

Jefferson County Circuit Court
Case Files - Civil
May 1853, No. 16

Box

7

Folder 52

State ex rel

Fry, Bayles

Fry, Matilda

Coonce, Almira

v.

Greer, Samuel T.

Stowe, John R.

Executor's Bond

Defendants securities for Felix Coonce
as Executor of Philip Coonce's estate,
failed to account for hire of Slaves Ambrose
and Rachael, bill of exceptions, \$4000.00
damages

The State of Michigan
to the use of
Bayles Fry &
Matilda his wife &
Alma Coomer by
her Guardian Bayles
Fry -

Plaintiffs

vs
Samuel J. Green &
John R. Howe

Defendants

In the Circuit Court
of Lapeer County,

Plaintiffs state that Philip Coomer died in the fall of 1842; that he left at his death, the above named Matilda who has since intermarried with the above named plaintiff Bayles Fry. Alma & Felix ^{his heirs & assigns}; that he constituted & appointed executor of his last will & testament Felix Coomer; who gave bond & took out letters testamentary on the estate of deceased about the 2nd of October 1842, a copy of which bond ^{& will} ~~was~~ ^{is} on file marked "A" and ~~is~~ ^{was} made part of petition; that after qualifying as such executor, he proceeded to administer said estate, & to sell the real and personal estate of deceased; & to hire out the slaves of deceased; Plaintiffs charge that said executor has committed the following breaches of said bond,

- 1- He has not fully accounted for the hire of said slaves Ambrose & Rachael for the years 1845, 1848, 1849, 1850 & 1851.
2. He has fraudulently obtained credit for two

Notes executed by Felix Cornea as principal ^{dated Feb. 12th 1842} for one hundred dollars due to Mary or
& Philip Cornea as security, which said notes
were due and owing by Felix himself, & which
were not allowed nor closed as required by law

3. He has ^{fraudulently} obtained credit for a note purporting
to be executed by Philip Cornea to Felix Cornea
which said note was never legally allowed by the

County Court ^{dated July 3rd 1888} ^{fraudulently} balance of
4. He has obtained credit for a note on Joseph
Lemay & others, which note he took himself as
executor, & if he fails to take good and sufficient
security or to collect said note it is his loss &

not the estate, dated Oct 20th 1842

5. He has illegally paid attorney fees, & made ^{fraudulent &} illegal
settlements & illegal charges

6. He has improperly & illegally ^{fraudulently} paid claims
against said estate

7. He has in many other respects ~~mis~~ ^{wasted} the
estate of deceased,

8. He has not fully & legally accounted for
the assets which have come into his hands as
Executor, nor has he faithfully administered
said estate, nor paid & delivered all money and
property of said estate to account by him,
Plaintiffs by reason of said several breaches
of said bond, say they are damaged four thousand
and no more for which they ask judgment

P. Pipkin

Plaintiffs atty,

Bales Fry being duly sworn states that
the above petition & the matters therein contained
are true to the best of his knowledge & belief
Sworn to and Subscribed Bales Fry.

before me april 23rd 1853

Thos. C. Fletcher

Clerk Circuit

16/207

To the sweet Heart
William Cowley

May Term 1853

May 24

Wm. L. Green &
Jno. R. Brown

Put them in the ground

Filed April 23^d 1853

Thi e Thelcher

END

2 cups
2 cups red
2 cups white
2 cups with

The State of Missouri to the
use of Bayles Fry & Matilda
his wife & Almira Counce by
her guardian Bayles Fry

Plaintiffs

vs
Samuel J. Greer and
John R. Stowe

Defendants

In the Circuit Court
of Jefferson County

Plaintiffs state that Philip Counce died in the fall of 1842; that he left at his death the above named Matilda who has since intermarried with the above named plaintiff Bayles Fry Almira & Felix his heirs and distributees that he constituted & appointed executor of his last Will & testament, Felix Counce; who gave bonds & took out letters testamentary on the Estate of deceased about the 2^d of October 1842 a copy of which Bond & will are herewith filed marked "A. & B" and are made part of petition; that after qualifying as such Executor, he proceeded to administer said estate & to see the real and personal estate of said deceased & to hire out the Slaves of deceased; Plaintiffs charge that said executor, has committed the following breaches of said bonds.

1st He. has not fully accounted for the hire of said Slaves Ambrose & Rachael for the years 1845, 1848, 1849, 1850 & 1851. 2^d He. has fraudulently obtained credit for his notes executed by Felix Counce as principal & Philip Counce as Security which said notes were due and owing by Felix himself

& which were not allowed nor elapsed as required by Law. 3^d Hee. has fraudulently obtained credit for a note purporting to be executed by Philip Conner to Felix Conner which said note was never legally allowed by the County Court. 4th Hee. has fraudulently obtained credit for a note on Joseph Lemay & others which note he took himself as executor & if he fails to take good and sufficient security or to collect said note it is his loss & not the Estate.

5th Hee. has illegally paid attorneys fees & made illegal settlements & illegal charges

6th Hee. has improperly & illegally paid claims against said estate

7th He has in many other respects wasted the Estate of deceased

8. He. has not fully & legally accounted for the assets which have come into his hands as Executor nor has he faithfully administered said Estate nor paid & delivered all moneys and property of said Estate so received by him

Plaintiffs by reason of said several breaches of said bond say they are damaged four thousand dollars for which they ask judgement

P. Pipkin Plaintiffs Atty

Bales Fry being duly sworn states that the above petition & the matters therein contained are true to the best of his knowledge & belief
Sworn to & subscribed

Bales Fry

Before me April 23^o 1853

Thos. C. Fletcher

Clerk. Cir Court

(Endorsed)

Filed April 23^o 1853

Thos C Fletcher Clerk

a true copy of the original petition and affidavit as
file in my Office in said cause.

In Testimony whereof I hereunto set my
hand and affix the seal of said court
at office in Hillsboro April 23^d 1853

Thos. C. Fletcher Clerk

No 170
In the Circuit Court
May Term 1853.

Ordo vero Rayles et al
vs } summons

Daniel J Green
John R Stone 27

Shewitt fees \$2.00

The State of Missouri to the use of Bayles Fry
& Maleta his wife and Almira Coonce
by her Guardian Bayles Fry.

Plaintiffs

v

Samuel T Greer & John R Stone

Defendants

In the Circuit Court of Jefferson County,

Plaintiffs state, that Philip Coonce died in the fall of 1842, that he left at his death the above named Maleta who has since intermarried with the above named Plaintiff Bayles Fry, Almira and Felix his heirs and distributees that he constituted & appointed executor of his last will & testament Felix Coonce, who gave bond & took out letters testamentary on the estate of deceased about the 2nd of October 1842. Copies of which bond & will are herewith filed marked "A" & "B" and are made part of petition; that after qualifying as such executor, he proceeded to administer said estate, & to sell the real estate and personal estate of deceased; & to hire out the slaves of deceased. Plaintiffs charge that said executor has committed the following breaches of said bond,
1st He has not fully accounted for the hire of said slaves Ambrose & Rachael for the years 1845, 1848, 1849, 1850 & 1851.
2. He has fraudulently obtained credit for two notes executed by Felix Coonce as principal & Philip Coonce as security, which said notes were due and owing by Felix Coonce and which were not allowed and elapsed as required by law,
3 He has fraudulently obtained credit for a note purporting to be executed by Philip Coonce to Felix Coonce which said note was never legally allowed by the county court
4 He has fraudulently obtained credit for a note on Joseph Lemary & others, which note he took himself

as executor and if he failed to take good and sufficient security or to collect said note it is his loss and not the estate's

5 He has illegally paid attorney's fees, & made illegal settlements and illegal charges

6 He has illegally & improperly paid claims against said estate,

7 He has in many other respects wasted the estate of deceased

8 He has not fully and legally accounted for the assets which have come into his hands as executor, nor has he faithfully administered said estate, nor paid and delivered all money and property of said estate so received by him Plaintiffs by reason of said several breaches of said bond say they are damaged four thousand dollars for which they ask judgment.

P. Perkins Plaintiffs attorney

Daies Jry. being duly sworn states that the above petition & the matters therein contained are true to the best of his knowledge & belief,

Daies Jry

Sworn to & Subscribed before me

(Endorsed)

April 23^d 1853. Thos C Fletcher CLK

Filed April 23^d 1853

Cir Ct

Thos C Fletcher CLK

A true copy of the original petition and affidavit on file in my office in said cause,

In Testimony whereof I hereto set my hand and affix the seal of said court at Hillsboro April 23^d 1853

Thos C Fletcher CLK



Last will and testament of Philip Counce
I Philip Counce of the County of Jefferson in the State
of Missouri do make and publish this my last will
and testament in manner and form following that
is to say, First it is my will, that my funeral Expenses
and all my just debts be fully paid, Second I give
devise and bequeath to my beloved wife Mary Counce
in lieu of her dower one hundred and fifty dollars
in property at the appraised value or the money
which she chooses with the above named sum what
will make her equal to a childs part or one fourth
part of my whole estate, after all my just debts
are paid and that my wife Mary Counce and
my three children and her child go to my brother
Felix Counce and there live and be supported from
the hire of my three Slaves and my Estate and
that my three children and her child be educated
alike out of my estate, but if my wife Mary ~~Counce~~
or leaves Felix Counce she is to receive her part
in the Estate and have further profit from hire
of the Slaves or Support for herself from the Estate
Third I give and devise to my eldest daughter
Almira Counce one equal fourth part of my whole
estate after the payment of all my just debts
Fourth I give and devise to my second daughter
Maleta Counce one equal fourth part of my whole
estate after the payment of all my just debts
Fifth I give and devise to Felix S. Counce my
son one equal fourth part of my whole estate
after the payment of all just debts

Sixth I give and devise to Malissa my wife's
Child one dollar

Also it is my will that all my property with
the exception of two beds and bed clothing shall
be sold at public vendue on twelve months credit
consisting of horses Cattle, hogs, Sheep, house hold
and Kitchen furniture with farming utensils
the farm on which I now reside with the improve-
ment and all the land I own, And my brother
Felix Lounce take my three Slaves in his possession
for the support my family and keep them till my
children become of age and my brother Felix
Lounce to take charge of my three children and
be their guardian and raise them

And lastly I hereby constitute and appoint
my brother Felix Lounce to be the Sole executor to
to this my last will and testament revoking
and annulling all former wills by me made
and ratifying and confirming this and no
other to be my last will and testament. In testi-
mony whereof I have hereunto set my hand and
Seal, this twelfth day of September in the year
of our Lord, Eighteen Hundred and forty two
Signed, published and declared
by the above named Philip Lounce
as and for his last will and testament } Philip. Lounce
in presence of us who at his request
have signed as witnesses to the same }
Isaac Sullens John R. Stowe

State of Missouri }
County of Jefferson } Personally appeared before

The undersigned clerk of the County Court within
and for the County of Jefferson, Isaac Sullens and
John R. Stowe the two subscribing witnesses to the fore
going will of Philip Counce who being by me duly
sworn upon their oaths state that the said testator
did in their presence sign the foregoing instrument
of writing as his last will & testament and that
they and each of them subscribed their names
thereto as witnesses in the presence of said
testator and of each other at his special in
-stance and request and that the said Philip
Counce, then appeared to be of sound and dispo
-ing mind

Subscribed and sworn to
before me September 23. A.D.
Eighteen hundred and forty two
Joseph Mathews clerk

Isaac Sullens

John R. Stowe

I know all men by these presents, that we Felix
Counce as principal and we Samuel J. Greer
and John R. Stowe as securities are held and firmly
bound unto the State of Missouri in the full and just
sum of four thousand dollars to the payment
whereof well and truly to be made we bind ourselves
our heirs Executors Administrators and assigns
jointly and severally firmly by these presents sealed
with our seals and dated Hillsboro, this twenty third
of September 1842. The condition of the above bond
is that if the above bound Felix Counce Executor of
the last will & testament of Philip Counce deceased
shall 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 jurisdic-
tion and execute the will of said deceased
then the above bond to be void else to remain
in full force and virtue } Felix Coonce
Executed in presence of } Samuel J. Greer
Joseph Matthews Clerk. } John R. Stone

Recorded October 3^d 1842

Joseph Matthews Recorder.

I certify that the foregoing is a true copy of the will and
testament of Philip Coonce dec^d as proved and recorded in
my office, and of the bond of Felix Coonce Executor
of said will as filed and recorded in my office,

In Testimony whereof I hereto set
my hand and affix the seal of the
County Court at Hillsboro April
23^d 1853.

Thos C Fletcher

CLK co court



Copy will of Philip Conner
and Bond of Ex^r?

Exhibit "A" & "B" of Motion

Filed April 23^d 1853.

Wm. O. Leitch

CLK

CLK fee \$1.25 - Sur as cov^d

The State of Wisconsin

To the Sheriff of the County of Jefferson Greeting.
We command you that you summon Samuel T
Greer and John R Stone if they be found in your
county that they be and appear before the 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 aforesaid on the fourth
Monday of May next, then and there to answer unto
The State of Wisconsin who sues at the relation and to
the use of Bales Fry and Malata his wife and Elmina
Coonce by her guardian Bales Fry, upon her original
petition a copy whereof is hereto annexed and have
you then there this writ,



Witness this 6th day of April of our said
Circuit Court, with the seal thereof
hereto affixed at Office April 23^d
1853, Thi C Fletcher
CLK,

a copy of the original writ and petition this 27th
day of April 1853 James McFollock Sheriff

Wales Dry and others
against

Samuel J. Green
John R. Stone

Copy petition and with
for Mr. Sept. Bennett,

A true copy of the writ
attest, Thos. A. McLehman
Clerk

The State of Missouri

To the Sheriff of the County of Jefferson, Greeting:

We command you that you summon Samuel T Greer and John R Stowe, if they be found in your county that they be and appear before the 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 aforesaid on the fourth Monday of May next. Then and There to answer unto the State of Missouri who sues at the relation and to the use of Payles Fry and Melitta his wife and Ed Myra Coonce by her Guardian Payles Fry, upon her original petition a copy whereof is hereto annexed and have you then there this writ.

Witness this C. Fletcher Clerk of our
said Circuit Court with the
Seal thereof hereto affixed at
Office April 23^d 1853.

This C. Fletcher Clerk

I executed the foregoing writ and the annexed
petition in the County of Jefferson on John R. Howe
by delivering to him a copy of said writ and
petition on the 27th day of April A.D. 1853 also
on Samuel T. Greer in the County of Jefferson by
delivering to him a copy of said writ on the 27th
day of April A.D. 1853

James McCallock Sheriff

Beyley Fry & others
against
Saml T Green &
Jno R Stowe

May Term
1853

The said defendants say that the prayer of the plaintiff petitioners ought not to be granted because they say that the said ^{Felix} Coome who was the administrator of the ~~estate~~ executor of the last will and testament of ^{Felix} ~~Felix~~ Coome and by said will the guardian of his children has in no wise broken the condition of his bond as such executor.

And in answer to the first of the alleged breaches they say that the said executor did charge himself with the hire of the slaves for the year 1845, and as for their hire for the year 1848 they say that they were hired by the husband of the widow of ^{Felix} ~~Felix~~ Coome and they had the children of the said ^{Felix} ~~Felix~~ in their charge and maintained them &c in consideration of the services of said slaves and their wages and for the years 1849 1850 & 1851 the wages and services of said slaves were applied to the support maintenance of said children according to the true intent and meaning of the will of the said Felix Coome after deducting one fourth

part of the ~~River~~ River for her use after
her marriage according to the further
provisions of said will

Deftdants further state in answer to the ~~second and third~~ breaches that the said Philip Coome at and before the time of his decease was largely indebted to Felix Coome and the note mentioned in said breach had at the time of his death been fully paid in full - and upon these facts being shown to the court the court gave him credit for the amount of said note as was right and lawful for said court to do.

And as to the second branch the said defendants say that the said ex^r acted in conformity with law in paying the notes in said branch mentioned without the formality of an allowance against the estate the having satisfied the court by evidence when he obtained credit for the payment of them that said notes were justly due from the estate.

As to the fourth branch the defendants say that the said executor did not violate his duty in the matter of the note of Jos Lemay because they say that at the time the said note was taken the parties to the note were solvent - but before the same was collected they became insolvent - And they further say that

That the said executor used as great ordinary diligence in collecting the same but failed to do so after suit judgment was obtained and execution issued.

As to the 5th breach the said defendants say that the said executor paid an attorney to do the business of the estate and he paid him out of the money of the estate but in place of charging commissions, per diems, ~~living~~ for living negroes &c &c which some administrators oft charge he preferred hiring the business of the estate done on the best terms he could, which they ~~is~~ ~~advise~~ are advised has proved in this case much less expensive to the estate than the usual charges which are allowed by the Jefferson County Court. They however are not to be understood as relinquishing the right to have the executor allowed all legal charges in case it should prove necessary for the finding in this case being for the defendants.

As to the 6 7 & 8th breaches a signed they have no knowledge further than they have already stated. in answer to the other breaches. If said breaches are intended for any thing more than a repetition of the other breaches they pray that the said plaintiff may

set forth especially what he expects or intends to prove

Now the said defendants having fully answered the plaintiff's petition they pray to be discharged with their costs

M. Tappell atg

Saml J Greer for himself and co-defendant makes oath and says that the foregoing answer and the matters therein as stated he believes to be true

Sworn to and Subscribed }
before me May 28th 1853 }
Thos C Fletcher. Clerk
for E. Money & Co

Samuel J. Greer

Bayles & Co. & others

against -

Samuel J. Greer

J. R. R. R. R.

Answer

Filed May 28th 1853

Thos C Fletcher

CLK

Baker, Fry et al
against
J H Green &
J R Storor

The defendants by their attorney comes and says that the petitions of the plaintiffs are insufficient in this

1st That the breaches of the condition of the bond as therein alleged are so general and indefinite that the defendants cannot know what to answer, and if they should answer as to what they might suppose was intended to be the breach they might be met with proof of a different matter.

They therefore demand and pray the judgment of the court upon the several supposed breaches

Plaintiffs have also in the 4th 5th & 6th pretended breaches charged matters which do not not ~~constitute~~ constitute or amount to any violation of ~~the~~ the condition of the bond.

McLispell atty

Wm. H. H. H.

of the

of the

of the

of the

of the

of the

of the

Buyles Fry & Matilda his wife formerly Matilda Cooner
Felix A. Williams & Almira his wife formerly Almira Cooner
~~himself~~

John R. Lowe

In the Superior County Court
June Term 1853

To John R. Lowe Guardian
of Felix Cooner

We will take notice that
application will be made at the next term
of the County Court of Jefferson County aforesaid
to be begun and held on the 3^d Monday of
June next at Hillsboro in said County,
for an order of sale, if partition cannot be made
in kind, of two negroes belonging to the estate
of Felix Cooner deceased late of the
County aforesaid named Ambrose & Richard
for the purposes of distribution between the above
named parties & Felix Cooner of whom you
are guardian. And further application on
the part of the above named Felix A. Williams
& Almira his wife formerly Almira Cooner
of the proceeds in your hands arising from
the hire of said negroes.

P. Perkins Atty
for Plaintiff

I executed the within notice in John H. Stone
 by giving him a copy of the original notice on the
 26th of May 1853
 James McFulloch Sheriff

Pay to my wife
 the sum of \$1000
 with

2

John H. Stone

Notice
 \$11
 150
 37
 187

Let the sheriff give a copy
 to the court

Attest June 26 1853
 J. H. McFulloch
 Clerk

Sherriff fees \$10 57

COUNTY OF JEFFERSON.

The State of Missouri,

To

Lucas Sulmon and Joel W. Stone

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Vicaral Court for the County aforesaid, on the third day of December next at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Charles Fry et al are Plaintiffs and Daniel Green & John R. Stone are Defendants on the part of Defendants and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of September
A. D. 1853,

Thos C Fletcher

Clerk.

Executed the within Summons on Joel W Stowe
by reading it in his presence and hearing on
the 26. Day of October A.D 1853

385
25
185
745
350
65
1750

J. Loring Court

Nov. Term 1853

Payable by et al

vs { et al

J. J. Green & J. H. Stowe

for debt

Stowe, debtors

Joel W. Stowe

3rd day

COUNTY OF JEFFERSON.
The State of Missouri,

To Henry Dickinson and Caroline Bishop
Greeting:

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 third day of December next
at St. Louis, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Daniel F. Gray & others are Plaintiffs and
Samuel H. Green and J. R. Stone are Defendants on the part
of Defendants and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of October
A. D. 1853.

Thos C Fletcher
Clerk.

Do. Berceus County
Jefferson County
Nov. Term 1853

At
Staples day of at
Nov } 1853
A. J. Beer and A. J. B. Stone

To deft.

Henry Dinklemann.
Caroline Bishop

5th day

Executed this Subpoena by reading the within
to Henry Dinklemann & Caroline Bishop the
within named witnesses, done in St. Louis Co
this 24th Nov 1853.

David Bayles

fee \$1.00

by J. H. Atkins

Dep.

County Marshal

COUNTY OF JEFFERSON.

The State of Missouri,

To

Marshal King

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Winchick Court for the County aforesaid, on the 2nd day of December next at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Jasper May et al are Plaintiffs and J R Stone and David Thomas are Defendants on the part of J R Stone and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 8th day of November

A. D. 1853.

John A. Fletcher

Clerk.

Executed this Subst by reading the same
to Marshall King, done in St Louis
County Nov 11th 1853

per \$ 50.00

by J. McKim
Dep

J. Bayles
Marshal

W. Jefferson Lee Court
Nov. 1853

Bayles & Co

no 3 of the

Stone & Green

for 1853

Marshall King

Chas

4th day

COUNTY OF JEFFERSON.

The State of Missouri,

To Leroy A. Nelson and John Williams

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our District Court for the County aforesaid, on the 2nd day of December next at Stillmore, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Stanley May, et al are Plaintiffs and Stone and Green are Defendants on the part of Jeff and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 8th day of May
A. D. 1853.

J. B. McKee
Clerk.

I executed the within writ on Sander
Williams by reading the same in his presence
and hearing this Novth the 18th day, Lorenzo
Mateau not being found in the County
Henry Cook

To Circuit Court

Nov. Decem 1853

Charles Gray et al
vs
Shore & Green

Per J. H. H.

Lorenzo D. Mateau
Sander Williams
18

Whys fees \$0.60

4th day

COUNTY OF JEFFERSON.

The State of Missouri,

To *Landen Williams and John Williams*

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Seized* Court for the County aforesaid, on the *11th day of December next* at *St. Louis*, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Charles Gray et al* Plaintiff and *Thos. C. Fletcher* Defendant's on the part of *Plff* and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this *22^d* day of *November*
St. L. 1853

Thos. C. Fletcher Clerk.
for Esq. St.

Executed the within on Sandom William
& Asham William by reading it in their
presence on the 29th Novr 1853.

James Mclellach Shff

Dr. Bursell Court.

Nov. Decm 1853.

Pay to J. J. J. J. J.
is { J. J. J.

Green & J. R. J. J.

For J. J. J.

Sandom William 29

Asham William 29

29

Shff fees \$1.00

gth day

228

COUNTY OF JEFFERSON.

The State of Missouri,

To

George Stearns, & Real

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Seventh Court for the
County aforesaid, on the 2nd day of December
at Millboro, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Charles Joy et al Plaintiff and
Wesley Allen Defendant on the part
of Defendants and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this day of November
A. D. 1853.

Wm. L. McChes Clerk.

I executed the within writ on James A. Beal
by reading it in his presence & hearing on
the 22 day of November 1853. Lorenzo
Voteau not being found in the County
Henry Cooke

W. Circuit Court

November 1853

Charles May et al

vs } vs

J. J. Greer & J. R. Stone

for debt

Lorenzo Voteau

James A Beal et al

Chas. May et al
~~\$1000~~ \$0.00

3rd day

Bayer Fay it or
against
Guer & Stowe

Defendants move the
court to rule the plaintiffs to give
security for costs in this cause for
the reason they are insolvent and
unable to pay costs

M. Fripell
atly

Bayley Cary & others
against -
Green & House

Motion to
put Plaintiff
to give account
for costs

Dec 2nd 1853
Wm E. Fletcher
clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To *Sam Moore & Marshall King*
at Linco Staus Co

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our *Versued* - Court for the
County aforesaid, on the *24th day of May* next
at *Willmore*, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Isabel T. Taylor is Plaintiff and
Sam Green & Lucie Stone - Defendant on the part
of Plaintiff and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this *11th* day of *April*
A. D. 1854

Thos. Fletcher
Clerk.

Executed this subpoena by reading the same to
Marshal King. Ann Moore, not found in
my County. done in St Louis County May

4th 1884.

14th - 60

David Bayles

Marshal

By J. Wilkins

Sup. Ct.

Ann Moore said to be in Washington County

To be executed

May term 1884

Bayles stay at

is

24000

James Green & J. R. Moore

for Ott

Ann Moore

+ Marshall King

3rd day

COUNTY OF JEFFERSON.

The State of Missouri,

To *Landen Williams & John Williams*
& *Benjamin J. Pough* —

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our *Severeil* Court for the
County aforesaid, on the *24th* day of *May* next
at *Millstone*, there and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
David J. Gray et al Plaintiff and
Land J. Green and one R. Stone Defendant on the part
of Plaintiff and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this *11th* day of *April*
A. D. 1854

Thos. Fletcher Clerk.

I executed the within writ on Isham Williams
by reading it in his presence and hearing
on the 12. day of April ~~1852~~ day 1854
in Jefferson County Mo also on Landon
Williams by reading it in his presence &
hearing on the 26 day of April 1854 also on
B.J. Boughtman on the 26 day of April 1854
by reading it in his presence & hearing
James M Collock Sheriff

So Lencius Court.

May Term 1854.

Dea Leo Fry et al

vs } Spec

Ans & Stone H. J. Green

for debt

Landon Williams 20

Isham Williams 12

Hemmett or

Washing

B. J. Boughtman

Shorffs fee. \$1.50

30 day

COUNTY OF JEFFERSON.

The State of Missouri,

To Henry Buckleman & Caroline Bishop

Greeting:

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 25th day of May next at Stillmore, there and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Bayles J. J. J. et al Plaintiff and Saml Y Green and Lu R Stone Defendant on the part of Self and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of May
A. D. 1854

Thos. Fletcher

Clerk.

20. Jeff. Cir. Court.

May Term 1854

Bayles J. J. et al

vs. } Spae

Saml. J. Greer & R. Howe

for debt.

X Henry Dinklemann

X Caroline Bishop

Pay \$40.05

3^d day

Execute this subpoena by reading the same
to Henry Dinklemann & Caroline Bishop
dow in St Louis County, Missouri, May 22^d
1854.

David Bayles
Marshal

Fees 1.00

By J. J. Wilkins

Dep. Marshal

COUNTY OF JEFFERSON.

The State of Missouri,

To Joel W. Stone, Isaac Sullivan, & W. Stearns & Co. in their

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Respected Court for the
County aforesaid, on the 23rd day of May next
at Millboro, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Bayles & Fry et al Plaintiff and
Saml. W. Harris & Son & Stearns Defendant on the part
of Defendant and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of May
A. D. 1854

Thos. Fletcher

Clerk.

for Attorney at L.

I executed the within writ on John McGuire
& Joel W. Sturce on the 19th and Isaac Sullens
on the 20th day of May 1854 by reciting the
same in their presence and hearing
L. D. Votaw not being found

James McCulloch Sheriff
By Augustine Wiley Deft Sheriff

To the Deft Sheriff

May Term 1854

Charles J. Gray et al

vs } spec

Saml. J. Green & Wm. Sturce

for defendants

Joel W. Sturce

Isaac Sullens

L. D. Votaw

Jas. McCulloch

Sheriff's fees \$1.00

Witness Tan witnesses

3rd day

COUNTY OF JEFFERSON.

The State of Missouri,

To

Joac. Sullivan

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Deccourt Court for the County aforesaid, on the 24th day of May next at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Barclay. Tracy et al Plaintiff and James Green & Sons et al Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 1st day of May
A. D. 1854

Thos C Fletcher

Clerk.

W. E. Stoney Secy

I Executed the within writ on Isaac Dullens
by reading the same in his presence and hearing
this May the 20th day 1854

James McCulloch Sheriff
By Augustine Wiley Esq Sheriff

Johnsons Court.

May Term 1854

People v. Dullens

vs } Dullens

J. J. Green. and others

for Atty

Isaac Dullens

Sheriffs fees &c &c

20th day

The State of Missouri
to the use of

Bayles Fry and
Melita his wife } Plaintiffs
Felix A. Williams +
Almira his wife

vs
John G. Green +
John R. Stowe } Defendants

In the Jefferson Circuit Court

Plaintiffs state that Philip Boone died
in the fall of 1842. That he left, at his
death the above named Melita who has since
married said ~~Felix A. Williams~~ Bayles Fry.
Almira, married to said Felix A. Williams
and Felix, heirs and distributees of his
estate; That by his last will and testament
herewith filed marked "A" he constituted his
brother Felix Boone executor of said will,
That said executor qualified as such ~~executor~~
gave bond herewith filed marked "B" with the
above named defendants as security thereon
and took upon himself the office of said ~~executor~~
~~executor~~, that ~~he~~ proceeded to and did sell
all the real and personal estate of deceased
except the slaves; that he also hired out

said Slaves for many years, and until he left the State for California probably in the year 1850, after which time said negroes were left to run at large or left in the hands of some irresponsible persons and upon a hiring of their own time.

Plaintiff states and charges that said executor has committed the following breaches of said bond.

1. He has not fully accounted for the hire of said Slaves to wit Amos & Rachel for the years 1848, 1849 1850 & 1851 and the interest ~~due~~ thereon from the date said hire became due which was on the first day of January of the year following that for which they ~~him~~ were hired or should have been hired & also the interest on the hire accounted for

2. He has fraudulently obtained credit for two notes executed by Felix Cooner as principal and Philip Cooner as security dated February 1st 1842 for ^{145-cts} 146 Dollars, due J. H. Hawley or order; which notes were due and owing by Felix said executor himself and which notes were not allowed nor elapsed as required by law

3. He has fraudulently obtained credit for a note purporting to be executed by Philip Cooner to Felix Cooner said executor and

which were not legally allowed by the County Court dated February 3^d 1838.

4. He has fraudulently obtained credit for a balance due on a note ~~due~~ by Joseph Leman and others to said estate dated 20th day of October 1842. Said note was taken by said ^{Executor} Administrator for property sold at said executor's sale of personal property.

5. He has illegally paid forty dollars for attorney fees.

6. He has failed to charge himself with the interest received on the several notes mentioned and set forth in the General Inventory of the Notes and accounts of said estate and especially the interest on a note therein mentioned due by Elisha Crow for three hundred and seventy five dollars ^{as also the interest on a sum of sales of personal estate} dated March 18th 1840. He has also failed to pay over an account for the sum of twenty six dollars thirty one cents due by said executor on his final settlement made June 22nd 1848 and the interest thereon. Plaintiff states that said Williams and Fry & their wives are entitled to one third each of the estate of said decedent after the payment of debts and this to Felix to one third.

By reason of said several breaches of said bond plaintiffs say they are damaged

from thousands of dollars for which they
ask judgment

Jay & Williams
By their atty P. Perkins

Philip Perkins atty for the above named
plaintiffs make oath and say that
the above petition is true to the best of
belief.

~~P~~ Philip Perkins

Sworn to & Subscribed before me

May 27th 1854 Thos Fletcher

CLK

Boyley they had
by

Paul J. Green had

Amendation

Filed May 27 ~ 1854
Jno. B. McKee
Clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To

Henry Dickinson and Caroline Friedrich

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our District Court for the County aforesaid, on the 29th day of November next at Millboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Charles Jay & als. are Plaintiffs and Daniel H. Lee & Jas. R. Stone are Defendants on the part of Defendants and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 23^d day of October
A. D. 1854.

Thos C Fletcher
Clerk.

Executed this supra by reading the same to the
within named witnesses done in St Louis
County Nov 4th 1854 Wm M. Timberlake
Free P. 1.00 By Jas. W. Link dep^t Marshal

effron Circuit Court
Oct or Term 1854.

Payable for chals
of M^{rs} J R Stone

for 5 qts

Henry & William
Caroline Dickap

for 10 + 7. chals 122

for 10 + 7. chals 122

for 10 + 7. chals 122

3rd day.

C. 134 for 10 + 7. chals 122

C. 134 for 10 + 7. chals 122

COUNTY OF JEFFERSON.
The State of Missouri,

To

Isaac Sulland Lorenzo Holman

Greeting:

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 _____ day of _____ next
at Hultboro, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Isaac Sulland Lorenzo Holman are Plaintiffs and
Samuel Green & John A. Starnes Defendants on the part
of被告 and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed.

at office this 23rd day of Dec
A. D. 1854

Wm. McTear Clerk.

I executed the within writ at the county of Jefferson
on Isaac Sullens and Lorenzo Potvin by reading
the same in their presence and hearing this the
31st day of October 1854

Augustine Wiley Sheriff

Circuit Court
Nov Term 1854

Payee of a
" " for
J. W. Green & R. Stone

for debt
Isaac Sullens
Lorenzo Potvin

J. D. Gay

Shewell's fees \$1000

COUNTY OF JEFFERSON.

The State of Missouri,

To

Marshall King

Greeting:

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 29th day of October at Stillmore, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein styled day & all Plaintiffs and of Green & John A. Stone and Defendants on the part of Harrells and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 25th day of October
A. D. 1854

Wm. C. Fletcher
Clerk.

The within named witness not found in my
county - (moved away) Nov 20th 1854

Wm H Timberlake

Marshal

Fee 10 cents

Direct Court
deposition County.
for term 1854.

Payable by at
of H Green & Son & Son

for Gift
Marshal Ding

30 day

COUNTY OF JEFFERSON.
The State of Missouri,

To *Samuel Williams and Abram Williams*

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our *Lincoln* Court for the
County aforesaid, on the *29th* day of *November* next
at *St. Louis*, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Paula Fay et al are Plaintiffs and
A. Green & Son are Defendants on the part
of *Marshall* and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said
Court, with the Seal thereof hereto affixed,
at office this *25th* day of *October*
A. D. 1854.

Wm. McKee
Clerk.

I Executed the within writ at the county of
Jefferson by London Williams and Shamm
Williams by reading the same in their presence
and hearing this the 14th day of November 1834
Augustine Wiley Sheriff

Winecut Bonds
for term 1834

Doyley say that
" " " " " "
of J Green & J Adams

for Defts

London Williams
Shamm Williams

3rd day

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Richardson and John Wilson

Greeting:

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 23^d day of November next 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 Anniah Woodruff et al. Plaintiffs and Philip Pickens et al. Defendant on the part of Defendants and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed, at office this 23^d day of October

A. D. 1854

John C. Wilson
Clerk.

I Executed the within writ at the county of Jefferson
on John Richardson and A B Willson by reading the
same in their presence and hearing this the 1st
day of November 1854

Augustine Wiley Sheriff

Circuit Court
Nov term 1854.

J Henderson et al
vs
Philip E. Klein

for debt
vs Richardson &
A B Willson

Sherriff's fees \$100.00

4th day

COUNTY OF JEFFERSON.

The State of Missouri,

To

William Whitwell, ~~Defendant~~

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our ~~Seignioral~~ Court for the County aforesaid, on the fourth at Whitlow, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein Bailey Stokes is Plaintiff and W. S. Green & R. Steiner are Defendants on the part of plaint and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,

at office this 29th day of March

A. D. 1854

Wm C Fletcher
Clerk.

I executed the within writs at County of
Jefferson on the 27th day of
December 1854, by reading within
their hearing
Oscar Dover Deft Sheriff

Circuit Court
Term 18

Henry Abat

vs
Greer & Stone

Sheriff's Fee \$1.00

COUNTY OF JEFFERSON.
The State of Missouri,
To the Jury We are

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Said Court for the
County aforesaid, on the 29th day of November 1854
at St. Louis, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Aspley Jay et al Plaintiff and
James J. Green and Jane R. Hume Defendant on the part
of Plaintiff and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said
Court, with the Seal thereof hereto affixed,
at office this 29 day of Nov.
A. D. 1854

Thos Fletcher
Clerk.
for Henry Sept

de Laureat Court.
Nov. Term 1854

People say et al
vs
Spec

Jane T. Beer and
Jno. H. Stone

for 10th
Ann Moore

John Williamson vs

I executed this spec on the within named
Ann Moore by reading the same in
her presence & hearing at the County
of Jefferson Nov 29th 1854

J. A. Williams

J. Williams fee 50

From to before me
this 24th day of Nov 1854 J. L. Johnston C. C. Justice

Felix Croone Alora

In Account with Estate

D-

To accruing Interest on Jameson's note, not accounted for	63.65
" " " " " " " "	19.12
" " " " " " " "	218.60
" " " " " " " "	106.02
" " " " " " " "	53.30
" " " " " " " "	44.10
" " " " " " " "	260.00
" " " " " " " "	36.38
" " " " " " " "	\$593.19
" " " " " " " "	240.00
" " " " " " " "	\$833.19

Almira Williams is entitled to $\frac{1}{4}$ of \$833.19. $\frac{1}{4}$ of \$833.19

Melita Fry is entitled to $\frac{1}{3}$ of 593.19, after deducting first share of Almira Williams $\frac{1}{3}$ of 593.19

B Fony & others

vs
J. J. Green & others

Personally appeared in open court Samuel J. Green who being duly sworn says that since the trial in this cause he has discovered that Felix Coome donee of Philip Coome has paid to Chambers and Knapp the sum of eleven dollars and that he paid to the ~~deputy~~ guardian of Almira Coome the sum of \$74.16 for which sum the said Felix Coome ^{has received} no credit.

That the secretors ~~are~~ who are defendants have no personal knowledge of what had been done in the estate and ^{until after} ~~before~~ the trial neither they nor their attorneys had any knowledge of said payments.

They believe also that he is entitled to a further credit for \$73 62 1/2 paid to Mrs Key and for which the ~~estate~~ ^{admiral} should be credited and they failed to prove it. They believe however that they will be able to find proof of its being paid if a new trial be granted. As to the two first mentioned items they have the receipts of the guardian James Moore whose record they can prove by Jas A Beal and also

the agent of Abolition and have the
 do ^{at} ^{the} ^{same} ^{time} ^{for} ^{the} ^{avoidance} ^{of} ^{the} ^{same} ^{evil}
 above mentioned can be as goodly kept down in the
 they therefore were for a new trial
 in the case for the purpose of avoiding
 than any of the above men heard
 newly discovered testimony
 Smith and described
 to before me Dec. 19 1834
 that Fletcher etc
 by & Henry de la

208.29
 -74.16

 134.13
 128 30

Payable by at
 as }

Saml. J. Green & Co R. Slave

Station for new, final

Filed Dec. 10 1854

Wm. B. Melcher
 for Ed. Honeysett

and it being admitted that the Court had received Credit for his settlement for the Chamber
strength receipt, and it appearing that the receipt of Mr. King was produced on the trial
and rejected for want of proof of its genuineness, the defendants offering no proof of
it

Bayles Fry et al
vs
S J Green & J R Stow

In the Circuit
Court Nov 7 1854
Jefferson County Mo

Be it remembered that on 1st day
of December 1854, the defendants filed
a motion for affidavit for a new trial in
the above Cause in words & figures (here
copy) which motion being heard the
plaintiff voluntarily remitted the amount
of the receipt of Alexander Moor Guardian
of Almira Coonce, wife of J Williams the
plaintiff, which receipt is in words & fig
ures (here copy order of Court & Receipt)
upon which motion being heard & the
plaintiff remitting the amount of the
receipt of 74th ~~th~~ the Court overruled
the motion for a new trial to which
opinion of the Court in overruling
the motion for a new trial & allowing
a remission of only the amount of the
receipt without interest from the
date of its payment in 1849, and
overruling said motion for the other
Causes set forth the defendants
objected & excepted & here tender their
bill of exceptions which is here
signed sealed & made a part of the
record

John A. Stone Dial

Bayley for shall
as
Greer & Howard

Bill of exceptions

Filed Dec 2nd 1834
The Clerk
Clerk

Bayles Fry & others

vs

J J Green & J R Stow

In the Circuit
Court of Jefferson
County Mo
Nov 7 1854

The defendants
come & move the court to sign
a bill of exceptions showing sim-
ply the fact that he filed a motion
& affidavit for a new trial in the
above cause without specifying
in the bill of exception the reasons
for overruling the same

Real atty for
defendants

They at all
Green & Stone

Filed Dec 20 1834
The Clerk
Cell