

Telferson County Circuit Court

Case File - Civil

November 1868

Box

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Repp, Samuel A.
Thomas, John L.

vs

Tanner, Henry
Matthews, Thomas W.

Ejectment

80 acres in S28, 29 T 42 R 3 E;
\$100 damages

Samuel A. Reppy and
John L. Thomas, Plaintiffs
vs
Henry Tarnor, Defendant

In the Jefferson
Circuit Court.
November Term
1868.

Plaintiffs state that on the 1st day of June 1868 they were entitled to the following real estate situate in Jefferson County Missouri viz: The South West quarter of the North West quarter of section No Twenty Eight (28) and the South East quarter of the North East quarter of section No Twenty nine (29) Township No Forty two (42) N. of Range No three (3) East containing eighty acres, and being so entitled to the possession thereof that Defendant afterwards viz: on the 20th day of June 1868 entered into said premises and now unlawfully withholds from Plaintiffs the possession thereof to their damage in the sum of one hundred dollars. Plaintiffs aver that the value of the monthly rent and profits of said premises is five dollars. Wherefore they demand judgment for the recovery of said premises and for one hundred dollars, damages for the unlawfully withholding the possession of the same from the Plaintiffs & for five dollars for monthly rent and profits from this

time till the possession of the premises is delivered
to the Plaintiffs and for other proper relief.

Thomas & Keppel

Prs &c.

Mumma & Kephau

3

Henry James

Excerpt.

23rd Oct 29 1868
Miss J. Henry
Ch

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
Tanner

Henry

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 ~~Sunday~~ Monday after the
fourth Monday of ~~September~~ *October* 1868, then and there to answer unto

John D Thomas and
Samuel A Rapp

upon ~~the~~ 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

29th day of *October* A.D. 1868

Elias F. Honey
Clerk Circuit Court.

2227

TO

JEFFERSON CIRCUIT COURT.

Nov, Term, 186

W. H. H. & Thomas

Henry Turner

(Original)

John Williams Sheriff fee \$1.00

I executed the within writ in Jeff Co mo on
Henry Turner on the 31st day of October 1868
by leaving him a true copy of the same at his usual
place of abode with a free white person over the
age of fifteen years

John Williams, Sheriff
By M. W. Horne Deput

S. A. Kopp &
John L. Thomas
vs
Henry Tarnoe } In the Circuit
Court of Jefferson
County
Missouri

Now at this day Comes Thomas
Matthews and Says that he is
the owner of the Lands described
in the petition of plaintiffs and
that Defendant is in possession
under him as his Tenant and
Prays the Court that he may
be made a party Defendant
in this Cause so that he may
Defend his interests herein

Thos. Matthews
By Jos. J. Williams
his Atty.

Thomas & Murphy
vs
Henry Garner

Petition of
The Mathews
to be made Deft.

Filed Nov 27 1868
E. D. Harvey Clk

John S. Thomas
Henry Tarnow &
Thomas Mathews } In the Circuit
Court of
Jefferson County,
Missouri

Now at this day come the Defendants
and for answer to the original
Petition, filed in this cause by
John S. Thomas & Samuel W. A.
Heppy deny that said Thomas
& Heppy or either of them were
at the time of the commencement
of this suit or at any other time
entitled to the possession of
the Real Estate described in
their said original Petition, deny
that they or either of them were
entitled to such possession on
the 1st day of June 1868, and
deny that Defendant Henry Tarnow
did on the 3rd of June 1868
enter into said premises and deny,
that said Henry did at the institution
of this suit so that he now does
unlawfully ~~withhold~~ withhold
the possession of said premises
from said Thomas & Heppy, or
either of them, either to the
damage of them or either of them
in the sum of one hundred
Dollars or any other sum.
Defendants deny that the month-
ly rents & profits of said Real
Estate is reasonably worth

five dollars, and I say that
this Plaintiff is entitled to
recover judgment for the
possession of said ^{lands} ^{against} Henry
Tarnoe or said Thomas
Matthews, or for the sum of
\$100, for damages for the
withholding of said premises
from the possession of said
Thomas and Neppy or either
of them, or for any sum for
rents and profits.

Defendants admit that
said Henry Tarnoe was when
this suit was commenced, ^{& still is} in
possession of said premises
and aver that he is rightfully
in possession thereof as a
tenant under the Defendant
Thomas Matthews, who is the
owner thereof.

and Defendants aver that
Plaintiff has no interest in said
land either as owner, or
otherwise & is not entitled to
recover any judgment
against the Defendants or either
of them in this action
and having fully answered
Defendants pray judgment
for costs.

Jos. Williams
Atty. for Defendants

John D. Thomas
per
James H. Matthews

Answer of
Edmund A.

Filed Dec. 29 1869
O. F. Mowry clerk
By Alfred Soper

Williams
for Deft.

John L. Thomas
vs
Henry Tarnoe &
Thomas Mathews

In the Circuit
Court of Jefferson
County, Missouri

Now at this day comes
Thomas Mathews one of the above
named Defendants and states that
the inhabitants of the County of Jefferson
in which this cause is now pending
are prejudiced against this Defend-
ant **and that** the opposite party
to wit the Plaintiff has an undue
influence over the inhabitan-
ce of said County of Jefferson, and
said Defendant further states
that knowledge of said causes of
change of venue and such facts as
herein above stated first came to the
knowledge of this Defendant after
the filing of his answer in this cause
to the petition of the Plaintiff herein
that is to say knowledge of such facts
to wit, such causes of change of
venue as herein above set forth first
came to the knowledge of this Defendant
since the filing of the ~~merits~~ answer
to the merits of this action and since
the adjournment of the last regular
Term of said Circuit Court of
said County of Jefferson and since
the commencement of this present
Term of said Circuit Court
began and held on the 11th day
of May 1869 and Defendant

Prays the Court to award him
a change of venue to some other
County where such causes, of
Change of venue do not exist,

Thomas W. Mathews

Thomas Mathews Defendant in
the above entitled Cause on his
oath says that the foregoing
petition is true, and that he
has just cause to believe that
he can not have a fair trial
of said Cause in said County
of Jefferson where the same
is now pending on account
of the causes in the foregoing
petition alleged, and
further saith not

Sworn to and
Subscribed
before me this
May 12th 1869
Elias F. Honey clk
By S. H. Clifford

Thomas W. Mathews

2227

John L. Thomas
vs

Mathews & Torner

Petition for
Change of venue

Filed May 12 1869
E. F. Honey clerk
By L. H. Apple & Co.