

Jefferson County Circuit Court
Case Files - Civil
December 1840, No. 8

Box 5 Folder 38

Chapman, Robert

v.

Byrd, Benjamin B.

Assumpsit

Debt \$150; Damages \$150; Defendant alternate
name Bird

State of Mississippi } In the Circuit Court
County of Jefferson }
December
1840

Robert Chapman by his attorney and
counselors complaining of Benjamin
B B Byrd, of a plea of assumpsit,
for that whereas the said defendant
heretofore, to wit, on the ~~seventh~~
Seventh day of July, 1840 in the
year one thousand eight hundred & thirty
three in the County of Jefferson
& State of Mississippi, 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, & being so indebted,
he the said defendant, in considera-
tion thereof, afterwards, to wit, on
the day & year last aforesaid - at
the County aforesaid, undertook,
& there & then - lawfully promised
the said plaintiff to pay him the
said mentioned sum - of money -
when he the said defendant, should
be demanded afterwards by request -
nevertheless the said defendant
has disregarding his said verbal
promise & undertaking, but contriving
& fraudulently intruding craftily &

Subtly & as ever & as planned the
said plaintiff in this behalf, hath
not as yet paid the above mentioned
sum of money, or any part thereof,
to the said plaintiff, although
after repeated demands, but the
said ~~after~~ defendant to pay him
the same hath hitherto wholly
neglected & refused & still does
neglect & refuse, to the damage
of the said plaintiff of one
hundred & fifty dollars &
therefore he ~~being~~ brings to suit

Wm. H. Sturges
att. ple. &c.

Benjamin

No 8 28

A. Chapman

my

3333

action of a composite

filed Aug 12 1840

W. D. Keith

h

County of Jefferson

State of Missouri } In the Circuit Court
County of Jefferson } December 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 co-
vint on the sixteenth day of July in the year eighteen hundred
and thirty three in the County of Jefferson and State of Missou-
ri, 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 & for the use of the
said defendant, at his special instance and request &
being so indebted he the said defendant in consideration
thereof afterwards to wit, on the day and year last aforesaid
at the County aforesaid undertook & then and there faithfully
promised the said plaintiff to pay him the said mentioned
sum of money, when he the said defendant should be
thereunto afterwards requested, nevertheless the said defendant
not regarding his said several promises & undertakings, but
contriving & fraudulently intending craftily & slyly to deceive
& defraud the said plaintiff in this behalf, has 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 & refuse to the damage
of the said plaintiff of One hundred & fifty dollars &
therefore he brings his suit

W Chambers atty
pla pff

a True copy

Attest.

Geo S. Mathew clerk Cir Ct.

I served this writ on Benjamin B Byrd by reading it in his hearing on the 7th day of October 1840

Math Mox Sheriff
fee \$1:00

Jefferson Circuit Court
December Term 1840

Robert Chapman

vs

Benjamin B Byrd

Summons

action of Assumpsit.

Filed Dec-2 1840

Wm Mox

Sh

Chas. Mox

Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon Benjamin B. Bird
if he be found in your county, that he
he 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 Millerboro —
within and for the County of Jefferson, on the ^{first} ~~second~~ Monday
of December — next, then and there to answer unto Robert
Chapman on a plea of Assumpsit — a
copy of which 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 Millerboro — this twelfth day
of September, in the year of our Lord eighteen
hundred and forty

John S. Mathews Clerk.

Benjamin B. Reed

ad

Robert Chapman And the said
defendant by Bent his attorney coming
and defends the wrong and injury which
and says he did not undertake and
promise the said plaintiff to pay
him the said sum of money in said
declaration mentioned in Memoir
And for as the said plaintiff hath
above thereof in declaring charges &
of this he puts himself upon the
Country.

Bent for a ft

Judgt of Non Suit see Book No 2 page 331

W. S. Mathew Clerk

May 13 1841

237

Robert Chapman

Mr. J. B. C.

Friend Dear Sir

Mr. B. W. A. C.

Edw.