

Jefferson County Civil Court
Case Files - Civil

January, 1888

No. 38

Box

39

Folder

40

Waldron, Charles, assignee of
Justine, Philippe
vs.

Atwood, P.B.

Dugan, Peter

Note

Debt \$159 for cure Atwood's
cancerous nose

\$159.00

June 20th 1887

Three months after date we promise to pay to
the order of Philippine Justice the sum of one hundred
fifty nine \$100.00, for value received, nego-
table and payable without devaluation or dis-
count and with - for annum and if the inter-
est be not paid annually, to become arrear-
ages and bear the same rate of interest

P. B. Atwood, Delia Morgan

Filed June 1st 1888

D. B. Keagy
Clerk

State of Missouri }
County of Jefferson }

In the Circuit Court of Jefferson
County Mo. - January Term 1888.

Charles Waldron Plaintiff

Against

P. B. Atwood and
Peter Dugan Defendants

The Plaintiff states that the defendants by their negotiable promissory note which is herewith filed dated the 20th day of June 1887 promised for value received to pay to one Phillippe Justine three months after the date thereof the sum of One Hundred and fifty nine Dollars; that before the maturity of said note the said Phillippe Justine for value, endorsed transferred and delivered the said note to the Plaintiff who is now the legal owner and holder thereof; that the amount of said note together with interest thereon from date is still due and owing to the Plaintiff and for which he asks judgment together with costs.

James F. Green
Atty for Plaintiff

Charles Watson Pet

P. O. ^{as} ~~St~~wood and

Peter Dugan Dept

Historical Note
Petition -

Filed Dec 20th 1887

~~D. G. Mc~~ney
Pet

THE STATE OF MISSOURI } SS.
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon.....

P. B. Wood & Peter Nugan
Defendants

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the second Monday of January next, then and there to answer unto

Charles Waldron
Plaintiff

upon his original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ

D. B. Veazey
Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this 20th day of December A. D., 1887
D. B. Veazey, Clerk Circuit Court.

I hereby certify that I executed the within writ in the county of Jefferson in the State of Missouri on the 22nd day of Decr 1887 by leaving a true copy of the within writ and annexed petition as furnished me by the Clerk of the Circuit Court with the within named P B Atwood he being the first one served by me and further executed the within writ in the county of Jefferson State of Missouri on the 22nd day Dec 1887 by leaving a true copy of the within writ as furnished me by the Clerk of the Circuit Court with the within named Peter Dugan - J W M Fry Sheriff
 Fees \$2.00 By W Jahn Deht

No 22638

In the Circuit Court

To Jan'y Term 1888

Charles Waldron

vs } Note

P. B. Atwood Ind

Peter Dugan

Original

State of Missouri } ss.
County of Jefferson } In the Circuit Court
To January Term 1888.
Charles Waldron Plaintiff.

against

P. B. Atwood and Peter Rugan Defendants,

Now on this day came the defendants
and for answer to plaintiff's petition ad-
mitted the execution of the note sued on
in this cause.

And defendants for further answer
to the petition aver that for many years
prior to the 20th day of June 1887 defendant
P. B. Atwood was afflicted with a cancer
in his nose; that the payee in said note
Philippe Justin came to defendant
Atwood and represented himself as being
a ~~so~~ Cancer Doctor and able to cure
said Atwood of his affliction, without
pay if unsuccessful, but required that
~~plaint~~ defendant secure his fee in the
shape of a note with good security
as evidence of good faith on the part
of the patient, but which said note
was to be re-delivered to defendant
Atwood upon a failure of cure as
the payee failed to cure said cancer or to perform his part of the contract
aforesaid; that, ~~now~~ the consideration
for which said note was given has utterly failed.

entirely failed; ~~that~~

And further answering avers that no consideration ever moved from plaintiff to the payee in said note and that defendants have no sufficient knowledge as to whether the payee in said note ever endorsed and delivered ~~said~~ the same to plaintiff.

note Defendants further aver that within one week after the execution of said and long before this plaintiff came into possession thereof, these defendants notified him that said note was given to secure the fee of the payee therein ~~and~~ was only to be paid upon a permanent cure of cancer on the nose of the said Alwood; ~~and~~ that unless said cancer was cured there was no consideration moving from the payee to these defendants for said note and that said plaintiff was fully informed of all the facts connected with the execution of said note long prior to the date at which plaintiff came into possession of it.

And having fully answered ask to be discharged with their costs.

Thomas & Horne
attys for defendants,

to

John E. Smith's Court,
27 January 1888.

Charles Waldron
Plaintiff.

vs } (note)

J. B. Woodward and
Peter Augustin
Defendants

Chancery

Filed Jan'y 9th 1888
W. B. Hayes
Clerk

Thomas Astorine
for Defs.

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No. 51

THE STATE OF MISSOURI, To

George Washington

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and appear in proper person, before the Judge of our Circuit Court, at the Court House in the *town* of *Willisboro*, within and for said County, on *Monday* the *16th* day of *January* A. D. 18*88*, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said Court, wherein *John Watson* is Plaintiff, and *Peter Morgan* is Defendant, on the part of said *Defendant*, and this you shall in no wise omit. And the person or officers serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at
office in *Willisboro* in said County, this
10th day of *January* A. D. 18*88*

W. D. Webster

Clerk.

By

Deputy Clerk.

SUBPENA.

No. 51

CIRCUIT COURT

Of Jefferson Co., Mo.,

January Term, 1888

Charles Waldron

vs.

Peter Dugan

PLAINTIFFS

WITNESSES.

DEFENDANTS

Day of Trial January 16

J. W. Sekter

Geo. Sorsoncie

Served on last Sunday 13th 1888Filed January 16/1888
D. B. Veazey Clerk

RETURN.

I hereby certify that I served the within Writ in the County of

Washington

and State of Missouri, on the

13th

day of

January

1888, by

reading the same in the presence and

presence of the within named

Subscribed and sworn to

before me this 16th day of Jan 1888

JEE,

D. B. Veazey
Clerk

Peter Dugan

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson

ss.

No. *54*

THE STATE OF MISSOURI, To

*Charles W. Nathan**George Mc Donald**George Mc Donald**W. A. James**You are Hereby Commanded*, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the

Stilleborn

, within and for said County, on

*Monday*the *16th* day of *January*, A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein *Charles W. Nathan* Plaintiff,and *Peter Morgan & Q. A. Howard* Defendants,on the part of said *plaintiff*, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in *Stilleborn* in said County, this*10th* day of *January*, A. D. 1888*W. A. James*

CLERK.

By *W. A. James* DEPUTY CLERK.

SUBPENA.

No. 54

CIRCUIT COURT

Of

Jefferson

Co., Mo.,

Term, 1888

vs.
Huyan et al

PLAINTIFFS'

DEFENDANTS'

WITNESSES.

Day of Trial

June 16

Filed June 16th 1888
A. B. Keagy
Clerk

RETURN.

I hereby certify that I served the within Writ in the County of

and State of Missouri, on the

14

day of

June

1888, by

making the same well known to the parties named
Philip Justice A. R. Mendenhall
Geo Mendenhall

FEE, \$

subscribed sworn to before
me this 16th day of June 1888A. B. Keagy
Clerk

Charles Mendenhall

AFFIDAVIT FOR CONTINUANCE.

(Wag. Stat., page 1040, Sec. 7-10.)

Charles Waldron

In the Circuit Court

AGAINST

Peter Dugan et al

Jefferson County, Mo.,
January Term, 1888.

And Now Comes the above named

Peter Dugan

and moves the Court to continue this cause to the next regular term of this Court, for the reasons stated in the following affidavit:

Peter Dugan

the above named

Defendant

being duly sworn, says: That he is the

one of

defendants

in this cause, and that he is not prepared

for, and cannot safely go to trial at this Term of the Court, on account of the absence of a material witness; that the name

of said witness is

George Battise (Sorsousie) Sharp Dugan

Battise

and that he is a resident of

Washington

County, Missouri; that the testimony of said absent witness is material in this cause

both were present and heard the contract made, upon which the note in this case is based. that the note was to be returned if no cure of the cancer was effected the contract was no cure, no pay and the note was given as an evidence of good faith on the part of the patient.

and this affiant cannot safely proceed to the trial of this cause without the testimony of said witness; that no other witness

or person is in attendance, or known to this affiant, by whom he can prove the facts which he expects to prove by said absent

witness; that said witness is not absent by the consent, connivance or procurement of this affiant; that affiant has used due

diligence to procure the attendance of said witness at this Term of this Court; that on the

Battise

10th

day of

January

1888

11

this affiant caused a subpoena to be issued out of and under the seal of this

Court, to be served on said

Geo Battise (Sorsousie)

which subpoena affiant

caused to be delivered to the Sheriff of

Washington

County, Missouri, on the

13th

day of

January

1888

for service upon said witness, which said subpoena was duly served upon

said witness in

County, Missouri, on the

day of

18

, and the same is duly returned executed according to

law this day.

And affiant further states that said witness resides within

20

miles of the present place of holding this Court, that Sharp Dugan is in California

and if this case is continued deft. can procure his attendance

term or his deposition

That this affiant has good reason to believe, and does believe, that he will be able to procure the attendance and

testimony of said witness at the next regular Term of this Court; that this application for a continuance of this cause is

not made for the purpose of vexation or delay, but that SUBSTANTIAL JUSTICE may be done, and that affiant has a good and

meritorious

defense

in this cause.

Subscribed and sworn to

Peter Dugan

This 16th day of Jan 1888

A.B. Veazey
Clerk

No.

AFFIDAVIT

OF

Peter August

FOR A CONTINUANCE.

Chas. M. Adams

VS.

Peter August

et al

Filed

18

CLERK.

Filed June 16th 1888

W. B. Yeager
clerk

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No.

88

THE STATE OF MISSOURI, To

J. M. Benton Geo. Borence

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town of Stellano

the 27th day of July

within and for said County, on Monday A. D. 1888, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein

Charles Malcher

vs Plaintiff,

and

O. B. Alvord & Colin Alvord

are Defendant,

on the part of said

Alvords and

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in Stellano

in said County, this

15 day of July

A. D. 1888

By

DEPUTY CLERK.

CLERK.

SUBPENA.

No. 88

CIRCUIT COURT

Of Jefferson Co., Mo.,

Term, 1888

E. Ros Maldron

VS.

P. B. Howard & Peter Dugan

PLAINTIFFS

WITNESSES.

DEFENDANTS'

Day of Trial Feb 27

W. Senter

Geo Sorsencia

Filed Feb 27th 1888

D. B. Weaver

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson and State of Missouri, on the 22nd day of February, 1888, by reading the same in the presence and hearing of W. Senter and further served the same on Geo. Sorsencia as before 25th 1888. by reading the same in the presence of Geo. Sorsencia.

Peter Dugan

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

} ss.

No.

132

THE STATE OF MISSOURI, To

Shields Justice

Geo. M. Farland

George Merdall

M. D. Harwood

You are Hereby Commanded, That setting aside all manner of excuse and delay, you be and

appear in proper person, before the Judge of our Circuit Court, at the Court House in the town of *Stillman*

within and for said County, on

Monday

the *27* day of

February

A. D. 188*8*, then and there

to testify and the truth to speak, in a certain matter of controversy now pending in our said Court,

wherein

Le Roy Waldron

Plaintiff,

and

Peter Bergman & O. B. Howard

Defendant,

on the part of said

plainly

, and this you shall in no

wise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

WITNESS my hand and the seal of our said Court. Done at

office in

Stillman

in said County, this

21 day of

July

A. D. 188*8*

By

Deputy Clerk.

Clerk.

SUBPENA.

No. 132

CIRCUIT COURT

Of Jefferson Co., Mo.,

Jany Adjo Term, 1888

Chas Waldron

VS.

Dugan & Alford

PLAINTIFFS'

WITNESSES.

DEFENDANTS'

Day of Trial Feb 27/88

Philip Justice not found

Geo McFarland not found

Geo Merseal left Bland

N. R. Maness. 24

H. H. Johnson

Filed Feb 27/1888

D. B. Veazey
Clerk

Fee, \$1.50

RETURN.

I hereby certify that I served the within Writ in the County of Jefferson and State of Missouri, on the 24th day of February, 1888, by

reading the same to the within named Geo. McFarland and Mr. Maness. The within named Philip Justice not found among county clerk's records. I will endeavor to find him by other means.

G. W. Merseal
D. H. Johnson

Waldron
Hugan et al }

Bill of Costs to be pd. by Plff.

D.B. Veary clk

8 files ^{40¢} / 6 Docs ^{30¢} / Copy ^{75¢} 1.40

Writ Copy ^{125¢} / Ans ^{30¢} / End of day ^{20¢} 1.70

Cont'd to May 1, ^{25¢} / 2 sps ^{50¢} / 2 offa ^{50¢} 1.25-

4 offa to wit claims ^{75¢} / Fee bill ^{10¢} 30

Making Costs ^{10¢} / Copy ^{10¢}

70

\$4.85-

Mc Fry Shff

Serving two writs

200

Witnesses

✓ J.W. Denton 1 day ^{125¢} / 28 mi. ^{140¢}

2.65-

✓ Geo Dorseance 1 " ^{125¢} / 36 " ^{180¢}

3.05-

✓ Sharp Hugan 1 " ^{125¢} / 294 " ^{1470¢}

15.95-

✓ Geo Messersall 1 " ^{100¢} / 24 " ^{120¢}

2.20

\$30.70

William

021

Morgan's Thread

Bill of Cost

We hereby acknowledge to have received from
Charles Watson our fees as witnesses in case of
Watson as Oregon without continued at Personal Thy
self. term of Circuit Court of Jefferson Co. Mo. -

W. R. Menden

George Menden
C. D. Oregon
J. W. Menden

221, 222, 242, 259, 271

Record Entries

Ans. filed

1885
July 9

Ans. at day for trial

" 10

Alpha. for bank filed - Cont at cont of Alpha

" 16

Cont. to July 27

" 21

Cont to May 1, at cont of Beta

July 27

13-

221

"

224

"

242

"

259

"

271

"

Malden

28

Alwood & Deyan

Reed Entres

Filed Apr 24 / 1888

D. B. Veaz
Cen

6429

No.

Box

Circuit

Court,

Jefferson

County.

Leventis Waldron

D. B. Howard

vs

Peter Morgan

Cause of Action

Note

Filed

Dec. 20th

1887

A. B. Reager

CLERK.

J. F. Green

PLAINTIFF'S ATTORNEY.

Thomas R. Forre

DEFENDANT'S ATTORNEY.

(541)

STANDARD PRINTING CO., HANDBAL, MO.

LIST OF PAPERS IN THIS SUIT.