

Jefferson County Circuit Court
Case Files - Civil
April 1840

Trotter, Joseph
Baker, Samuel

vs.
Hansel, John W.

Debt, note and account

Debt \$16,040.42 note and \$5,020.26
account, both accrued in Alabama

Box

5 Folder 11

In the Jefferson Circuit Court

April Term 1840

County of Jefferson

Joseph Trotter and
Samuel Baker late partners in trade doing
business under the name firm and style of
Trotter & Baker) by Guyon their attorney com-
plain of John W. Daniel, of a plea that he
rendered unto them the said Trotter & Baker
the sum of sixteen thousand and forty dollars fifty two cents
which he owes to and unjustly detains from them.
For that whereas the said defendant, hereof
for to wit on the sixteenth day of October in
the year of our Lord eighteen hundred and
thirty six at Moulton in the State of Alabama
to wit at the county of Jefferson aforesaid, by
his certain bill single obligatory, sealed with
his seal and now to the court here shown
bearing date the day and year aforesaid at
~~the county aforesaid~~ promised and bound him-
self to pay on or before the twenty fifth day
of December in the year eighteen hundred and
thirty eight to the plaintiffs by their copartnership
name of Trotter & Baker) a order five thousand
and twenty dollars and twenty two cents
with interest from the twenty fifth day of
December eighteen hundred and thirty seven
for value received.

And for that Whereas also, the said
defendant afterwards to wit on the day and
year first aforesaid at the county aforesaid
was indebted to the said plaintiffs in the
further sum of six thousand dollars for
divers goods wares and merchandize, by the
plaintiffs before that time sold and delivered
to the defendant and at his special instance
and request; and to be paid by the said
defendant to the plaintiffs when he the said
defendant should be thereunto afterwards
requested; whereby and by reason of the

said last mentioned sum of money being and remaining wholly unpaid an action hath accrued to the said plaintiffs to demand and have of and from the said defendant the said sum of six thousand dollars parcel of the said sum above demanded.

And whereas also the said defendant afterwards to wit on the day & year aforesaid at the county aforesaid, accounted with the said plaintiffs of and concerning divers other sums of money before that time and then due and owing and in arrears and unpaid from the defendant to the plaintiffs, and upon that accounting the said defendant was then and there found to be in arrears and indebted to the plaintiff in the further sum of five thousand and twenty dollars twenty six cents, to be paid by the said defendant to the plaintiffs when by the said defendant should be thereunto afterwards requested, whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action hath accrued to the said plaintiffs to demand and have of and from the said defendant the said last mentioned sum of five thousand twenty dollars twenty six cents residue of the said sum above demanded.

Yet the said defendant although often requested so to do hath not as yet paid the said sum of money above demanded or any part thereof to the said plaintiffs but has to do therewith hitherto wholly refused and still doth refuse. To the damage of the plaintiff of six thousand dollars. and therefore he begs that he

Prayer for relief

State of Missouri
County of Jefferson set

This day personally appears Samuel Baker, one of the plaintiffs in the foregoing declaration mentioned, and makes oath that John W. Hansel the defendant is justly indebted to the said Trotter and Baker the plaintiffs, after allowing all just credits and set offs in the sum of five thousand eight hundred eighty five $\frac{25}{100}$ dollars for and on account of the causes of action in the foregoing declaration mentioned: And further the said Samuel Baker says that he has good reason to believe and does believe that the said John W. Hansel, the defendant is not a resident of, nor residing within the State of Missouri —

Sam. Baker

No

Stephen Everett Court,
April 1st Term 1840

Joseph Foster
& Samuel Baker
vs
Mrs W. Starnell

Writ on Bill of Sale
& on title contract

\$ 16640.52

Amount sworn to \$5885.²⁸
1000

James M.

filed July 21st 1840
Wm. M. Wattey
Clerk

Know all men by these presents, That we,
business under the firm of Trotter & Baker
Joseph Trotter, and *Samuel Baker* as principals, and
John Geiger and Henry P. Bates as
securities, are indebted to the State of Missouri in the sum of Eleven
thousand seven hundred seventy $\frac{58}{100}$ dollars, for the payment whereof we
bind ourselves, our heirs, executors and administrators, jointly by these
presents, sealed with our seals, and dated at *St. Louis*, this *twenty first*
day of *February* eighteen hundred and forty

The Condition of this Obligation is such, That whereas, the said
Joseph Trotter & Samuel Baker have this
day sued out an attachment from the office of the Clerk of the *St.*
Jefferson *Louis* Circuit Court, against *John W. Hauser*
defendant for the sum of *five thousand eight*
hundred & eighty five $\frac{77}{100}$ dollars. Now, if the said plaintiffs
shall prosecute their said suit with effect and without delay, and shall
pay all damages which may accrue to the said defendant or to any
garnishee in said suit in consequence of said attachment, then this obliga-
tion to be void, otherwise to remain in full force.

Trotter & Baker L.S.

John Geiger L.S.

Henry P. Bates L.S.

John W. Hauser L.S.

Jefferson
COUNTY OF ~~ST. LOUIS~~, SCT.

STATE OF MISSOURI,

Jefferson
To the Sheriff of ~~St. Louis~~ County—GREETING:

We command you to ATTACH

John W. Hansel

by all and singular *his* lands and tenements,

goods, chattels, moneys, credits, and effects, or so much thereof as shall be sufficient to secure the sum of

five thousand eight hundred
& eighty five $\frac{27}{100}$ *dollars* with interest and costs of suit, in whose hands

or possession soever the same be found, in your bailiwick; and that you summon

the said *John W. Hansel*

that he be and appear at the next term of the

Circuit Court, before the Judge thereof, on the first day of said term, to be holden

Town of Webster
at the ~~City of St. Louis~~, within and for the County of ~~St. Louis~~, on the

Monday

April

next, then and there to answer unto

Joseph

Trotter and Samuel Baker late partners in trade

under the name firm & style of Trotter & Baker for
plea that he render unto them the sum of sixteen thousand four hundred
fifty two
of a plea of cents which he owes to & unjustly detains from them to the

damage of said plaintiff of *six thousand*

dollars: And also, that you might summon all and every person, in whose hands or possession soever, any such lands, tenements, goods, chattels, moneys, credits, or effects may be found, and particularly *Meredith Wideman*

that they be and appear before the

Judge of our said Court, on the first day of the term aforesaid, then and there to answer unto what may be objected against them; and have you then there this writ.

J. Weather
Witness, JOHN RULAND, Clerk of our

said Circuit Court, and the seal thereof hereto affixed,

Town of Mercersburg
at the ~~City of St. Louis~~, this

day of *February* in the year of our Lord,

one thousand eight hundred and forty.

J. Weather CLERK.

~~the within attached in the County of~~
~~the return of the writ of Habeas Corpus~~
~~for the return of the body of the said~~
~~John Hammon~~ ~~the 14th day of February at~~
~~John Hammon~~

Returned By the Plaintiffs order February the
27th 1840 By order of Samuel Baker
John Hammon Sheriff

In the Jefferson Circuit Court

April Term 1840

County of Jefferson &c.

Joseph Trotter and Samuel Baker (late partners, in trade doing business under the name firm and style of Trotter & Baker) by George Their attorney complain of John W. House of a plea that he render unto them the said Trotter & Baker the sum of sixteen thousand and forty dollars fifty two cents which he owes to and unjustly detains from them. For that whereas the said defendant heretofore to wit on the sixteenth day of October in the year of our Lord eighteen hundred and thirty six at Meridian in the State of Alabama to wit at the County of Jefferson aforesaid by his certain bill single obligatory sealed with his seal and now to the Court here shown bearing date the day and year aforesaid promised and bound himself to pay on or before the twenty fifth day of December in the year eighteen hundred and thirty eight to the plaintiffs by their copartnership name of Trotter & Baker for or for five thousand and twenty dollars and twenty six cents with interest from the twenty fifth day of December eighteen hundred and thirty seven for value received

And for that whereas also the said defendant afterwards to wit on the day and year first aforesaid at the County aforesaid was indebted to the said plaintiffs in the further sum of six thousand dollars for divers goods wares and merchandise by the plaintiffs before that time sold and delivered to the defendant and at his special instance and request and to be paid by the said defendant to the plaintiffs when he the said defendant should

be thereunto afterwards requested; whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action hath accrued to the said plaintiff, to demand and have of and from the said defendant the said sum of six thousand dollars, parcel of the said sum above demanded.

And whereas also the said defendant afterwards to wit, on the day and year aforesaid at the county aforesaid accounted with the said plaintiff of and concerning divers other sums of money before that time, and then due and owing and in arrears and unpaid from the defendant to the plaintiff, and upon that accounting the said defendant was then and there found to be in arrears and indebted to the plaintiff in the further sum of five thousand and twenty dollars twenty six cents to be paid by the said defendant to the plaintiff when he the said defendant should be thereto afterwards requested, whereby and by reason of the said last mentioned sum of money being and remaining wholly unpaid an action hath accrued to the said plaintiff to demand and have of and from the said defendant the said last mentioned sum of five thousand and twenty dollars twenty six cents residue of the said sum above demanded. Yet the said defendant although afterwards requested so to do hath not as yet paid the said sum of money above demanded or any part thereof to the said plaintiff, but he so to do this hath hitherto wholly refused and still doth refuse to the damage of the plaintiff of six thousand dollars, and therefore he brings suit &c.

Reyer for plff.

State of Missouri }
County of Jefferson } set

This day personally appears Samuel Baker one of the plaintiffs in the foregoing declaration mentioned; and makes oath that John W. Hauser the defendant is justly indebted to the said Trotter and Baker the plaintiffs after allowing all just credits and set offs in the sum of five thousand eight hundred and eighty five $\frac{29}{100}$ dollars for and on account of the causes of action in the foregoing declaration mentioned; And further the said Samuel Baker says that he has good reason to believe and does believe that the said John W. Hauser the defendant is not a resident of nor residing within the State of Missouri.

Sworn and subscribed to } Samuel Baker
before me February 21st }
1840. Jno J. Weather. }
Clerk Jefferson Co. 61 }

I certify the foregoing to be a true copy of the declaration & affidavit filed in that behalf as the same now remains in my office

Jno J. Weather Clerk

Jefferson Circuit Court
April Term 1840

Joseph C. Trotter vs
Harriette Baker

vs

Mo W. Warriner

Debt on bill obligatory
& on simple contract

\$16040.52

Amount sworn to \$5885.29

Bond filed in the sum
of \$11770.58 & approved

Mo J. Weatherly Clerk

The Sheriff's return to the bond
is double the value of all
property of the above named

Mo J. Weatherly
Deemre of Court by Sheriff
\$29.00

filed Mar 6th 1840

Mo J. Weatherly
Clerk

Worcester and July 29th 1840
It is agreed by the parties in the case
between Foster & Baker an Plaintiff and
John W. Hamble & others an defendants that
the said suit be discontinued a compromise
being between all the parties concerned having this
day been effected & the undersigned to
Writ Foster & Baker acknowledge them-
selves indebted for the cost of said suit
& hereby confess judgment for the same

Foster & Baker
By Attest

John Hammond
Sheriff

Baker & Trotter

vs
John W. Wanslee
Deftnial

filed Feb 27th 1840

Wm. Mathews
clerk