

Jefferson County Circuit Court
Case Files - Civil

April 1840; No. 9

Chapman, Robert

vs
Byrd, Benjamin B.

Assumpsit

Defendant failed to pay back
a loan of \$150; Damages \$150

Box No.

5 Folder No. 7

State of Missouri } In the Circuit Court
County of Jefferson }

April Term 1840

Robert Chapman by his attorney - Chambers
complains of Benjamin B. Byrd, of a plea
of assumpsit, for that whereas the said
defendant heretofore, to-wit, on the fif-
teenth day of July in the year Eighteen
hundred & thirty three in the county of Jeffe-
son & State of Missouri, was indebted to
the said plaintiff in the sum of one
hundred & fifty dollars lawful money
of the United States, for so much money
by the said plaintiff before that time paid,
laid out, & expended, & for the use of the
said defendant, at his special instance &
request, and being so indebted, he the said
defendant, in consideration thereof, afterwards,
to-wit, on the any & year last aforesaid, at
the county aforesaid, in arrears, & then & there
fraudulently promised the said plaintiff to pay him
the said mentioned sum of money, to him
the said defendant, should be returned
afterwards requested. Nevertheless the said
defendant has regarding his said several prom-
ises & undertakings, been continuing & fraudulently
intending craftily & subtly to deceive & defraud
the said plaintiff in his behalf, hath not as yet
paid the above mentioned sum of money, or any
part thereof, to the said plaintiff, although
often requested to do so, but the said de-
fendant to pay him the same hath refused.

wholly neglected & refused, & ~~and~~ still with neglect
& refusal, To the damage of the said
plaintiff of one hundred & fifty dollars
& therefore he brings his suit, &c.

Wm. Chambers
att'y for the Plaintiff.

Robert Chapman
vs
Benjamin B. Byrne

This is an action of assumpsit
to pay for a sum of money
after account, &c.
Wm. Chambers
att'y

filed. March 14, 1840
Wm. J. Matheson,
Clerk

State of Missouri }
County of Jefferson }
Feb. In The Circuit Court
April Term 1840

Robert Chapman by his attorney
Chambers complains of Benjamin B Byrnes a plea
of a promissit, for that whereas the said defendant
heretofore to wit, on the sixteenth day of July in the
year in the year eighteen hundred and thirty three
in the County of Jefferson and State of Missouri, was
indebted to the said plaintiff in the sum of one hundred
and fifty dollars, lawful money of the United States, for so
much money by the said plaintiff before that time, paid
laid out and expended to and for the use of the said
defendant at his special instance and request, and
being so 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 mentioned sum of money when he the said defen-
-dant should be thereunto afterwards requested. Neverthe-
-less the said defendant not regarding his said several
promises and undertakings, but contentiously & fraudulently
intending craftily & subtly to deceive & defraud the
said plaintiff in his behalf hath not as yet paid the above
mentioned sum of money or any part thereof to the said
plaintiff although often requested so to do, but the said
defendant to pay him the same hath hitherto, wholly
neglected & refused & still doth neglect and refuse
to the damage of the said plaintiff of one hundred &
fifty dollars & therefore he brings his suit &c

W. Chambers, Atty for Plff

A True copy Attest

Mo J. Weather, Clerk

I Execute this writ By Reading the within writ
and declaration in the presence and hearing of
Benjamin B Byrd in the County of Jefferson on the
16th day of March 1840

John Hammond Sheriff
Sherriffs fee \$1.00

9
In Jefferson Circuit Court
April Term 1840

Robert Chapman

vs { Appellant

Benjamin B Byrd

Defendant

420

Filed April 23 1840

Wm J. Matthews Clerk

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon
Benjamin B Byrd that he be and
appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro
within and for the County of Jefferson, on the ^{first} ~~second~~ Monday
of April next, then and there to answer unto Robert
Chapman on a plea of assumpsit. a
Copy of whose declaration is hereto attached

to the damage of said plaintiff
one hundred and fifty dollars.
And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Herculaneum this fourteenth day
of March, in the year of our Lord eighteen
hundred and forty

John S. Mathews Clerk.

Benjamin B. Byrd

vs
Robert Chapman

Agmt Feb
1840

and the said defendant Benjamin B. Byrd comes and defends
as and says that He can not
undertake and prove in wa-
iver and join in the said plain-
tiff both in his said declaration
in this behalf above alleged and
of this he puts himself upon the
county.

P. Lohr
also

and in further plea in this
behalf the said defendant says
that the said plaintiff ought not
to have and maintain his action
pursued thereof against him beca-
use he says that the cause of action
in said plaintiffs declaration men-
tioned, did not accrue to him
within five years next before the
commencement of this action
and this he the said Benjamin
is ready to verify whenever he says
judgment. &c

P. Lohr
also.

and for further plea in this behalf, the
 said defendant says that said Plaintiff
 ought not to have his action against the
 said him because he says, before the
 commencement of the action against the
 said on the 1st day of March 1840, and at
 the count against he will and truly he is
 the debt in the declaration mentioned, and
 this he is ready to verify, wherefore he
 prays Judgment in

P. Holt
 atty.

Benjamin A. Byrd

To

Robert Chapman

Pleas

pleas filed 6th Apr 1840

W. J. Weather

Att

Peter Chapman

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Benjamin B. Byrd

} April Term 1840

and the said plaintiff, as to the plea
of the said defendant by ~~him~~ first
pleaded, & thereof he took proof
himself upon the country -
ask the like by his attorney
H. Chambers

and the defendant doth the ^{above} ~~above~~
and the said plaintiff, as to the
plea of the said defendant by
him secondly above pleaded,
saith that he the said plaintiff
by reason of any thing by the
said defendant in that plea
alleged, ought not to be barred
from having & maintaining his afore-
said action thereof against
him, the said defendant -
because he saith that the
said cause of action in the
plaintiff's declaration mention-
ed did accrue to him within
in four years next before the
commencement of his action
& that the said plaintiff prays
may be engaged of by the country

and the defendant

doth the like ^{above} ~~above~~

Chambers - atty

and for further replication in this
 behalf, as to the other plea above
 pleaded, the said plaintiff saith
 that ~~he said defendant~~ ~~the~~
~~said plaintiff~~ ought not
 by reason of any thing by the
 said defendant in this plea
 alleged, to be barred from having
 & maintaining his aforesaid action
 thereof against him, the said
 defendant, because he saith
 that, in the said defendant
 before the commencement of
 this action aforesaid, and not
 pay to the said plaintiff the
 debts, or any part thereof
 & this he prays may be ordered
 of by the court &c.

Chancery
 City

under the copious and date
 the 10th of June
 1840

Chapman

1840

Replication

filed April 8th 1840

Wm. Matthews

Att'y