

Jefferson County Circuit Court
Case Files - Civil

Box 24 Folder 57

November 1869, No. 325

Cady, Augustus F,
vs.

Cady, Derastus K.

Debt, note

Debt \$400, defendant filed \$328.46
set-off account for cash paid



\$ 400.00

Wm. D. Smith, July 10. 1868

One year after date for
Reduction of Premiums
to 25% each in the case of
Mortgagee's death with
interest at the rate of 10% per
cent from date until paid
J. H. Smith, Cashier

Augustus F. Cady Plaintiff

vs

Orrestus K. Cady Defendant

In the Circuit Court
of Jefferson County
Jefferson County

State of Missouri

November Term 1869

Plaintiff states that Orrestus K. Cady
the defendant in the above entitled
cause, at Desoto on the 10th day of
July 1868, made and delivered to the
Plaintiff his promissory note of that
date whereby one year after date for
value received he, the said defendant
promised to pay A. F. Cady the
Plaintiff or bearer Four Thousand
dollars, with interest at the rate of
ten per cent from date until paid.
That said note is past due and
remains unpaid, and the Plaintiff
is the legal owner and holder of
said note; Wherefore Plaintiff sues
and asks judgment on said note
(which is hereto attached & filed and
marked "A") against said defendant
for said sum of Four Thousand
dollars and for interest and cost

Augustus F. Cady

By Leonard & Brown
his Atty

In Circuit Court
Jefferson County, Missouri

Augustus F Cady
vs

Derastus K Cady

Sent on note -

Leonard & Brown
Atty for Plff

Judged any 20th 1869.
E. F. Honey C.D.

done in

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

Orastus R. Cady

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 *7th* Monday after the
fourth Monday of *September* next, then and there to answer unto

Augustus F. Cady

upon *his* 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 hereunto affixed at office in Hillsboro, this

20th day of *August* A.D. 1869

Elias F. Honey
Clerk Circuit Court

By *L. H. H.*

No 325

TO *2709*
JEFFERSON CIRCUIT COURT.

Nov. Term, 1869.

W. F. Cady

vs} summons

D. K. Cady

(original)

\$3.00 Paid by Plaintiff)

The within was Served this 30 Day of Aug
being a copy of the Writ and the within Petition

A. D. 1869 in Jefferson County Missouri, by deliv-

(as furnished to me by the Clerk of the
Court and heard) to the within named Defendant J. N. Early

For Plaintiff or Answer
for Fred Holmbeck Deputy

fees \$ 1.00

Augustus F. Leach, Plaintiff
2
Dorothea R. Leach, Defendant } In the Jefferson
Circuit Court.

Now at this day comes said Defendant
and for answer to the petition of the Plaintiff ~~Leach~~ admits that he executed the
note described in said petition but he
denies that there was any consideration
for the same. He over, that the
~~Defendant~~ Plaintiff never paid him
one cent as a consideration for said
note and it is therefore of no effect.
Defendant for further answer states
that the Plaintiff is indebted to him
in the sum of three hundred and
twenty eight $\frac{46}{100}$ dollars for cash advanced
to him, for goods, wares and merchandise
and provisions furnished the
Plaintiff, the particulars of all which
with the credit thereon will more fully
appear by a bill of items herewith filed.
Defendant asks judgment for three
hundred and twenty eight $\frac{46}{100}$ dollars
and for other proper relief.

J. L. Thomas
Atty for Defendant.

Oct	23	To Cash	1 25	
"	25	To Groceries at B Cokey	1 11	
"	26	" Copper	1 11	
"	28	Cash	25	
Nov	4	"	1 25	
"	5	To Paid for Turnips	38	
"	7	To Cash for Augusta	1 11	44 53
"	8	To 3 1/2 lb Butter	1 46	
"	"	To 1 pair Boots at Rankin & Donnelly	6 00	
"	11	To Cash	4 00	
"	15	To Cash	1 25	
"	16	To Paid for Lard	1 00	
"	18	To Cash	1 50	
"	22	To Cash	50	
"	23	To Cash	1 25	
"	25	To " To Mrs Rae	25	
"	26	To Cash for Augusta	50	
"	28	To Cash	25	
"	29	To Cash for Augusta	1 00	
Dec	2	To Pd for Revenue Stamp	25	
"	"	To Cash	10	
Dec	6	To Cash To Buy Flour	5 00	
"	11	To " For Augusta	25	
"	12	To Cash	50	
"	"	To Paid Baker Board	3 00	
"	13	To order on Davis Store	5 11	
"	19	To Cash	50	

1867. A. F. Cooley
in yr with D. H. Cooley

July	3	To	Paid for meat	35
"	4	"	" " Berries	25
"	5	"	" " Greens	843
"	27	"	" " Apples	511
"	"	To	Cash & wife	200
"	31	"	" " " "	500
"	"	To	Paid for Berries	50
August	6	To	Cash & wife	100
"	15	To	Cash Self	62
"	16	To	" " "	511
Sept	7	To	Cash	69
"	"	"	" "	200
"	8	"	" "	55
"	"	To	Paid for Beef	25
"	14	To	Paid for Sugar	210
"	21	To	Cash	25
"	27	"	" "	110
Oct	1	"	" "	100
"	2	"	" "	35
"	3	To	Freight on Box for St Louis	150
"	"	To	Cash	300
"	7	To	" "	150
"	9	"	" "	40
"	11	"	" "	250
"	20	"	" "	150
"	21	"	" "	20
"	23	To	Oil Can	75

Dec	23	To Cash	65	
"	25	To Cash for Augusta	50	
"	26	" " Self	15	
"	27	" "	50	
"	30	" "	50	
1868				
Jan	1	To Cash	1 00	
"	2	To Wm on J. J. Jones ^{To H. Posten}	2 00	
"	3	To Paid Pope for Drury Road	1 50	
"	4	To Goods To Davis	4 30	
"	6	To Cash Self	1 00	
"	7	" " "	50	
"	11	To Paid for Coffee	1 00	
"	25	To Cash	2 00	-
Feb	3	To Cash for Augusta	2 00	51 16
"	11	To Cash Self	2 00	
"	"	To Commission on Road Sale	28 75	
"	"	To Commission on Breed Land	17 50	
"	"	To Paid his Hoff & License	5 00	
"	20	To Cash to Cornhill	5 00	
"	"	To Paid Euler for Flour	2 10	
"	"	To Bottom on Bucket	20	
March	3	To Cash to Cornhill	14 10	
"	"	To Paid Beorg ^{Tailor}	6 75	
"	9	To Paid Beitts ^{Victor} for	12 02	
"	"	To Paid Subscription for The Dead	1 00	
"	14	To 4 Cards Road to St. Colum	12 00	
"	15	To Paid Ballou St. early for	4 80	
"	16	To 1/2 Cards Road	1 50	
"	"	To Paid for Blends	1 35	

Agost 70 Paid C Johnson
 the 111 70 " in a South St
 " " 70 Paid Direct Purchase
 " 11 70 " at 2 each
 " " 70 " Thomas Smith

17 00	
100 00	
4 50	
100 00	
1 50	
337 77	
<u>8</u>	<u>433 46</u>

1867
~~July~~ 6 By Cash
 July 6 " "

100 00
<u>5 00</u>
105 00

A. F. Cady

2

D. H. Cady

Answer.

Filed Nov. 16th 1869
Elias F. Kiersey

Augustus K. Ledy
Plff

vs

Sherman K. Ledy
Def

In Jefferson Circuit
Court -

November Term

A.D. 1869 -

The plaintiff in reply to the defendant's answer states that the note admitted to have been made by the defendant and delivered to plaintiff in the above entitled cause was given to the plaintiff by the defendant for good and valuable consideration - And the plaintiff further replying to the answer of the above named defendant denies that he is indebted to the defendant in the sum of three hundred and twenty eight dollars & forty cents, or any other sum for cash ~~lender~~ advanced to him for goods, wares, and merchandize and provisions furnished him - or that he owes the defendant any sum ^{for any} article or item upon the bill of particulars filed and attached to defendant's answer or that he is in any way or manner indebted to the defendant therein. Wherefore he demands judgment for said note and interest -

Lionel & Brown

Attys for Plff

A. F. Leady
D. K. Leady

— " —
Reply

Filed Nov. 17/1869
E. F. Kearney cl^k

A.F. Co. } In the Superior Circuit
3 } Court, Nov 1899,
D.K. Co. } Action on Note.

Now at this day comes said
Defendant moves the Court to rule the
Plaintiff to give Security for Costs
because he is insolvent and unable
to pay costs.

Motion for Deft.

lead
in
lead

Motion for Costs.

Filed Apr 17th 1869
E. A. Henry clerk.

Jefferson County Circuit Court
Augustus F. Leadey

Plaintiff

against

Erastus W. Leadey

Defendant

November Term AD 1869.

I Rowen M. Whitehead resident of the
County of Jefferson in the State of Miss-
ouri do hereby acknowledge myself
bound to pay all costs which have accrued
or may accrue in the above entitled cause
Witness my signature this 24th day of
November AD 1869.

R. M. Whitehead

State of Missouri County
of Jefferson Circuit Court

Augustus F. Leady
Plff

vs
Alexander R. Leady
Defendant

Security for costs

Filed Nov 24th 1869
E. H. Henry cl

A. F. Coby Plaintiff
2
D. H. Coby Defendant

In the Jefferson Circuit
Court. Held July Term
1870.

Now at this day comes said Defendant and for an amended answer to the petition of the Plaintiff admits that he signed the note sued on but he says that there was no good or valuable consideration given by Plaintiff or any other person for said note. He says that Plaintiff did not pay him any money or property whatever for said note but while he was under the influence of intoxicating liquor and while he was intoxicated there by the Plaintiff taking advantage of his condition fraudulently induced Defendant to sign said note. Therefore Defendant says he is not liable for the amount of said note or any portion thereof.

Defendant for further answer to said petition and by way of Counter Claim states the Plaintiff is indebted to Defendant in the sum of three hundred and twenty eight $\frac{46}{100}$ dollars for Cask advanced to him, for goods, wares and merchandise and provisions, the particulars of all which with the credits thereon will be fully will more fully appear by a bill of partic

now here with filed.

Defendant asks judgment for the sum
of three hundred and twenty Eight ⁴⁶/₁₀₀
dollars, and for other proper relief.

John H. Thomas.

A. F. body

D. K. body.

Amended answer
of Defendant

Filed July 31st 1890
E. H. Hines clk

A. L. Leady Plaintiff } In Circuit Jefferson
D. R. Leady Defendant } County
Febry. Adj'd Term
1870

The plaintiff in ~~answer~~^{reply} to the amended answer of the defendant in the above entitled cause alleging that the note mentioned in the plaintiffs petition was made by defendant to plaintiff without a good or valuable consideration denies the same and the plaintiff alleges that said note was given to him for a valuable consideration by passing to the defendant -

And the plaintiff for further reply to said amended answer says that the defendant was not at the time he executed said note any more intoxicated or inebriated than is usual for him to be and that he denies that he took advantage of the defendants condition and fraudulently induced him to sign said note and the plaintiff avers that defendant was in his right mind and as capable of transacting business as he ever was when he executed said note to him -

And the plaintiff for further reply to defendants amended answer says that he is not indebted to the defend-

and in the sum of three hundred and
twenty eight & $\frac{46}{100}$ dollars for cash ad-
vanced to him, or for goods, wares and
merchandise and provision as appears
by defendants bill of particulars or any
other sum whatever but that the defend-
ant is justly indebted to him in the
full amount of said note and
interest thereon at law.

Wherefore he asks judgment for the
same with his costs & disbursements
done and to be done

John A. May

A & Cady

D K Cady

Rep. to our ~~friend~~ ^{friend}
of defendants

Filed February 8/1870
E. H. H. C. A.

H. H. Wadley
Dear Mr. Wadley
1876, at Court of Sessions

Class of Henry cut Copy B. H. cut 150
unbound 1.00 per 120 sheets 200

2 Cent. 50. 2nd. 35. 2. 3rd. 40. 4th. 25. 5th. 25.

Answer 25. 1st. 3rd. 50. 2nd. 25. 3rd. 45.
the 1st. 60. 2nd. 50. 3rd. 50

1000
755
80
88.05

Wadley
Dear Mr. Wadley
1.20
1.20

19.25

A Flady
is
DK Flady

for Bull

9,25