

Ladies Pleuer - plff.

-18-
J. M. Rupert, J. M. Rupert,
Jesse Whitte, Sheriff of
Van Wert County Ohio

Court of Common Pleas.

The said Plaintiff avers that from the day of Nov. 1875 to and on about the 28th day of Aug. 1877 said Plaintiff and said G. G. Rupert were partners in the business of making and selling lime and quarrying and selling stone in said County sharing equally in the profits and losses of said business the supervision and managing of which business exclusively the said G. G. Rupert assumed by the terms of said Co-partnership for the good and valuable consideration by law to be rendered and enjoyed by reason of said Co-partnership and that said firm in the agreed name of G. G. Rupert and Company having entered upon the prosecution of the business contemplated and stipulated by said agreement of Co-partnership and the said G. G. Rupert having entered upon the discharge of his duty as said Superintendent and manager of said business as on about the day of 1877 by the said G. G. Rupert as Plaintiff has been informed by said G. G. Rupert and which she now charges to have formed of said G. M. Rupert her father the sum of \$ and without the knowledge of the Plaintiff or her consent to said forming and G. G. Rupert executed and delivered to said G. M. Rupert a promissory note of that date for said sum secured "G. G. Rupert & Co" and that there was annexed thereto a warrant of Attorney to confess judgment for said sum and that judgment was obtained on said note and warrant of Attorney by virtue of said Warrant of Attorney Oct. term 1877 without summons or the service on this Plaintiff and said G. G. Rupert which judgment was afterwards on the 2nd day of Nov. 1877 on cause shown by the Plaintiff opened up and vacated and that again at the February term for 1878 said G. M. Rupert secured on said note a judgment against the Plaintiff and said G. G. Rupert as late partners in firm name of G. G. Rupert & Co for \$142.72. and costs of suit and that in pursuance of said judgment this Plaintiff on the 6th day of June 1878 paid her equal one half of said judgment and costs which amounted to \$71.43 and that for the other and remaining one half an execution issued on said judgment was levied on the undivided one half of her lot 22nd in the East addition to the town of Van Wert Ohio of value at forced sale for about said amount and all costs and increased costs and interest to wit of the value of about \$70. which levy was made June 6th 1878 on same day this Plaintiff paid her half of said judgment which levy is still existing and in full force and which property was levied upon as the people property and premises of the said

G. G. Rupert which in truth and in fact it then was, Plaintiff further avers that after the dissolution of said firm and before said judgment there was as the said G. M. Rupert well knew firm property and assets liable to be levied on to satisfy said judgment and costs and that ever since the rendition of said judgment there has been and now is property and assets of said firm of G. G. Rupert & Co liable to be levied up on and sold and not exempt by law in said County of sufficient value at forced cash sale to satisfy said remaining half of said judgment and costs all which has been well known to said G. M. Rupert at all times said judgment was rendered, Plaintiff avers that since said dissolution of said Co-partnership this Plaintiff has had a large amount of the debts of said firm contracted by said G. G. Rupert to pay from her own unshared means far above all profits and benefits of said business and that since said dissolution said G. G. Rupert has become insolvent and has nothing available by execution except the premises levied on out of which to make said judgment and costs and that said G. M. Rupert his father intending to aid and assist the said G. G. Rupert in avoiding the payment of his half of said judgment and costs and other debts of said firm and intending to assist said G. G. Rupert in wronging this Plaintiff and to compel her to pay the debt of said G. G. his son and his son and his share of said judgment and dispend this Plaintiff has caused an execution to issue on the balance of the said judgment the remaining half of said judgment and costs without regard to said levy and refusal to said premises as levied on to be offered for sale but on the contrary has forbidden the Sheriff of said County to offer said premises for sale and has directed and caused him to parcel and levy on the undivided property of this Plaintiff and expose the same to public sale to satisfy said balance of said judgment and costs and increased costs. Plaintiff avers that in pursuance of said execution last named which was issued June 24th 1878 and in obedience to said G. M. Rupert direction and solicitation said Sheriff forewarned and is about to levy on the undivided property of this Plaintiff regardless of said former levy which is still subsisting and will do so unless restrained by the order of the Court and will do great injustice and wrong to Plaintiff and inflict upon her great and irreparable injury for which she has no adequate remedy at law. Plaintiff therefore prays that said defendants and each of them be enjoined from buying upon the property of this Plaintiff or causing the same to be sold to satisfy the said judgments and costs remaining unpaid until said levy is executed or otherwise disposed of according to law paid J. M. Rupert and his co-defendants be enjoined from

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"Van Wert, Ohio, United States records," images, FamilySearch (<https://www.familysearch.org/ark:/61903/3:1:3QHV-J381-4SJH?view=fullText> : May 30, 2026), image 42 of 678; Northwest Ohio-Great Lakes Research Center.
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beginning upon or selling any of the individual property of this Plaintiff and for granted Equity relief.

Price & Shesler
Attorneys for Plff.

The State of Ohio
Van Wert County ss.

Ladies Palmer says the facts set forth in her foregoing petition are true.

Ladies Palmer

Shewn to before me and signed in my presence Nov. 20 1878

W. W. Baker

Probate Judge.

Clerks.

Clerks - Issue summons for defendant to answer return according to law - Endorsed "Injunction Allowed" Equity relief prayed for.

Price & Shesler

Plffs Atty.

And afterwards to wit on the 21st day of Aug. 1878 And Undertaking for Order of Injunction was filed in Clerk's Office which Undertaking for Order of Injunction reads as follows, to wit:

The State of Ohio
Van Wert County ss.

Undertaking
For Order of
Injunction.

Ladies Palmer plff.

G. W. Rupert & Co. vs. Ladies Palmer. We have enclosed to the said defendant in the sum of \$100 Dollars that the said Plaintiff Ladies Palmer shall pay to the said defendant the damages they may sustain by reason of the injunction in this action, if the Court really decided that the said injunction ought to be granted, Aug. 22nd 1878.

Ladies Palmer
Davis Johnson.

This undertaking approved by me this 22nd day of August 1878.

G. W. Day, Clerk.

By W. W. Wilson Deputy Clerk.

Thereupon on precept of plaintiff the following summons was issued.

Summons.

The State of Ohio
Van Wert County ss.

To the Crown of the County of Van Wert, Greeting:

We command you to notify G. W. Rupert, G. G. Rupert and Jesse B. Little Sheriff of Van Wert County that they have been sued by Ladies Palmer in the Court of Common Pleas of Van Wert County, and that unless they answer by the 21st day of Sept. A.D. 1878 the petition of the said Ladies Palmer against them filed in the Clerk's Office of said Court, such petition will be taken as true and judgment rendered accordingly.

Plff. will make her return of this summons on the 2nd day Sept. A.D. 1878. Witness my hand and the seal of said Court, this 23rd day of Aug. A.D. 1878.

G. W. Day, Clerk

By W. W. Wilson Deputy.

Which summons was duly returned with the following endorsement thereon.

Injunction.

The State of Ohio

Van Wert County ss.

Received this 21st Aug. 23rd A.D. 1878 at 9 O'clock A.M. and pursuant to its command I served this writ on the within named G. W. Rupert and G. G. Rupert by delivering to each one a certified copy of this writ with the endorsement thereon on Aug. 23rd 1878. Service acknowledged by J. Knack Jpt. Sheriff and on Aug. 24th 1878 I return this writ.

A. Doughlight Coroner.

And afterwards to wit on the 21st day of Aug. 1878, G. W. Rupert filed his certain answer to Plaintiff's petition which answer reads in words and figures following to wit:

Answer of G. W. Rupert.

Ladies Palmer plff.

Van Wert County ss.

Court of Common Pleas.

G. W. Rupert, G. G. Rupert

Jesse B. Little, Sheriff of Van Wert County, Ohio. vs. etc.

And now comes the said G. W. Rupert in answer to the petition of the said Ladies Palmer, Plaintiff, says: "I demand of the Court that he admit the partnership of said Plaintiff and said G. G. Rupert as alleged in said petition, that said G. G. Rupert was to and did superintend and manage said business, that said firm borrowed \$ of this defendant, that said G. G. Rupert executed to this defendant a note for said sum of money, signed as stated in said petition, that a warrant of Attorney to compel judgment for said sum was incorporated in said note that judgment was obtained thereon, vacated and judgment again recovered thereon as stated in said petition. That Plaintiff about the 6th day of June A.D. 1878 paid \$78.48 on said judgment and costs; that execution was issued on said judgment and levied on the undivided half of our lot 2229 in the east addition to the town of Van Wert Ohio and that said levy was made on same day that Plaintiff made said payment on said judgment; that said G. G. Rupert is indebted that he has refused to cause said premises to be sold, and denies each and every allegation in said petition contained not heretofore admitted to be true, and says that he caused said levy to be released for the reason that said property to be levied on was not the property of said G. G. Rupert. Wherefore defendant prays that said petition be dismissed and the injunction in this case be dissolved, and that he recover his costs in

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this case action expended.

W. H. Brown Atty for dft.

State of Ohio

Law West County ss. G. W. Rupert above named defendant being duly sworn says the facts stated in his foregoing answer are true as he truly believes.

G. W. Rupert
Subscribed in my presence and sworn to before me by said G. W. Rupert this 25 day of November 1878.

C. J. Adams Probate Judge.

Continuance. And afterwards to wit on 8 day of May 1879 at a term of the Court of Common Pleas this cause was continued.

And afterwards to wit on the 26th day of Oct. 1880 at a term of Court of Common Pleas this cause came on to be heard in words and figures following to wit.

Deceit.

G. W. Rupert et al vs. J. S. Battery and N. Battery. This cause came on and was heard on the petition of the plaintiff and the answer of G. W. Rupert the other defendants being in default and the Court do find that due and legal notice of the pendency and prayer of this petition had been given to each defendant according to Law and the Court do find the equities of the case in favor of the Plaintiff and the allegations in said petition to be true. It is therefore ordered and adjudged and decreed by the Court that the attempted release of the levy and the lien created thereby on the premises described in the petition made by G. W. Rupert be and the same is void and is hereby vacated and held for naught and said attempted and pretended release of said levy on said premises is hereby decreed to be of no effect and shall not operate as a release of the levy and lien on said premises and that said Plaintiff is substituted to all the rights and liens in the said premises which said G. W. Rupert had to cause and have said premises sold to satisfy said judgment of G. W. Rupert and that it is further decreed that the attempts of said G. W. Rupert to dispose of his said premises are fraudulent and all his conveyances of the same are deemed hereby void and the same are hereby vacated and held for naught. It is further ordered that the execution herefor allowed be and the same is hereby dissolved. It is further ordered with the consent of the parties hereto that G. W. Rupert ought to have execution issue on his said judgment against the property of the Plaintiff be and the same is hereby stayed and months from Oct. 21st 1880. It is further adjudged that G. W. Rupert pay the costs of action to be taxed and that execution issue

therefor as upon judgment at Law.

6837.

Shas before Hon. J. W. Day Judge of Common Pleas Court Law West County Ohio.

Be it remembered that on the 28th day of Oct. 1880 the plaintiff filed his certain petition against Defendant which petition reads in words and figures following to wit.

The State of Ohio
Law West County ss. See Court of Common Pleas

John W. Brown. plff.

J. S. Battery & N. Battery
dft.

Line Action for Money Only.

plff. says that there is due him from J. S. Battery and N. Battery defendants on a promissory note made by the defendant J. S. Battery and N. Battery dated the 26th day of December A.D. 1878 which note with the warrant of Attorney thereto annexed is hereto attached, the sum of One hundred and fifty eight dollars with interest thereon at 8% per cent from the 26th day of September A.D. 1880. The plaintiff further says that he is the legal owner and holder of said note, that the same is due and unpaid. Whereupon the Plaintiff asks judgment against said defendants for the sum of One hundred and fifty eight dollars with interest at 8% per cent from the 26th day of September A.D. 1880.

Clark & Dayrell. Atty for plff.

The State of Ohio

Law West County ss. J. D. Clark one of the Attorneys of Record of the above named Plaintiff being duly sworn, says he knows the statements in the foregoing petition to be true. He further says this action is brought on a well known instrument for the payment of money only, and that said written instrument is now in his possession as such attorney.

J. D. Clark.

Subscribed by the said J. D. Clark in my presence and sworn to by him before me, this 28th day of October A.D. 1880.

W. W. Wilson Dep. Clk.

Copy of Note.

J. S. B.

Law West. Dec. 26th 1878

Six months after date, we, or either of us, promise to pay to the order of J. W. Brown or Bearer One Hundred & Fifty Dollars. At the First National Bank, Law West, Ohio, with eight per cent interest from date. And we hereby authorize and empower any Attorney at Law, at any time, after this date

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