

Jefferson County Circuit Court
Case Files - Civil
November 1887

Folder 2 of 2

Box 39 Folder 20

McSpadden, Louis
Blaine, William H.

vs.

Hackworth, John J.
Hackworth, Susanna

Ejectment

Change of venue from Washington
County; land in T29R3E in Wayne
County; \$500 damages; depositions

NOTICE TO TAKE DEPOSITIONS.

(Wagner's Stat., page 523, Sec. 9, page 521, Sec. 10, 13.)

Louis McSpaden and William
H. Blaine

Plaintiff's

AGAINST

Wm. F. Hackworth and wife

Defendant's

In the Circuit

Court of _____ of the _____

County of Jefferson,

STATE OF MISSOURI.

To the above named, Defendants, or John H. Remy their attorney of record

YOU ARE HEREBY NOTIFIED, That depositions of witnesses to be read in evidence in the
above entitled cause on the part of the Plaintiff will be taken at the
office of J. J. Lay, a Notary Public, in the town of Stockton,

in the County of Cedar and State of Missouri

on the ninth day of May 1888, between
the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the
taking of said depositions, if not completed on that day, will be continued from day to day, at the
same place and between the same hours, until completed.

Service of the above notice is hereby acknowledged, and
issue of dedimus and all exceptions as to time waived.

April 20th, 1888

John H. Remy atty for
Defendants

Louis McSpaden and William H.

Blaine, by William H. Hall,

their attorney

No

On the Circuit Court of
Jefferson County, Missouri.

McPherson and Blaine

vs

Macomber and MacKenzie.

Shelton to Dept of taking of
depositions, May 9, 1888, at
Stockton, Fresno County, Cal.
at the office of W. D. Day.

DEPOSITION.

(Rev. Stat., p. 354, Sec. 2149.)

Lewis M. Spaden, and
William H. Blaine
vs. John J. Hackworth and
wife
Plaintiffs
Defendants

In Circuit Court,
County of Jefferson
State of Missouri
No. 9th

DEPOSITION of witness produced, sworn and examined on the 9th day
of May in the year of our Lord 1888, between the hours of 8 o'clock in
the forenoon and 6 o'clock in the afternoon of that day, at Law office of
J. J. Loy & Co. in the County of Cedar and State of Missouri
before me Milton Bloy a Notary Public
in a certain cause now pending in the Circuit Court

in the County of Jefferson
in the State of Missouri between Lewis M. Spaden, and
William H. Blaine
Plaintiffs, and John J. Hackworth and wife
Defendants, on the part of the

Plaintiffs
Present William H. Blaine Esq., on behalf of the Plaintiffs.
and Henry H. Johnston Esq., on behalf of the Defendant.
of lawful age, being produced, sworn and examined
on the part of the Plaintiffs deposes and saith:

my name is Henry H. Johnston

my age 47 years.

my residence is Sacville Cedar County Missouri

Q. Are you acquainted with the parties to this
suit?

Ans. yes.

Q. Where were you in the Spring of 1884.

Ans. I was clerking for M. Spaden & Blaine in the store
in Piedmont Wayne County Missouri.

Q. Did you ever see Mr. John J. Hackworth in the store.

Ans. I did frequently.

Q. What was his business at the store

Ans. He asked me if George Bates had paid any
thing on his notes. I told him I did not
know and told him to ask at the office

Q. If in the Spring of 1884 you heard conversation
between Mr. John J. Hackworth and William H. Blaine

State what that conversation was.

ans - Sometime during the Spring of 1884 - early one morning just after the store was opened for the day's business, Mr. John J. Hackworth came in the store, and asked William H. Blaine if Bates had paid those notes off. Blaine told him he had not. Hackworth then said that he had paid Bates to pay them off and he wanted them. Blaine told him he could not get them until better security than he then had was furnished.

Ques - If you had any conversation with Mr. Hackworth after the conversation between he and Mr. Blaine on the same day state what it was.

ans - I walked with him to the front door upon his leaving. I said to him: John if you have paid Bates to take up those notes why don't you make him do it. his answer was that they did not treat me right.

Ques - who was present at the time of the conversation between Blaine and Hackworth about the notes.

ans - Charles Blaine and myself were the only parties present.

Henry H. Johnston

CERTIFICATE.

(Rev. Stat., p. 355, Sec. 2151.)

STATE OF Missouri
COUNTY OF Cedar } SS. a Notary Public

I, Milton B. Loy

do certify that in pursuance of the annexed Notice Henry H Johnston came before me at law office of J. J. Loy in Stockton Cedar County Mo in the County and State last aforesaid Henry H Johnston

who was by me sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was examined and his examination was reduced to writing and subscribed by him in my presence, on the day, between the hours and at the place in that behalf first aforesaid, and he said deposition is now herewith returned; and I hereby certify that the said Henry H. Johnston is a are residents of Sacville Cedar County Missouri

and I further certify that I was duly qualified as a Notary Public on the 30th day of October 1887 and my term expires October 30th 1891.

IN TESTIMONY WHEREOF, I have hereunto set my hand* and official seal at Stockton in the County and State aforesaid, this 9th day of May 1888.

[L. S.]

Milton B. Loy
Notary Public

*"And official seal," if taken before an officer having an official seal.

[Fees and postage, \$ _____, paid by _____]

STANDARD PRINTING CO., HANNIBAL, MO.

In the Circuit Court

County of Jefferson
State of Missouri

Lewis McSpadden and
William McBlaine Plaintiff

VS.
John J. Hackworth
and wife Defendant

DEPOSITION OF
Henry H Johnston

FOR THE
Plaintiff
Filed May 11th 1888
W. B. Kuyler Clerk

By _____ Deputy

Lewis M Spadden and
William H. Blair Plaintiffs

against
John J. Huckworth and
Dyundant
In the Circuit Court of
~~Bluff County~~ ^{Bluff County}, Missouri
May Term 1888.

Now on this day come the
~~plaintiffs~~ and move the
Court to strike out the an-
swer of Susan at Huck-
worth Co & find not her in
and to render judgment
in the above cause against
the said Susan at Huck-
worth and in favor
of the plaintiffs for the

following reasons -
Plaintiffs on the part of the plaintiff - Lewis
Blair and William H. Blair

Because the said Susan
- at ~~is~~ defendant and an
- adverse party to the plain-
- tiffs in the above entitled
cause.

And that the plaintiffs here
cause & the said Susan
- at Huckworth to be sub-
- poined to appear and test-
- ify on the trial of this
cause on the part of
the plaintiffs And that

since son of Buckworth
has failed refused and
neglects to appear and
give his testimony as
aforesaid, require

Dunning & Byrnes
att N. A. Tucker
Att for P. G. J.

My Shuddert
Blaine

Buckworth
W. A.

motion for
Judgment
against es at
Buckworth
worth Co. etc.

Filed May 14/1888

D. B. Vealey
Clerk

1	Samuel Washburn	1
2	Oscar Edwards	2
3	~~G. M. Sublette~~	~~Pltff.~~
4	~~J. L. Farley~~	~~Pltff.~~
5	~~A. H. Spulker~~	~~Pltff.~~
6	A. P. Booth	3
7	Mrs. M. Baker	4
8	Austin Williams	5
9	Fritz Rolf	6
10	Mrs. Bolu	7
11	William Galton	8
12	Jos. Robinson	9
13	~~W. A. Whithead~~	~~Def't~~
14	J. R. Berry	10
15	W. B. Renner	11
16	~~Robert Brown~~	~~Def't~~
17	James Medley	12
18	George Russell	

State of Missouri } In the Circuit Court
County of Jefferson } 20 May Term 1888

Lewis McSpaden and
William N. Blaine
Plaintiffs

} Motion to Suppress

vs.
John J. Hackworth et al.
Defendants

} Deposition of
Henry H. Johnson

Now come the defendants and move the court to suppress the deposition of Henry H. Johnson heretofore taken and filed in this cause on the part of the plaintiffs, and as grounds therefor defendants state the following:

First.— Because the said deposition was not taken at the place or before the officer named in the notice.

Second.— Because the deposition was not taken, sworn to and certified as required by law.

Third.— Because no notice whatever was ever given to defendants of the taking of said deposition.

John H. Roney
Attorney
for Defts

No.

McPhaden & Blair

John J. Macdonald

Master to Captain

Reparations

Filed May 14/1888

D. B. Rogers
Clerk

State of Missouri } In the Circuit Court
County of Jefferson } 2nd May Term 1888

McClellan & Blaine }

vs.
John F. Hackworth et al }

Now at this day come
the defendants and the testimony in this cause
adduced on the part of all parties having
been heard by the jury, move the
court to rule the plaintiffs to elect upon
which conveyance, of the two offered in
evidence, they intend to rely to support
their action in this cause, and as reasons
therefor state the following:

First.- The titles assumed to have been
derived from the instruments offered in
evidence are not consistent, are not in
unity as to title, time interest or parties.

Second.- Because the junior deed of trust
was cut off and completely satisfied by
the foreclosure of the first deed of trust
offered in evidence by plaintiff.

John H. Ramey

C. D. Yancy
for Defts.

No. 54
M. Caplan & Blaine

John J. Macdonald
Martin D. Hall D.D.
to elect upon which
and they rely to E. C. A.
-tick will in themselves

7 Dec 1888
Wm. D. Nease
Blaine

1
McClellan & Blaine)

Hackworth & Hackworth)

The Court instructs you, gentlemen of the jury, as follows:

There are two issues made by the pleadings in this case which you are to determine. —

First. Were the notes mentioned in the deed of Trust of date April 22^d 1882, amounting to \$2180, paid off by John J. Hackworth prior to the sale of the property in controversy under said deed of Trust, and at which sale plaintiffs bought the property now indispute?

Second. — Did the notary Public who took the acknowledgment of Susanah Hackworth, examining her separate and apart from her husband, when the deed of Trust of herself and husband to James F. Hatten Trustee for Pity E. Bates, conveying the land in controversy was acknowledged?

If you find from the evidence in this case that John J. Hackworth himself, or that any other person for him, did pay off the notes offered in evidence and which are referred to in the deed of Trust, before the property was sold under the deed of ^{Trust} then you will find the issue on the first proposition in favor of the defendants. If you find the issue for the defendants on the first proposition ~~for the defendants~~, you will not

be required to find upon the issue arising under the second proposition -

On the other hand, if you find that the said notes had not been paid off before the land was sold under the deed of Trust, you will then determine from the evidence before you whether or not Susanah Hackworth was examined separate and apart from her husband at the time of signing and acknowledging the deed of Trust read in evidence.

If you believe from the evidence that the defendant, Susanah Hackworth was not examined, separate and apart from her husband when the deed of Trust of herself and husband to James F. Hatten trustee for Picty E. Bates conveying so much of the land in controversy as is claimed by her as her own, and which is described in her answer in this cause, was acknowledged, then you must find the issues as to so much of the land as is so claimed for the defendant Susanah Hackworth,

No. 54

McAlphalen & Blair

John J. Mackinnon
Mechanics Repairs

Filed May 15th 1888
1263 No 32
Cin.

2

McShodden & Blaine
vs
John J. Hackworth

The court instructs you gentlemen of the jury
as follows-

Under the pleadings and evidence in this
cause the only question you will have
to determine ~~in this cause~~ is this- Were
the notes described in the deed of trust given
by defendant to Pety E. Bots- trustee
paid off in full by defendant prior to
the sale of the property hereunder to
plaintiffs? Now if you believe and
find from the evidence in the cause
that plaintiffs agreed with defendant
and one George Bots acting as agent
for his wife Pety E. Bots that if
defendant would deliver his saw mill

and two mules and four wagons to Pugh E.
Bates through her agent George Bates
that then plaintiffs would credit defendant
with eleven hundred dollars on said
notes and deliver to defendant eleven
hundred dollars of said notes and
~~that the performance of such agreement~~
defendant did in a few days thereafter
deliver said mill, mules & wagons
to George Bates as the agent of Pugh E.
Bates then you must find that defend-
ant paid \$100 in that way on said notes.
And if you further find from the
evidence that by cash and the sale
of the mill under the deed of trust
all of said notes have been paid in
full, including the said \$100. Then

your verdict will be for defendant. But before you can find that the eleven hundred dollars were paid in the manner claimed by defendant you must first find from the evidence in the case that ^{plaintiffs} agreed that the delivery of said mill mules and wagon to Pugh & Co. should operate as ^{unconditional} ~~any~~ payment of said eleven hundred dollars on said notes and an absolute release of defendant from liability for that sum on said notes and unless you so find your verdict must be for plaintiffs. The burden of proving this payment rests upon defendant and thus he must show by a preponderance of the evidence.

If you find the winner for the plaintiffs
you must assess the value of the rents
of the premises in controversy from
the commencement of this action
till the present time at such sum
as you may find from the evidence
the said rents were reasonably worth
and also return in your verdict
the monthly value of said rents

Under the pleadings and evidence in this
cause the plaintiffs are entitled to recover
and you will therefore find the issues
for them and you will also ^{assess} ~~find~~ the
the value of the rents of the premises
from the commencement of this
suit till the present time at
such sum as you may find
^{from the evidence}
the said rents were reasonably
worth not exceeding \$500
and you will also return in your
verdict the monthly value of
the rents not exceeding 50

Mr. Charles D. Keene

John J. Blackmont

Instructions

Filed May 15th 1888
A. J. DeWitt
Clerk

We the jury by direction of the court
find the issues for the plaintiffs
and we further find the value of
the rents of the premises in dispute
from the commencement of
this action till the present time
to be \$150

dollars and the value of the
monthly rents of said premises
to be \$5-

dollars

A. P. Booth foreman

STATE OF MISSOURI,

County of *Jefferson*

ss.

In the Circuit Court.

THE STATE OF MISSOURI, To the Sheriff of *Wayne* County—GREETING:

WHEREAS, *Lewis Mc Spaden & William H. Blaine* on the *15th* day of *May* A. D. 1888, obtained judgment in the Circuit Court of *Jefferson* County Missouri, against *John J. Hackworth & Susannah Hackworth*, that they the said

Lewis Mc Spaden & William H. Blaine, have restitution of the following described premises, situate in *Wayne* County, Missouri, to wit: *The North west quarter of the South East quarter, and the South west quarter of the North East quarter and the South East quarter of North East quarter of Section Eleven (11). Also that part of the South East quarter of the North East quarter of Section Fifteen (15) lying East of the Railroad, and not heretofore deeded to Abraham Nimes, containing two acres, more or less, Also the North half and the South West quarter of the North West quarter and the North West quarter of the North East quarter of Section Fourteen (14) containing one hundred and sixty acres (160) Also the South west quarter of the South East quarter of Section Eleven (11) and the South East quarter of the South west quarter of Section Eleven (11) containing seventy seven (77) acres, excepting three (3) acres, more or less bounded as follows. Beginning one chain and forty six links North to the South West corner of said forty acre tract, last above described and running East three chains to Mc Kenney Creek, thence up said creek to the North boundary line of said forty also two (2) acres off of the South West quarter of the South West quarter of Section Eleven (11). Beginning at the South East corner of said forty acre tract and running North one chain and forty six links, thence West six chains and thirty seven (37) links thence South one chain and forty six links, thence East one chain and forty six links and thence East to the beginning. All the Parcel-ships being nine (9) North of Range three (3) East.*

And that he recover of the said *John J. Hackworth & Susannah Hackworth* the sum of

One Hundred and fifty Dollars, damages for the detention

of said premises, and the further sum of *Five* Dollars per month

from the *15th* day of *May* A. D. 1888, until the possession of said premises

are delivered to the Plaintiff.

YOU ARE THEREFORE COMMANDED to take with you the power of the County, if necessary, and cause the said *John J. Hackworth & Susannah Hackworth* to be forthwith removed from the said premises

and that you deliver the peaceable possession thereof to the said *Lewis Mc Spaden and William H. Blaine*

and that of the Goods and Chattels, Lands and Tenements of the said *John J. Hackworth & Susannah Hackworth*

you cause to be made the damages and monthly rents aforesaid, together with the sum of *One Hundred and*

forty two & 25th Dollars costs, and your fees thereon; and that you return this Writ, with your doings

thereon, to the next Term of our said Court, to be held at the Court House in the town of *Hillsboro*

Jefferson County, Missouri, on the *second* Monday of *September* A. D. 1888

WITNESS my hand, as Clerk, with the seal of said Court hereto affixed, at my office in

the town of *Hillsboro*, this *28th*

day of *June* A. D. 1888

D. B. Veazey

Circuit Clerk.

By, _____ D. C.

McSpaden vs. Blaine
 John J. Hackworth vs.
 Susannah Hackworth

ITEMS OF COST.

DATE.			ITEMS.	PLAINTIFF'S COSTS.	DEFENDANT'S COSTS.	TOTAL.
Month.	Day.	Year.				
Feb	5	1866	Richard E. Burkler Clerk Wayne Co. 3 files ¹⁵ 2 Docs ¹⁰ Copy ⁰ 8 ⁰⁰ writ ¹⁰⁰ Cont ²⁵ 2 copies writ ²⁰ Ans. ²⁰ Spas ²⁵		\$ 2 25 90	
Aug	5		Doc ¹⁰ 2 Spas ⁵⁰ Replication ²⁵ Affd ²⁵ application ²⁵ Submission ³⁰ Int. order ³⁰ Transcript 22 00 mrfy ²²⁰ QRS ⁵⁰ fir bill ¹⁰ postage ⁵		1 10 85 2 70 <u>15</u>	\$ 7 95
			Wiley Daniels Shff. Wayne Co. Writ ¹⁰⁰ 4 Spas ²⁰⁰ 2 Spas ⁵⁰ 3 Spas ¹⁵⁰			✓ 5 00 ~~3 50~~
May	5	1867	J. M. Ferguson Clerk Butler Co. 3 files ¹⁵ 2 Docs ¹⁰ Affd ²⁵ Appl ²⁰ 2 Ans ⁴⁰ Submission of Appl ³⁰ 1 Spa ²⁵ Cont ²⁵ 3 orders ⁹⁰ Trans. 55 00 mrfy ⁵⁵⁰ QRS ⁵⁰		70 1 20 <u>6 90</u>	✓ 8 80
			A. F. Casey Clerk Washington Co. 3 files ¹⁵ 2 Spas ⁵⁰ Doc ¹⁰ Int 3 orders ⁶⁰			✓ 1 35
			J. M. Carney Constable Wayne Co. Ser. 4 Spas ¹⁰⁰			✓ 1 00
Witnesses						
			Geo Bates 2 days, 40 mi	4 00		
			Nash. Co. Same 1 " 130 "	7 75		
Jan	3	1868	Same 2 " ²⁵⁰ 184 "	11 70		
May	3	O.C.	Same 2 " ²⁵⁰ 184 " ⁹²⁰	11 70		✓ 35 15
"	"	O.C.	W. S. A Bates 2 days ²⁵⁰ 184 mi ⁹²⁰			✓ 11 70
"	"	O.C.	R. M. Wilson 2 " ²⁵⁰ 184 " ⁹²⁰			✓ 11 70

McSpaden & Blaine
 Fees advanced to witness Henry G. (2) 10 50
 " " " " Susannah Hackworth 6 50 ✓ 17 00

John H. Young Justice, Taking Depositions ✓ 2 90

J. W. McCamey Dep'ty shff 1 spa $5\frac{1}{2}$ miles $60\frac{1}{2}$ ✓ 1 10

John L. Hackworth Witness 1 day 1° 6 miles 30 ✓ 1 30

John F. Rhodes Co. Clerk, CTS ✓ 50

D. B. Veazey Clerk
 17 files $8\frac{1}{2}$ Ans 30 / Replication 30 / Replication 30 / Jury 20 / Cts 25 / 2 75-
 Verdict 30 / Judgt 50 / Docu Judgt 10 / Mo. new trial 20 / 1 10
 Mo. sustd 30 / Jury 20 / Cts 25 / Mo. to suppress 20 / 1 50
 Mo. for Judgt 20 / Mo. overruled 30 / Mo. to suppress overruled 30 / 80
 Mo. to elect 20 / Order to withdraw 20 / Verdict 30 / 70
 Judgt 50 / Docu Judgt 10 / Mo. new trial 20 / 80
 Mo. overruled 30 / Affd for appeal 20 / Appeal granted 30 / 90
 Learn to file bond 30 / Condition bond 20 / 4 Docu 20 / 70
 Learn to file bill 30 / 7 & 2 bill 10 / Office 25 / 2 spas 50 / 1 15-
 Execution 100 / Bill cost 50 / CTS 50 2 00 12 80

Ant on alms of 13.95-
 Jury - Regular panel 24 men - two trials ✓ 24 00

142 25

State of Missouri, }
 County of Jefferson } ss. I, D. B. Veazey
 Clerk of the Circuit Court, in and for said County, certify that the foregoing Itemized Bill of Costs is a true
 copy from the FEE BOOK in my office, and that the said John J. Hackworth and
 Susannah Hackworth are liable for the payment of the same.

WITNESS my hand, as Clerk, and the seal of said Court, at my office in Hillsboro
 this 28th day of June 1888

D. B. Veazey
 CIRCUIT CLERK.
 By _____ DEPUTY.

Received by me, this..... day of....., 188.....

..... Sheriff.

SHERIFF'S RETURN.

Executed the within Writ in the County of Wayne State of Missouri, on the 10th
day of Sept A. D. 1888, by not Served for want of
time

Plaw send alias at once

FEE, \$.....

Wiley Daniel
Sheriff Wayne County, Mo.

By..... Deputy.

No.....

WRIT OF RESTITUTION.

McSpadus Blaine Plaintiff
vs.
John J. Macaunorth et al Defendant

Returnable Sept 2nd Term, A. D. 1888
Jefferson Co. Circuit Court.

Damages, \$150.
Monthly Rents, \$ 5
Costs, \$142.25

Rate of Interest, ... per cent.
Date of Judgment, May 15th 1888
Court Record 13, Page 304
Ex Docket 3, Page 67

Plaintiff's Attorney

Attest: D. B. Veazey Clerk.
By..... D. O.

STATE OF MISSOURI, }

ss.

In the Circuit Court.

County of *Jefferson*THE STATE OF MISSOURI, To the Sheriff of *Wayne* County—GREETING:WHEREAS, *Lewis McSpaden and William H. Blaine* on the *15th* dayof *May* A. D. 1888, obtained judgment in the Circuit Court of *Jefferson* CountyMissouri, against *John J. Hackworth and Susanna Hackworth*, that they the said*Lewis McSpaden and William H. Blaine*, have restitution of the following described premises,situate in *Wayne* County, Missouri, to wit:

The North West quarter of the South East quarter, and the South West quarter of the North East quarter, and the South East quarter of the North East quarter of Section Eleven (11), also that part of the South East quarter of the North East quarter of Section Fifteen (15) lying East of the Railroad and not heretofore decided to Abraham Himes, containing two acres more or less, also the North half and the South West quarter of the North West quarter and the North West quarter of the North East quarter of Section Fourteen (14) containing One hundred and fifty acres (160) also the South West quarter of the South East quarter of Section Eleven (11) and the South East quarter of the South West quarter of Section Eleven (11) containing seventy seven (77) acres excepting there (3) acres more or less bounded as follows, Beginning one chain and forty six links North to the South West corner of said forty acre tract last above described and running East three chains to McKinney Creek thence up said creek to the North boundary line of said forty, also two (2) acres off of the South West quarter of the South West quarter of Section Eleven (11), beginning at the South East corner of said forty acre tract and running North on chain and forty six links, thence West six chains and thirty seven links, thence South one chain and forty six links, and thence East to the beginning. All in Town ship Twenty Nine (29) North of range three East

And that he recover of the said *John J. Hackworth and Susanna Hackworth* the sum of*One Hundred and fifty*

Dollars, damages for the detention

of said premises, and the further sum of *Five* Dollars per monthfrom the *15th* day of *May* A. D. 1888, until the possession of said premises

are delivered to the Plaintiff.

YOU ARE THEREFORE COMMANDED to take with you the power of the County, if necessary,

and cause the said *John J. Hackworth and Susanna Hackworth* to be forthwith removed from the said premisesand that you deliver the peaceable possession thereof to the said *Lewis McSpaden and William H. Blaine*and that of the Goods and Chattels, Lands and Tenements of the said *John J. Hackworth and Susanna Hackworth*you cause to be made the damages and monthly rents aforesaid, together with the sum of *One Hundred and**forty three and 40/100* Dollars costs, and your fees thereon; and that you return this Writ, with your doingsthereon, to the next Term of our said Court, to be held at the Court House in the Town of *Hillsboro**Jefferson* County, Missouri, on the *second* Monday of *January* A. D. 1889

WITNESS my hand, as Clerk, with the seal of said Court hereto affixed, at my office in

the Town of *Hillsboro*, this *28th*day of *September* A. D. 1888*D. B. Hayes*

Circuit Clerk.

By _____ D. C.

McSpaden & Blaine
vs.
John J. Hackworth &
Susannah Hackworth

ITEMS OF COST.

DATE.			ITEMS.	PLAINTIFF'S COSTS.	DEFENDANT'S COSTS.	TOTAL.
Month.	Day.	Year.				
			Richard E. Buchler Clerk Hayne Co.			
Feb'y	5.	1886	3 files ¹⁵ 2 Docs ¹⁷ copy ²⁰ / Writ ¹⁰⁰		\$ 2 25	
			Cont ²⁵ / 2 copies writ ²⁰ / Ans ²⁰ / spa ²⁵		90	
Aug.	5.		Doc ¹⁰ / 2 spas ⁵⁰ / Replecation ²⁵ / Affd ²⁵		1 10	
			Application ²⁵ / Submission ³⁰ / Ent. order ³⁰		85-	
			Transcript 2200 mfig ²²⁰ / cts ⁵⁰		2 70	
			fee bill ¹⁰ / Postage ⁵		<u>15-</u>	\$ 7.95-
			Wiley Daniels Shff. Hayne Co			
			Writ ¹⁰⁰ / 4 spas ²⁰⁰ / 25 spas ⁵⁰ / 3 spas ¹⁵⁰			5 00
			J. H. Ferguson Clerk Butten Co.			
May	5.	1887	3 files ¹⁵ 2 Docs ¹⁰ / Affd ²⁵ / Appl. ²⁰		70	
			2 Ans ⁴⁰ / Submission ³⁰ / spa ²⁵ / Cont ²⁵		1 20	
			3 orders ⁹⁰ / Trans. 5500 mfig ⁵⁵⁰ / cts ⁵⁰		<u>6 90</u>	8 80
			A. F. Casey, Clerk Washington Co			
			3 files ¹⁵ 2 spas ⁵⁰ / Doc ¹⁰ / Ent 3 orders ⁶⁰			1 35-
			J. M. Carney Constable Hayne Co			
			4 spas			1 00
			John F. Young Justice Taking Depositions			2 90
			J. M. Carney Dep. Shff. 1 spa ⁵⁰ / 12 miles ⁶⁰			1 10
			John F. Rhodes Co. Clk. cts			50
			McSpaden & Blaine, fees advanced to Henry G. — (?)	10 50		
			& Susannah Hackworth	<u>6 50</u>		17 00

Witnesses

Wash. Co.	George Bates	2 days	40 miles	4 00	
	Same	1 "	130 "	7 75	
Jeff. Co.	Same	2 "	184 "	11 70	
"	May 5	"	Same 2 "	184 "	11 70 35-15-
"	"	"	Dr. S. A. Bates 2 "	" "	11 70
"	"	"	R. W. Wilson 2 "	" "	11 70 35-85-5-
	John L. Hackworth	1.6 "			1 30

Jefferson County

2 panels jury 24 men

24 00

D. B. Veazey Clerk

17 files ⁸⁵ / ans ³⁰ / Replication ³⁰ / jury ⁷⁵ / court ²⁵	2 75-
Vera ³⁰ / Judgt ⁵⁰ / Mo. new trial ²⁰	1 00
Mo. Sust. ³⁰ / 2 nd jury ⁷⁵ / court ²⁵ / Mo. to suppress ²⁰	1 60
Motion ²⁰ / Annulled ³⁰ / Mo. to suppress annulled ³⁰	80
Mo. to elect ²⁰ / Order to withdraw ³⁰ / Vera ³⁰	80
Judgt ⁵⁰ / Doc. It ¹⁰ / Mo. New trial ²⁰	80
Mo. annulled ³⁰ / Affd for appeal ³⁰ / ntd ³⁰	60
Appeal granted ³⁰ / Learn to file bond ³⁰	60
4 Doc ²⁰ / Learn to file bill ³⁰ / Tr. hel ¹⁰	60
Affd ²⁵ / 28 pas ⁵⁰ / Execution ¹⁰⁰	1 75-
Alias Execution ¹⁰⁰ / Costs ⁵⁰ / c ²⁵	2 00
Copy bill costs ⁵⁰ / ord fixed ²⁰	70 13 95-
	\$ 143 40

State of Missouri,

County of Jefferson ss.

I, D. B. Veazey

Clerk of the Circuit Court, in and for said County, certify that the foregoing Itemized Bill of Costs is a true copy from the FEE BOOK in my office, and that the said John L. Hackworth Esq
Susannah Hackworth

liable for the payment of the same.

WITNESS my hand, as Clerk, and the seal of said Court, at my office in Hillsboro
this 28th day of September 1888

D. B. Veazey CIRCUIT CLERK.

By DEPUTY.

Received by me, this 15th day of Nov 1888
Wiley Daniel Sheriff.

SHERIFF'S RETURN.

Executed the within Writ in the County of Way State of Missouri, on the 16th
day of Oct A. D. 1888, by Dispossession John J Hackworth
and Susanna Hackworth and Putting Wm H Blaine
the surviving partner of McSpaden & Blaine in peaceable
possession of the within described land but no
property found and return this not satisfied

FEE, \$ 10⁰⁰

Wiley Daniel
Sheriff Wayne County, Mo.

By _____ Deputy.

6326

Alice
No 6

WRIT OF RESTITUTION.

McSpaden & Blaine Plaintiff's
John J. Hackworth &
Susanna Hackworth Defendant's

Returnable Jefferson Term, A. D. 1888
Jefferson Co. Circuit Court.

Damages, \$150.00
Monthly Rents, \$3.00
Costs, \$43.42

Rate of Interest, _____ per cent.
Date of Judgment, May 15th 1888
Court Record 13, Page 304
Ex Docket 3, Page 69

Plaintiff's Attorney
Attest: Wm H Blaine Clerk.
By _____ D. C.

State of Missouri } In the Circuit Court
County of Jefferson } May Term 1888

McSpaden & Blaine }
vs. } Motion for New Trial
John F. Hackworth }

Now comes the defendant
and moves the court to set aside the verdict
of the jury in this cause and to grant
a new trial ^{herein} ~~of this cause~~ and as grounds
therefor states the following:

First.- The verdict was against the
evidence presented at the trial.

Second.- The verdict was against the law
and the evidence, and against the law as ap-
plied to the evidence given at the trial.

Third.- The court admitted illegal and in-
competent evidence offered by the plaintiffs
over the objection of the defendant.

Fourth.- The court excluded legal ^{and} proper
evidence offered by the defendant.

Fifth.- The court erred in refusing to
give the instructions asked by the defendant
and numbered one, ^{and} two ~~and~~.

~~Sixth~~ Sixth.- The court erred in giving the
instruction of its own motion withdrawing
the case from the consideration of the jury
and directing them to find the issues for
the plaintiffs.

Seventh.- The court erred in directing
the jury as to how they should find upon a
controverted question of fact.

Eighth.- The verdict is not supported by the evidence,

Ninth.- The verdict will not support a judgment

Tenth.- The court erred in refusing to permit defendant to amend his answer before verdict, and offer to redeem the land by paying the difference between eleven hundred, and thirteen hundred and thirty-six dollars.

Eleventh.- The court should set aside the verdict because of the shocking disparity between the actual amount of the debt at the time the land was sold, the price paid at the sale, and the actual value of the premises described in the petition.

Twelfth.- The verdict was for the plaintiff when it should have been for the defendant.

John N. Ranney ^{and}
C. D. Yancy
Attys for Defendant

No. 54

McCadden & Blair

John J. MacArthur
Motion for New Trial

Filed May 15th 1888

Wm. J. Rogers
Clerk

State of Missouri } In the Circuit
Jefferson County 3rd and 4th May 1888

McClellan & Blaine }

vs.
John J. Hackworth }

John H. Raney
being duly sworn in his
oath states that he is one
of the attorneys for the
plaintiff in the above
entitled cause. That the
application of plaintiff
for an appeal herein
is not made for vexa-
tion or delay but because
the affiant believes that
the appellant is aggrieved
by the judgment of the
Court.

Subscribed &

Sworn to before

me this 8th day of
June 1888

John H. Raney

D. D. Weager

Clerk Circuit Court

McClellan
v. Stearns

John J. ^{vs} McClellan

Officer for Appeal

Filed June 8th 1888
R. D. T. Dean
Clerk

McCabe & Blair

John J. McCann

Back of Car

File from 28th 1855
1853 1854
can

McSpaden & Blaine
vs.
John J. Mackworth et al

No.

STATEMENT OF COSTS.

DATE.	ITEMS.	Plaintiff's Costs.	Defendant's Costs.	TOTAL.
Feb 5 1886	R. E. Buchler Clerk Wayne Co. 3 files ⁵ / 2 Docs ¹⁰ / copy pet cas ¹⁰ / Mot ¹⁰⁰ / Cont. ²⁵ / 2 copies writ ²⁰ / 1 spa ²⁵ / Ans ²⁰ /	2 25 70	20	
Aug 5	" Roca ¹⁰ / 2 spas ⁵⁰ / Replication ²⁵ - Affd ²⁵ / application ²⁵ / Submission ³⁰ / Ent order ³⁰ / Trans. 2200 or fig ²⁷⁰ / 0 75 ⁵⁰ / Fee bill ¹⁰ / Postage ⁵ /	85 3 80	25 85 2 85 2 75	7 95
	Wiley Daniels Shff Mot ¹⁰⁰ / 4 spas ²⁰⁰ - 2 spas ⁵⁰ 3 spas. to Jeff. Co.	3 50 1 50		5 00
	J. A. Ferguson, Clerk Butler Co. 2 files ¹⁵ / 2 Docs ¹⁰ / 1 spa ²⁵ / Cont ²⁵ / Affd ²⁵ / Application ²⁰ / 2 ans ⁴⁰ / Submission of Appeal ³⁰ / Trans. 5500 or fig ⁰⁰⁵ /	75 30	85 6 30	
	1 order ³⁰ / 2 orders ⁶⁰ /	30	60	8 80
	A. F. Cusey Clerk It ^u Co. 3 files ¹⁵ / 3 orders ⁶⁰ / 2 spas ⁵⁰ / 2 Docs ¹⁰ /	50 10 60	75 75	1 35
	D. B. Veazey Clerk Jeff. Co. 15 files ⁷⁵ / 2 Replication ⁶⁰ / 2 Junia ¹⁵⁰ / 2 spas ⁵⁰ / 2 Cont ⁵⁰ / 2 Vera ⁶⁰ / 2 Just ¹⁰⁰ /	2 85 2 60		
	Mo. New trial ²⁰ / Mo. Sustd ³⁰ / 4 Docs ²⁰ /	70		
	Mo. for judgt ²⁰ / Mo. overruled ³⁰ / 2 Executions ²⁰⁰ /	2 50		
	Costs ⁵⁰ / CTS ⁵⁰ / Copy ⁵⁰ / Fee bill ¹⁰ /	1 10		
	Ans ³⁰ / Motion to suppress ²⁰ / Mo overruled ³⁰ /		80	
	Mo. to elect ²⁰ / Order to withdraw ³⁰ /		50	
	Mo. New trial ²⁰ / Mo. overruled ³⁰ / Affd ²⁵ /		75	
	Ent appeal ³⁰ / Appeal granted ³⁰ / Learn to file bond ³⁰ / Learn to file Bill ³⁰ /		60 60	
		7 75	3 25	

J. W. Carney Constable 4 sps/12 mi	1 50	1 10
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John H. Young Justice	2 90	2 90
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John F. Rhodes Co. clu	50	50
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Jefferson County Mo		
2 Panels jurors. 24 men	24 00	24 00
Witnesses		

WASH. CO. vs
M. SPADEN & BLAINE

VS

JOHN J. HACKWORTH

STATEMENT OF COSTS.

ITEMS.	P'T'FF	DEF.	TOTAL
R. BUEHLER CLERK WAYNE CO. TO ITEMS AS PER TRANSCRIPT ---O---	3.80	4.15	7.95
T. D. FERGUSON CLERK BUTLER CO. ---C---	1.06	7.75	8.80
A. F. CASEY CLERK WASHINGTON CO. ---C---	.60	.75	1.35
D. B. VEAZEY CLERK JEFFERSON CO. 15 FILES .75 2 REPLI. 60 2 JURIES 1.50 2 SP. 50 2 CON. 50 2 V. 60 2 J' TS 1.00 2 MC. 40 MC. SUS. 30 MC. CVER. 30 4 DCK. 20 2 EXEC. 2.00 2 COSTS 1.00 2 C & S 1.00 FEE BILL .10 ANS .80 2 MC. 60 2 MC. CVER. 60 AFF. 25 ENT. CR. WITHDRAW 30 ENT. APPEAL 30 APP. GRANTED 30 2 LEAVES TO FILE 60 4 FILES 20 ---C---	2.85 2.60 1.00 3.20 1.10 10.75	1.50 35 60 80 3.45	14.20
WILEY DANIELS SHERIFF TO ITEMS AS PER TRANSCRIPT ---C---	5.00		5.00
J. W. CARNEY CONSTABLE ---C---	1.10		1.10
JOHN H. YOUNG JUSTICE ---C---	2.90		2.90
JOHN F. RHODES COUNTY CLERK ---C---	.50		.50
JEFFERSON COUNTY MISSOURI 2 PANELS JURORS 24 MEN ---C---	24.00		24.00
WITNESSES: GEC. BATES 40 MILES 4.00 WASH. CO. .. 2 D. 180 .. 7.75 JEFF. MAY T. 2 D. 184 .. 11.70 2 D. 184 .. 11.70 S. A. BATES 2 D. & 184 MILES 11.70 R. W. WILSON 11.70 2 DAYS 184 MILES 11.70 JOHN L. HACKWORTH 1 DAY 6 MILES 1.06	35.15 11.70 11.70 11.70 11.70 11.70 1.06		46.85 12.76 28.86

McShuck & Allen

=000=

John J. Macdonald

Bill of exchange

1000
1000
1000
1000
1000

1000

Copy of bill of exchange
Aug 17/89

Filed Aug. 17/1889
J. J. Macdonald
can

1889

R.g. letters
Read from

Read by Mrs Cross

~~2/7/24-83~~

July 21 — 83

Sept 17 — 83

Aug 22 — 84

Oct 3 — 84

Dec 13 5 — 84

March 27 — 85

Aug 20 — 85

Oct 19 — 85