

Adair County Circuit Court  
#1858 Civil Case File  
Jan, 1874

Box 19 Folder 7

Notestine, Louisa E.

" Henry

vs

Bechtel, Reuben - Administrator of Estate of Sprague, Sarah - Deceased,

Debt, Notes

Accounting Notes

No. Case. 1858

File Box No. \_\_\_\_\_

# ADAIR CIRCUIT COURT.

Term 191

Louisa E. Notestine et al.

vs.

Ruben F. Bechtol, Adm.

Filed

Jan 28

1911/875

Summons Issued

191

Judgment, - - - - - \$

Cost, - - - - - \$

Total, - - - - - \$

Rate per cent of Interest \_\_\_\_\_

Date of Judgment

Oct 16

1911/875

Record No.

JF

Page

361

Exec'n Docket, \_\_\_\_\_

Page \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

**KIRKSVILLE.**

Case No. 1858

**CIVIL.**

**ADAIR COUNTY CIRCUIT COURT.**

*Maria E Notestein*

*Henry Notestein*

vs.

*R F Bictol admr*

*Eriza Sprague*

Petition *notes*

Filed *Jan 28<sup>th</sup>* 18*77*

Disposed of *October* Term

A. D. 18*75*

Judgment *Sept*

Fine

**ATTORNEYS.**

*Millan* Plaintiff.

*W Sprague Resdm* Defendant.

Record *7* Page *367*

\$6000 Kirtsville May 24<sup>th</sup> 1867

Three months after date, I promise to pay  
to the order of ~~Benjamin Prior~~ ~~Benjamin Prior~~

The sum of six thousand Dollars,

for value received, negotiable and payable, without defalcation or discount, and with  
Interest from maturity at the rate of Ten per cent. per annum.

Due 24<sup>th</sup> Aug 67 } Elizabeth Upgoune  
attest W. H. Smith mark

Secured by deed of trust  
of the State of Missouri  
Recorded by A. H. SHULIZ & CO., St. Louis

\$2070 Kirtsville Mo June 17<sup>th</sup> 1867

Three months after date, I promise to pay  
to the order of Benjamin Prior

Two Hundred and Seven Dollars,

for value received, negotiable and payable, without defalcation or discount, and with  
Interest from maturity at the rate of Ten per cent. per annum.

Due Sept 19<sup>th</sup> 1867  
Elizabeth Upgoune

Kirtsville Mo Oct 15<sup>th</sup> 1867,  
I promise to pay to  
Gorge Rice, the sum of \$100, dollars  
at Ten per cent. interest,

Mrs. Elizabeth Upgoune

David Dougherty

I hereby waive service of notice  
on the within note  
April 10<sup>th</sup>  
1893

Frank Cooney  
Et of Estate

of Elizabeth Speare

Credit on within  
note seen & allowed  
May 24<sup>th</sup> 1867

Exhibit B

I hereby waive service of notice on  
the within note  
April 10<sup>th</sup> 1893

Frank Cooney  
Et of Estate of  
Elizabeth Speare

Exhibit B

Exhibit B

The  
March 24<sup>th</sup> 1868  
Paid on the  
within note  
Eighty \$0.00 Dollars

I hereby waive the service of  
notice on the within note  
Frank Cooney  
Et of Estate  
of Elizabeth Speare

April 10<sup>th</sup>  
1893

\$500

Kirkville Mo. Feb 25 - 1868

Three Months after date I promise to pay to the

Order of Benjamin Prior  
Fifty

Dollars,

For value received, negotiable and payable without defalcation or discount; and with interest from maturity at the rate of ten per cent. per annum; and if the interest be not paid annually, to become as principal, and bear the same rate of interest.

No. 1

Due

Patterson & Fitch, Stationers.

FILED  
JAN 18 1869

Kirkville Mo March 22 1869

One day after date I promise to pay to,

Mrs Louisa E. Harmon or heirs the sum of sixty Dollars

\$60.00 at 10 per cent interest,

Elizabeth Strague

\$1.00

Kirkville April 5 1870

one day after date I promise to pay to the order of George Hill one Hundred Dollars for value received

negotiable and payable without defalcation or discount bearing ten per cent per annum

L. E. Harmon

Pay for collection out of her own money

Spencer

Spencer

Note of  
Honor

I hereby waive service  
of notice on the within  
note  
April 10<sup>th</sup> Fred<sup>d</sup> County  
1873 Et. of Estate of  
Eli<sup>th</sup> Sprague

15-2-1873

I hereby waive the service  
of notice on the within Note  
April  
10<sup>th</sup> 1873 Fred<sup>d</sup> County  
Et. of Estate of  
Eli<sup>th</sup> Sprague

Spencer

Louisa E. Notestine  
 and Henry Notestine  
 as Plaintiffs  
 Reuben Bechtol  
 Administrator of the  
 Estate of Elizabeth Sprague  
 deceased defendant

Probate  
 Court of  
 Adams  
 County  
 Wisconsin  
 January term  
 1874

Plaintiff Louisa E.  
 Notestine states that she is the wife  
 of the other Plaintiff Henry Notestine  
 that her name before her marriage  
 to said Henry Notestine was  
 Louisa E. Norman

Plaintiff further states that heretofore  
 to wit on the 5<sup>th</sup> day of April 1870 the  
 said Elizabeth Sprague the defendant  
 decedent borrowed of one George Rice  
 the sum of One Hundred dollars and  
 executed and delivered to said  
 Rice her note of that date for said  
 amount due one day after date  
 with ten per cent interest per annum  
 that at the time of the execution of said  
 note the Plaintiff Louisa E. Notestine  
 then Louisa E. Norman at the request  
 of said Elizabeth Sprague signed said  
 note with her as surety, which said



note is herewith filed and marked  
Exhibit A"

That afterwards on the day of  
187 the Plaintiff Louisa paid off  
and fully discharged said note and  
all interest thereon, the said Elizabeth  
Sprague the Principal therein having  
failed and neglected to pay of the  
same when due. Wherefore the  
Plaintiffs ask Judgment against  
Defendant for said the amount of  
said note with ten per cent interest  
thereon from the date thereof to  
the time of Judgment herein

Plaintiffs further states that on the 15<sup>th</sup>  
day of October 1867 the defendant  
decedent Elizabeth Sprague borrowed  
of George Rice the sum of One Hundred  
Dollars and executed and delivered  
to said Rice her promissory note  
of that date for said amount  
due March 1<sup>st</sup> 1868 with ten per  
cent interest with David Dougherty  
which note is herewith filed and marked Exhibit B"  
as Secured. That afterwards on the  
24<sup>th</sup> day of March 1868 the Plaintiff  
Louisa & at the special instance  
and request of the said Elizabeth

Sprague with her own means paid an said note for said Elizabeth Sprague the sum of Eighty dollars, which with the interest thereon is still due Plaintiffs for which they ask Judgment.

Plaintiffs further state that afterwards to wit on the . . . day of . . . 186 the Plaintiff Louisa C. at the special instance and request of the said Elizabeth Sprague paid to said Geo Rice the balance due an said note, being the sum of thirty dollars, ~~for~~ which with the interest thereon is still due the Plaintiffs for which they ask Judgment.

Plaintiffs further state that on the 24<sup>th</sup> day of May 1867 the Defendants decedent the said Elizabeth Sprague ~~on the 24<sup>th</sup> day of May~~ made executed and delivered to one Benjamin Prior her promissory note of that date for the sum of Sixty dollars due three months after date with ten percent interest from maturity. Which said note is herewith filed and marked Exhibit "C". That afterwards on or about the 24<sup>th</sup> day of August 1867 the Plaintiff

Louisa E at the special instance and request of the said Elizabeth Sprague paid to said Benjamin Prior the full amount of said note and interest being the sum of sixty dollars. Whereby said Elizabeth Sprague became and was indebted to Plaintiff Louisa E in said sum of sixty dollars, which with the interest thereon still remains due and her for which Plaintiffs ask Judgment.

Plaintiffs further state that on the 27<sup>th</sup> day of February 1868 the defendant decedent Elizabeth Sprague made executed and delivered to Benjamin Prior her certain promissory note of that date by which she promised for value received to pay said Prior three months after the date thereof the sum of Fifty Dollars with interest from maturity at the rate of ten per Cent per annum and if the interest was not paid annually to become as principal and bear the same date of interest. That said note is

2  
5

herewith filed and marked Exhibit "D".  
That afterwards on or about the  
day of \_\_\_\_\_ 1868 the Plaintiff  
Luisa E. at the special instance  
and request of the said Elizabeth  
Sprague paid to said Benjamin  
Prior the full amount of said note  
and all interest thereon, being the  
sum of Fifty three dollars, whereby  
said Elizabeth Sprague became  
and was indebted to the Plaintiff  
Luisa E. in the said sum of Fifty  
three dollars which with the  
interest thereon is still due her  
for which Plaintiffs ask Judgment

Plaintiff further states that the defendants  
decedent Elizabeth Sprague on the 19<sup>th</sup>  
day of June 1867 made executed and  
delivered to one Benjamin Prior  
her promissory note of that date whereby  
she promised for value received to  
pay said Benf Prior three months  
after the date thereof the sum of  
Two Hundred and Seven dollars and  
fifty Cents with interest from maturity  
at the rate of ten per cent per annum

4 "E"  
of

That afterwards on or about the day  
1867 said Sprague paid thereon One Hundred and  
Seventy dollars and afterwards on the day

of 1867 the Plaintiff Louisa E  
at the Special instance and request  
of said Elizabeth Sprague paid to said  
Defy Prior the full amount of <sup>the</sup> said  
Note and interest being the sum of  
~~two hundred and fifteen~~ <sup>forty</sup> dollars,  
whereby said Elizabeth Sprague  
became and was indebted to Defy  
Louisa E in the sum of ~~two hundred~~  
~~and fifteen~~ <sup>forty</sup> dollars which with  
the interest thereon is still due  
for which Plaintiffs ask Judgment

Plaintiffs further state that the defendants  
Decedent Elizabeth Sprague on the  
20<sup>th</sup> day of March 1869 made executed  
and delivered to the Plaintiff Louisa  
E Potestine, then named Louisa  
E Kearman her promissory note  
of that date by which she promised  
for value received to pay said  
Louisa E Kearman the sum of  
Sixty dollars with ten per cent interest  
in one day after the date thereof  
which note is <sup>with</sup> filed marked "F"  
which sum of ~~sixty~~ dollars &  
with all interest thereon is still due  
Plaintiffs for which they ask  
Judgment.

7  
1

Jurisa E. Notestine on oath  
states that the matters set forth  
in the foregoing Petition are true  
to the best of her Knowledge and  
belief, and that she has allowed  
the Estate of Elizabeth Sprague all  
just credits and offsets to which  
it is entitled on the matters  
set forth in the foregoing Petition  
and that the several amounts  
therein claimed are justly due  
and correctly stated to the best  
of her Knowledge & belief.

L. E. Notestine.

Sworn to and subscribed before  
me this 7<sup>th</sup> day of January 1874  
W. F. Millan  
Notary Public

I waive notice on the within  
claims this January 7<sup>th</sup> 1874  
R. T. Bechtol *Ex. sentor*

No 858

Corpus Patent &

Ver. Linnard

Henry of Westme

100

R. T. Bechtol

Attorn. Estate of

Elizabeth Sprague

Petition

Filed Jan 17<sup>th</sup> 1873

Jacob Larner

FILED  
JAN  
28  
1874

Abbingdon

Louisa E. Notestine  
& Henry Notestine  
vs

Reuben F. Bechtel  
Executor of Sarah  
Sprague

Henry Notestine  
an oath states that  
application for an  
appeal by Plaintiffs  
not made for vexation  
or delay but because  
Plaintiffs are aggrieved  
by the judgment of the  
Court herein.

H. Notestine

Sworn to and Subscribed  
before me this 12 Jan 1874

Jacob S. Smith  
Judge



Filed  
Jan 12<sup>th</sup> 1894  
- Patent Office  
J. W. W.

We Henry Potestine as principal  
and George Rice  
as sureties acknowledge our  
selves indebted to Reuben  
Bechtol in the sum of ~~One~~  
Hundred dollars for the  
payment of which we bind  
ourselves our heirs  
Executors and Administrators  
jointly by these presents  
The condition of the above  
bond is whereas the above  
named Henry Potestine &  
Louisa E Potestine have  
appealed from the judgment  
of the Probate Court of Olden's  
County in a cause wherein  
Louisa E and Henry  
Potestine are Plaintiffs and  
Reuben G Bechtol Executor  
of the Estate of Elizabeth  
Sprague is Defendant. Now  
if on trial anew in the  
Circuit Court Judgment  
shall be given against appellants  
or if their Appeal shall be  
disrupted. And they shall  
pay all costs herein then  
this bond to be void

otherwise to remain in full  
force. W. Notstine

Geo Price

Approved Jan 12<sup>th</sup> 1874

Jacob Sains  
Judge

State of Missouri } ss  
 County of Adair } Be it remembered that a Term  
 of the Probate Court within and for  
 the county of Adair was begun and held  
 at the Court house in the town of Kirksville  
 on Monday January 12<sup>th</sup> 1874.  
 Officers present Jacob Sanders Judge  
 and Co-official Clerk of said Court and  
 Joseph D Miller Sheriff of said County  
 When ~~there~~ others the following  
 proceedings were had.

Louisa C Potestine &  
 Henry Potestine } Demand on  
 against } Notes  
 R F Bechtol Admin of }  
 Estate of Elizabeth Sprague decd }  
 Come now

Louisa C Potestine and her husband  
 and ~~with~~ <sup>with</sup> their attorney R F Miller  
 Henry Potestine, and file their peti-  
 tion for allowance. (on six promis-  
 ary notes described in said petition  
 and marked Exhibits A, B, C, D, E, & F)  
 against the Estate of Elizabeth Sprague  
 deceased. And R F Bechtol Administrator  
 of said Estate appeared in court and  
~~advised~~ <sup>advised</sup> notice hereon, and neither  
 party requiring a jury this cause  
 is submitted to the court. Whereupon

FILED  
 JAN  
 28  
 1874

the court proceed to hear the evidence and finds that plaintiff is entitled to recover the full amount claimed on the sixth count in said petition (or Exhibit A) and on the same to date as principal and interest is allowed Eighty nine dollars and thirty three cents to be paid in the fifth class of demands against the Estate of said deceased.

The amounts claimed on the notes marked Exhibits A, B, C, D & E. and described in the aforesaid petition are not allowed by the court.

Lorisa C. Notestine & Husband }  
Henry Notestine } Demand on  
Against } notes  
R. A. Bechtol Admr of the } comes now  
Estate of Elizabeth Sprague }  
Lorisa C. Notestine and her husband  
Henry Notestine and file their  
Bond and application for appeal  
in the above entitled cause.  
Whereupon the court approve said Bond  
and orders that an appeal be granted  
to the Adams County circuit court.  
And that the proceedings herein

with all the papers filed in this cause  
be certified. There to.

State of Missouri } ss  
County of Adair } I Jacob Sands Judge and Clerk  
of the Probate Court within and for said  
County of Adair certify the foregoing  
to be a true full and complete transcript  
of the original orders made and entered  
of record in the above entitled cause  
and that the annexed are all the  
papers filed in said cause

In Witness Whereof I hereto  
set my hand and affix the  
seal of said Probate Court.

Done at office in Kirksville  
this 28<sup>th</sup> day of January 1874

Jacob Sands  
Judge & Clerk

Fees  
Costs Probate  
Court Sands \$2.70

George Rice      Wit  
one day      1.00

# Subpoena. -- Circuit Court.

State of Missouri, )  
County of Adair. ) ss.

THE STATE OF MISSOURI,

To

*Geo Rice*

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 KIRKSVILLE, within and for the County aforesaid, on *Thursday* the *11* day of *June*, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said court, wherein *Protestant* Plaintiff, and *Beatal* Defendant, on the part of said *Peff*; 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 as Clerk and the seal of our said Court. Done at office in KIRKSVILLE, in the County aforesaid, on this *26* day of *May*, A. D. 187*7*.

*W. S. Senger* Clerk.

By

D. C.

SUBPENA.

1858

Adair Circuit Court.

Jane Westover Term, 1874 Plff.

vs

Beetol Def't.

Subpcena.

Plff's. WITNESSES.

Day of Trial

Thurs McJune

Geo Rice May 31 74

Fee

50c

J. L. Miller Esq  
Sergeant at Law

RETURN.

I hereby certify that I served the within Writ in the County of Adair on  
the 26<sup>th</sup> day of May 1874 by Reading Rice  
written return to Geo Rice



Louisa Coltestine and Henry  
Coltestine her husband, Plffs

against  
R J. Bectol Admr of the  
Estate of Elizabeth Sprague Deft

Now comes Mira A.  
Daughter and asks the Court that she be  
made a party Defendant in the above suit  
for the following reasons

Elizabeth Sprague was the mother said Mira  
and the plaintiff Louisa. who are and were  
the only heirs at law of said Elizabeth and  
that she is interested in the Estate of said  
Elizabeth deceased.

And further says that the claim of Plff is  
as this applicant believes attempting to wrongly  
absorb said Estate. that if she is permitted  
to defend this suit she will be able to success-  
fully do so

Mira A Daughter  
By James Kellbarton  
her Atty

1858

Chalchicomula, Puebla, Mexico

No

Receipt of  
Receipt of Elizabeth  
Deceased

FILED  
JUN 11 1874  
U.S. DEPT. OF JUSTICE  
WASHINGTON

# Subpoena.---Circuit Court.

STATE OF MISSOURI,

} ss.

THE STATE OF MISSOURI,

COUNTY OF ADAIR.,

To:

*David Daugherty*

You are Hereby Commanded, That settng 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 Kirksville, within and for the County aforesaid, on *Friday* the *18<sup>th</sup>* day of *June*, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said court, wherein *E. Holstine & Harry Holstine* Plaintiff, and *Bectob et al* Defendant, on the part of said *Plt Dept*; 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 as Clerk and the seal of our said Court. Done at

office in Kirksville, in the County aforesaid; this *16*

day of *June* A. D. 187*5*.

*A. C. Pierce* Clerk.

By *A. L. Woods* D-C

**SUBPOENA.**

~~1858~~

**Adair Circuit Court.**

*June* Term, 1875.  
*Stote stone et al* Pltff.

*vs*  
*Beal* Def't.

*Defts* Subpcena.

Pltff's } WITNESSES.  
Def't's }

Day of Trial *June 8. 75*  
*David Daugherty*

Fee \$ *500*

*for me*  
*David Daugherty*

I hereby certify that I served the within Writ in the County of *Adair*  
on the *16* day of *June* 1875, by *Dealing Service Co*  
*Adair*  
*David Daugherty*

**R E T U R N .**

# Subpoena.---Circuit Court.

STATE OF MISSOURI, }

ss.

THE STATE OF MISSOURI,

COUNTY OF ADAIR,

To

*David Laughlin*

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 Kirksville, within and for the County aforesaid, on

the *fourth* day of *Sept*

the truth to speak, in a certain matter of controversy now pending in our said court, wherein

*Rollston et al*

Plaintiff,

and

*Beck et al*

Defendant,

on the part of said *Def*; 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 as Clerk and the seal of our said Court. Done at

office in Kirksville, in the County aforesaid, this *18th*

day of *February* A. D. 1875.

*Geo Purce* Clerk.

By

D.C.

**SUBPOENA.**

*[Handwritten scribble]*

**Adair Circuit Court.**

*Feb* Term, 1875

*Hotellier et al* Pltff.

VS

*Bechal et al* Def't.

Subpoena.

Plt's } WITNESSES.  
Def't's }

Day of Trial

*for Hewitt*  
*D. D. [Signature]*

Fee \$

**R E T U R N .**

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

on the ..... day of ..... 187 , by