

Jefferson County Circuit Court
Case File - Civil
May 1888

Box 410 Fold 10

Wilson, James E.

vs

Hubbard, Joseph A.

Partition

Traction engine, separator,
water tank

State of Missouri, County of Jefferson
In the Circuit Court

To May Term 1888.

James E Wilson Plaintiff.

vs.

Joseph A Hubbard Defendant.

Plaintiff states: that he and defendant are joint owners of the following described personal property in Jefferson County, State of Missouri to wit: One Ten Horse power J. I. Case traction Engine, also one J. I. Case Separator 30 inch Cylinder, also one water tank, also, belts, rods, cans, wrenches, bolts, nuts, ~~and all other~~ straw stacker and all apparatus connected and belonging to said Engine & Separator, the same being a complete Threshing outfit with all the necessary accoutrements.

Plaintiff states that he and defendant each own the undivided one half of said ^{above} ~~same~~ described personal property.

Plaintiff prays that partition be made of such personal property in accordance with the respective rights of the parties, and that if partition cannot be made in kind, that said personal property may be sold and the proceeds appropriated according to law, And for such further relief as to the

In the Jefferson Circuit Court
To May Term 1888,

James E Wilson
Plaintiff,

vs
Partitions

Joseph Hubbard
Defendant

Petition

Filed April 27/1888
W.B. Hays,
Clerk

Thomas & Horine
for Plff.

Court may seem just and proper,
Thomas & Horine
Attorneys for Plaintiff.

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.....

Joseph A Hubbard

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 May next, then and there to answer unto.....

James E Wilson

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

D. B. Weagay
Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this 27th day of April A. D., 1888

D. B. Weagay, Clerk Circuit Court.

I hereby certify that I executed the within writ in the county of Jefferson in the State of Missouri on the 28th day of April 1888 by leaving a true copy of the within writ and an agreed petition as furnished me by the clerk of the circuit court with the within at the usual place of abode of the within named Joseph A. Hubbard with a member of his family over the age of fifteen years

Flu 8100

George W. M. Fryshoff

Record Entries

313-315

Ans filed

Order of Sale

No 103

In the Circuit Court of
Jefferson County Mo

vs. May Term 1888

James C. Wilson

vs

Joseph A. Hubbard

How much amount

James E. Merson Plff
vs
Joseph A. Hubbard Deft }

Now Comes the defendark and for answer to the petition of the plaintiffs says that it is true that defendark is the owner of the undivided one half interest in the machine, ~~and~~ engine and other property described in plaintiffs petition in the above cause but defendark denies each and every other allegation in said petition contained.

Jos. A. Hubbard Deft
By J. F. Green
atty.

James E. Wilson
or
Jas. A. Hubbard Esq

Answer of Dept

Filed May 18th 1888

A. D. Nease
Clerk

SUBPOENA.--CIRCUIT COURT.

STATE OF MISSOURI, COUNTY OF

Jefferson } ss.No. *139*

THE STATE OF MISSOURI, vs

*Wm. Melch**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 *Warrens*

within and for said County, on

*Friday*the *22* day of*May*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

J. E. Wilson is

Plaintiff,

and

Joseph A. Spauldand is

Defendant,

on the part of said

, 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

Warrens

in said County, this

day of

*May*A. D. 188*8**J. E. Wilson*

Clerk.

By

Deputy Clerk.

SUBPENA.

No. 39

CIRCUIT COURT

Of Jefferson Co., Mo.,

May Term, 1888

J. E. Wilson

vs.

Jas A Hubbard

PLAINTIFFS'

WITNESSES.

~~DEPENDANTS~~

Day of Trial

May 22

Phos Welch

FEE, \$

RETURN.

I hereby certify that I served the within Writ in the County of _____
 and State of Missouri, on the _____ day of _____, 18____, by

CERTIFIED COPY OF ORDER.

(Rev. Stat., Sec. 2321)

STATE OF MISSOURI, }
 COUNTY OF Jefferson } ss. May TERM, 1888
 In the Circuit Court of said County, on the 19th day
 of May, 1888, the following, among other proceedings, were had, viz:

James E. Wilson Plaintiff } Partition
 Joseph A. Hubbard Defendant }
 Now at this day come the parties by
 their respective Attorneys, and all and singular the matters at
 issue are submitted to the Court, and by the Court here seen
 heard and fully understood, the Court doth find that plain-
 tiff and defendant are the owners of the following described
 personal property to wit: One ten horse power J. I. Case
 traction engine also one J. I. Case separator 30 inch cylinder
 also one water tank, also belts, rods, cans, wrenches, bolts, nuts,
 straw stacker and all the apparatus connected and belonging
 to said engine & separator, the same being a complete threshing
 machine outfit with all the necessary accoutrements: That the
 plaintiff is the owner of and entitled to the undivided one half of
 said property, and that the defendant is the owner of and entitled
 to the undivided one half of said property. It is therefore considered
 ordered and adjudged by the Court that partition and division of said
 personal property be made between the parties aforesaid according to their
 respective rights and interests as herein declared by the Court, and because
 partition and division thereof in kind cannot be made between the parties
 aforesaid, it is ordered by the Court here that the Sheriff proceed to advertise
 and sell said personal property at public auction to the highest bidder, for
 one third cash and the balance in nine months, and for the deferred pay-
 ment take from the purchaser a bond or note with good and sufficient
 security bearing interest at the rate of eight percent per annum from date, pro-
 vided however that the purchaser, at his option may pay the full amount of his
 bid at the time of sale. It is further ordered that said sale take place and
 be governed by the same regulations prescribed by law for the sale of personal property
 under execution. Notice thereof being given in the manner provided by law for
 such sales, and after paying the cost of this proceeding, bring into Court
 here the balance of the proceeds of said sale to abide the further orders of
 the Court in the premises. Ordered that these proceedings be certified and
 the cause continued for the Sheriff's report.

STATE OF MISSOURI,

COUNTY OF

Jefferson
Circuit

SS.

I,

D. B. Veazey

, Clerk

of the

Court, in and for said County, hereby certify the above and

foregoing to be a true copy of the proceedings of our said

Circuit

Court, on the

day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the

seal of said Court, at office in

Stellston

this,

the

23rd

day of

May

18*88*.

D. B. Veazey

Clerk

Circuit

Court

By

D. C.

STANDARD PRINTING CO., HANNIBAL, MO

No.

CERTIFIED COPY OF ORDER

-OF-

Circuit

Court,

MADE AT

May

Term, 18*88*

IN THE MATTER OF

James O. Wilson, Plaintiff

Joseph A. Hubbard

SHERIFF SALE IN PARTITION.

James E Wilson
Plaintiff
vs
Joseph A Hubbard
Defendant

In the Circuit Court of Jefferson Co., Mo.

By virtue and authority of an order made by the Circuit Court of the County of Jefferson, State of Missouri, at its May Term, A. D. 1888, I will on the Sixth day of June next, 1888, ^{residence on the farm of J A Hubbard in Valle Township, Jefferson County, Mo.} ~~at the Court House door, in the Town of Hillsboro,~~ between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described ~~land or real estate, to wit:~~ ^{personal property to wit:}

One ten horse power J. D. Case traction engine, also one J. D. Case Separator 30 inch cylinder, also one water tank, also, belts, rods, cans, wrenches, bolts, nuts, straw stacker and all the apparatus connected and belonging to said Engine & Separator, the same being a complete threshing outfit with all the necessary accoutrements.

For the purpose of making partition between said parties, for which the purchaser will be required to pay ~~ten per cent~~ ^{one third} of the purchase money in hand at the time of sale, the balance in ^{nine} ~~three~~ months; the purchaser giving his bond, with approved security, bearing interest at the rate of ^{eight} ~~seven~~ per cent. per annum from date, this 25th day of May 1888.

CHAS. C. FLETCHER, Sheriff.

Doctor W. H. Harris

\$405.00

2) 4500 L
1 95.00

James E. W. Harrison
Banda
Balance Due
\$813.50
27000

SHERIFF'S REPORT OF SALE.

To the Honorable, the Circuit Court,County of Jefferson, in the State of Missouri,I, May G. W. McKee Term, 1888 Sheriff of Jefferson

County, beg leave respectfully to report that in pursuance of an Order of Sale made at the

May Term, 1888, by the Circuit Courtin said County of Jefferson, in the cause ofJames E. Wilson

against

Joseph A. HubbardPersonal propertyin partition, a certified copy of which has been to me delivered, I did cause the ~~Real Estate~~ described in said Order of Sale, to wit:

one ten horse power of I case traction engine also one of I case Separator 30 inch cylinder also one water tank also belts rods cans wrenches bolts nuts straw stacks and all the apparatus connected and belonging to said engine and separator. The same being a complete thrashing outfit with all the necessary accoutrements

To be advertised for sale putting forth three notices in the township the property was in containing a particular description of the personal property to be sold and stating the time and terms of said sale for a period of not less than ten days next preceeding the day of sale that on the 6th day of June 1888 being the day of me appointed for sale as stated in said notice

To be advertised for sale by advertisements in the _____ a newspaper printed in said County of _____ containing a particular description of the

between the hours of 9 o'clock A.M. and 5 o'clock P.M.
of said ^{day} I did proceed to offer and expose to sale at pub-
lic ~~out~~ ^{an} auction to the highest bidder at the farm of
Joseph A. Hubbard in said County Jefferson the personal
property as here described on the following terms to wit:

and having then and there publicly and openly cried the same for a long space of time, as aforesaid,

and James E. Willson

being the highest, best and last bidder for the

For the sum of \$405.00 Dollars

and the same was struck off and sold to him for that price, and that
the said James E. Willson

has paid one third percent. of the purchase money, the amount by him bid for said
~~personal property~~ Real Estate as aforesaid, and he executed to me a note

for the residue of the amount by he bid as aforesaid, with good and sufficient security, according
to law, and the order of Court. All of which is respectfully submitted.

G. W. McFarley
Sheriff of Jefferson County.

And I hereby certify that the costs and expenses attending the execution of the order of said Court as aforesaid, have been as follows, viz :

COSTS DUE TO WHOM AND FOR WHAT.	AMOUNT.
<i>D B Neasey Clerk</i>	<i>6 25</i>
<i>G W McHenry Sheriff</i>	<i>18 25</i>
<i>Thomas and Horine</i>	

TOTAL COSTS AND EXPENSES, \$

Sheriff.

REPORT OF SALE.

James E. Wilson
AGAINST

Joseph A. Hubbard

Filed , 18

CLERK.

By

DEPUTY.

Filed June 8th 1888
D. O. Neely
Clerk

J. E. Wilson } Partition
 vs } Order of Sale made May
 Jos A Hubbard } 19th 1888
 Bill of Costs

D. B. Veazey Clerk
 4 files ²⁰ / 4 doc²⁰ / Copy ²⁰ / writ & Copy ¹⁰ / 2.25
 Order Sale ³⁰ / Ord to Certify ³⁰ / Verdict ³⁰ / Judgt ⁵⁰ / 1.40
 Copy decrees and Sale ²⁰ / Ord for Atty fee ³⁰ / 1.30
 Final Judgt ⁵⁰ / Fee bill ¹⁰ / Court ¹⁰ / 70
 Copy ¹⁰ / Court ²⁵ / 1 spa ²⁵ / ~~50~~ \$6.25

Geo W. McCarty Sheriff
 Serving writ ¹⁰⁰ / 2 calls ¹⁰ / 1.10
 Putting out and posting notices
 Execution on Sale 500
 Thomas Ed Horine Atty fee 1215
 25.00

Attest, D. B. Veazey cler

J. B. Wilson
= 25 =
Jno. A. H. H. and

Bill of Cash

6424

No. Box

Circuit Court,

Jefferson County.

James E. Wilson

vs
Geo. A. Hubbard

Cause of Action Partition

Filed April 27th 1888

W. B. Leary
CLERK.

PLAINTIFFS ATTORNEY.

DEPENDANT'S ATTORNEY.

LIST OF PAPERS IN THIS SUIT.