

November 1864 No. 38

Byrd, Gabriel W.

VS

Toolose, Lewis

Damages

\$150 damages for taking horse and
converting to his own use; real
estate attached; depositions

Gabriel W. Byrd, - plaintiff }
Against }
Lewis Tooloose, - defendant }
} In the Circuit Court
} of Jefferson County Missouri;

The Plaintiff states that on or about the first day of September 1862, at the County of Jefferson aforesaid, the Defendant, without leave, and wrongfully took, stole and carried away, a Dark Brown Horse, about four years old, the property of Plaintiff, and of the value of one hundred and thirty dollars, and converted the same to his own use.

By which Plaintiff says he is damaged to the amount of one hundred and fifty dollars, and for which he asks Judgment.

A. Green
Attorney for Plaintiff.

Gabriel W. Byrd, plaintiff, makes oath and says the above petition and the matters therein as stated he believes to be true, and also, that the said Lewis Tooloose, the above defendant is ~~a~~ not a resident of the State of Missouri.

Sworn to and Subscribed
before me Sept 15th 1864 }
Elias F. Hooney clerk }

Gabriel W. Byrd,



affid	10
Board	50
order Pub	25
copy	25
attach	100
Rev Camp	110
Postage	<u>6</u>
	\$3.26

In the Circuit Court
Jefferson County

Gabriel W. Payne

vs,

Louis Hoots

Plaintiff,

vs defendant

vs

A. Green

for W. H. H.

Alex Sept 13th 1864

Chas F. Hoots

clerk

Gabriel W. Byrd, Plaintiff } Attachment
Against } in a Civil
Lewis Froloose, - defendant, } action.

We, Gabriel W. Byrd, as principal
and James L. Byrd,
as security, acknowledge ourselves to be
indebted to the State of Missouri, in the
sum of three hundred dollars, for the pay-
ment whereof we bind ourselves, our heirs,
executors and administrators,

The Condition of the above obligation
is such, that whereas, Gabriel W. Byrd
as Plaintiff is about to commence a
suit by attachment in the Circuit Court of
Jefferson County Missouri, against Lewis
Froloose defendant, returnable to the next
Term thereof, wherein the sum sworn to
is one hundred and fifty dollars,

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 defendant, or found to have
been received by the Plaintiff, 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 judg-
ment or process thereon, then this obligation
is to be void otherwise to remain in full force,

Witness our hands and seals this 15th day of
September 1864,

Gabriel Byrd Esq. Seal
James Lafayette Byrd Esq. Seal

Richard H. Pryor
Esq.
Beverly Hills, Cal.

Bond

Richard H. Pryor
Esq.
Beverly Hills, Cal.

Gabriel W. Byrd, - Plaintiff,
 Against,
 Lewis Tooloose, - Defendant,
 State of Missouri
 County of Jefferson

Attachment
 in a Civil
 action,

This Affiant, Gabriel W. Byrd, the above Plaintiff, states that he has a just demand against Lewis Tooloose, the Defendant in the above entitled Cause now due, and that the amount which this Affiant believes that he, the said Plaintiff, ought to recover after allowing all just credits and ~~offsets~~ ^{set-offs}, is one hundred and fifty dollars; and that this Affiant has good reason to believe, and does believe that the said Defendant, Lewis Tooloose, is not a resident of the State of Missouri; and that said Affiant has good reason to believe, and does believe that the damages for which this action is brought, are for injuries, arising from the commission of some felony or misdemeanor by said Defendant; and that said Affiant has good reason to believe and does believe that the said Defendant conceals himself, so that the ordinary process of law cannot be served upon him.

Sworn to and Subscribed
before me Sept 15th 1864
Elias F Hooney Clerk

Gabriel W. Byra



Richard M. Payne
23,
Learn's doctress

Filed Sept. 13th 1864
C. J. Hooley
Clerk

State of Missouri }
County of Jefferson }

The State of Missouri
to the Sheriff of Jefferson County Greeting:
We command you to attach Lewis Tool-
oose, by all and singular his lands
and tenements, goods, chattles, rights, mon-
ey, credits, evidences of debt and effects or
so much thereof as shall be sufficient
to satisfy the sum of one hundred and
Fifty dollars with interest and costs of
suit, in whose possession soever the
same may be found in your County;
and that you summon the said
Lewis Tooloose, 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 second
Monday in November next, and
that you also, summon all other per-
sons, that you shall find in the posses-
sion of goods moneys or effects of the
defendant, not actually seized by you
and all debtors of the defendant, 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
there and there to answer such allega-
tions and interrogatories as may be
exhibited against them, and have
you there and there this writ:

In Testimony whereof I
the undersigned Clerk of
the said Jefferson Circuit
Court, have hereunto sign-
ed my name and affixed
the Seal of said Court at
office in Hillsboro this
Fifteenth day of September
A. D. Eighteen hundred
and Sixty four
Elias F. Honey
Clerk



No 38

To Jefferson Lewis Court

Nov 1864

20000

Reuben W. J. J. J.

as Attachment to

Lewis J. J. J.

AB 1864 181, 18

Shirley Court of the

I. Executed this writ by attaching and seizing the one
following described Real Estate lying and being in
Jefferson County Missouri to wit the East fractional 1/2
of the N. W. 1/4 of Section 20 Township 39 Range 6 East
containing acres and the S. W. 1/4 of Section 17 Township
39 Range 6 East containing 40 1/2 acres as the property of Lewis
J. J. J. This 17th day of September 1864

Jerome B. Dever Sheriff

Gabriel W. Byrd, - plaintiff }

Against

Lewis Tooloose, defendant }

} In the Circuit Court for the
County of Jefferson, State
of Missouri,

To Lewis Tooloose, the above named
defendant;

You are hereby notified that
depositions of witnesses, to be read in
evidence in the above cause, on the part
of the Plaintiff, will be taken at the
Dwelling House of William Weaver,
a Justice of the Peace, in the County of
Jefferson and State of Missouri, on ~~the~~
Friday, the ~~seventeenth~~ day of February, 1863,
between the hours of eight O'clock in
the forenoon, and six O'clock in the
afternoon; 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,

Gabriel W. Byrd

Plaintiff

By Abner Green, his Attorney

Deposition of Witness produced Sworn to
and Examined at the house of W B Meador
in the Township of Platte Jefferson
County and State of Missouri before
me the undersigned Justice of the peace
in a ~~Case~~ Certain Cause now pendi-
ng in the Circuit Court for the Coun-
ty of Jefferson State of Missouri
between Gabriel W B and
plaintiff Against Lewis Tooloose
defendant on the part of the
plaintiff

James Odell of lawful
age being Sworn and Examined
on the part of the plaintiff deposes
and saith

question do you know Lewis Tooloose
Ans yes Ever since he was a boy
how long since you saw him about
eighteen months. About what time
did Tooloose start South, in Aug-
ust 1862 I saw him on the road
going, he was riding a dark brown
horse Did you hear Tooloose say
where he got the horse he said
he Tooloose got him out of a pasture
Did you ^{know} of Tooloose trading the
horse yes he traded him for a bay
pony did you see him after
he returned back I did he had
then a sorrel paining horse I said
to Tooloose if you have taken a

a horse from any ~~the~~ ^{Byrd} you had better
take this horse and give in the place of
the other what did Tooloose say he said
he would. he also said when he
got the horse out of the pasture he tried to
get a man but could catch her
did you notice anything peculiar about
the gates or Carriage of the brown horse
the first one alluded to, he had a
long swing walk and his tail
continually in motion swinging from
side to side when he was walking
I supposed said horse to be about 4
years old I also told Tooloose
if he did not leave that Byrd
would take him up for stealing
his ^{horse} then left have you ever saw
Tooloose since I have not
James ^{his} Odell
Mort

I W.B. Weaver Justice of the peace do hereby certify that James
Odell the deponent whose residence is in Jefferson County State of
Missouri was by me sworn to testify the whole truth of his knowledge
touching the matter in controversy in the cause of on said and
that his deposition was reduced to writing and sub-
scribed by him in my presence on the seventeenth day of
February 1865 between the hours of eight o'clock in the forenoon
and six o'clock in the afternoon at my house in the
County of Jefferson and State of Missouri
W.B. Weaver Justice of the peace

STATE OF MISSOURI, } s s
County of Franklin.

PERSONALLY appeared before me, the undersigned Justice of the Peace for and within the county aforesaid, JAS. G. MAGANN, who, being duly sworn according to law, on his oath says that he is the Publisher of the Franklin County News, a newspaper printed and published in the town of Washington, county aforesaid that the notice of *Order of Publication* hereto annexed, was published in said paper.

That the 1st publication was on	<i>Sept 8th</i>	186 <i>.5-</i>	in Volume	<i>5-</i>	No. <i>12</i>
2d "	" <i>15th</i>	186 <i>.5-</i>	"	<i>5-</i>	No. <i>13</i>
3d "	" <i>22d</i>	186 <i>.5-</i>	"	<i>5-</i>	No. <i>14</i>
4th "	" <i>29th</i>	186 <i>.5-</i>	"	<i>5-</i>	No. <i>15</i>
5th "	<i>Oct 6th</i>	186 <i>.5-</i>	"	<i>5-</i>	No. <i>16</i>
6th "	"	186	"		No.
7th "	"	186	"		No.
8th "	"	186	"		No.

and that the copy attached is a true copy of said publication.

In the circuit court of Jefferson county, Mo., May Term, 1865.

Gabriel W. Byrd, } Attachment in civil
vs. } action. Renewed
Lewis Tooloose, } Order of Publication.

Now again at this day comes Gabriel W. Byrd, the plaintiff in the above entitled cause by his attorney, and it appearing to the satisfaction of the court that the order of publication heretofore made in said cause has not been complied with. It is therefore ordered by the court that the same be renewed, notifying him, the said Lewis Tooloose, that an action has been commenced against him by petition and attachment in the circuit court of Jefferson county, founded upon a claim for damages of One hundred and fifty dollars for the wrongful taking and converting to his own use a horse of the plaintiff, that his property has been attached and that unless he be and appear at the next term of said court to be begun and held at the court house in Hillsboro, on the second Monday in November next and on or before the third day thereof, judgment will be rendered against him and his property sold to satisfy the same. And it is further ordered that a copy hereof be published in the Franklin County News, a newspaper printed and published in the State of Missouri, for four weeks successively, the last insertion to be at least four weeks before the commencement of the next term of this court.

A true copy of the order.

In testimony whereof I have hereto set my hand and affixed the seal of said court this 31st day of August 1865.

sep8-4t SAMUEL A. REPPY,
Clerk Circuit Court.



SWORN and subscribed to before me this *9th* day of *October* 186*.5-*

John H. Cullen J.P.

Received, for publishing the annexed notice *5* times in the News, \$ *10.00*

Stafford & Magann

S. M. Bryant
and

James Monroe
Order Publication

Filed Oct 19 to 1855
Samuel A. Phelps & Co