

Jefferson County Circuit Court
Case File - Civil

Box 10 Folder 28

October 1858, #11

Rubel, Ames
^{vs}
Kurtz, Peter

Debt, note

Debt \$200; corking boat, skiff, and
livestock attached

\$ 200. D.

Twelve Months after
I mos Rubol, The
Follu received given the
given under my hand
at ten percent interest.

Amos Rubel Plaintiff } In the Circuit Court.
against } Jefferson County Mo.
Peter Nurt Defendant } Oct Term 1858.

Plaintiff states that defendant made his promissory note to plaintiff herewith filed dated December 4th 1857 for two hundred dollars payable one year after date with interest at the rate of ten percent per annum. that defendant has paid three dollars on said note: that the remainder of said note and interest are yet due plaintiff and for which he asks judgment.

Plaintiff further states
that the defendant, is about to remove his property
and effects, out of this State with the intent to hin-
der or delay his creditors, - and that the defendant
has fraudulently conveyed or assigned his prop-
erty, or effects so as to hinder or delay his creditors
Arnos. Rubel.

Amos Rubel, plaintiff makes oath and says
that the foregoing petition and the matters
therein as stated he believes to be true
Sworn to and Subscribed } A W S R W
before me. July 8th 1858 }
Elias J. Honey

Amos Rubel }
Peter ^{vs} Kurtz } Attachment in Civil Action

This affiant states that the plaintiff in the above case has a just demand against the defendant therein which will be due and payable on the 14th day of December and that the amount which this affiant believes the plaintiff ought to recover after allowing all just credits and set-offs is One Hundred and Eight dollars and Seventy five cents, and that this affiant has good reason to believe and does believe that the defendant is about to remove his property or effects out of this State with the intent to defraud, hinder or delay his creditors and that the defendant is about to remove out of this State with intent to change his domicile and that the defendant has fraudulently conveyed or assigned his property or effects so as to hinder or delay his creditors.

Sworn to and Subscribed
before me. July 8th 1858 }
Elias D. Hooney etc } J. W. D. R. W.

Amos Buckel

no. 3 Apple

John Henry

Albany July 24th 1858

Edw. D. Conway

Amos Rubel
against } Attachment in a civil action
Peter Kurtz

We Amos Rubel as principal
and William Hendricks and W B Weaver
as Secarities acknowledge ourselves to be indebted
to the State of Missouri in the Sum of Four Hun
dred and twenty dollars, for the payment
whereof we bind ourselves our heirs executors
and administrators

The Condition of the above ob
ligation is that whereas Amos Rubel as plain
tiff is about to commence a suit by attachment
in the Circuit Court of Jefferson County against
Peter Kurtz defendant-returnable to the next
term thereof wherein the Sum sworn to is Two
Hundred and Eight dollars and Seventy
five cents; Now if the said Plaintiff shall
prosecute his action without delay and
with effect refund all Sums of money that
may be adjudged to be refunded to the defend
ant or found to have been received by the plain
tiff and not justly due to him, and pay all
damages that may accrue to any defendant or
garnishee by reason of the attachment or any
process or proceeding in the suit or by reason
of any judgment or process thereon, then this
obligation to be void, otherwise to remain in full
force. Witness our hands and Seals this Sixth
day of July A D 1858

Amos Rubel
Wm Hendricks
William B. Weaver

Amos Hubbel
no 3 South Street
Cedar Rapids

Checked & approved by me
July 8th 1858
Geo J. Henry

State of Missouri }
County of Jefferson }

The State of Missouri
To the Sheriff of Jefferson County Greeting
We command you to attach Peter Kartz by all
and singular his lands and tenements, goods Cha-
tles, rights moneys, credits, evidences of debt, and
effects or so much thereof as shall be sufficient to
satisfy the sum of Two Hundred and Eight
dollars and Seventy five cents, with Interest and
costs of suit, in whose possession soever the same
may be found in your County, and that you
Summon the said Peter Kartz, that he be and
appear before our Circuit Court of the County of
Jefferson on the first day of the next term thereof to
be holden at the Court House in Keokuk in the
said County of Jefferson on the fourth Monday of
October next, then and there to answer the petition
of Amos Rubel, wherein he asks judgment for
two Hundred ~~and Eight~~ dollars and seventy
five cents. And that you Summon all other
persons, that you shall find in the possession of
goods, moneys or effects of the defendant not ac-
tually seized by you, and all debtors of the de-
fendant, and such other persons as the plaintiff
or his attorney shall direct as garnishees to be
and appear before our said Court at the time and
place aforesaid, then and there to answer such
allegations and interrogatories as may be
exhibited against them, and have you then

No. 11
 Circuit Court
 Oct. Term 1858
 1644
 Amos Rabel
 vs 3 Attachment &c
 Peter. Murty

Chd

and there this writ

In Testimony whereof the under
 signed Clerk of said Jefferson
 Circuit Court has here to signed
 his name and affixed the Seal
 of said Court at office in Hillsboro
 July Eighth 1858 (Eighth)
 Elias B Honeyclh

Attest that the within writ at the County of
 Jefferson on the 13th day of July 1858 by delivering
 to Peter Murty a true copy of the within writ
 and the return of said writ by the Clerk
 together with the writ

I Executed the annex attachment at the County of Jefferson and State of Missouri on the Thirteenth day of July 1858 by Levying upon and attaching as the property of Peter Kurtz the following described personal property to wit one Corking Boat one Shift one large Wagon one Cart Seven Cows and Calves 2 Black ^{or Brown} ~~and~~ one white belly one pail Red 2 Black and white spotted one Speckled Two ox goats and two ovens one a mule pale red one red and Brown one Iron grey Horse three years old a piece of Sheet Iron and I did on the 13th day of July 1858 deliver to Peter Kurtz a true copy of the within attachment and the annex petition as furnished by the Clerk

Augustine Wiley Sheriff

and I did on the 19th day of July 1858 levy and attach as the property of Peter Kurtz the following additional property to wit two Black work ovens with white backs and white bellies two two year old Steers one white spotted and one Brown one Steer white and Black spotted

Augustine Wiley Sheriff

James Rebel
vs
Peter Henry

In the District Court,
Jefferson County Mo

I hereby acknowledge myself bound
to pay all costs that have accrued or may ac-
cure in the above entitled cause. That in any
adjudgement against the Plaintiffs
July 1858

Wm. H. Rye
Att. Henry Rye

COUNTY OF JEFFERSON.

The State of Missouri,

To ~~Robert Fletcher~~, Wilson Weaver, et al vs Robert Weaver

James Lee & Jack Andrew vs Wm Howe Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 20th day of October 1858 at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

James Lee & Jack Andrew is Plaintiff and

Robert Fletcher is Defendant on the part

of ~~defendant~~ and herein you are so commanded.

Witness, THOMAS C. FLETCHER, Clerk of our said Court,

with the seal thereof hereto appended, at office this

2nd day of October A. D. 1858

Ellis J. Hooley Clerk.

20. Lonscut Court

Detten June 1818

Anna Rachel

^{no}
Peter Henry

for debt
~~the above~~ ~~James~~
William Weaver
@ v Dixon
Samuel Lee
Jacob Andrew

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Higgins, James Wilson, & J. D. Dixon

Greeting:

You are hereby commanded, that within and within
return and delay, you appear before our District Court for the
County aforesaid, on the 23rd day of October
at St. Louis, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, wherein
Amos Beckel is Plaintiff and
Peter Kerr is Defendant on the part
of Defendant, and herein you are in no wise to fail.

Witness, THOMAS C. FLETCHER, Clerk of our said Court

at the said Sheriff's office, at St. Louis, this
day of August, A. D. 1855

Clerk.

Do. Circuit Court.

October Term 1858

James Pickel

vs { vs
Oliver Hunt

for debt

John Higgins

vs Wilson

to W. Dixon one car

and H. Weaver

Sherriff for

50 cents

I executed the within ~~vs~~ at the County of Jefferson
State of Missouri by reading the same within the
presence and hearing of C. V. Dixon on the 2nd
day of October A.D. 1858

Oscar Dover Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Saml. Harrison, Mr. J. Weaver, Geo. H. Weaver

Greeting:

You are hereby commanded, that, setting aside all manner of
excuse and delay, you appear before our Council Court for the
County aforesaid, on the 30th day of October next
at St. Louis; then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, between

Amos. Rebel is Plaintiff and
Harrill and

John A. Kelly is Defendant on the part

of said and herein you are in no wise to fail.

Witness, ~~THOMAS S. FLETCHER~~ Clerk of our said Court

and the said Sheriff hereto attached, at office this

3rd day of October A. D. 1858

Geo. J. Honey Clerk.

I served the within writ at the County of Jefferson
on the 22^d day of October 1858 by reading the
Same in the presence the acting of Saml
Harrison & Robt. M. Weaver Dry
head not found.

E. A. Burgess

Shown to before me
Oct 25th 1858

Eld Henry clk

To Circuit Court

October, Term 1858

Amos, Rebel

vs & Gya
Peter Hurly

for debt

Saml Harrison

vs Robt M Weaver

Joseph Dryhead

Sheriff

100

195

Amos Rubel
vs
Peter Kutz } In the Circuit Court of
Jefferson County
Missouri

The defendant states for plea in abatement
that at the time of the affidavit, he defend-
ant was ^{not} about to remove his property or effects
out of this state with the intent to defraud
hinder or delay his creditors

Secondly That defendant was not about to
remove out of this state with intent to change
his domicile

Thirdly, Defendant says that he has not
fraudulently conveyed or assigned his property or
effects so as to hinder or delay his creditors, and
here tender an issue on facts charged in
the affidavit

~~Amos Rubel by Atty~~
J H Seal

Peter Kutz

Amos Rubel states on oath that the
foregoing answer & plea and the facts as
therein stated he believes to be true

Subscribed & sworn to
before me this 25th day
of October 1858
Elias J Honey clerk

Peter Kutz

Shoo Rubel

as

Peter Study

Place in nature of what
event -

Old Oct 25th 1858

Geo & Henry Clark

COUNTY OF JEFFERSON.

The State of Missouri,

To the Writter, Mrs Meadows,

and William Herdout
Greeting:

Now we hereby commanded, that acting, voids all manner of
force and delay, you appear before our Lewis Court for the
County aforesaid, on the 28th day of next
at St. Louis, there and there to testify, and the writte to say in a
plain matter of controversy, now pending in our said Court, between
Anna Hulse
Petitioner
and
John
Defendants on the part
of Mrs
and herein there are in no way to fail.

Witness, THOMAS C. FLETCHER,

Sholk of our said Court,

with the said sherk of hereto affixed, at office this

26 day of Oct A. D. 1858

E. H. Jones

Clerk.

I executed the within Spc in the
County of Jefferson on W B Weaver
& Wilson Weaver by reading it to them
on the 27th of October A.D. 1858

of executed this writ on August 28th
and William Donahew on the 28th
day of October 1858 by reading in
their presence and hearing
J. Ferguson Clerk

Amos Rubel }
 as } In the circuit Court
 Peter Kutz } of Jefferson County Mo

Jacob Andries comes and interpleads and states that he is the owner of all the property attached in the above cause by virtue of the writ of attachment Except one red cow and calf, one ox cart and small flat boat & skiff. That all of said property attached belonged to said Andries and Peter Kutz as partnership property and the said Kutz sold his interest in the property as partner to said Andries before ^{the levy of the} said writ of attachment except the said red cow & calf or calf, and flat boat & skiff

Said Andries asks the Court to make up an issue to try the right to the property owned by him and for which he here interpleads

Jacob Andries
 Subscribed & sworn
 to before me this }
 29 of October 1858 } Jacob Andries
 Ehas D. Honey clk }

Attest
W^m
Hunt

Justices of the
County

Filed Oct 29 1858
Elias H. Hovey
Clerk

Witnessed June 8th
1859. Elias H. Hovey
Clerk

Amos Runkel }
vs, } In the Chancery Court
Peter Hunt } Jefferson County

To Peter Hunt,
You are hereby notified to produce
to be read in evidence on the part of the
plaintiff on the trial of the above
case, a certain bill of sale of cattle
executed by you to Robert Weaver
in June 1858, and by him returned
to you.

Amos Runkel
Nov 1st 1858. } My Attorney Green
his Atty,

I Enclose the within writ at the Court
of Jefferson on 1st day of March when 1885
by Deliver to P. Kuntz a true copy as
pursuant to me by a Shen Lee at the
for Plaintiff I record James Sheriff
H. J. Barnes Dep

A. Rubel
vs.
P. Kuntz
Notice
Sheriff, per 80

A Noble vs. Peter Kurtz.

Before the jury can find ~~the issue~~ for the plaintiff, they must believe from the evidence and from the evidence alone, first that Kurtz before the 8th day of July 1858, was about to remove his property or effects out of this state with the intent to defraud, hinder or delay his creditors, or that he was about to remove out of this state with intent to change his domicile, or that he had fraudulently conveyed or assigned his property or effects so as to hinder or delay his creditors.

The showing that Kurtz had attempted to assign his property and failed in ^{the} attempt will not sustain the charge, ^{that he} had fraudulently conveyed the same.

although the jury may believe that Kurtz had talked about removing his stock or some part of the same to New Orleans, yet before they find the issue for plaintiff, they must further find that he was about doing it for the purpose and ~~the~~ intent to defraud, hinder or delay his creditors, and if do not find the intent they must find the issue for the defendant.

Although may find that Kurtz did intend to remove to Neesho in this state yet that would not sustain the second reason stated in the affidavit.

Plaid

Per
Hurry

Protrusion of jaw

Feb. 2 1858

Eliza F. Hony

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John W. Weaver, Geo W. Weaver, David Harrison*
vs *Wm Weaver, Jas Bry bread, &c. &c. &c.* *Devs*
GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Barrel* Court for the County aforesaid, on the *twentieth day of June next* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Amos Rebel is* Plaintiff and *John Warty & Jacob Anderson* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

29 day of *April* A. D. 185*9*
Elias F. Honey
Clerk.

I executed the within Sp^{ce} in the County
of Jefferson State of Mo on John W Weaver
& William B Weaver by reading within their
presence and hearing on the 4th day of May
AD 1859 Oscar Dover Sheriff of Jeff Co Mo

2d Circuit Court
June Term 1859

Amos Packel

vs

John Hunt & Andreas

for Jeff.

Robt. W. Weaver

vs W. B. Weaver

Sam. Harrison

W. B. Weaver

vs Drybread

C. V. Dixon

Sheriff fee \$1.00

J. C. Patten 1.00

Matthew 1.00

I Executed the within Sp^{ce} in the County of
Jefferson Mo. on C V Dixon and Joseph
Dry bread by Reading in their presence
hearing on the 2^d day of June 1859
J. W. Weaver
Sworn to before me

Amos Rubel }
vs
Peter Kurtz }

In the circuit Court of Jefferson
County, Missouri

The defendant states that since
the institution of this suit, he ~~has~~ ^{was} garnis-
hed at the suit of Francis Hagan Public admin-
istrator of Jeff Co having in charge the Estate of Lewis
Rubel against Amos Rubel the plaintiff. That
he was summoned by the Sheriff of Jefferson
County to appear at that term of the circuit
Court of Jefferson County to answer interroga-
tories touching his indebtedness to the plaintiff Rubel.

The said suit of Hagan vs Rubel is
based upon a bond for ~~four hundred~~ ^{four hundred} ~~seventy five~~ ^{seventy five} dol-
lars, that ^{the} Defendant appeared and answered
the interrogatories filed by said plaintiff, in
his answer defendant admitted his indebt-
edness to Rubel the plaintiff on the note
sent on by Rubel in this Court in the
sum of \$197. and the interest ^{due thereon} ~~due thereon~~

Defendant asks this Court to interfere & not
enter judgment upon the note in this case in
favor of Rubel but protect defendant by orders
such as may protect him in case judgment
should be rendered against defendant in favor
of Francis Hagan against defendant on his
answer admitting his indebtedness to said Rubel
and enter all such orders as may be just
straight

Done & before

me June 7th 1859

Elias Whitney clerk

Amos P. Ruel.

at

Peter Hunt

Answer

Atta June 7th 1859
Elias J. Hooley

To the Hon Court of Jefferson
County Missouri

Your petitioner **Peter Hunt** states that
on the 8th day of July 1858, an attachment
issued out of the Circuit Court of Jefferson
County Mo in favor of Amos Rubel against
Peter Hunt & was placed in the hands of the
sheriff of Jefferson County Mo. By virtue
of this writ of attachment the sheriff of

Jefferson County attached & seized the following
property of petitioner viz one large waggon
one cart, seven cows & calves, 2 black or Brown
cow, 2 black & 1 white spotted ones, one speck
led, 2 ox yokes, 2 oxen mules & red, 1 Iron Gray
horse 3 years old, 1 piece of sheet iron, 2 black
work oxen, 2 two year old steers, & one white & black
spotted stag

The petitioner states that he was ~~at~~
head of a family living in Jefferson County
Mo on the date of the attachment & is still
the head of a family living in said county.

The petitioner further states that the
property attached in said cause was in part ex-
empt by law, ^{and the sheriff when he attached was aware of the same.} from attachment, that as the
head of a family he is entitled to one hundred doll
ars worth of working animals of the value of
one hundred dollars, to two cows & calves. Defered
and elects to take one hundred dollars of work animals
which are the oxen above attached and claims
two cows & calves above attached as head of the
family. The petitioner further states that
he has no other cows & calves or working
animals except those attached & above men-

time He prays this Court to order the
Sheriff of Jefferson to separate & give
to him two cows & calves of the above
attached property and to surrender & give
up to him one hundred dollars of the
working animals above described and
for such further & other orders as
may be necessary & proper
Real & Gal Atty

Peter Rutz states on oath that the
 foregoing petition & the matters therein
 stated he believes to be true

Subscribed & sworn
to before me this
15th day of June 1859
Elias & Honey Clark

Peter Rutz

True

Amos Pinckel

189

Peter Henry

Petition to order
Hearings to determine
property exempt from
distraints

Amos Rubel } In the Circuit Court
vs. } Jefferson County,
Peter Kintz } 3

The Plaintiff moves the Court to strike out Defendant's Answer filed in the above entitled cause, for the following reasons,

- 1st - Because said Answer does not state facts sufficient to constitute any defence.
- 2 - The fact that a suit has been instituted by Hagan against Rubel, in which defendant has admitted (in his answer as garnishee) that he owes plaintiff, is no defence to this suit.
- 3 - Said Answer has not been sworn to as the law requires.
- 4 - The Answer was not filed within the time the law requires,

} Abram Meade
} Atty. for plaintiff

In Circuit Court
of Marion County
Sharon Justice
vs.
Jeter Knott
Motion to
Strike out answers

Dated June 8th 1859
Oliver J. Hensley

Withamson &
Hensley for Plaintiff
and over

of the Ferry. And in favor of the
Saints

Eliza Burgess of
Mass

Public Co. Clerk
June Term 1839

L. J. Dwyer, entry of stock	2 d. 20 mi	\$ 4.00
Chas. D. Weaver	2 " 20.	3.00
Geo St Weaver	2 " 20.	3.00
E. M. Weaver	2 " 20	3.00
James Manning	2 " 20	3.00
Geo D. Weaver	4 " 20	4.00
James Manning	3 " 20	3.50
E. M. Weaver	4 " 20	4.00
Geo St Weaver	3 " 20	3.50
L. J. Dwyer	2 " 25.	4.50
		<u>35.00</u>

Before the Jury can find the cause for the plaintiffs the
Jury must believe from the evidence that

1st That the Defendants at the time of securing out the Warrant
in the Cause were on the 8th day of July 1858, were
about to remove his property and Effects out of the State
with the intent to defraud, hinder or delay his Creditors,
or

2^{dly} That he was about to remove out of the State with
intent to change his domicile, and that the defendants
had fraudulently conspired or assigned his property or Effects
so as to hinder delay or defraud his Creditors,

And if the Jury find either of the three propositions
to be true, they will find for the Plaintiff.

Rule in Kurtz

Honey 1 copy pet. 25 [¢] 1 Cent Seal 50	75
orrit 1/4 copy 25 [¢] aff ^o 25. do 10 [¢]	160
Interplea 25 [¢] Bond 50 [¢] Bond for	75
Cuts 50 [¢] , Plea in abatement 25 [¢]	75
Answer 25 [¢] aff ^d . 25 [¢]	50
Swear sent jury 75 [¢] Motion 25 [¢]	100
Verdict 25 [¢] Judg 50 [¢] on plea in	75
abatement 9 pps 45 [¢]	45
Allowance 10 [¢] for Shup. 10 pps 50 [¢]	60
I - Spas \$2.50. make cuts 25 [¢]	275
	\$ 9.90
De. Dover sheff serve notice 50 [¢]	9.90
2 pps. 25:50. 100. cases 60 [¢]	5.85
A Wiley	15.00
	3.5
	63.75

A Wiley sheff serve attach 1.00
take care property - 14.00
\$

attachment returnable to the Circuit Court
of Jefferson County ~~at~~ April Term 1859
in favour of Amos Ruble and against
Peter Kert's Sheriffs fees for keeping
property

for removing Property

\$2 00

for keeping Seven head of cattle and

one horse 7 Days at \$100 per Day

7 00

for keeping and raising a sunken
Boat

5 00

Augustine Wiley Sheriff

~~The above amount~~

The above amount of Seven Dollars William
Weaver is intitled to

Augustine Wiley Sheriff

Amos Knobel
to
Peter Knobel
Meritt free