

Jefferson County Circuit Court
Case File - Civil

Box

15

Folio

19

December 1863

State ex rel

Graham, John

Graham, Virginia

Graham, William

Graham, Caroline

vs

Vinyard, Christian

Perkins, George F.

Armstrong, Dennis

Administrators bond

Defendant failed to pay plaintiffs
\$147.24 as heirs of Priscilla Hall

Know all men by these presents that Christian Vineyard as prin-
cipal and we George F. Perkins and Dennis Armstrong as securities, are
held and firmly bound unto the State of Missouri, in the full and just sum
of Two hundred and fifty dollars, to the payment whereof well and truly
to be made, we bind ourselves, our heirs executors and administrators
and assigns, jointly and severally firmly by these presents. Sealed
with our Seal and dated Hillsboro, this fifth day of May 1848.

The condition of the above bond is That if Christian Vineyard
administrator of the estate of Priscilla Hull deceased, shall faithfully
administer said estate, account for, pay and deliver all money and
property of said Estate, and perform all other things touching such
administration required by law or the order of any court having
jurisdiction, then the above bond to be void, otherwise to remain in
full force.

Attest, J. H. Alford Clk.

Recorded 30th June 1848

J. H. Alford Clk.

Christian Vineyard Seal
George F. Perkins Seal
Dennis Armstrong Seal



I, J. H. Alford Clerk of the County Court of Jeff. Co. Mo hereby certify
that the above is a true copy of the bond of Christian Vineyard, as
Administrator of Priscilla Hull deceased, as recorded in my office.

In testimony whereof, I hereunto set my hand and affix
the Seal of said Court, this 2nd day of November 1863.

J. H. Alford Clerk, Co. Cl.
Jen. P. M. Mullin Dpty.

Filed Nov 3rd 1863
Elias J. Corley
Clerk

S. H. Rappley Clerk. fee \$.50



The State of Missouri, to the
use of John Graham, Virginia
Graham, William Graham,
and Caroline Graham, — Plaintiff.

Against
Christian Vinyard,
George F. Perkins, and
Dennis Armstrong — Defendants,
In the Circuit Court
of Jefferson County Missouri

The Plaintiff to the use of John Graham, Virginia Graham, William Graham, and Caroline Graham, Children and heirs of Priscilla Hull, deceased, states that on the 5th day of May 1848, the said Christian Vinyard was appointed by the County Court of said Jefferson County, Administrator of the Estate of Priscilla Hull, deceased, and that said Christian Vinyard, as principal, and George F. Perkins and Dennis Armstrong, as his securities, executed on the said day their Bond, under their hands and seals, to the State of Missouri, whereby they bound themselves to pay to said State the sum of two hundred and fifty dollars, if the said Christian Vinyard as such Administrator should fail in the Condition of said Bond, which Condition is in words and figures as follows:
"The Condition of the above Bond is, that if Christian Vinyard, Administrator of the Estate of Priscilla Hull, 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 jurisdiction, then the above bond to be void, otherwise to remain in full force." Which said Bond was approved by the County Court of said County; and the said Christian Vinyard took in charge the said Estate of Priscilla Hull, deceased.

And the Plaintiff to the use aforesaid alleges that the said Christian Vinyard did not faithfully administer said Estate according to law, but that he committed a breach of said Bond and the Condition thereof, - in this, that, at his last settlement of said Estate, made in the County Court of said County at the September Term 1837 thereof there was a balance of assets in his hands belonging to said Estate, amounting to one hundred and forty seven dollars and twenty four Cents, which was justly due to the Heirs of said Priscilla Hull, as all the debts allowed against said Estate, (except a small allowance in favor of Doct. McCallion ^{of \$34.⁰⁰}) had been paid, and said Administrator was therefore legally bound to pay over and distribute the balance of this sum, (after paying said McCallion's allowance,) to the said Heirs; - but this, he utterly failed to do; and so, Plaintiff to the use aforesaid, avers that the said Christian Vinyard, as such Administrator did not account for, pay over, and distribute

and the order of said County Court,
said money as required by law, By
reason whereof an action has accrued to
Plaintiff upon the Bond aforesaid of the
Defendants, for the sum of two hundred
and fifty dollars, for the use of the heirs
of Priscilla Bull aforesaid, Which said heirs,
Plaintiff avers, were at the time their cause
of action for the money aforesaid, accrued,
within the age of twenty one years, And
Plaintiff avers that it has not been ten
years, nor seven years, since their disability
to sue by reason of infancy has been removed,
And Plaintiff further avers that this action
has been commenced within one year from
the time said Heirs suffered a non suit, in
an action brought by them in November
1859, in the County Court of said County, for
their distributive share of said Estate; and
that they are not therefore barred from maintain-
ing this action by reason of any law of limitation.

Plaintiff therefore to the use of said Heirs
asks judgment on said Bond for the sum
of two hundred and fifty dollars, - and that
Plaintiff have execution against Defendants
for the use of said Heirs, for the damages
sustained by reason of the aforesaid breaches
of said Bond, for one hundred & forty seven
dollars & 24 Cents, and interest thereon from the
17th day of September 1851,

A copy of said Bond is herewith filed, and
the said Settlement & order of said Court, are made ex-
hibits in this action. — A. Green & J. L. Thomas
Attorneys for plaintiff,

Alfred Green, Attorney for Plaintiff makes oath
 and says the above petition and the matters therein
 as stated he believes to be true. Alfred Green
 Atty. for Def.

Signed and Subscribed
 before me Nov 30 1863

Oliver J. Kearney Clerk



In Circuit Court
 Jefferson County

The State to the use

of John Graham &

others, vs.,

Christiana Brinkard

Geo. H. Perkins &

David Stinson

Petition

on account of and

Notaminous

issue. Green & Thomas

for被告

Filed Nov 30 1863

Oliver J. Kearney

Clerk

aff'd 10d
 Copy for the State 175-
 Court of Sessions 175-
 Sheriff 175-
 Clerk 175-
 County Jail 175-
 and 100-
 100-
 25-
 15-
 25-
 and
 aff'd
 and

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *Christian Vinyard*
George P. Perkins and *Samuel Arm*
Strong

if they be found in your County, that they
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 second Monday after the fourth
Monday of *November* next, then, and there to answer unto
John Graham, Virginia Graham, William
Graham and Caroline Graham

upon *their* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Third*
day of *November* A. D. 1863

Elias F. Honey
Clerk Circuit Court.



TO JEFFERSON CIRCUIT COURT

2479

December Term, 1863

The State vs they are

John Graham

Virginia Graham

Wm Graham

Caroline Graham

vs. Summons

Christa Vinyard

Geo. H. Perkins

Dennis Armstrong

Amount \$2,50

Chd

I Executed this writ at the county of Jefferson
State of Missouri on the 12th day of November
1863 on Christa Vinyard by delivering to him a
true copy of this writ and annexed petitions as
furnished me by the clerk he being the first
served, and I further executed this writ on Geo.
H. Perkins by delivering to him a true copy
of this writ, this 12th day of November 1863
the within named Dennis Armstrong not found
in my county this 26th day of November 1863
Jerome B. Deven Sheriff

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *Christian Viryard*
George J. Perkins and *Dennis Armstrong*

if they be found in your County, that they
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 second Monday after the fourth
Monday of *November* next, then and there to answer unto
the State of Missouri to the use of
John Graham, Virginia Graham,
William Graham and Cardene Graham

upon *their* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.



Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Third*
day of *November* A. D. 18 *63*

Elias F. Honey

Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

Alexander Jan'y, 1863

pro Graham & Co

Robert Thompson
& Co

The State of Missouri
to the use of John Graham,
Virginia Graham
William & Caroline Graham
against
Christian Vinyard & others

In the Circuit Court
of Jefferson County
Missouri

The defendant George F. Perkins for his separate answer, states that on the same day but after the settlement of Christian Vinyard before the County Court of Jefferson County, the said County Court did on the 17th day of September 1851, revoke the letters of administration of Christian Vinyard administrator of the Estate of Priscilla Hall, which revocation was not appealed from but remained in full force to the present time. ~~Plaintiff~~ Defendant charges that this revocation of the letters of administration of Vinyard upon said Estate of Priscilla Hall, took away from said County Court all further jurisdiction of the Court over the administration of said Estate.

This defendant states that plaintiffs did not commence suit against ^{Christian Vinyard} and his securities or either of them, on the bond of said Vinyard for the breach alleged in petition or for any cause ^{of action} pertaining to the Estate within seven years after the revocation of the letters of administration of said Vinyard admin. of Priscilla Hall, at the September Term of said Court 1851, for which reason the ~~defendant~~ states that the plaintiffs cause of action did not accrue within seven years before the commencement of this suit, or the suit charged to have been commenced in Nov

in 1859, after revocation in Sept 1851 of the
letters of administration aforesaid and plaintiffs
are forever barred by limitations and ought not
to have or maintain their said action

Defendant denies that he is liable for said
Vinyard not paying over and distributing said sum
or balance due at the September Term 1851, charged
in petition as a breach of the bond and therefore
denies that that an action has accrued to plaintiffs
for \$250 as charged,

Defendant denies that plaintiffs or any
of them are or were laboring under disabilities
as charged in plaintiffs petition and denies
that when the cause of action accrued they
were under 21 years of age but states the fact,
to be, that plaintiffs have been of age many
years & capable of suing as adults and are
barred by the statute of limitations from suing
on said bond and were so barred before November
1859

Defendant denies that any ^{suit} ~~action~~ for the
same cause of action as that in petition
of plaintiffs was brought in November 1859,
in the County Court of Jefferson County Mo

Defendant denies that the County Court of said
County had in November 1859 any jurisdiction
over Christian Vinyard or his securities and
charges that the proceedings in said County
Court on which a non suit was afterwards
taken, were ~~not~~ the same cause of action
breach of the bond and condition as charged
in petition of plaintiffs in the present suit
but ^{an} ~~different~~ from the present breach of said bond.

Defendant denies all knowledge or information sufficient to form a belief as to the charge in petition that all the debts of the Estate of Priscilla Hull are paid & that the heirs are entitled to the assets.

Defendant denies that Vineyard admin of Priscilla Hull committed any breach of said bond within five years next before the commencement of this suit or any proceedings in the County Court in 1859 for the same breaches charged in petition for said Vineyard not & accounting for paying over and distributing the balance due from said Vineyard as admin of Priscilla Hull at the September Term 1851.

Defendant states that plaintiffs did not commence suit against ^{said Vineyard and his securities} "within five years after breach of said bond and the condition thereof" by said Vineyard for not paying over, accounting for, and distributing the balance due at his settlement in Sept 1851, and within ~~five~~ ^{the} time prescribed after ^{their} disabilities were removed and defendant denies that plaintiffs are or were laboring under disabilities within five years after breach of said bond as charged. For which reasons defendant states that plaintiffs are barred by the statute of limitations of five years and are not entitled to have and maintain their said action & barred of any relief.

George F. Perkins by Real Atty

George F. Perkins states on oath that the foregoing answer & the matters therein as stated he believes to be true
Subscribed & sworn to before
me ^{the} ~~5th~~ ^{the} April 1864
Elias J. Hoovey Clerk } George F. Perkins

State to use of John
Graham & others

vs

Christianburg and

Deceit of Deceit

Filed Nov. 4th 1864

Edw. J. Hooley
Deputy

The State of Missouri to the use
of John Graham, Virginia
Graham, William Graham
and Caroline Graham Plaintiffs

Against
Christian Vinyard
George D Perkins and
Dennis Armstrong Defendants.

In the Circuit Court of Jefferson
County Missouri

The Plaintiff to the use of John Graham, Virginia Graham, William Graham, and Caroline Graham, children and heirs of Priscilla Hull, deceased, States that on the 5th day of May 1848, the said Christian Vinyard was appointed by the County Court of said Jefferson County Administrator of the Estate of Priscilla Hull deceased, and that said Christian Vinyard as principal and George D Perkins and Dennis Armstrong as his Securities executed on the said day their Bond, under their hands and seals to the State of Missouri whereby they bound themselves to pay to said State, the sum of two hundred and fifty dollars, if the said Christian Vinyard as such Administrator shall fail in the condition of said Bond, which condition is in words and figures as follows. "The Condition of the above Bond is that if Christian Vinyard administrator of the Estate of Priscilla

breaches of said Bond, for One hundred & forty
Seven dollars & 24 cents, and interest thereon
from the 17th day of September 1851. A
copy of said Bond is herewith filed and
the said Settlement & order of said Court are
made exhibits in this action

A. Green & J. L. Thomas

Attorneys for Plaintiffs

Abner Green Attorney for Plaintiffs. makes
oath and says the above petition and the
matters therein as stated he believes to be true
Signed and Subscribed

before me Nov. 3^d 1863

Elias F. Honey Clerk } A. Green
Atty for Plff.

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

Witness my hand and the seal
of said Court, April 14th 1864

Elias F. Honey Clerk



The State of Missouri, } ss.
COUNTY OF JEFFERSON.

Franklin

Go the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon *Dennis Armstrong*

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 second
Monday after the fourth Monday of *May*
next, then and there to answer unto *The State of Missouri*
to the use of John Graham, Virginia Graham
William Graham and Caroline Graham

upon *their* original petition, a copy whereof is hereunto annexed and
accompanies this writ, and have you then there this writ.



Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this *fourteenth*
day of *April* A. D. 1864

Elias F. Honey

Clerk Circuit Court.

The State of Missouri
to the use of
John Graham &
others

vs
Dummons

Dummons Administrator.

Copies of petition &
order for defendant

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

Franklin
To the Sheriff of the County of ~~Jefferson~~ Greeting:

We command you, that you summon *Dennis Armstrong*

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 second Monday after the fourth
Monday of May ————— next, then and there to answer unto
The State of Missouri, to the use of John
Graham, Virginia Graham, William
Graham and Caroline Graham

upon *their* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *fourteenth*
day of *April* A. D. 1864

Elias F. Honey
Clerk Circuit Court.



TO JEFFERSON CIRCUIT COURT

Found Jan'y, 1864

The State of Missouri
to the use of
John Breckinridge &
others
vs. J. Buchanan and
Dennis Brentnory



To the Judge of the Circuit Court of Jefferson County Mo.

We have not authorized Thomas Green also John & Thomas to bring suit for us in said Circuit Court against Christiana Virginia, George & Perkins and Dennis Armstrong

Nov 17 1863

Witness

L. A. ^{do} ^{mark} Politt

M. Wm Perkins

Caroline ^{do} ^{mark} Graham

Virginia Ann ^{do} ^{mark} Graham

Witness Andrew. M. S.

State to use Graham
etal

vs

Christian vinyard
Peckus & Landing

Caroline Graham &
Virginia Graham

Filed June 8th 1864
E. J. Honey clk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

John W. Evans

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 *18th day of May 1864* 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

the estate of Mary Ann Evans

Plaintiff and

George Perkins 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

27th

day of

March A. D. 1864

E. F. Honey
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866

State to use of
Wm Graham

vs
George Perkins

Witness for Defendant

May
Doct Evans

Fletcher Sheriff

*I do certify the within is as in the County
of Jefferson the same as the 1st day of May 1866
by reading the same to him*

Wm Graham
Doct Evans

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI

To *Alfred Mitchell Alfred Simpson & Martha Polite*

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 *18th* day of *May* *1866* 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 *the State of Missouri & the use of John Graham is* Plaintiff and *John Graham is* Defendant

Defendant on the part of

Plaintiff's

and herein you are in no wise to fail.

WITNESS,

St. Louis

Clerk of our said Court,

with the Seal thereof hereunto affixed, at office, this *23* day of *April* A. D. 186*6*

Samuel St. Louis
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866

State to use of
John Graham
vs
George Perkins

Witnesses for Plaintiff

Alfred Mitchell
Alfred Vinyard &
Martha Polite

Sheriff su

150

Alfred Mitchell Sheriff
By John Vinyard Deft

Executed the within subpoena at the County
Jefferson Missouri on the 3rd day of May 1866
on Martha Polite and Alfred Vinyard
and Alfred Mitchell they reaching in
their presence and hearing

COUNTY OF JEFFERSON,

The State of Missouri,

To *Al Mitchell, Alfred Wingard*
Martha Pelt

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 *7th 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

Estate of Missouri to use of John Graham
Plaintiff, and

George Perkins
Defendant on the part of *Plaintiff*

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the seal thereof hereto affixed, at office, this

25th day of *September* A. D. 186*6*

Samuel A. Reppy Clerk.

Presented the within
writ in the Township
of Valle in Jefferson
County Mo on the
30 Day of October 1866
by reading the same
in the presence and hear-
ing of Alfred Vinyard
Martha Polite and
the
within named
Rudolph Washburn
Fees Cans of Valle
Township

SUBPENA.

TO

Jefferson Circuit Court

..... November Term, 1866.

State of Missouri to
use of John Graham
vs
George Perkins

Witnesses for Plff.

15 A Mitchell &
Alfred Vinyard
Martha Polite

Hecker
Sheriff fee 150

The State to the use of
 John Graham et al }
 vs
 George Perkins
 et al. }

Alfred Vineyard being sworn in
 the above entitled cause on the part of
 the Plaintiff on the 7th day of November
 1866, by consent of parties deposes &
 says that he is acquainted with John
 Graham, the party to whose use this
 suit is brought as also his brothers &
 sisters - He had one brother & two sisters.
 They were children of W^m Graham ~~whose~~
 wife was a daughter of Christian Vineyard
 W^m Graham's wife's name was Priscilla.
 John Graham is now about between 27 & 29
 years of age. He had known him ever
 since he was a child. To the best of his
 knowledge he thinks he is 28, but may
 be 29 years of age at this time.
 John Graham was the son of Priscilla Graham
 who after the death of her first husband
 married one - Hull - Priscilla
 Hull has been dead many years. The
 brother & sisters are supposed to be alive.
 Alfred ^{his} Vineyard
 mark

We agree that the above statement
of Alfred Inezard may be read in
the above entitled cause without
objection. Nov. 7th 1866.

Wm. D. Green

for Plff

J. A. Deal Atty
for Defendant

Note to use of Graham

2

George Perkins,

deposition of L. D.

Inezard.