

Tofferson County Circuit Court

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6

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3

Case Files - Civil

July 1841, No. 7

Barry, James O.

vs

Bryant, Absalom

Assumpsit

Defendant promised to pay plaintiff, if William Henry Harrison defeated Martin Van Buren, a geometrical progression of 14 for first electoral vote doubling for each successive electoral vote won by Harrison over Van Buren; Harrison won by 174 votes, resulting in debt of "a thousand millions of dollars and much more"

Jefferson County to wit-

In the Circuit Court
July Term 1841

James O Barry complains of Absolom Bryan
of a plea of trespass on the Case on prom-
ises For that whereas heretofore to wit on
the fifth day of November in the year of
our Lord one thousand eight hundred and
forty at the County of Jefferson the said
defendant agreed with the said plaintiff and John
P Matthews that if William Henry Harrison should
receive a greater number of electoral votes than
Martin Van Buren the said defendant would pay
to the said plaintiff and John P Matthews one
cent for the first vote two cents for the second
electoral vote and doubling in geometrical pro-
gression for every vote majority given for the
said Wm H Harrison as president of the United
States over and above the number given for
the said Martin Van Buren for the same
office in consideration of the agreement in
writing of the said plaintiff and John P Matthews
to and with the said Absolom Bryan to pay
to the said Bryan one cent for the first vote
two cents for the second electoral vote majority
that the said Martin Van Buren should receive
over and above the electoral vote that should be
given to the said Wm Henry Harrison for the
office of president of the United States and
doubling in geometrical progression for every ^{such} vote
the said Van Buren should receive over and
above the number received by the said Harrison
and the said plaintiff covenants that the said
Wm H Harrison received one hundred and seventy

four votes majority over and above the number
received by the said Martin Van Buren for
the office of president of the United States whereby
the said Bryan became liable to pay the said
plaintiff and John S. Matthews the sum of a geo-
metrical series commencing at one cent and
doubling one hundred and seventy ~~four~~^{four} times amounting
to a large sum of money to wit the sum of
a thousand millions of dollars and much more
besides, and the said plaintiff also avers that the
said John S. Matthews has transferred his interest
in the said agreement to the said plaintiff
by an instrument of writing signed by the
said Matthews whereby and by virtue of which
transfer an action hath accrued to the said
plaintiff in his own name. Notwithstanding
the said defendant hath been often requested
by the said plaintiff to pay to the said plain-
tiff the said one cent for the first electoral vote
two cents for the second electoral vote and so
on in geometrical proportion doubling at each
electoral vote majority the said Mr. Henry
Harrison received over the number of electoral
votes given the said M. Van Buren for the
office of president of the United States yet
the said defendant hath refused ^{and still to refuse} to pay ~~the~~
the said plaintiff the said sum of money
or any part thereof Wherefore the said plain-
tiff saith he hath sustained damage to
the amount of ten thousand dollars and
therefore he sues

M. Frippell Atty
for plaintiff

No 7
Stephen Vincent Stuart
Deputy Term 1841

James O Barry
as S

Abraham Bergen

Abraham

Term \$10,000

Set a summons upon
Wm Timpall atty

filed May 4th 1841
Wm D. Weather
clerk

Jefferson County to wit

In the Circuit Court July Term 1841

James O Barry complains of Absalom Bryan of
a plea of trespass on the case on promises. For that
whereas heretofore to wit on the fifth day of November
in the year of our Lord one thousand eight hundred
and forty at the County of Jefferson the said defendant
agreed with the said plaintiff and John T. Weather
that if William Henry Harrison should receive a
greater number of electoral votes than Martin Van
Buren the said defendant would pay to the said
plaintiff and John T. Weather one cent for the
first vote, two cents for the second electoral vote and
doubling in geometrical progression for every vote
Majority given for the said Wm H Harrison as
President of the United States, over and above the
number given for the said Martin Van Buren
for the same Office, in consideration of the agreement
in writing of the said plaintiff and John T. Weather
to and with the said Absalom Bryan to pay to the
said Bryan one cent for the first vote two cents
for the second electoral vote that the said Martin
Van Buren should receive over and above the
electoral vote that should be given to the said
Wm Henry Harrison for the Office of President of the
United States, and doubling in geometrical progression
for every such vote the said Van Buren should receive
over and above the number received by the said
Harrison, and the said plaintiff avers that the said
Wm H Harrison received one hundred and seventy four
votes Majority over and above the number received
by the said Martin Van Buren for the Office of

president of the United States, whereby the said
Bryan became liable to pay the said plaintiff and
John S. Weather, the sum of a geometrical series
commencing at one cent and doubling one hundred
and seventy four times amounting to a large sum
of money to wit, the sum of a thousand millions
of dollars and much more besides, and the said
plaintiff also avers that the said John S. Weather
has transferred his interest in the said agreement to
the said plaintiff by an instrument of writing signed
by the said Weather whereby and by virtue of which
transfer an action hath accrued to the said plaintiff
in his own name. Notwithstanding the said
defendant hath been often requested by the said
plaintiff to pay to the said plaintiff the said one
cent for the first electoral vote, two cents for the second
electoral vote and so on in geometrical progression
doubling at each electoral vote majority the said Wm
Henry Harrison received over the number of electoral
votes given the said Mc Van Buren for the Office
of president of the United States yet the said defendant
hath refused and still doth refuse to pay the said
plaintiff the said sums of money or any part thereof
wherefore the said plaintiff saith he hath sustain-
ed a damage to the amount of ten thousand dollars
and therefore he sues.

Mc Friselle Atty
for plaintiff,

I executed this writ and Declaration
on Absalom Bryan by reading it in
his hearing on the 22nd day of May 1841

Mark M. Sheaff
fee \$1:00

Ex 108-1
In Jefferson Circuit Ct
July Term 1841

James O. Barry
vs }
Absalom Bryan

filed July 16th 1841
W. H. Weather
clerk

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon Absalom Bryan
if he be found in your county 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 ~~second~~ ^{third} Monday
of July - next, then and there to answer unto the
complaint of James O Barry of a plea
of Trespass on the case on promises, a copy
of which is hereto attached,

to the damage of said plaintiff

Ten thousand

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 Hillsboro this fourth day
of May, in the year of our Lord eighteen
hundred and forty one

J. S. Mathews Clerk.

Abraham Bryan
vs
James O Barry

And said deft
carnes & says that said plaintiff
ought not to have & maintain
his said action against him
because he says that said
plaintiffs declaration is not good
& sufficient in law to enable the
plaintiff to maintain his said
action & that he is not by the
law of the land bound to
answer the said ~~petition~~ for
he says. Judgment is to
be for said atty
for deft

Doinder in demurrer
M. Friessell Atty

Demurrer sustained and cause dismissed
July 21st 1841. See Book 2 page 38

By an
address

Bary

Samuel L

Samuel

Waco, July 21st/84
Wm. Matthews
to Me