

Jefferson County Circuit Court
Case Files - Civil
November 1835

Box 2 Folder 41

Cadwalader, Isaac

vs.
Bates, Elias

Assumpsit

Debt \$500

In the Jefferson Circuit Court for the November
Term thereof in the year of our Lord one thousand eight hundred
and thirty five

Jefferson County, sp.

Isaac Cadwallader complains of
Elias Bates of a plea of trespass on the case &c

For that whereas the said defendants heretofore to wit
on the ~~thirtieth~~ ^{first} day of ~~September~~ ^{October} in the year of our Lord one
thousand eight hundred and thirty ~~five~~ ^{four}, at the county afore-
-said was indebted to the said plaintiff in the sum of Five hun-
-dred ~~and twenty five~~ ^{and twenty} dollars, lawful money of the United
States of America, ~~as well~~ ^{and} for work and labor, care and dil-
igence, and divers materials and necessary things in and
about the said work by the said plaintiff to and for the said
defendant at his special instance and request, before that time
done performed, bestowed and provided ^{and also in the further sum of five hundred of dollars for so} ~~in~~ ^{much} ~~for~~ ^{of} money before that time lent and advanced by the said
plaintiff to the said defendant at his special instance and re-
-quest - And being so indebted he the said defendant in con-
-sideration thereof afterwards to wit on the day and year afore-
said at the county aforesaid undertook and then and there
faithfully promised the said plaintiff to pay him the said
~~sums~~ ^{several} of money when he the said defendant should be there-
-unto afterwards requested -

And whereas also afterwards to wit on the day and
year aforesaid at the county aforesaid, the said defendant
accounted with the said plaintiff concerning divers other sums
of money from the said defendant to the said plaintiff, before
that time due and owing and then in arrear and unpaid; and
upon such accounting the said defendant was then and there
found in arrear and indebted to the said plaintiff in the further
sum of Five hundred ~~and twenty five~~ ^{and twenty} dollars, lawful money
aforesaid - and being so found in arrear and indebted, he the said
defendant in consideration thereof afterwards to wit, on the day
and year aforesaid at the county aforesaid undertook and then and
there faithfully promised the said plaintiff to pay him the said
last mentioned sum of money, when he the said defendant should
be thereunto afterwards requested -

Nevertheless the said defendant not regarding his said
several promises and undertakings but contriving and fraudulently

intending craftily and subtly to deceive and defraud the plaintiff in this behalf, hath not as yet paid to the said plaintiff the said several sums of money or any or either of them or any part thereof, although often thereunto requested - but to pay the same hath hitherto wholly neglected and refused and still doth neglect and refuse to the damage of the said plaintiff five hundred dollars and therefore he brings his suit &c

J. L. English
Atty pro/pleff

State of Missouri
County of Jefferson }

The State of Missouri To the Sheriff of said County Greeting -
Manded to summon Elias Bates, if he may be found in your bailiwick, that he be and appear before the Judge of our Circuit Court at the next term thereof to be held at the town of Herculaneum, within and for the said county on the first Monday of November next then and then to answer unto Isaac Cadwalader of a plea of trespass on the case &c Damages five hundred dollars and have you then then this writ.

Witness Samuel Woodson Clerk of our said Circuit Court at office this fifteenth day of October in the year of our Lord one thousand eight hundred and thirty five -

Nov-term 1836 Cont?

This is an action of assumpsit
Damages five hundred dollars

Isaac Cadwalader }
vs
Elias Bates - }

No 237
In the Jefferson Circuit Court
November Term A.D. 1835

Isaac Cadwallader

vs
Elihu Bates

April Term
1837—

and the said defendant admits or
quiesces come and defend the
verge and then and say that the
said plaintiff ought not to have
and maintain his action against
against the said defendant.
because he says that the said several
courses of action in the said declaration
mentioned, nor any or either of
them could accrue to said plain-
tiff within five years next before
the commencement of this suit and
this he the said defendant is ready
to verify whereupon he prays judgment
whether the said plaintiff ought
to have and maintain his action
against the said defendant.

P. V. L.
att. for deft.

Elis Bates adu
to E
Joan Cadwallader

Elis

Adm. June 11th 1837.

Have last concluded

on

State of Essex 1833

August 1833

The following is a true and correct

that he ought not to be heard from having and maintaining
his affairs and action against said defendant by reason
of any thing by him alleged in his plea and also
pleaded, because he says that the said defendant
of action in his said declaration mentions all
and every of them as if he were to say plaintiff
free upon such before the Court and that
with how it at the Court of the said and that
the Court may be engaged of by the Court
Hear for self

and the Court as the

P. H. and

Filed Aug 17th
1887
J. P. B. B. B.
Adm'r

Dear Cadwallader

W

August 28th 1833

When you find me in the court, to
you from the Secretary in the
article. He has been in the
is no objection to the
the two organs, should be

Wm

When is the date of the
new organ - by me

Wm

Wm

Filed August 7th
1837 *W. P. Bates*
Calish

Isaac Cadwallader vs. John Lee 1835-
Elias Bats

and the said defendant Elias says that
that the said Plaintiff ought not to
have and maintain his action against
them if plaintiff has been because he says
that he did not ^{understand} procure and procure
in manner and form as the said plaintiff
both in the bill above and
if this be put before the court
court.

J. Lee
at the foot

Notes the defendant will move the
court to rule the Plaintiff to file
a bill of particulars (in the above
case) of his demand said on
in a reasonable time before trial. J. Lee

E. Bates

in S
Loose Cashmere

New York