

Jefferson County Circuit Court
Case Files-Civil

Box 9 Folder 56

April 1858, No. 14

Martin, Rachel

vs.

Vinyard, Charles

Debt, account

Debt \$372.50 for yoke of oxen, for
work performed by plaintiff and her
sons John and James, and for boarding

Jefferson County October 19th 1855

Charles Tinsland vs

vs Rachel Martin for the use
of one yoke of Oxen from the 15th of
October to the 11th of January at one dollar
per day = \$10.00

July 1855 my son John works Elmer Davidson's place
per day = 11.00

3 nights at one dollar per night 3.00

July 10 commenced work for Charles Tinsland
and worked up to the 11th of September
at \$30 per month 40.00

March 20 1856 My son James commenced
work for Charles at \$10 per month and
worked to the 27th December 1856 90.00
for the use of Oliver and John for
hulling Rock 9 days at \$2.50 per day 22.50

Feb 1857 for the use of Oliver and Cant
Oliver Driver 3 1/2 days 7.50

April 1857 for the use of Oliver and Cant
and driver 3 1/2 7.50

March 1858 I commenced work in the
in the Shanty and worked 2 days
in every week for 5 months
at 50cts per day 20.00

for one coffee pot 1.00

for sewing for Kelling 00.50

for one Coffee Mill 00.75

for one weaving hoe 00.50

for Boarding and feeding two Beasts
men at \$50 a piece 100.00

\$372.50

Rachel Martin being duly sworn on oath
says that the above account and

The matters therein as stated she believes
to be true

Sworn to & Subscribed
before me March 19th
1858.

Elias J. Hoare, clerk

Rachel ^{her} Martin
mark

Rachel Martin
Cecilia J. Martin
Charles Martin

Rachel Martin Plaintiff

Against
Charles Vineyard Defendant

In the Circuit Court
of Jefferson County

Plaintiff states that the defendant owes
her three hundred and seventy two dollars
and fifty Cents for work and labor done
and performed, ^{for} and money advanced
and goods sold to the defendant by the
plaintiff the particulars of which will
appear by an account herewith filed
for which she asks judgment.

Piptin & Hagan
Attys for plaintiff.

Plaintiff being duly sworn on oath
states that the above petition and the matters
therein as stated she believes to be true,
Sworn to & subscribed
before me this 19th March } Rachel ^{her} Martin
1858

Elias F. Hooney Clerk

Rachel Martin Plaintiff
against
Charles Vinyard Defendant }

For the Circuit Court of Jef-
-ferson County

Plaintiff states that the Defendant owes
her three hundred and Seventy two dollars
and fifty cents for work and labour done
and performed for and money advanced
and goods sold & delivered to the defend-
-ant, by the plaintiff the particulars of which
will appear by an account herewith filed
for which she asks judgment,

Pipkin & Hagan
attys for. plaintiff

Plaintiff being duly sworn on oath states
that the above petition and the matters there-
in as stated she believes to be true
Sworn to & Subscribed

before me this 19th March } Rachel ^{her} Martin
1858. Elias J. Honey Clerk } _{mark}

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

Witness my hand and official
Seal. at office March 20 1858
Elias J. Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon *Charles Viryard*

----- if he be
found in your County, that he be and appear before the Hon.
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, on the fourth Monday of April
next, then and there to answer unto *Rachel Warner*

upon ~~her~~ original petition, a copy whereof is herunto annexed and
accompanies this writ--and have you then there this writ.

Elias J. Honey
Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this *Twenteth*
day of *March* A. D. 1858

Elias J. Honey

CLERK CIRCUIT COURT.

I Executed the within writ at the County of Jefferson on
the 30th day of March 1858 by delivering to Charles Vineyard
a true copy of the within writ and the annexed petition (as furnished
by the Clerk)
Augustine Wiley Sheriff

W^o / 4.

Co. Circuit Court

April Term 1858

1682

vs Rachel Martin

vs J. Swannons

Charles Vineyard

Chad

Sheriff fees \$1.00

Filed April 12th 1858

Elias J. Henley clk

Rachel Martin, plaintiff } In the Circuit
Against } Court Jefferson
Charles Vinyard, defendant } County.

Defendant, in answer to plaintiff's petition, denies that he owes plaintiff the sum of three hundred and seventy two dollars and fifty cents, or any part of it, for work, and labor done and performed, or for money advanced, or goods sold and delivered to Defendant by Plaintiff; and denies that plaintiff ought to recover any thing whatever for any thing alleged in said petition.

And for further answer, Defendant, says, in regard to Plaintiff's bill of particulars filed, that the charge against him, for the use of Plaintiff's oxen from 13th of October to 11th January 1833, amounting to \$70.00, is not just, nor any part of it. He says that plaintiff, ^{having} nothing to feed them with that winter, got Defendant to keep them, as a matter of favor, and not for hire, plaintiff having the use of them occasionally herself during the time, as well as Defendant, and that he was to have the use of ^{said oxen} that winter for ^{keeping} keeping them, ^{which he did,} and therefore he owes her nothing on that score.

Defendant denies that Plaintiff's son, John, worked for him 11 days in July 1833, at \$1. per day, or two nights at \$1. per night, or from July the 10th to September 11th 1833, at \$20. per month. He worked for Defendant during that time, in all, less than one month, at \$8. per month; and his work was afterwards fully settled and paid for by Defendant, - thus, in a settlement made with Plaintiff,

on the 10th of August 1833, she paid \$7.46⁰⁰,
in Defendant's debt, which was afterwards
balanced by John's work done in August and
the first part of September, ¹⁸³³ so that he denies
owing plaintiff any part of said three items
for John's work. The charge of \$90.⁰⁰
for James' work is not just nor any part
of it. He worked but ~~about~~ ^{four months & most} ~~at~~ ⁱⁿ \$5. per
month ~~instead of~~ \$10, amounting to ~~over~~ \$30.⁰⁰ in
all, and this amount has been fully settled
and paid for, by goods, groceries, and money
paid to Plaintiff by Defendant.

Defendant denies that he owes plaintiff
\$22.30 or any part of it, for the use of plain-
tiff's ^{oxen} and John, for hauling 9 days in 1836.
He denies this charge in toto, no part of
said work was ever done.

The charge of \$7.30 for the use of oxen,
Cart, & driver, in 1837, is not correct, - said
work amounted to only \$3.00, which has
been settled and paid for; and Defendant
therefore owes no part of said charge of \$7.30.

The charge of \$7.75 for the use of oxen Cart
and Driver in April 1837, is totally untrue.
The charge for plaintiff's work in 1837, of 2 days
in each week for five months, at 30 cents a
day, is untrue. Defendant denies that he
ever hired her to work at all, or that she
did the work as charged, or any part of it.
She voluntarily came to the Shanty where
Defendant's wife was at work, during the
time stated, and helped her an hour or two
in a day in order to beg some thing to eat,
and for such gratuitous services, Defendant

wife loaded her down heavily with provisions every time she thus came and went away, giving her, at each time at least twice as much as her services were worth - amounting, in the whole, to not less than a hundred dollars worth of provisions thus given by Defendant's wife to plaintiff. so, Defendant owes her nothing on this charge. Defendant denies owing plaintiff \$1.30 or any amount whatever, for a coffee mill and boiler. And denies owing her anything for her sewing for Kelly, - or for a wedding hoe. Those charges are all false.

Plaintiff's charge for board & attention to two burnt men, is absolutely false. She kept them for Defendant only two weeks, at \$3.00 a week by agreement, amounting to ten dollars, which Defendant paid her for. He never engaged her to keep them any longer than the two weeks, - and told her then, he would not be responsible for their boarding any longer. He says therefore, he owes plaintiff nothing on this charge.

Defendant further states, that on the 10th day of September 1833, he made a full and complete settlement with Plaintiff, of all accounts and demands existing between them; and that by said settlement, plaintiff fell in debt to Defendant \$3.17 cents, which she has never yet paid.

Defendant, for further answer, states that, since making said last settlement, that is, in the years 1836, & 1837, he sold and delivered to Plaintiff, at divers times, goods, groceries, meats, and provisions, amounting

in the whole, together with ^{the amount} due him at said settlement, and including the hire of a cart to plaintiff, to the sum of ninety dollars and forty one cents. All of which will fully appear by a Bill of particulars here with filed. By which it will appear that, after giving Plaintiff credit for Jannet's work and all other items of account since said settlement, she is indebted to Defendant in the sum of Fifty two dollars & 41 cents.

Defendant therefore, by way of counter claim, says that, when this action was commenced the Plaintiff was and still is, indebted to him in the sum of \$90.41⁰⁰, on the account aforesaid, and he here offers to set off, against any amount that may be due Plaintiff, an amount of said claim equal thereto; and he says that, after setting ^{off} said amount as above stated, the plaintiff is indebted to him in the sum of fifty two dollars and forty one cents, and for which he asks judgment against the Plaintiff.

} Horner Green
Attorney for Defendant

Charles Vinyard, defendant, makes ^{oath} and says the above. Sworn and the matters therein as stated he believes to be true.

Sworn to and Subscribed Chas^{rs} Vinyard
before me April 28th
1858. Elias J Honey Clerk

In Circuit Court
Jefferson County
Rachel Martin
vs.
Charles Dwyer
Plaintiff of
Defendant

Filed April 30th 1858
Geo. D. Henry
Clerk

$\frac{1}{25}$
3866 Caucis Pond

Rachel Martin, plff, }
vs, } In Circuit Court
Charles Vinyard, defl, } Jefferson County

The Defendant moves the Court
to rule the Plaintiff in the above cause
to give security for the costs in said cause
for the following reasons.

1st Because she has no property sub-
ject to the process of law and is
unable to pay costs.

} Abner Green
} Atty for Defendant

In Cui, Court
Jefferson Co,

Rachael Mantlin

vs,

John P. Bringham

Prothon
for Costs

Dated April 26th 1858

Edw. Henry
Clerk

Recorded April 27th 1858

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Richard White Julia White*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Personal* Court for the County aforesaid, on the *Tenth day of June* 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 *Rachel Hearlins* Plaintiff and *Lehat Livingston* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

17th day of *May* A. D. 185*9*

Elias F. Honey

Clerk.

I executed the within writ in the County
of Jefferson State of Mo on Richard White
& Julia White by leaving them A true copy
of the spec at their place of residence with
A free white person over the age of fifteen
years on the 4th day of June 1859

Bonaparte Dover

To Circuit Court
June Term 1859

Rachel Martin

¹⁰
Chas Verigard

for pay

Richard White

Julia White

sheriff fee \$ 1.00

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Maise Vinyard, John Vinyard, ~~John~~ and*
Yard (Sons of John), Wm. Harrier, & J. Woolley
GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Severed* Court for the County aforesaid, on the

10th day of June 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 *Rachel Hearlin* Plaintiff and *John Vinyard* Defendant on the part of *Plaintiffs* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

17th day of *May* A. D. 185 *9*

Elias F. Honey

Clerk,

To Lincoln's Death
June June 1859

Rachel Wheaton

Chas. Vineyard

for PPH

have Vineyard

has Vineyard for

the Vineyard 30

Wm. H. H. H.

L. J. G. G.

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Marq. Martin* *husband* *of* *Martha* *his*
Residence *Rich Hill* *State* *Miss*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Seised* Court for the County aforesaid, on the

10th *day* of *June* *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 *Rachel Martin*

Plaintiff and *Reba Morgan* Defendant on the

part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

17 day of *May* A. D. 185*9*
Elias F. Honey
Clerk.

Leicester Court
New Term 1859

Rachel Martin

^{vs}
Geo. Young and

for Dts

Marg. Martin
his estate

his estate
vs
Moses Cohen

Red^d White

John White

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Michael Lynch, Isaac Bergard, John Bergard*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Deicad* Court for the County aforesaid, on the *North Monday of June 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 *Rachel Maarten is* Plaintiff and *Chas Bergard* Defendant on the part of *Defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

18th day of *May* A. D. 185*9*
Elias F. Honey
Clerk.

I executed the within *Ipa* in the County of
Jefferson, State of Missouri on Michael Lynch
& John Vinyard by reading it within their presence
and hearing on the 1st day of June 1859
Oscar Dover Sheriff

To Circuit Court
June Term 1859

Rachel Martin

vs.
Chas. Vinyard

for debt
Mr. Lynch

vs Vinyard
John Vinyard
Sheriff fee \$ 1.00

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Michael Lynch Her Husband Henry Vinyard*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Justice* Court for the County aforesaid, on the

10 day of June 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 *Rachel Wheaton* is Plaintiff and *Chas Vinyard* is Defendant on the part of *Defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

26th day of *May* A. D. 185*9*

Elias F. Honey

Clerk.

J. Circuit Court
June Term 1859

Rachel Martin

Chas Vinyard

Michael Lynch

Wm Vinyard

Levy Vinyard

Sheriff fee \$ 1.00

I executed the within ~~Spa~~ in the in the County
of Jefferson State of Missouri on Michael Lynch
& Wm Vinyard by reading the same within
their presence and hearing on the 1st day of
June 1859 Oscar Dover Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Merchael Lynch*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Justice* Court for the County aforesaid, on the

28th day of June 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 *Rachel McArthur* Plaintiff and *Leban Livingston* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

28th day of *May* A. D. 1859
Elias F. Honey
Clerk.

Le Bonnet Court
June Term 1879

Rachel Wheaton

"
Chas. W. W. W.

By W. H. W.
Michael W. W.

R. Martin }
v. } Civil action
E. Vineyard }

Now at this day comes
the Plaintiff moves the Court to
strike out the following items
in Defendant's answer to wit

"Acct from Ledger A" \$5.17

"Acct from page 35 Ledger B" 11.41

Because these items are not sufficiently
stated.

Pipkin & Thomas
Attys for Plff

R. Martin

Esq.

To Vineyard

Wishon to strike
but post dependent
Answer

Weld June 6th 1859
Geo J. Harvey
Chick

Just turned down to answer
by mail of 18th of June

Rachel Martin
vs
Charles Bringham

The Defendant asks the Court to instruct the jury as follows,

1- The account of the Defendant filed in the above cause, not being denied by the pleadings, is to be taken as admitted by plaintiff, and needs no proof,

2- The settlement made in September 1836, is ~~conclusive~~ ^{conclusive} of the contents of the account of the funds up to that date, unless it was procured by fraud, or some other material mistake,

3- ~~The Defendant is entitled to~~

J. H. Mayo

