

Jefferson County Circuit Court
Case Files - Civil
November 1836

Box 3 Folder 9

Keirle, John W.

Keirle, Matthew M.

vs.

Griffith, Michael B.

Assumpsit

Debt \$150 for merchandise; \$300
damages

In the Circuit Court. November term 1886.

County of Jefferson, Court. John W. Reule & Matthew M. Reule complain of Michael B. Griffith of a plea of trespass on the case. For that whereas the said defendant heretofore, to wit, on the first day of October in the year one thousand eight hundred & thirty six at the county aforesaid was indebted to the said plaintiffs in the sum of one hundred & fifty dollars for divers good wares & merchandises by the said plaintiffs before that time sold & delivered to the said defendant set his special instance requests & being so indebted he the said defendant in consideration thereof of-tamand, to wit, on the day & year last aforesaid at the county aforesaid undertook & then & there faithfully promised the said plaintiffs to pay them the said sum of money, when he the said defendant should be thereunto afterwards requested. Nevertheless the said defendant not regarding his promise & undertaking aforesaid hath hitherto yet paid the said sum of money or any part thereof to the said plaintiffs, although often requested so to do. But the said defendant to pay them the same hath hitherto wholly neglected & refused & still with respect & regard to the damages of the said plaintiffs of three hundred dollars & there-fore they sue &c.

Garnett & Allen.
att. for plffs.

I acknowledge myself bound to the defendant in above declaration to pay all costs which may be awarded against the plaintiffs therein. Witness my hand & seal this 11. Octo: 1886.

B. Allen (seal)

Cause to hand Oct 24th 1836
H. M. C. Webster, Sheriff

I do hereby certify that the within declaration and return
in the County of Jefferson on the 27th day of
October 1836 by reading & delivering a true copy of
the same to the said Griffith a person over
the age of fifteen years old at the residence
of Michael B. Griffith
H. M. C. Webster, Sheriff
\$ 1.00

Filed Oct-15th 1836

John W. Keirle &
Matthew W. Keirle
vs
Michael B. Griffith
Plaintiffs of Complaint, vs -
Defendants three hundred dollars
the Court will give a
summons.
Francis A. Allen
Attorney
H. M. C.

State of Missouri }
County of Jefferson } sct
The State of Missouri to the Sheriff of Jefferson
County greeting: These Command you that you summon Michael B.
Griffith that he and appear before the Judge of our Circuit Court at
a term thereof to be holden on Monday the seventh day of November
next at Herculaneum in the County of Jefferson aforesaid; then &
there to answer John W. Keirle and Matthew W. Keirle to the
within actions of Trespass on the Case damage three hundred
dollars, and have you then and there this writ, and that
you make due return how you execute the same
Witness Henry P. Bates Clerk of said
Circuit Court at his office this seventeenth
day of October in the year eighteen
hundred & thirty six
Henry P. Bates Clerk

John W Keirle

Matthew M Keirle

Michael B Griffith

In Jefferson Circuit Court

and the said Michael B Griffith by Geyer his attorney comes and defends the wrong and injury whereby and says that he did not undertake and promise in manner and form as the plaintiffs have above thereof complained against him and of this he puts himself upon the country &c. Geyer for deft.

And for further plea in this behalf the said defendants, says that the said plaintiffs ought not to have or maintain their aforesaid action thereof because he says that the said plaintiffs before and at the time of the commencement of this suit were and still are indebted to the said defendant in the sum of two hundred dollars for a horse and divers goods & chattels wares and merchandizes, by the said defendant before that time sold and delivered to the plaintiffs and at their request and the said defendant is ready willing and hereby offers to set off the said sum of money so due to him as aforesaid against any damages to the plaintiffs occasioned by reason of the said supposed promise and undertakings in the declaration mentioned and thus the defendant is ready to verify, wherefore he prays judgment of the plaintiffs ought to have or maintain their aforesaid action thereof &c. Geyer for deft.

And for further plea in this behalf the said defendant says that the said plaintiffs ought not to have or maintain their aforesaid action thereof against him because he says that before the commencement of this suit, to wit on the day & year aforesaid at the county aforesaid the said defendant was possessed of his own property of a certain horse of great value to wit of the value of two hundred dollars and it was then and there

agreed by and between the said plaintiffs
and the said defendant, that he the
said defendant should deliver the said
horse to the said plaintiffs, and they the
said plaintiffs should accept and receive
the said horse, in full satisfaction of all
damages occasioned by the non-performance
of the promises in the declaration mentioned.
and the said defendant avers that after
wards and before the commencement of
this suit, to wit on the day and year afore-
said at the county aforesaid, he the said
defendant, did deliver to the said plaintiffs
and they the said plaintiffs then and there
accepted and received the said horse
in full satisfaction of all damages
occasioned by the non-performance of
the promises in the declaration mentioned
and this the defendant is ready to verify
wherefore he prays judgment &c

Gt Jdfts

And for further plea in this behalf the said
defendant says that the plaintiffs ought not
to have or maintain their aforesaid action thereof
against him because he says that the
said several supposed causes of action
in the declaration mentioned did not nor
did either of them accrue within two years
next before the commencement of this suit
and this the defendant is ready to verify
wherefore he prays judgment of the plaintiffs
ought to have or maintain their aforesaid
action thereof against him &c

Gt Jdfts

Ans. Mr. Heile
& Matthew Heile

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Michael ~~to~~ Erhardt

Dear —

I have in turn for
you 14 lines of