June Term 1863.

Cyrus Huston vs James B Dell and Terretenants | Scire Facias in Circuit Court for Washington County July Term 1854.

1st And the said Cyrus Huston saith that he by any thing by the said Joshua Dell Abraham Dell and Isaac Ankeman by their first plea before alleged ought not to be precluded or delayed from having his execution against them the said Joshua Dell Abraham Dell and Isaac Ankeny for the debt damages costs and charges aforesaid, in the Writ of scire facias aforesaid mentioned of the Lands and tenements aforesaid of which the said Joshua Dell Abraham Dell and Isaac Ankeny by the return of the Writ of Scire Facias aforesaid are returned terretenants because he saith that after the said recovery of said debt damages and costs aforesaid and before the issuing of the Writ of Scire Facias in this cause the said James B Dell the defendant in said original Judgment in the said Writ of Scire Facias mentioned do not pay to him the said plaintiff the said debt and damages in form aforesaid recovered in manner and form as the said Joshua Dell Abraham Dell and Isaac Ankeny by their said first plea have alleged and this the said Cyrus Huston the plaintiff prays may be inquired of by the Country &c. 2d And the said Cyrus Huston saith as to the fourth plea of them the said Joshua Dell Abraham Dell and Isaac Ankeny above pleaded to the said Cyrus Huston by any thing in the said fourth plea alleged ought not to be precluded or delayed from having his execution aforesaid against them the said Joshua Dell Abraham Dell and Isaac Ankeny for the debt damages and costs and charges aforesaid in the Writ of Scire Facias aforesaid mentioned of the Lands and tenements aforesaid of which they the said Joshua Abraham and Isaac by the return of the Writ of Scire Facias aforesaid, are returned tenants because he saith that there is such record of the recovery of the debt damages costs and charges aforesaid in the Writ of Scire Facias aforesaid mentioned by the said Cyrus Huston against the said James B Dell as to the said Cyrus Huston by the said Writ of Scire Facias above supposes and this the said Cyrus Huston is ready to verify by the said record &c and prays that the record of the Judgment aforesaid by the Court here may be seen and inspected &c

George Schley and R H Alvey attys for Pltff

And thereupon the defendant by their Attorneys aforesaid file in Court here the tender of a plea as follows,

Huston vs Dells Terretenants | The case being regularly called on the Docket the defendant terretenants by their Counsel offered to give a Judgment of Fieri with credits for the following payments made by James B Dell the defendant in the original Judgment since the rendition of said original Judgment and admitted by the plaintiff viz Ten dollars paid April 16th 1850 One hundred dollars paid 15 October 1850 and One hundred and fifty five dollars paid 7th September 1851 and objected to a Jury being empannelled and sworn to ascertain the amount of Credits to which said Judgment which the Scire Facias seeks to revive was entitled.

D Weisel Alex Neill attys for said defendant

Whereupon the plaintiff by his attorneys aforesaid files in Court here the following answer to the tender of a fieri on the part of the said defendants.

Cyrus Huston vs James B Dell and Terretenants | In Circuit Court for Washington County.



June Term 1864.

In answer to the tender of fieri on part of terretenants the Counsel for the plaintiff are willing to accept a Judgment of fieri by compromise giving the following credits.

| | | | |
|---|---|---|---|
| Cr Nov 16th 1839 | $350. | as per receipt | No 5 |
| " " " | 40 | " " " | 6. |
| " 27 " | 1100 | order on Martha Wilson | |
| Aug 28 1841. | 600 | as per receipt | No 7 |
| " " " | 200 | " " | 8 |
| Aug 28 1843 | 20 | " " | 9 |
| 12. 1844 | 10 | " " | 10 |
| March 3d 1845 | 100 | | |
| April 16 1850 | 200 | " " | 2 |
| Oct 15. " | 100 | " " | 3 |
| Sept 7th 1851 | 155 | " " | 4 |

These Credits are inserted upon Every Credit upon the Judgment to avoid litigation and trouble in the future and the plaintiffs Counsel agree to fieri being entered subject only to the above latter Credits because the Judgment must be for more than is due.

George Schley R H Alvey for Pltff.

All the said plaintiff by his Attorneys aforesaid file in Court here after the Jury was sworn and during the course of the trial the following Statement.

On the trial of this cause the plaintiff offered to admit to the Jury all the yellow Credits and given anterior to as well as those subsequent to the rendition of the original Judgment to wit the 27 of Nov 1847 at which said Credits must and are given to the rendition of the said original Judgment were by the defendants refused and objected to and which said objection was sustained by the Court.

R H Alvey George Schley attys for Pltff.

Cyrus Huston vs James B Dell and Terretenants.

| | | |
|---|---|---|
| Amount of Penal date May 27 1839 and payable, | | |
| in Ten Months from its date, | $1800 | |
| in 12 Months from its date | 1,100 | |
| in 24 Months from its date | 1,100 | |
| With interest on the above until paid | | $4000.00 |
| one years interest by agreement | | 160.00 |
| | | $4160.00. |
| Cr Nov 16 1839 $350 as per rec No 5 | | |
| " " " 40 as per rec No 6 | | |
| 27 " 1100 order on Martha Wilson | | 1490. |
| | | $2670.00 |
| Int on $2.670 00 from Nov 27th 39 to Aug 28 41 | | |
| One year 9 months and 1 day | | 280.80 |
| | | $2950.80 |
| Cr August 28th 1841 $600 as part rec No 7 | | |
| 200 as per rec No 8 | | 800 |
| | | $2.150.80 |
| Int on $2.150.80 from Aug 28th 1841 to Nov | | |