

Cole, John C.

vs.

Berkley, Dr. Hugh

Debt, account

Debt \$111.72 for flour, meal;
\$72.50 offset account for tuition
for Carrie, Ellen, Billie for English,
German, French and instrumental
music

Dr. Hugh Berkeley to John C Cole

			Dr
1869	January 23 ^d	To 310 lbs flour	\$ 18.60
"	May 14 th	" 200 " "	10.00
"	June 4 th	" 150 " "	5.00
"	July 9 th	" 100 " "	5.00
"	August 8 th	" 106 " "	5.30
"	" 28 th	" 100 " "	4.00
"	September 19 th	" 100 " "	3.50
"	October 12 th	" 100 " "	3.50
"	" 30 th	" 100 " "	3.50
"	December 1 st	" 100 " "	3.50
1870	January 12 th	" 100 " "	3.50
"	February 16 th	" 100 " "	3.50
"	March 22 ^d	" 119 " "	3.87
"	April	" 100 " "	3.25
"	"	" 2 bushel meal	1.50
"	May 5 th	" 100 lbs flour	3.25
"	"	" 100 " meal	2.00
"	Feb'y 13 th	" amt. paid to R Burroughs & co for on the acct. of Berkeley	18.95
			<u>\$ 111.72</u>

To interest on same from May 5th 1870,
to Jan'y 5th 1875 @ 6 per cent 4487m. } 30.71

142.43

John C. Cold Plff } In the Circuit Court
vs Hugh Berkely def } Jefferson County Missouri

May Term 1873 -

Plaintiff for his cause of action states that the defendant is indebted to him on account, in sundry items aggregating the amount of one hundred and eleven & 7/10 dollars, a itemized account of which is herewith attached and filed and made a part of this petition.

That he demanded the same from ~~Plaintiff~~ Defendant on the 5th day of May 1870. but that the Defendant failed and neglected to pay the same, and that the same - to wit one hundred and eleven & 7/10 dollars, is yet due plaintiff and for which, with interest thereon from May 5th 1870 at 6 per cent, he asks judgment together with his costs herein.

Thos H McMillin
Atty for Plaintiff

John C. Coole
against
Dr Hugh Berkeley

Sept

on acct.

Clerk issue process to
Jefferson County
McMullen
for debt.

Filed April 13 1870

C. H. H. H. H. H.

Clerk

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 *Dr. Hugh Berkely*

if he be found in your County, that he 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 ~~second~~ *Monday after the fourth* Monday of *May* next, then and there to answer unto *John C. Cole*

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

C. Tho Horine
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *15th*
day of *April* A. D. *1875*

C. Tho Horine Clerk Circuit Court.
By _____ Deputy.

I Executed to the within writ at the County of
Jefferson. Mo. on the within named Defendants
Dr. H. Berkely by Delivering him a true copy
of the writ and Petition as furnished me by
the Clerk of said Court on the 20th day of
April 1875

J. B. Mop Hoff

334018

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1875.

John C. Coale

vs

Dr. Hugh Berkely

original

James C. Hoff

Shipp for 100

John C. Cole Plaintiff } In the Circuit
against } Court of Jefferson
Dr. Hugh Berkley Deft. } County Mo. Sept.
Term A.D. 1875 -

Now at this day comes The Defendant and for answer to Plaintiff's petition denies that he is indebted to Plaintiff ~~in the sum of~~ an account in sundry items aggregating the amount of one hundred + eleven + $\frac{72}{100}$ dollars or any sum. Defendant denies that the bill of items filed by Plaintiff amounts to the sum of one hundred and eleven + $\frac{72}{100}$ dollars. Defendant specially denies owing the Plaintiff the sum of eighteen + $\frac{95}{100}$ dollars or any sum for money paid R. Burroughs & Co. on 13th Feb'y 1870 or at any other time, Defendant denies that Plaintiff on the 5th day of May 1870 demanded the payment of said account or at any time demanded the same from this Defendant.

Defendant by way of counter claim states that on the 20th day of January A.D. 1869 the Plaintiff by his due bill herewith filed acknowledged himself indebted to the Defendant in the sum of Eighty dollars which sum and the interest thereon are yet due Defendant and for which he asks judgment.

Defendant further states that on the 20th day of January 1869 The Plaintiff and this Defendant had mutual open accounts against each other and that they had a settlement of their accounts on that day and that they found a balance due to this Defendant of Eighty six & $\frac{55}{100}$ dollars and that this Defendant rebated the sum of six & $\frac{55}{100}$ dollars, and took the Plaintiff due bill as above stated for the sum of Eighty dollars Defendant states that in making up said accounts between Plaintiff and this Defendant there was a mistake by not adding in the sum of seventy Two & $\frac{50}{100}$ dollars which said mistake consisted in leaving out the following items to wit;

1868 Mr John Cole To H Berkeley M.D. Dr
April 20 To Union Carrio, English Branches

@\$3.00 per month for 2 1/2 months	\$ 7.50
German @\$1.00 per " " " "	2.50
French @\$1.00 " " " "	2.50
Instrumental Music @\$5.00 per month for 2 1/2 months	12.50
Vocal " @\$2.00 " " " "	5.00
	<u>\$ 30.00</u>

tuition Ellen, English Branches	
at \$3.00 per month for 2 1/2 months	7.50

To Sent Post far ward	\$37.30
" Tuition Ellen	
German @ \$1.00 per month for 2 1/2 months	2.50
French " \$1.00 " " " " "	2.50
Instrumental Music	
@ \$3.00 per month for 2 1/2 months	12.50
Vocal Music @ \$2.00 per month for " "	5.00
To Tuition for Billie	\$60.00
English Branches @ \$3.00 per month for 2 1/2 yrs	7.50
" Tuition Cathie, @ \$2.00 " " " " "	5.00
	<u>\$72.30</u>

Defendant states that said items was agreed upon in said settlement but by mistake of both Plaintiff and Defendant said sum was not added to and included in said due bill as Defendant therefore states that the above bill of items amounting to the sum of Seventy Two ⁵⁰/₁₀₀ dollars have not been paid or included in said note, ^{and is yet due the Defendant} ~~therefore Defendant~~ ~~asks the Court to correct said mistake, in accordance with the above facts,~~

and therefore Defendant ^{asks} Judgment for said sum of Seventy Two and ⁵⁰/₁₀₀ dollars for each other and further relief as he may be entitled

John L. Thomas & Bro
attys for Defendant

John C. Cole
against
Dr. H. Westley

Answer

Filed Aug. 14 '78
L. Thos. Horne
Clerk