

DeForsen County Circuit Court
Case Files - Civil

Box

21

Folder 32

May 1868, No. 176

Cole, Solano.

vs.

McClary,arkin

Ejectment

80 acres in S33T39R4E; \$150
damages for detainer and \$200
damages for timber removed

John L. Cole, Plaintiff
against

Larkin McCleary, Defendant

In the Jefferson
Circuit Court.
May Term 1868.

Plaintiff states that he was on the 25th day of August 1867 entitled to the possession of the following real estate situate in Jefferson County Missouri, viz. The East half of the South West 1/4 of Section No Thirty three, Township Thirty nine Range four East, containing eighty acres - and being so entitled to the possession thereof the Defendant after words court on the 26th day of Aug. 1867 entered into the possession of said premises and now wrongfully with holds from the Plaintiff the possession of the same to his damage in the sum of one hundred & fifty dollars - Plaintiff further states that at the time aforesaid, Defendant wrongfully cut and carried away from said premises timber of the value of ~~two~~ ³ hundred dollars. Plaintiff avers that the value of the monthly rents and profits of said premises is four dollars. Wherefore Plaintiff prays judgment for the recovery of the possession of said premises, and for one hundred and fifty dollars damages.

for wrongfully withholding the possession
of said premises from Plaintiff and
for two hundred dollar damages for
said timber so cut and carried away
by defendant as aforesaid and for
four dollar per month for said premises
from the rendition of judgment until
possession of the same is delivered to
the Plaintiff and for other proper
relief.

Philip Piskin
John L. Thomas
Atty for Plaintiff.

John C. Cole
vs

Larkin McCleary

Ejectment.

Filed April 7th 1868,

Elias H. Hooney *clerk*

John C. Cole, Plaintiff
against
Larkin Mc Cleary Defendant, } In the Jefferson
Circuit Court
May Term 1868,

Plaintiff states that he was on the 25th day of August 1867, entitled to the possession of the following real estate situate in Jefferson county Missouri viz The East half of the South West qr. of Section No Thirty three Township Thirty nine Range four East containing Eighty acres, and being so entitled to the possession thereof the defendant afterwards to wit; on the 26th day of Augst 1867 entered into the possession of said premises and now wrongfully withholds from the plaintiff the possession of the same to his damage in the sum of one hundred & fifty dollars, Plaintiff further states that at the time aforesaid, Defendant wrongfully cut and carried away from said premises timber of the value of two hundred dollars, Plaintiff avers that the value of the monthly rents and profits of said premises is four dollars. Wherefore Plaintiff prays judgment for the recovery of the possession of said premises and for one hundred and fifty dollars damages for wrongfully withholding the possession of said premises from Plaintiff

and for two hundred dollars damages for
said timber so cut and carried away by
defendant, as aforesaid and for four dol-
lars per month for said premises from
the rendition of judgment until possession
of the same is delivered to the plaintiff
and for other proper relief

Philip Pipkin

John D Thomas

Atty for Plaintiff

A true copy of the original petition now
on file in my office.

Witness my hand and the seal
of said court at office

This April 7th 1868,

Elias J Honeywell

Per Chas J Honeywell Depy

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Larkin Mc Cleary*

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 *Seventh* Monday after the
fourth Monday of *March* 1868 ~~and~~, then and there to answer unto

John C. Cole

upon *his* 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
Seventh day of *April* A.D. 1868,

Elias F. Honey

Clerk Circuit Court.

No 176 No 176

2602

JEFFERSON CIRCUIT COURT.

May Term, 1868

John C. Cole,

vs
Larkin McElary

Respondent.

John Williams
Sheriff fee \$1.00

I Executed this Writ in Jefferson County Missouri on the 18 Day of April 1868 By Delivering to Larkin McElary a true copy of this Writ and Petition

John Williams Sheriff
By R. F. Whitehead
Clerk

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Larkin McLeary*

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 *Seventh* Monday after the
fourth Monday of *March* 1868. ~~and~~ then and there to answer unto

John W. Cole,

upon his 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
Seventh day of *April* A.D. 1868,

Elias F. Honey

Clerk Circuit Court.

TO
JEFFERSON CIRCUIT COURT.

May Term, 1868,
John C Cole
- vs -
Larkin W Cleary

Copy given
to Mrs 30 before
my C. T. & Co
return. L. F. H. H.

Also sh. to
to Thomas
on 28th Aug 68
L. F. H.

COUNTY OF JEFFERSON.

The State of Missouri,

To *By Mr. Harghes James Blackwell James Blackwell*

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 *24th day of November 1868* 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

pro & con
Plaintiff, and *John M. Henry* is

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 *22nd* day of *October* A. D. *1868*

Elias Honey Clerk.

By John M. Henry

SUBPOENA.

To Jefferson Circuit Court.

Nov

Term. 1868

Cole
vs

McLeary

For Sheriff

G. W. Hughes + cert
Jas Blackwell 75.
Jas Strickland

John Williams
Sheriff bee

\$1.50

Swindon 15

COUNTY OF JEFFERSON,

The State of Missouri,

To

James Luckett

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, ~~and~~ *Northworth*

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

James E. Bode is

Plaintiff, and

J. M. Deary is

Defendant, on the part of *Pliff* 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 *23^d* day of *Nov* A. D. 186*8*

Elias F. Honey Clerk.

By E. H. Honey

SUBPOENA.

To Jefferson Circuit Court.

Nov

Term, 1888

vs
McLeary

John Williams
Sheriff fee 50

Served the within in Jefferson County Mo
on the 23rd day of October 1888 on James
McLeary by executing the service to him

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Henry Latham

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 Fourth

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

Plaintiff, and

John C. Calhoun is

John C. Calhoun is

Defendant, on the part of

Alfred

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 24 day of Nov A. D. 1868

Elias F. Honey Clerk.

By Alfred Honey Deft

SUBPOENA.

To Jefferson Circuit Court.

Nov

Term, 1868

Cole
vs
McLeary

for Dist
J. H. Lanham

John Williams
Sheriff fee 50

I hereby certify that within in Jefferson County Mo on
on the 24th day of October 1868 on the
Lanham by executing the same to him

John Williams
Sheriff

Being in possession
3 years

John C. Cole Plff

Laurel M Leary Deft - } In the Cir-
Court and
Jefferson
County Mo

Now at this day comes the Deft - and
by leave of Court first - had and
obtained ^{answers to his} answer ^{petition} of Plff
filed herein & for such answer
stating that he denies that Plff has
on the 25th day of August, 1867
intended to the possession of the Real Es-
tate by him described in his said pe-
tition situate in Jefferson County Mo
to wit the East half of the South West Qu-
arter of Section 33 in Town 34 R
4 E. Containing Eighty a.crs. During that
he this Deft afterwards to wit 26th day
August - 1867 entered into the possession
of said premises and now wrong-
fully withholds from Plff the possession
of the same, to the damage of Plff in the
sum of one hundred & fifty dollars
or any part thereof. Denies that
at the time aforesaid this Deft wrong-
fully cut & carried away from said
premises timber of the value of \$2000
or any part thereof. During that the
value of the monthly rents & profits
of said premises is four dollars or any

Conrad's Claim

and Thence. During that Plff is
entitled to receive a Judgment for the
possession of said premises for one
hundred & fifty dollars damages for
wrongfully withholding the possession of
said premises from Plff and for \$200
damages for said Timber &c Deft - in
further answering and by way
of Counter Claim says that
in the month of January 1864 this
Deft - borrowed of and from one Asa
F. Stephens the sum of one hun-
dred dollars payable in Six months
after date. and that on the 4th day
January 1864 this Deft - made & Exe-
cuted to said Stephens what this Deft -
thought to be a deed & Trust - on
the ~~West half of the S.E. 1/4 of Sec 30, T. 39 N. 4 E. 30~~
~~the above described real estate for the~~
to secure the payment - of said one
hundred dollars but that the said
Stephens fraudulently wrote or pro-
cured to be written a Deed absolute
there upon its face and this Deft
avows that said Stephens after the
making & Executing of said Deed
the said Stephens fraudulently &
without the knowledge or consent of
this Deft - altered & changed the sum

of land described in said Deed so
as to make the description of said
land be the East-half of the S. E. 1/4
of sec 33 T 39 R 4. Deft- says
that the altering of said Deed as a
forfeiture rendered it void and said Deed
absolutely null and void, and
this Deft- says that Plff in this action
claiming ^{under} the said Stephen
and had at the time of his purchase
from said Stephen to wit 14th Feb
1867 full and perfect knowledge that the
Deed aforesaid from Deft- to Stephen
was made for the West-1/2 of S E 1/4 of
sec 33 T 39 R 4 E. also that the sa-
me was intended as a Deed of Trust
or mortgage, also the said Plff knew of
the said Stephen having altered the de-
scription of land in said Deed, and
Deft- says that said Deed the Plff acquired
no title property or interest in or to
the lands described by Plff in his pe-
tition. Deft- further says that he ^{by his Deft- by and with Stephen as aforesaid} ~~can~~
not write or read neither has he any
Education whatever. Deft- deems- any
that he is the true lawful owner
of the Real Estate as set forth by Plff
in his Petition and wishes to disposs-
ession thereof and was at the time of the

filing of Plff's petition and for a
long time prior thereto and is still
the owner of and entitled to the poss-
ession of the same. Deft- says that
it was well understood by this Deft-
& the said Stephens at the making of said
deed that the same was to secure
the payment of the said \$100⁰⁰
Deft- further aversing says that some
time in the year 1864 he gave to
Asa F Stephens aforesaid the sum
of \$550 to pay the Taxes then due
on the Lands described in Plff's
petition which was then the sum
of \$50 but that the said Stephens
fraudulently kept said \$550
and committed the same to his own
use and failed and refused to pay
said Taxes and Toll & assessments to
this Deft- but his this Deft's Taxes were
paid &c and this Deft- at the time
being sick & crippled and unable to
get about or travel and that after
wards to wit in the month of October
1864 the lands aforesaid were sold for
Taxes due thereon to wit \$60 and that
the said Stephens and one Geo Bondiff
confederated to gether and with each

other to swindle Chest and de-
fraud this Deft out of his land
and the said Candiff in pursuance
of said contract to Chest & C de-
d buy said lands for taxes &
This Deft was by said Stephen &
Candiff made to believe that his
taxes had been paid & C Deft says
that Jas C Cole this Plff was well
acquainted with all the facts set-
forth above in regard to the taxes
& C and that the Plff has bought
the tax title of said Candiff
so as appears as aforesaid Plff says
that the said Candiff & Stephen pro-
duced a fraud on this Deft by failing
to pay said taxes & misrepresentation
as aforesaid & that the said Cole being
acquainted with all these facts set forth
aforesaid acquired no title or property
in or to the lands by him mentioned
by virtue of the Quit Claim deed
made to him Cole by the said Jas
Candiff date 13th May 1867. This
Deft says that Jas Candiff had no other
property or interest in the said lands
at the date of his deed to Jas C Cole as
aforesaid other than that acquired by
virtue of his so buying said land for

Let us inform with Dept. - may be
Judgment - official - Let for cases.
Program to discuss
Attys for Dept -

Geo C Cole
in
Justin M Lacey

Answered
Answer

Filed Nov 24th 1868,
E. P. Honey & Co,

John Ball, — Plaintiff } In the Circuit
 Against } Court of
 B. Fortier, and } Jefferson
 John Williams, } Defendants, } County
 Missouri
 Nov. Term 1868

The Defendants for Answer
 to Plaintiff's Petition, admit that
 B. Fortier on 30th January 1867, sued the
 Plaintiff herein (John Ball) before
 B. S. Reppy, a Justice of the Peace, for
 for 50 dollars ^{for} a Trespass, but they deny that on
 the 16th of March 1867, a trial of said
 cause was had before a Jury, and a
 verdict and Judgment rendered by
 said Jury & Justice for the Defendant
 therein (John Ball) These Defendants
 deny that the Jury on the 16th of March
 1867, rendered any verdict at all for
 either party, and deny that said Justice
 at that time rendered a Judgment
 for said defendant Ball, — They ad-
 mit that a now-suit was on the
 16th March 1867, entered by said Justice
 against said B. Fortier, — and that with-
 in ten days thereafter said Justice
 at the instance of B. Fortier for good
 cause, set aside said now suit, and

granted a new trial, - That afterwards, on the 20th day of April 1867, on due notice to said Ball, a trial was had before said Justice, before a jury duly sworn, who on hearing the evidence of both parties, rendered a verdict for the Plaintiff B. Fortier against said John Ball for twenty five dollars, and that said Justice there and thereupon rendered Judgment for said Fortier against Ball for said sum of 25 dollars, - and that said Ball afterwards appealed from ^{said} Judgment to the Circuit Court of Jefferson County Missouri, and at the November ^{Term} 1867 thereof a trial was had, and Judgment rendered by said Court, on a verdict of a jury for said B. Fortier for fifty dollars, and costs. But this Defendant denies that said Court committed any error in refusing any instructions asked by said Ball, the defendant therein, - and denies that said Court committed error in trying said cause anew, and denies that said cause had been tried before said Justice on the 16th of March 1867, and a Judgment rendered for said Ball, the defendant therein, - and denies the allegations that said Circuit Court has no jurisdiction of said cause, - and this

Defendant avers that in said trial in said Circuit Court, the Defendant therein never raised any of said questions, - never objected to the trial for want of jurisdiction, and never alleged that a Judgment was rendered before said Justice on the 16th of March 1867, and a Judgment rendered for the Defendant therein, and which was not appealed from. And this Defendant denies that said Defendant appealed from said ^{Circuit Court} Judgment, as he never filed his appeal Bond, & denies that ^{the} Court approved of his Bond, - And this Defendant denies that any cause existed at the commencement of this suit for granting an injunction to restrain the Sheriff of said County from collecting said Judgment of the Circuit Court and costs, or to restrain this Defendant from causing said Judgment to be collected, As this Defendant denies that the said Ball ever perfected his appeal to the District Court, by giving the required appeal Bond, And this Defendant says, if any error of the Circuit Court in the trial of said cause was committed the Defendant therein had a remedy at law to have said errors corrected by taking an appeal to the District Court,

And this Defendant therefore denies that this Court as a Court of Equity has any Jurisdiction to hear and correct any errors alleged to have been committed by said Circuit Court in the trial of the case aforesaid. And this Defendant denies that any legal or equitable Cause existed at the commencement of this suit for granting an injunction to restrain the Plaintiff therein (the Defendant herein) from collecting or using the necessary means to have collected the Judgment obtained in the Circuit Court aforesaid by him against said John Ball, or to restrain the Sheriff of said Jefferson County, John Williams, from collecting said Judgment, or selling on Execution said Ball's Property to satisfy said Judgment and costs. This Defendant therefore avers that it was illegal to grant said injunction, as these Defendants were not about to commit irreparable injury to Plaintiff, - but were only about to do what they have a legal right to do, - that is, to enforce the payment of said Judgment and costs, under & by virtue of the Execution then in the said Sheriff's hands, - These Defendants therefore allege that said injunction was illegal, and that the same ought never to have issued, and that the same ought to be dissolved, And having fully answered Defendants ask to be discharged with reasonable costs.

} Abner Green
Attorney for Defendants,

2668

John Ball
vs.
Benoni Fortier
Defts.
Answer

Filed Nov 24 1868,
E. P. Honey Co.,

The State of Missouri,

COUNTY OF JEFFERSON.

To

Lyle Hughes, Alfred Vinyard
& Orm G. Mather,

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 fourth

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

the defendant is

Plaintiff, and Landin McHenry is

Defendant, on the part of defendant,
fail.

and herein you are in no wise to

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this 24th day of Nov A. D. 1868

Elias F. Honey

Clerk.

By Geo. Horne clerk

SUBPOENA.

To Jefferson Circuit Court.

~~November~~ Term, 1868

John Cole
vs

Larkin McHenry

John Williams Sheriff
fee 1.25

Presented the within Subpoa in Jeff Co mo
on the 24th day of November 1868 on George Houghto
& Alfred Hingard by reading the same to
them in their presence and hearing
and upon examination and found in my
County
John Williams Sheriff

By W. W. H. Deaf

COUNTY OF JEFFERSON,

The State of Missouri,

To

James Blackwell & James
Shickland & ~~Wm. H. Harts~~

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 fourteenth day of
May 1869 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

John L. Hoole

Plaintiff, and

Barber McElrany

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 13th day of April A. D. 1869

E. F. Honey
Clerk.

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

John C. Cole

vs

Larkin McLeary

Wit. for Pff.

James Blackwell

James Strickland

The within was served at Jefferson County Mo on the 16th Day of April 1869
by reading the same within the presence and hearing of the within named
James Blackwell and James Strickland

Dec 1869

Read and no answer thereto
per

Deputy

John C. Cole, Plaintiff
vs
Larkin M. Cleary, Deft } In the Superior
Court.

Now at this day comes said Plaintiff
and for replication to the new matter set
up by Defendant in his answer herein
says that he has not sufficient knowledge
or information to form a belief as to whether
Defendant in the month of January 1864
borrowed \$100. from one Asa Stephens
payable six months after date or that
Defendant on the 4th day of January 1864
made and executed to said Stephens
what this Defendant thought to be
a deed of trust on the W¹/₂ of N E ¹/₄ Sec. 33,
T. 39, R. 4, E. to secure the payment of
said hundred dollars, and if said allegation
be at all material to the issue strict proof of
the same is required. The Plaintiff denies
that the said Stephens fraudulently wrote
or procured to be written a deed absolute
upon its face, or that after having a
deed written the said Stephens fraudulently
and without the knowledge of the Plaintiff
Defendant altered and changed the
number of land described in said deed
so as to make the description of said land
be the E¹/₂ of the N¹/₄ Sec. 33, T. 39, R. 4, E.

On the contrary Plaintiff avers that ~~no~~
~~change whatever was made in the number~~
~~or description of said land that was not~~
~~made before the delivery to said Stephens~~
on the 4th day of January 1864 the said
~~Asa Ship~~ Defendant executed and
delivered to said Stephens his warranty
deed for the E¹/₂ of NW¹/₄ of Sec. 33. T. 39
R. 4. E., and that the description in
said deed was made by the direction of
Defendant before it was delivered to
said Stephens. Plaintiff denies that
said deed is void on account of the alleged
change in the description of the land,
for the reason that no such change as
is alleged was ever made and all the
avowments of Defendant in regard to that
are utterly untrue and false.
Plaintiff admits that he derived title to
said land from said Stephens but
he denies having knowledge of any such
thing as any existed, as are set forth in
said answer. He denies that he knew
said deed was first for the NW¹/₂ of NE¹/₄ Sec.
33. T. 39, R. 4. E., or that said deed was
intended as a mortgage or deed of trust
or that said Stephens altered said description.
He is informed and believes and so charges

as true that no alteration was made in said deed by said Stephens and he denies most positively that said deed was intended as a mortgage or deed of trust by any of the parties to it but he avers it was intended by Stephens and McCleary to be what it purports to be an absolute deed for the land sued for. ^{And Plaintiff avers that if any agreement was made by Stephens in regard to said deed being considered a mortgage the same was not put in writing and void by the Statute of frauds.} Plaintiff denies that sometime in the year 1864 the Defendant gave A. F. Stephens \$5.⁵⁰/₁₀₀ to pay the taxes then due on said land amounting then \$1.50 or that the said Stephens fraudulently ~~combined~~ kept said \$5.50 & converted the same to his own use or that said Stephens told and represented to Defendant that he had paid Defendant's taxes, but as to whether Defendant at that time was sick & crippled Plaintiff has no sufficient knowledge or information sufficient to form a belief and requires strict proof of the same. Plaintiff denies that in the month of October 1864 or at any other time said Stephens and one Jos. Candiff conspired together and with each other to swindle cheat and defraud Defendant out of his land or he admits that said land was sold for taxes in October 1864 to James Candiff but he avers that said Candiff bought

said land without the knowledge or consent of said Stephens and that the said Stephens was compelled to pay and did pay said Cundiff one hundred dollars to remove any cloud which might rest upon the title to said land by said Cundiff's Tax deed.

Plaintiff denies that debt was made to believe by Stephens or Cundiff or both that the taxes on said land were paid because said Defendant had sold the land at the date of said Tax sale & therefore had no interest in knowing whether said taxes were paid or not.

Plaintiff denies that he had knowledge of any of the facts alleged in said answer in regard to the purchase of said land for taxes. if any such facts had existence, but he denies that any fraud was practiced or perpetrated by Stephens Cundiff or both in regard to said taxes.

Plaintiff therefore says that Defendant having made a deed to said property to said Stephens, on the 4 day of January 1864, notwithstanding the title thereto he has become divested of the title thereto and the plaintiff having received

title thereto from said Stephens and from
said Leundiff before the Commencement of
this suit, is entitled to recover said property
Pipkin & Moore
attys for Plaintiff

J. C. Cole

in

Leah M. Cleary

Replication

Dated May 12 1869.

Chas. P. Hoony clerk

By S. H. Axford D.C.

The State of Missouri,
To, *Wm Lemaster,*

COUNTY OF JEFFERSON.

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 *Fourth week,*

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 *Wesley J. Smith &*

Plaintiff, and

is
Jack W. M. Cleary

Defendant, on the part of

Sgt.

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

14th day of *May*

A. D. 186*7*

Elias F. Honey

Clerk.

SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Cole

Nobleman

Jm L Lemaster
for debt

Sheriff-fee

50

Ordered the within in Jefferson County Mo on the
14th day of May 1869 in Wm L Lemaster by
hearing the same in his presence and hearing

~~John~~

Shaw, Buchmeier
Sheriff

By John Williams
Special Deputy

COUNTY OF JEFFERSON,

The State of Missouri,

To Alfred Maynard

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~~ *fourth week*

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 *J. H. Wells*

Plaintiff, and

Samuel M. Cleary

Defendant, on the part of *Doct* 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 *14th* day of *May* A. D. 1869

Elias F. Honey Clerk.

Alfred Maynard

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 186

9

Cale

McLean

Alfred Vinyard

for Deft

Served the within and the 17th day of May a^d 1869. at Jefferson
County, Mo., by reading the same within the presence and hearing of
the within named Alfred Vinyard

For the Sheriff
per Fred Tolmarch

Deputy

The State of Missouri,

COUNTY OF JEFFERSON,

To Alfred Wyand George Hughes

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~~ *forthwith*

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

John C. Beck

Plaintiff, and

Leahim Joe Henry

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 hereto affixed, at office

this *17th* day of *March* A. D. 186*9*

Elias F. Honey Clerk.

By J. H. second, J. H.

Served the within at Jefferson County Mo on the 13th of May a d 1866,
by reading the same within the presence and hearing of the within named
Adrian Ding and and George Hays he

For Duane Jones Clerk
per Fred Bellmatt
Deputy

Term, 186

To Jefferson Circuit Court.

SUBPOENA.

Call on Mr. Deane

In Circuit Court

John Lehole Plaintiff

against

Larkin McLarey

Defendant

Motion for

New Trial

Now at this day comes the defendant and moves this Court to grant a new trial in the above entitled cause for the following reasons:

The Court erred in not allowing the defendant under his answer to the petition of the plaintiff to show that the title which the plaintiff claimed possession under was not an absolute deed of conveyance to the property in question but a Mortgage - and that the defendant had a right to show the & his equities therein and defeat the suit at law -

The Court erred in the finding of the facts in said cause

Isa C. Seaman

Atty for Deft

²⁶⁶²
In Circuit Court
John C. Leolo
Plff

vs
Leahim Mc Clary

— " —
Motion for new
trial

— " —
Filed May 19th 1869
E. A. Honey clk
By S. A. Lyons D. C.

Jos. C. Cole Plff

^{vs}
Larkin M. Leary Defl
In the Circuit Court of
Jefferson County Missouri
May Term 1869.

Clt of the aforesaid Court
will specify the following named
witnesses to testify on the part
of the Defencer to wit:-
George Hughes. Alfred. Vinyard
Jas. Samueltus.

For my said Defendant
Attest for Defl -

For C Cole
Sartin H Lury

On ipi for Hiding