

Jefferson County Circuit Court
Case Files - Civil
July 1835, Case No. 9

July

Box No.

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Folder No.

14

Maddin, Thomas, Guardian

Heine, Thomas
Heine, Susan

vs.

Bates, Elias

Debt Notes

Debt \$100, \$500, \$300

State of Missouri }
County of Jefferson } SS.

In the Circuit Court
Term 1835

Thomas Maddin Senr by Sams his attorney
Complainant of Elias Bates in a plea of
Tris pass on the case —

For that Whereas heretofore to wit
on the 7th day of August in the year 1822
at the County aforesaid, the said Elias with
certain Samuel Woodson, made their certain
promissory note, signed by the proper hand &
name of the said Elias, and by the said
Samuel, by the description "Sam Woodson" and
now to the court here shewn, bearing date the
day & year aforesaid, & thereby, they or either
of them promised to pay the said Thomas
by the description of, "Thomas Maddin (Guar-
-dian of Mrs & Susan Worine) or order one
hundred & seventy six dollars, sixty nine & one
half cents for value received Twelve months
after the date of said note —

Yet neither the said
Elias or Samuel, or either of them have paid
the said Thomas the said sum of money or
said note specified or any part thereof, but
to pay the same or any part thereof to
the said Thomas, they and each of them have
hitherto wholly & entirely failed & refused & still
do refuse to the damage of said Thomas the
sum of one hundred dollars wherefore he sues & claims all for

The Clerk will please see process
hereon according to law
Dariusatto

79

Thaschardien Guard

of the Indian House

Information

Elias Bates

Filed June 10th 1835

Madison Clerk

Elias Bates

Thomas Madden
Guardian

} in the circuit court
July Term 1835

And the said Elias Bates comes and defends
the wrong & and says that the said Plaintiff
ought not to have or maintain his action
against thereof against him, because he
says that he is not indebted to the said
Thomas Madden further & in manner
and form as in the said Thomas hath
in his said declaration in this behalf
above alleged, and if this be the said
Elias puts himself upon the country
J. L. Adams

And for further plea in this behalf
answering to the statute in such case
made and provided, how if the court
being first had and returned the said
Elias says that the said Thomas ought
not to have or maintain his action against
thereof against him because he says, that
before the commencement of the above
action by the said Thomas against him
the said Elias to wit on the 1st day
of June in the Year 1835 and as the
count of Jefferson asserts in the
said Elias well and truly paid to
the Plaintiff the debt in the declaration
mentioned and all in brief that had occurred therein

and thus in the said Elias, is ready to
sue, whereon he prays judgment do

I do not ask!
Jm Bates.

And the said plaintiff: as to the said plea of the said
defendant herein secondly above pleaded saith that the
the said plaintiff: by reason of any thing by him the
said defendant. & said second plea alleged ought
not to be taken speedily because he says
that he the said defendant did not well think
pay to him the said plaintiff: the said debt is
said declaration mentioned said intent ac-
cording thereto in manner. Now as to the
said defendant's plea in his said second plea al-
leged to wit, of the wrongs of the said, and
this he prays may be assigned of by the
court &c.

B. Allen p. g.

Elias Bates
vs
Thos. Woodson
juror
pleas

1. Nil Debt
2. pay

Filed by the court 1833.
and for the clerk

Elias Bates
v
Thomas Madden
Guardian &

March Term
1836.

And the said defendant says that the
Plaintiff in the above action ought not to
have and maintain his action against the
said Elias because he says
that the said Thomas before ^{the time of} and at the com-
mencement - of this suit, to wit - on the
day of in the year and at
the county of Jefferson of said was and state
is indebted to him the said Elias in a large
sum of money to wit the sum of five hundred
dollars for and on account of money paid and
received by the said Thomas to and for the use
of said Elias and in the further sum of
one hundred dollars for and on account of
work and labor done and performed by said
Elias for said Thomas and at his request
and in the further sum of one hundred dollars
for goods sold ~~by~~ and delivered to
said Thomas by said Elias ~~and~~ and at
his special instance and request - and in
the further sum of one hundred dollars for
money paid to the said Thomas ^{by said Elias} ~~and~~
and in the further sum of five hundred dollars
paid to said Thomas by Samuel Woodson
for and on account of the said Elias, which
said sums so due and owing from the
said Thomas Madden Guardian &
as aforesaid exceed the claims sustained

by the said Thomas Madden fraudulent
 or, by reason of the non performance, by
 him the said Elias Bates of the sum
 supposed for same and undelivered, in
 in the said declaration mentioned, and
 out of which said sum of money is due and
 owing from the said Thomas Madden fraudulent
 to the said Elias Bates, he the said Elias is
 ready and willing and hereby offers to set off and
 allow to the said Thomas the full amount of
 the debt in the declaration mentioned according
 to the form of the statute in such case made
 and provided, and this he the said Elias is
 ready to verify whenever he proys judgment
 do -

P. h. h.
 also for debt

and the said Plaintiff comes says that he is not
 indebted to the said deft. in manner shown on the
 said deft bill but some thereof alleged after he
 may may be inquired of by the country.

B. Allen Esq.

Elias Bates
 vs
 Thomas Madden
 Guardian
 Plea of set off.

Filed of the Court 1836
 after Mr. Jamieson Clerk & Co

The State of Missouri to the Sheriff of Jefferson
County Greeting. Whereas Thomas Muddie Senr on
the 10th day of June 1835. commenced an action
of trespass on the case against Elias Buter in the
Jefferson Circuit Court damage three hundred dollars
and the said Buter having departed this life, as
has been suggested before the determination of said
suit, and Johnson & Alford having been appointed
administrators of said Elias Buter deceased, These there-
fore Command you to summon Johnson & Alford admin-
istrators of Elias Buter deceased to appear before the
Judge of the said Jefferson Circuit Court on Monday
the 7th day of November next at a term thereof
to be holden on the first Monday in November next
to shew Cause if any he hath why said suit shall
not be voided against him as administrators of said
Elias Buter and further to do and abide what shall
be awarded by said Court, And have you then
there this writ writt Henry P. Buter Clerk of our
said Court, at St Louis Missouri this 7th day of
of September in the year
of our Lord One thousand
Eight hundred and thirty
Six Henry P. Buter Clerk Circuit
Court.

Jefferson Circuit Court

Nov. Term 1836.

Thomas Madden Guardian

of Thomas & Susan Adair

vs. { Seis facies.

Elias Bates. ~~Plaint~~

Johnson W. Alfred Adair

vs. Elias Bates

for Plaintiff

I served the within citations on Johnson W. Alfred
in the County of Jefferson on the 12th day
of October 1836 by reading in his hearing
and presence

J. M. Christian Sheriff

COUNTY OF JEFFERSON, SCT.

JUDICIAL STATE OF MISSOURI,

To the Sheriff of *Washington*

County, — GREETING:

You are hereby commanded to summon

Thomas A. Harrison

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the *fourth* day of *August*, at the town of Her-
lanum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Thomas Madison Harrison* is plaintiff and *John A. Harrison* is defendant, on the part of the *defendant*.

WITNESSES, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
culanum, this *twenty fourth* day of *August*
in the year of our Lord one thousand eight hundred and *thirty seven*

Henry P. Bates
CLERK, C. C.

Served this year on Thomas M. Horne
in Washington County on the 1st day
of August - 1837. by his act. The service
of the same

At Newson Shp
of Washington County

Thomas M. Horne

as { Shp

Clear Rate's Determination

2^d August term 1837

2^d day

Warrant for debt
Horne all Horne

Served in 50th

At Newson Shp

filed Dec 11 to 1837

At Newson Shp
filed

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of Washington

County,—GREETING:

You are hereby commanded to summon

James M. Horne

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the 18th day of December, at the town of Her-
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Thomas Macarini is plaintiff, and Edw Bates Shurt is defendant, on the part of the defendant; and have you then there this writ.

Witness, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-
culaneum, this ninth day of October
in the year of our Lord one thousand eight hundred and 37.

Henry P. Bates
CLERK, C. C.

Served the within Supra on Thomas
M Morris in Washington County
by his acknowledging the service of
the same Oct 20th 1837 H. Winkson
of Washington County

Jefferson Circuit Court

December Term 1837.

Thomas Maddox - Guardian

vs. S. S. S. S.

Elias Batts et al.

Thomas M. Morris

for defendant

of Service is 25th

At New Haven 5th

Filed Dec 11th 1837

Matthews Clk

State of Missouri Council of Jefferson St
The State of Missouri

To the Clerk of St. Genevieve County Meeting

We commend you that you notify Richard Wadsworth & Nathaniel Scott & administrators of Thomas Wadsworth deceased that they be and appear on the first day of the next term of our District Court to be heard and at Wescottanum within and for the County of Jefferson on the second day of May of December next, then and there to show cause why they should not be substituted as plaintiffs in a suit commenced by said Thomas Wadsworth as Executive of Thomas & Susan Wadsworth against the administrators of Elias Dally deceased and to do and receive what said Court shall think proper further to order in the above cause, and we have you then and there this writ

Witness John D. Wadsworth Clerk of Court
said District Court at Office in the
town of Wescottanum this 14th day of
September in the year 1838

John D. Wadsworth
Clerk

Served the within writ on Richard Menden
by making the same in his presence down
in the county of Jefferson on the 23rd
day of Nov 1838. The within named Nathan
is not found in my business

Wm. H. 1838

John B. Collins Sheriff
Jefferson County

John B. Collins Sheriff
December Term

1838

Thomas & Abraham Guardians
of the & Susan (Mervin)
as { said} Thomas
John B. Collins

for
Richard & Abraham
& Thomas & Susan

Given Dec 11th 1838

Wm. H. 1838

Wm. H.