Duncanson
brought success. —

May 21st 1839.

John C. Duncanson

Ms. B. 2. 2

One day after date & provided
to say that he desired the sum of
Fifty from Ireland & that no credit
for value Recd. November 11 1834
of which
should be drawn and for
" "

Wm. A. Davis

Philip Fisk

To 3 Acre

\$64.32

W. H. Amos

Ⓟ

filed Aug 6th 1839

Matthews 611

Chas. H. Doremus } In the Jefferson Circuit
Philip ¹⁰ St. John } Court

To: J. A. D. Matthews Esq. the Clerk of Court
by John Galloway and Mary J. in Court in full of
the said Secured Obligation in favor of the said
J. A. D. Matthews Esq.

Witness my hand
this 24th day of

C. W. Duncan

^{vs}
Philip Pipkin

Receipt in full

Aug 7th 1830
