

Jefferson County Circuit Court

Casa Files - Civil

May 1851, No. 10

Codwallader, Isaac

v s

Armstrong, Dennis
and wife Haden, Miller

Scise facias

Reveive \$400 judgment from
July 1841

Box

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Folder

21

The State of Missouri,
To the Sheriff of the County of Jefferson, Greeting,
(You are hereby commanded that you summon Miller
Cadwalader and Dennis Armstrong if they be found
in your county, that they be and appear before the
Hon' Judge of our circuit court on the first day
of the next Term thereof to be begun and held at
the Town of Hillsboro within and for the County
of Jefferson on the fourth Monday of May next, then
and there to show cause if any they have, why a
Judgment rendered against them in our said court
on the 22nd day of July A D 1841 for the sum of
four hundred dollars debt and damages assessed at
the sum of one hundred and sixteen dollars and
sixty six cents, and also the costs of that suit, in favor
of Isaac Cadwalader, should not be revived and
the lien created thereby continued, and have you
then there this writ,

Witness Tho C Fletcher, Clerk of
our said Circuit court at office
in Hillsboro April 11th 1851.
Tho C Fletcher Clk

Judgment revived June 3^d 1852. Book 3 page 264

I executed this writ on Dennis Armstrong at
~~By~~ the County of Jefferson on the 15th day of April
1851. by offering to read the same in his presence
and hearing which he refused to hear
and also I executed this writ on Miller Cadwallader
in the County of Jefferson on the 19th day of April
1851 by reading the same in his presence and
hearing.

James McCalloch Sheriff

No 10

To Circuit Court
May Term 1857.

Isaac Cadwallader
vs
James Armstrong
Miller Cadwallader

Sherry fees \$2.00

Filed April 22nd 1857.
Wm. H. McArthur
clerk

Isaac Cadwallader } In the Circuit Court
vs

Dennis Armstrong
Miller Cadwallader } Jefferson County

Miller Cadwallader one of the defendants in the above entitled cause, in answer to the Scire Facias issued from the office of the Clerk of the Circuit Court of the County of Jefferson & State of Missouri, requiring said defendants to show cause why a judgment rendered against them in said Circuit Court on the 22nd day of July A.D. 1841 for the sum of four hundred dollars debt, and damages one hundred and sixty six dollars sixty six cents and costs of suit in favor of the above named plaintiff, should not be revived & the lien continued, states, that said judgment should not be revived for the following reasons.

- 1st The said defendant Cadwallader was never served with process in the ^{said} suit in which judgment by default was rendered against him & said Armstrong, for the recovery of Dennis Armstrong with whose wife the summons against him was left was not at the time the usual place of abode of said defendant.
- 2nd Defendant was never legally served with process, nor did he ever have any legal notice of the commencement of said suit, nor of the time place nor court at which he was required to appear.
- 3rd Had defendant been legally notified of ^{the institution of} said suit he should have claimed and obtained a credit against the note which was the basis of said action & judgment, of the sum of \$250 ^{Dollars, as well as defendant now} recollects. ^{in the absence of, our books left in the hands of Dennis Armstrong}
- 4th Had the plaintiff Cadwallader lived but his executors in said judgment, defendant would have moved the court to quash the same for the want of notice of the suit

As defendant had no notice of the commencement of said original action, & had no knowledge of the existence of said judgment till the service of the said return, it would be extremely hard, & operate greatly to the prejudice of ^{injury} to reverse said judgment and lien.

That defendant owes, with Dennis Armstrong, a part of the note of \$400 upon which said judgment was rendered he does not deny. but that he is entitled to the credit above stated he also affirms.

Defendant further states that a part of the 250 dollars claimed by him as a credit on said note for \$400, was paid by defendant for a piece of land which he entered in his own name and conveyed to Plaintiff, as was agreed upon between them, when the money was borrowed. & the reason Plaintiff did not enter the land himself was that he was a cripple & could not ride to St Louis.

defendant would have claimed had he been served with notice of the suit on the note a credit of said sum of 250\$ most of which was due within one year from the date of the note.

Defendant alleges that said judgment should not for the foregoing reasons be reversed & the lien continued as a judgment rendered without notice is utterly void

Attest
M. Cadwallader By
Pipkin Atty.

Miller Cadwallader one of the defendants in the above entitled cause, ^{on oath} says the foregoing answer and the matters therein stated are true to the best of his belief. Miller Cadwallader
Sworn to & Subscribed
before me Oct 18th 1851.
Jho le Hatcher Clerk

Isaac Goodale and
as { see p. 20.

Henry Armstrong
Miller Goodale and
owners of Goodale and

Filed Oct 18 1857
Chas. C. Welch
clerk

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To James S. Smith. James Caldwell
(and) Henry Ransberger

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our County, on the 27th day of November next at the town of Stillborn; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Isaac Caldwell is Plaintiff and Caldwell's wife and children are Defendants on the part of the Defendant.

Wm. C. Fletcher
Clerk of our
County, JOHNSON H. ALFORD,

said Circuit Court, at the town of Stillborn, this 20th day of Oct
A. D. eighteen hundred and fifty one,

Wm. C. Fletcher
CLERK.

I Executed this Will on Amos Cadwallader by
reading it in his presence and hearing on the
24 day of Oct 1857

20 Circuit Court
Nov Term 1857.

225
125
135
485

Amos Cadwallader
vs } & pa

Wm Cadwallader &
Associates

for Debt

Amos & Benjamin

Amos Cadwallader

24

Hearing November

4th day

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Stephen Smith

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Court, on the 27th day of November at the town of Stillmore, then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein I leadn allder is plaintiff and the leadn allder & Armstrong and dependant's on the part of the Deft.

Witness,

Thos. L. McTeague

Clerk of our

said

Court, at the town of

Stillmore, this 23rd day of November

A. D., eighteen hundred and fifty one

Thos. L. McTeague CLERK.

Served the within Subpoena on Stephen
Smith by reading the same in his
hearing the 19th day of Nov: 1857.

Subscribed & sworn to
before me the 23rd Nov:
1857. Tho C. Fletcher
Clerk

W. Johnston

do Norwich Conn:
2 Nov 1857.

J Cadwallader

vs
J. P. P.

Comd'g & Cadwallader

for Debt

Stephen Smith

4th day

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To James L Austin, Stephen Smith, Lewis
Ladwelder & Henry Rameberger GREETING:

You are hereby commanded, that setting aside all manner of excuse
or delay, you be and appear in proper person before the Judge of our
Circuit Court, on the 28th day of

May at the town of Stillbore, then and there to testify
and the truth to say, in a certain matter of controversy, now pending in
our said Court, wherein Isaac Ladwelder is
Plaintiff and the Ladwelders is — defendant
on the part of the debt

Witness, *Thos. S. Fletcher*
~~JOHNSON H. ALFORD~~, Clerk of our

said Circuit Court, at the town of
Stillbore, this 17th day of April
A. D., eighteen hundred and fifty two.

Thos. S. Fletcher CLERK.

I Executed this writ on James I Dunklin by
reading it in his presence and hearing on
the 27th day of April 1852 also on Henry
Ransbarger on the 4 day of May A.D. 1852 by
reading it in his presence & hearing also on
Amos Cadwallader by reading it in his
presence & hearing on the 5 day of May 1852

Stephen Smith not found in
Jefferson County No

To Circuit Court
May 27 1852

Amos Cadwallader
vs
do
on Cadwallader

For debt
James I Dunklin vs
Stephen Smith
Amos Cadwallader vs
Henry Ransbarger

5th May

Sherriff fees \$ 1.00

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Stephen Smith

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 28th day of

May at the town of Hillsboro', then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Isaac Cadwallader is Plaintiff and Miles Cadwallader defendant on the part of the Defendant

Thos. M. Fisher
Witness, JOHNSON H. ALFORD, Clerk of our

said Circuit Court at the town of Hillsboro', this 29th day of April A. D., eighteen hundred and fifty two

Thos. M. Fisher CLERK.

20 Circuit Court
Jefferson County
May Term 1852,

Isaac Radwalleder

vs
\$1000

the Radwalleder

for Debt
Stephen Smith

Executed the within writ
as I am within commanded
by reading the same to the
within named and by this
1 day of May 1852,

William H. Haystack
Clerk Court

Net 28 May

20 p 20 h 54