

Jefferson County Circuit Court
Case Files - Civil

March 1870

Box 25 Folder 57

Jewett, Sherman S.
Root, Francis H.

vs.

Cady, Augustus F.
Riskier, Sylvester T.

Debt

Debt \$435.51 judgment from U.S.
District Court, Wisconsin; D.K.
Cady garnishee on attachment

Sherman S. Jewett and
Francis W. Root, Plaintiffs

In the Jefferson
Circuit Court.

vs
Augustus F. Cady and
Sylvester J. Risker, Defendants

Plaintiffs state that heretofore
to wit on the 8th day of July 1857 the reverent
Judgment Judgment by due process of law
in the District Court of the United States for
the Eastern District of Wisconsin for
the sum of four hundred and thirty five
dollars and fifty five cents, which judgment
nor any part thereof has not been paid
and the amount thereof with interest
thereon from the 8th day of July 1857
at the rate of six per cent per annum,
still remains unpaid. A Certified Copy
of said judgment and the proceedings
thereon in the said District Court is
herewith filed and prayed to be taken as
a part of this petition. Wherefore Plain-
tiffs demand judgment for four
hundred and thirty five ¹⁰⁰ dollars with
the interest thereon.

John H. Thomas
Atty for Plaintiff

Demetrius & Co

or

Augustine T. Leary & Co

Refused on payment.

Orlando J. Leary 11/18/90

Edw. J. Leary
Clerk

Sherman S. Jewett and
Francis H. Root. Plaintiffs

In the Jefferson
Circuit Court.

vs
Augustus F. Cady and
Sylvester T. Risher Defendants

This affiant states that the Plaintiffs
have a just demand against the Defendants
now due and that the amount which this
affiant believes Plaintiffs ought to
recover after allowing all just credits and
offsets is four hundred and thirty five ⁵¹/₁₀₀
dollar and interest thereon from July 8
1857 at the rate of 4 per Cent per annum
and this affiant has good reason to believe
and does believe that Augustus F. Cady one
of said Defendants has fraudulently
assigned, transferred and conveyed his
property so as to hinder and delay his
creditors - that he is about fraudulently
to transfer, assign and convey his property
so as to hinder his creditors.

Subscribed and sworn to before
me this 40th day of July
A.D. 1870

John H. Thorne as

Elias D. Kanyak

By J. H. Allen, C. L.

Levert & Rook

27

Augustus F. Cady et al

Affidavit for
Attachment.

Filed July 11th 1870
E. H. H. C. H.

Jewett & Root Plaintiffs } In the Jefferson
 21 } Circuit Court.
 Augustus F. Leady and
 Sylvester J. Rister Defendants }

We Sherman S. Jewett, Francis H.
 Root and John L. Thomas as principals
 and

as surety acknowledge ourselves indebted
 to the above named Defendants in the
 sum of one thousand dollars to be void
 upon this condition: Whereas the above
 named Plaintiffs are about to commence
 suit in the Jefferson Circuit Court
 by attachment returnable to the next
 Term of said Court, wherein the sum
 sworn to is Four hundred and thirty five
 dollars and fifty five cents with the interest
 on the same. Now if the said Plaintiffs
 shall prosecute their action without
 delay and with effect - refund to the
 defendants or either of them all sums
 of money which may be adjudged to be
 refunded or found to have been by
 the Plaintiffs and not justly due to them
 and pay all damages which may accrue
 to any defendant or garnisher by reason
 of the attachment or any process or proceeding

in the suit or by reason of any judgment in
no case previous the said shall be void
otherwise it shall remain in full force
given under our hand and seal at
18th day of July 1870

Levitt & Co

(Seal)

Approved

the 18th day of July 1870

Attest
By Attestation

By John H. Thomas, atty in fact.

John H. Thomas,

Atty. at Law

(Seal)

Jewett & Rook.
v
A. F. Lloyd, et al

Attachment Bond

Filed Feb'y 11th 1870
E. J. Hamy cler

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon *Augustus & Lady & Sylvester & Riskin*

if they be found in your County, that they be and appear before the Honorable 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 *first* ~~Monday after the fourth Monday~~ of *March* next, then and there to answer unto

Jesse & Root

upon *this* 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 *13*

day of *February*, A. D. 1870

E. F. Honey Clerk Circuit Court.

By *L. H. Clifford* Deputy.

RETURABLE

TO

JEFFERSON CIRCUIT COURT.

March Term, 1870

Spencer & Roberts

AGAINST

Plaintiff

A. J. Gady

vs

Defendant

Original

The within was served on the 17th day of February A.D. 1870 at Jefferson County Mo by delivering a copy of the within writ and Petition to the within named Defendant A. J. Gady the within named S. J. Risker can not be found in my County

Fees \$150

Fred Luth Temeyer Scher
By Fred Vollmar
Dyrt

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting:

WE COMMAND YOU to attach

Augustus P. Leady & Sylvester J. Risker
 by all and singular *this* lands and tenements, goods, chattels, rights, monies, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *24 35* dollars and *83* cents, with interest and

costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

Augustus P. Leady & Sylvester J. Risker

that *this* be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *6* day of *March* next, then and there to answer the petition of, *S. Jewett*

wherein *they* ask judgment for *four hundred and thirty five* dollars and *83* cents, and that you also summon

D. E. Leady

and all other persons that you shall find in the possession of goods, money or effects of the defendant, not actually seized by you, and all debtors of the defendant, and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *15* day of

July.....18*80*.

E. J. Hines

Clerk.

By L. H. Adams D.C.

Garnished D. E. Leady

No 18

TO

Jefferson Circuit Court.

March ¹⁸⁷⁰ Term, 186.

Original

Justt & Root
A. G. ^{Co} Ledy &
S. T. Risken Non Est

Served Ledy the
17 day
Feb.

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting:

WE COMMAND YOU to attach, *Augustus F. Leady & Sylvester F. Ricker*

by all and singular *the* . . . lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *430* dollars and *30* cents, with interest and

costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

Augustus F. Leady & Sylvester F. Ricker

that *they* be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *7* day of *March* next, then and there to answer the petition of *S. S. Jewett*

wherein *they* ask judgment for *four hundred & thirty five* dollars and *30* cents, and that you also summon

and all other persons that you shall find in the possession of *money or effects of the defendant*, not actually seized by you, and all debtors of the defendant *such other persons as the plaintiff or his attorney shall direct*, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *15* day of

February . . . 18*70*

E. J. Honey Clerk

B. L. Haynes *DB*



2979

TO

Jefferson Circuit Court.

March Term, 1870.

Jewett & Root
vs
Cady & Riker

Copy

Jewett & Root Plaintiffs
vs
A. F. Cady et al. Defendants

} In the Superior
Circuit Court.

The following interrogatory is propounded to D. K. Cady, Garnishee in the above case.

At the time of the service of the garnishment upon you did you owe Defendants or either of them any thing or do you owe them or either of them any thing now? And if so how much and when does it become due?

John S. Thomas.
Atty for Plaintiffs.

Swiss & Rock

7

Leafy rock

Polioptila
Garnier.

Black March 8/1870
E. J. Mowbray

Jewett & Root } In the Jefferson County
 3 } Circuit Court.
 A. F. Leady et al }

Now come the Plaintiffs and
 deny the answer of the Garnisher filed
 herein in this that the assignment of
 the Judgment which he sets up
 in his said answer to Bra E. Leonard
 was made ^{by A. F. Leady} without any consideration
 and was made for the purpose of
 hindering delaying and defrauding
~~the~~ the Creditors of the said A. F. Leady
 and is therefore void. Plaintiffs
 therefore ask that said Leonard be
 notified to come forward & make
 good his claim to said Judgment if
 he have any.

John H. Thomas.
 Atty for Plaintiffs.

Lewitt & Root

vs

A. T. Cook et al

Senat & Son

Shuianan

Filed March 8 1870

Chas. H. H. H.

Jewell & Root

vs

D. K. Lacy, garnishee
of A. F. Lacy

Jefferson County Circuit Court
March Term 1870

Now at this day comes A. F. Lacy and for reply
to the denial ^{by deff} of the answer of D. K. Lacy, garnishee
therein, states, that said assignment of said
Judgment which is set up in said answer was
"not made without any consideration and was
not made for the purpose of hindering, delaying
and defrauding the creditors of said A. F. Lacy
and is not void".

But avers that said assignment of said Judgment
by said A. F. Lacy to said Ira E. Givens was
before the service of said garnishment on said
D. K. Lacy, and for a good and valuable
Consideration

Williams & Brown
Atty for A. F. Lacy

Small Root

23

Loamy soles

Reply of a Flycatcher
to Sept. 2nd of
September answer

William W. Brown

all

Wed March 9 1876
E. H. Hines

Sherran & Jewett and
Francis & Root Plaintiffs

vs

Augustus F. Leachy and
Sylvester F. Ricker, Defendants

In the Jefferson
Circuit Court

The defendant Augustus F. Leachy, appearing for himself only, for plea in the nature of a plea in abatement, to the affidavit filed in the above entitled cause, denies that the plaintiffs have a just demand against the defendants now due, or that the amount which plaintiffs ought to recover after allowing all just credits and off-sets is four hundred and thirty five ²⁵/₁₀₀ dollars, and interest thereon from July 8th 1857 at the rate of six per cent per annum or that Augustus F. Leachy, one of said defendants has fraudulently assigned, transferred and conveyed his property so as to hinder and delay his creditors or that he is about fraudulently to transfer assign and convey his property so as to hinder his creditors; and further the said affidavit and all the matters and things therein stated as grounds of attachment are not true, as the said defendant named last above is ready to prove

Williams & Brown
Attys for A. F. Leachy

Fewell and Root

27

A. H. Leach

J. J. Foster

None in advance

Previous to
1875

Filed March 12 1876

E. H. Thompson

District Court of the United States of America for the District of Wisconsin.

United States of America, } ss.
DISTRICT OF WISCONSIN.

At a *stated* term of the District Court of the United States of America, for the District of Wisconsin, begun and held, according to law, at the City of ~~Madison~~ ^{Madison}, in said District of Wisconsin, on the *first* Monday, (being the *sixth* day) of *July* A. D. 1857

Present the Honorable ANDREW G. MILLER, Judge of said Court, presiding.

Major J. Thomas Marshal, J. L. Hathaway Clerk.

Among other the following proceedings were had, to wit:

Sherman S. Jewett &
Francis H. Root
vs. plaintiffs

Augustus T. Leady &
Sylvanus D. Ricker
defendants

At Law

Be it remembered that heretofore, to wit: on the 26th day of June A. D. 1857, came the above named plaintiffs by their attorney, Mr. Merrick, and filed their praecipe for a summons against the above named defendants, as follows:

Praecipe
for

Summons

Sherman S. Jewett
Francis H. Root
vs.

Dis Court U.S.

Augustus T. Leady
Sylvanus D. Ricker

To the Clerk of said Court
Please issue a summons in the above entitled cause in a plea of trespass on the case upon promises to the damage of the Plff two thousand dollars, returnable on the first day of the next term of said Court,
June 26. 1857

Levi J. Merrick
Plffs atty

Whereupon a summons issued as follows:

THE UNITED STATES OF AMERICA, }
DISTRICT OF WISCONSIN, } ss.

The President of the United States of America, to the Marshal of the District of Wisconsin, —Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON

Wm. J. Root

*Acquainted J. W. Leachy and
Sydney W. Root*

to appear before the District Court of the United States of America,
for the District of Wisconsin, aforesaid, at *Madison*
on the first Monday of *July* next ensuing, then and
there to answer unto

*Hermon J. Everett &
Francis W. Root*

in a plea of ~~negligence~~ ^{in the case on premises} to their damage, *two thousand*
Dollars, which shall then and there be made to appear. And of this writ make due return.

WITNESS the Hon. **ANDREW G. MILLER**, Judge of the said District Court of the United States, at
the City of Milwaukee, in the said District of Wisconsin, this *26th* day of *June*
in the year of our Lord, one thousand eight hundred and fifty-*seven* and of the Independence of the United
States, the eighty-*first*

Levi L. Merrick

Attorney.

W. J. Miller
Clerk.
Levi L. Merrick
Deputy

Term, 186

vs.

Summons.

Damages, \$

Filed,

18

Summons returned; Served on the within named
Augustus J. Meady, by Samuel D. Foster by showing
them this summons and delivering them each a
copy thereof this 30th day of July 1857, Wm. J.
Thomas, Marshal by R. E. Reed, Deputy "Dec 11. 56
July 3, 1857, this day came the plaintiffs by their
attorneys and filed their declarations, as follows;

U. S. District

Circuit Court of the United States, for the District of Wisconsin.

for the

of the first Monday of July 1887

of the

day of

A. D. 1887

DISTRICT OF WISCONSIN—ss.

Sherman S. Jewett and Francis H. Root of the City of Buffalo in the state of New York and who are citizens of said state and copartners in trade under the firm and style of Jewett & Root who ~~citizen~~ of the State of plaintiff in this suit by Levi J. Merrick, their Attorney, complain of Augustus H. Cady and Sylvanus D. Ricker of Watertown in the state of Wisconsin, and late copartners in trade under the firm & style of A. H. Cady & Co and who are citizens of the state of Wisconsin, debt in this suit

who ~~citizen~~ of the State of Wisconsin, of a plea of Trespass on the case upon promises.

For That Whereas, the said defendants on the *first* day of *May* in the year one thousand eight hundred and ~~and fifty~~ *seventy* at the said District *of Watertown aforesaid in* were *two thousand* dollars, lawful money of the United States of America, for the work and labor, care and diligence of the said plaintiff by the said plaintiff ~~and their~~ *before* that time done, performed and bestowed, in and about the business of the said defendant and for the said defendant and at the special instance and request of the said defendant and also for divers materials and other necessary things by the said plaintiff found, provided, used and applied in and about that work, at the special instance and request of the said defendant and being so indebted to the said plaintiff, the said defendant in consideration thereof, afterwards, to-wit: on the same day and year, and at the place aforesaid, undertook, and then and there faithfully promised the said plaintiff well and truly to pay unto the said plaintiff the sum of money last mentioned, when the said defendant should be thereunto afterwards requested. And WHEREAS, also, the said defendant afterwards, to-wit: on the same day and year, and at the place aforesaid, in consideration that the said plaintiff had before that time, at the like special instance and request of the said defendant done, performed and bestowed divers other work and labor, care and diligence, in and about the business of the said defendant and for the said defendant and had before that time found, provided, used and applied divers other materials and other necessary things, in and about that business, the said defendant then and there undertook and faithfully promised the said plaintiff that the said defendant would well and truly pay the said plaintiff so much money as the said plaintiff reasonably deserved to have of the said defendant for the same, when the said defendant should be thereunto afterwards requested; and the said plaintiff aver that the said plaintiff therefore reasonably deserve to have of the said defendant for the same the further sum of *two thousand* dollars, of like lawful money as aforesaid, to-wit: at the place aforesaid, whereof the said defendant afterwards, to-wit: on the same day and year, and at the place aforesaid, had notice. And WHEREAS, also, the said defendant afterwards, to-wit: on the same day and year, and at the place aforesaid, were indebted to the said plaintiff in the sum of *two thousand* dollars, of like lawful money as aforesaid, for divers goods, wares, and merchandise, by the said plaintiff before that time sold and delivered to the said defendant and at the like request of the said defendant And in the further sum of *two thousand* dollars of lawful money as aforesaid, for so much money before that time lent and advanced by the said plaintiff to the said defendant and at the like request of the said defendant. And for other money by the said plaintiff before that time paid, laid out and expended for the said defendant and at the request of the said defendant. And for other money by the said defendant before that time had and received to and for the use of the said plaintiff. And being so indebted, the said defendant in consideration thereof, afterwards, to-wit: on the same day and year, and at the place aforesaid, undertook and then and there faithfully promised the said plaintiff well and truly to pay unto the said plaintiff the said several sums of money in this count mentioned, when the said defendant should be thereunto afterwards requested. And, WHEREAS, also, the said defendant afterwards, to-wit: on the same day and year, and at the place aforesaid, accounted together with the said plaintiff of and concerning divers others sums of money before that time due and owing from the said defendant to the said plaintiff and then and there being in arrear and unpaid, and upon such accounting the said defendant then and there found to be in arrear and indebted to the said plaintiff in the further sum of *two thousand* dollars of like lawful money as aforesaid. And being so found in arrear and indebted to the said plaintiff the said defendant in consideration thereof afterwards to-wit: on the same day and year, and at the place aforesaid, undertook, and then and there faithfully promised the said plaintiff well and truly to pay unto the said plaintiff the said sum of money last mentioned, when the said defendant should be thereunto afterwards requested.

NEVERTHELESS the said defendant although often requested, &c., ~~has~~ not yet paid the several sums of money above mentioned, or any or either of them, or any part thereof to the said plaintiff but to pay the same or any part thereof to the said plaintiff the said defendant ~~has~~ hitherto altogether refused, and still ~~doth~~ refuse to the damage of the said plaintiffs of *two thousand five hundred* dollars, and therefore the said plaintiff bring suit &c.

Levi J. Merrick

Plaintiff's Attorney.

To the within named defendants
Take notice that the following is the Offs Bill
of particulars

A. J. Cady & Co

Dec. 1. 1856 Is due as per note for same \$420.22
" Int on same from Apr. 1. 1857
20 Exchange from Watertown on N.Y.
" protest 6.35
1.03

J. J. Merrick, Plff's atty

Filed,
1856
N. Y. R.
Plaintiff's Attorney.
vs.
U. S. Circuit Court.

Copy of note to be given in evidence under
the money counts.

\$420. ²²/₁₀₀ Watertown Wis December 1st 1856

Four months after date we promise to pay
to the order of Jewett & Root Four hundred twenty
²²/₁₀₀ dollars at Bank of Watertown with Exchange
on N. Y. Value received.

A. J. Cady & Co

~~Plaintiff's Attorney~~

~~Town, Dec.~~

~~To the within Defendant :
Take notice that the following
copy of
promissory note which will
be offered in evidence on the trial of this cause under the money counts in the within declaration contained.~~

And now at this same term, to wit: July Term 1837 and on the third day thereof, to wit: on the eighth day of July A. D. 1837, the following proceedings were had, to wit: -

Therman T. Jewett &
Francis H. Root

vs.

Augustus Meady &
Tyraunus D. Ricker

at Law

This day came the plaintiff by their counsel and on their motion it is ordered by the Court that the default of the defendants be and is hereby entered for their not appearing and pleading to the plaintiffs declaration herein filed, and that it be referred to the Clerk to ascertain and report what sum the plaintiffs ought to recover for their damages. The Clerk reported in writing that he assessed the damages to the said plaintiffs at the sum of Four Hundred and thirty five dollars and fifty five cents. as follows:

District Court of the United States of America,
FOR THE DISTRICT OF WISCONSIN.

*Sherman S. Jewett &
 Francis H. Root*

vs.

*Augustus T. Leady &
 Sylvanus D. Ricker*

No. *246* *July*

Term, 185*7*

I, ~~John M. Miller~~ *J. L. Hathaway* Clerk of the District Court of the United States of America,
 for the District of Wisconsin, do hereby report that in pursuance of an order of this Court
 referring to me to ascertain and report the amount due the plaintiff, I have assessed the damages
 to the plaintiff at the sum of *Four Hundred & thirty five*
Dollars, and fifty five Cents.

Damages, \$ *435. $\frac{55}{100}$*

Dated, *July 8* 185*7*

J. L. Hathaway

Clerk.

Judgment

Whereupon it is considered and adjudged by
 this Court now here, that the said plaintiffs have
 and recover of the said defendants the said sum
 of *Four Hundred and thirty five dollars and*
fifty five cents without costs and that
they have Execution therefor.

Judgment Roll signed July 8, A.D. 1857
Damages \$435.55 *J. L. Hathaway, Clerk*

Judgment Roll filed July 8th A.D. 1857
at 5 o'clock P.M.
J. L. Hathaway
Clerk

Papers & Court transferred to U.S. Circuit Court
for Wisconsin pursuant to Act of Congress
Approved June 27th 1864.

United States of America, }
DISTRICT OF WISCONSIN. } SS.

I, EDWARD KURTZ, Clerk of the Circuit Court of the United States of America, for the District of Wisconsin, do hereby certify that I have compared the writings annexed to this Certificate, and they are true copies of their respective Originals, and are correct transcripts therefrom now on file, and remaining of record in my office being a full complete copy of the record showing in the suit of Stearns, Leach et al v. Augustus May et al

In Testimony Whereof, I have hereunto set my hand, and duly affixed the Seal of the said Court at the City of Milwaukee, in said District of Wisconsin, this *thirteenth* day of *January* in the year of Our Lord, one thousand eight hundred and ~~ninety~~ *seventy* and of the Independence of the said United States, the ninety *seventh*

Edward Kurtz
Clerk.



2979
W. S. Cressitt Court
Prosser

Thermon & Jewett
etc

3
Virginia, Hardy
etc

213 151
Identical copy record

1
1, 64, 76, 100, 206

Feb 1 July 11/11/1870
E. J. Mooney LK

127, 52

Money

via coast of R.R. to Durin 6th Oct,

Apple. 25th Oct 30th dock 10th with 4th files 40

2,35-

Billing subery 20th 20th and 10th subery 20

60

Plc. subery 20th 35th 15-

70

Dechleuery 8

Seed Dely. 100th 50th 50th

2,000

11th 8th 13th 20th 25th 10th 10th 10th 10th

115

Lavett & Roach
vs
at Cady

Blue castg