

Jefferson County Circuit Court
Case Files - Civil

Box

21 Folders 26

May 1868 - No. 133

Trump, George
Poff, Henry
vs

Gotherman, Henry

Set aside deed

55 acres in S13T42R5E

George Trump &
Henry Doff } In the Jefferson
vs } Circuit Court
Henry Gathman } April Term 1868

The plaintiffs state that the defendant on or about the day of said sale to them for and in consideration of the sum of thirty four hundred dollars a certain tract of land in Jefferson County Missouri known as the Ben Johnston place on Little Rock Creek or near there and the sum which was conveyed by Israel D. Lewis N. Watson and their wives by and under the 5th day of January 1861 to said defendant, that said defendant at the time and prior to the said sale to the plaintiffs as an inducement to said sale represented to these plaintiffs that said tracts of land contained one hundred and fifteen acres when in fact the same only contained 55⁵⁸ acres and is described as follows E 1/4 of the S E 1/4 of section 13 Township 42 Range 5 East also the north part of E 1/4 section 13 same township and range, and

as a further inducement to said sale the said defendant falsely and ~~falsely~~ fraudulently represented that said tract of land sold to the plaintiffs as aforesaid contained a certain field or part of a field of some twelve or fifteen acres of good tillable land, when in fact the said field of land did not belong to said defendant, nor to the tract of land sold to the plaintiffs as aforesaid - but belonged to one Deenman

Plaintiffs further state that the said plaintiff George Trump has paid of the purchase money aforesaid the sum of five hundred dollars, and that they have executed their notes to said defendant for the sum of three thousand dollars to be paid in different installments -

Plaintiffs state and charge that said defendant falsely and fraudulently misrepresented the lines of said land so sold as aforesaid, and the quantity of land which he sold or pretended to sell, and in this way has cheated and defrauded

them out of the above amount so
paid as aforesaid, and into the giving
of the notes for the balance of the
unpaid purchase money.

Wherefore plaintiffs pray the Court
to Cause said defendant to deliver
up said notes to be cancelled, and
by an order and judgment of this Court
to Compell the said defendant
to pay over to the said plaintiffs
the said sum of fourteen
hundred dollars, and for further
order of this Court cancelling said sale
and declaring the same to be void
for nought. Plaintiffs have offered to
reconvey to said defendant the title
to the land acquired as above stated,
And the plaintiffs further pray the
Court for such further orders and
decrees of this Court as the plaintiffs
may show themselves entitled to
and a judgment for costs.

P. Pipkin Atty.
for the Plaintiffs

Issues on Air Court Court
April Term 1867

George Trump &

Henry Poff
vs

Henry Gottmann

Petition to discharge
and &c

The Clerk will ~~not~~
issue process ~~until~~
~~heathen order~~ —

P. P. Poff

Filed Dec 12, 1867

E. J. Honey clerk

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Henry Lottermann*

if he be found in your County, that
he be and appear before the Hon. Judge of our Circuit Court, on the
first day of the next term thereof, to be begun and held at the town of Hillsboro,
within and for the County of Jefferson, on the *Sixth* Monday after the
fourth Monday of *March* next, then and there to answer unto
George Trump and Henry Poff

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this

Thirteenth day of *December* A.D. 18 *67*

Elias F. Honey
Clerk Circuit Court.

No 133

2601

JEFFERSON CIRCUIT COURT.

Mary Term, 1868

George Trump
Henry Poff

vs.

Henry Gotteman

John Williams
Sheriff fee \$1.00

16th March

I Enclose this writ in the County of Jefferson
State of Missouri on the 16th Day of March 1868
By Delivering to Henry Goltzman the
Defendant a true copy of this writ and Petition
as furnished to me by the Clerk

John McLeans Sheriff

George Thompson and
Henry Hoff
against
Henry Gottman

In the circuit
Court of
Jefferson
County Mo.

Philip Pipkin attorney for the
plaintiffs in the above entitled
cause makes oath and says
that the above named defendant
Henry Gottman is a non resident
of the state

Sworn & subscribed
before me March
second (2^d) 1868

P. Pipkin



Robert W. Hunt
Notary Public for
Jefferson County Mo.

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this day of A. D. 186, before me, the undersigned Clerk of the Court of Jefferson county, came Chas. ~~A. Clark~~ ^{John} who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for ~~five~~ ^{four} times, the first insertion being on the . . . 6th day of . . . ^{March} ~~April~~ 186, and the last on the . . . 2nd day of . . . ^{March} ~~April~~ 186, as follows, to-wit:

In No. 10,	~~March~~ 6 th	"	186.
In No. 11,	"	13 th	" 186.
In No. 12,	"	19 th	" 186.
In No. 13,	"	26 th	" 186.
In No. 14,	April 2 nd	"	186.
In No. .			186.

Chas. McElphy

Sworn to and subscribed before me, this day of 186.

Printer's fee . . . \$ 15.00 Received Payment

Order of Publication.

In the Jefferson Circuit Court, in vacation
March 3d, 1868. George Trump and Henry
Poff vs Henry Gotterman.

NOW at this day comes George Trump and Henry Poff, Plaintiffs herein, by their attorney, before the undersigned Clerk of the Circuit Court of Jefferson county, in vacation, and file their petition and affidavit, stating among other things that the above named defendant, Henry Gotterman is a non-resident of this State. It is thereupon ordered by the Clerk aforesaid, in vacation, that publication be made notifying him that an action has been commenced against him by petition in the Circuit Court of Jefferson county, in the State of Missouri, the object and general nature of which is to set aside a deed from defendant to plaintiffs for the following described Real Estate, to-wit: East srl half of the south east srl quarter of section 13, township 42, range 5 east; also the north part of south east srl quarter, section 13, same township and range; and also to cancel certain notes executed by plaintiffs to defendant, and to obtain a judgment or decree for the sum of fourteen hundred dollars, received by said defendant from plaintiffs through false representations; and that unless he be and appear at the next term of this Court, to be holden at the court house in Hillsboro in the County of Jefferson, on the fourth day of May, 1868, and on or before the sixth day thereof, and answer or demur to said petition the same will be taken as confessed and judgment rendered accordingly. It is further ordered that a copy hereof be published in the Jefferson county Leader, a newspaper published in the county of Jefferson, 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 from the record. Witness
my and official seal at office, this
[SEAL] March 3d, A D 1868.

ELIAS F. HONEY, Clerk,

Per C T Horine, Dept.

George Trump and
Henry Pfaff, petts,
vs.
Henry Goldenmann, defd.

In the Jefferson
Circuit Court
April Term 1868.

Defendant, for answer to plaintiffs' petition in the above entitled case, which answer is filed by leave of court, states, that it is true, that he sold to plaintiffs at the time stated in their petition, the farm described therein, but denies that he sold said farm or tract of land for and in consideration of the sum of thirty four hundred dollars; Defendant states, that it is true, that in the deed, which he executed and delivered to plaintiffs for said tract of land, a consideration of thirty four hundred dollars is mentioned, but defendant states, that said sum embraces also the purchase money for various personal property, which defendant sold and delivered at the time of said sale of the land also to plaintiffs; that said personal property consisted chiefly of two horses with harnesses and wagon, a lot of hay, straw and fodder, and a ^{large} quantity of cordwood,

that said personal property was at the time of sale valued at together seven hundred (\$ 700) dollars., and that this amount and twenty seven hundred dollars which latter amount is the actual and real consideration for the land sold, make the amount of \$ 3400. as mentioned in the deed, ~~and~~ Defendant therefore states, that actual consideration for the land described in plaintiffs petition, as sold to them is no more than \$ 2700.00

Defendant denies, that at the time and prior to the said sale of land to the plaintiffs, he, as an inducement to said sale represented to plaintiffs, that said tracts of land contained One hundred and fifteen acres, and states, that he sold to plaintiffs the tract, described in their petition, as containing $55 \frac{58}{100}$ acres,

Defendant also denies, that as an inducement to said sale he falsely and fraudulently represented, ^{that} said tract of land sold to plaintiffs, ~~contained~~ a certain field or part of a field of some twelve or fifteen acres, of good and tilable land, and defendant states, that he has no knowledge or information, sufficient to form a belief that such certain field did not belong to him,

nor to the tract sold to plaintiffs or that it belonged to one Obermann,

Defendant denies, that plaintiff George Trump has paid on the purchase money for the land the sum of fourteen hundred dollars, and states, that of the fourteen hundred dollars, paid according to plaintiffs' petition, seven hundred dollars were paid for the personal property, sold as aforesaid, and that only the remainder of seven hundred dollars was paid on the purchase money for the land; and defendant admits, that for the balance of the purchase money for the land, amounting to \$2000, to be paid in different installments, the plaintiffs have executed their notes secured by deed of trust,

Defendant denies, that he falsely and fraudulently misrepresented the lines of said land, sold as aforesaid, and the quantity of land, sold, as stated in petition and denies, that in such way he has cheated and defrauded plaintiffs out of the above amount, paid as aforesaid and into the giving of the notes for the balance of the unpaid purchase money,

Defendant further states, that ever since the time, said land was sold, the plaintiffs have had possession and the use and enjoy-

ment thereof and that the same is worth
per month twelve dollars, which defendant
sets off against the claim of plaintiffs and for
which he asks judgment; Defendant also states,
that since the sale of said land to plaintiffs,
they have cut on said land and sold timber
and cordwood to the amount of
dollars, which defendant sets off against claim
of plaintiffs and for which he asks judgment.

Defendant further states, that on the notes,
plaintiffs have given for the balance of the
purchase money as aforesaid, they have not
paid the interest due thereon.

Defendant therefore states that the prayer
of plaintiffs in their petition ought not
to be granted, and asks judgment for
costs.

Kerry F. Ahlers
Atty for defdt.

George Truys
and Henry Hoff
petts

vs.
Henry Goetmann
defdt,

Answer of
defendant,

Died Aug 19th 1868,
E. F. Honey & Co

COUNTY OF JEFFERSON,

The State of Missouri,

To Henry Langehaus & Fred Lincoln
Herbert Buckner

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

1869 13th day of May,

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

Frank & Jeff

Plaintiff, and

is Henry Colterman

Defendant, on the part of

Defendant

and herein you are in no wise to

fail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof affixed, at office

this 29 day of April A. D. 1869

Elias F. Honey
By Atty Genl. Clerk.

2661

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Trump & Poff

vs
Henry Estlin

for Debt

Henry Longcharig

John Vinson

Mordore Bushing

I served the within, on the 4th Day of May, A.D. 1869 at Jefferson
County Mo. by reading the same, within the presence and
hearing of the within named Henry George Hummer, John Vinson
and Mordore Bushing
Jas 15th
Jed K. Hensinger Sheriff

COUNTY OF JEFFERSON,

The State of Missouri,

To

James L. Cover

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

1869

13th day of May

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

vs. George & Wm. H. H. &

Plaintiff, and

Defendant

Defendant, on the part of

the Defendant

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 8th day of May

A. D. 1869

E. F. Honey

Clerk.

James L. Cover

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Trump & Co.

vs

Gretmann

for

James C. Power

Served the within, on the 10th day of May, a d 1869, by reading the same, within the presence and hearing of the within named James C. Power at Jefferson County Mo

Geo. C. Houghton Sheriff

per Geo. C. Houghton
Deputy

fees 50 cts