

Jefferson County Circuit Court
Case Files - Civil
November 1868 - #205

Box

22

FOLDER

60

Hoehn, Caroline

VS

Pounds, Stephen

Ejectment

SS-T40N-R3E 152³⁰/₁₀₀ acres;
Damages \$250 plus \$15 per
month in rent.

Caroline Hoehn, plaintiff, In the Circuit
against Court of Jeffer-
Stephen Pounds, defendant. } son Co. Missouri,
November Term 1868.

Plaintiff states, that on the 15th day of February AD. 1868. she was the owner of and entitled to the possession of the following described Real Estate, situated in the County of Jefferson, State of Missouri, to wit: the North West fractional quarter (west of Merriam's River) of section five (5) in Township forty (40) North, of Range three (3) east, containing one hundred and fifty two and $\frac{20}{100}$ ^{ths} acres, and being so entitled to the possession of said premises, that the defendant afterwards, on the 16th day of February 1868. entered into such premises, and unlawfully withholds from the plaintiff the possession thereof, to his damage in the sum of Two hundred and fifty dollars. She, the plaintiff, further avers, that the monthly value of the rents and profits of the premises is fifteen dollars. Wherefore she demands judgment for the recovery of said premises, and Two hundred and fifty

dollars damage for the unlawfully with-
holding of the same from the plaintiff, and
fifteen dollars for monthly rents and
profits, from the rendition of judgment
until the possession of the premises is
delivered to plaintiff, and for other proper
reliefs.

Henry F. Ahrens
Atty for plaintiff.

In the Court
 of the County of Jefferson
 ss. me,
 Recorder Term 1868

Barthine Whitcher
 against
 Stephen Saunders,

Filed Sept 14 1868.
 W. F. Henry Cl.
 Per C. M. Hornedup,

#3 Let by Plaintiff

on 3rd

Notice } Eyewitness
 no }
 records }

Indefinite - Books 6 pages 201,
 for found ready.

C. D. D. Gray Oct 30
 out for 30 Oct 30 11/10
 paid 100

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 *Stephen Pounds*

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 September 1868 ~~and~~, then and there to answer unto
Caroline Hock

upon ~~her~~ original petition, a copy whereof is herunto 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 herunto affixed, at office in Hillsboro, this
Seventh day of *September* A.D. 1868,

Elias F. Honey
Clerk Circuit Court.
By C. M. H. Honey Sept

No. 205-

TO

2961

JEFFERSON CIRCUIT COURT.

Nov Term, 1868.

Frederic Hoshorn

-vs-

Stephen Pounds.

513 1864

Original

John Williams

Sheriff fee \$1.00

6017

Archives
2061 1000

I executed this writ in Jefferson County Mo on the 7th day of October ¹⁸⁶⁸ on Stephen Pounds by delivering to him a true copy of this writ and petition

John Williams Sheriff

Caroline Koehn, Plaintiff
27
Stephen Pomeroy, Defendant } In the Jefferson
Circuit Court.

Now at this day comes & aid
Defendant and for answer to the petition
of the Plaintiff denies that the Plaintiff
was on the 15th day of February 1868 or at
any time ~~since~~ that day the owner of
and entitled to the possession of the real
estate described in said petition or
any part of it or that on the 16th day of Feb-
ruary 1868 or at any other time the Defend-
ant unlawfully entered into such prem-
ises & unlawfully withholds the possession
thereof from Plaintiff to his damage in
the sum of two hundred & fifty dollars
or any other sum. He denies that
the monthly value of the rents and profits
of said premises is fifteen dollars.

For further answer Defendant admits
that he is in possession of said premises
under and by virtue of a legal title thereto
and whatever the rents & profits of the same
may be he is entitled to receive & appro-
priate the same to his own use as the
legal owner of the land.

Defendant therefore denies that
Plaintiff is entitled to recover said

premium or any part thereof or to have judgment
for two hundred & fifty dollars damages or
any other sum or for rents & profits.

John L. Thomas

Att'y for Defendant.

Caroline Hoeber

3

Stephen Powers

Children

Filed April 10th 1869
Miss J. Wemyss
By J. H. Wemyss J. H.

Caroline Hoch, plaintiff } In the Jefferson County
against } Circuit Court,
Stephan Pounds, defendt. } May Term 1869.

Now at this day comes the above named plaintiff, and for reply to the answer of defendant, filed April 10th 1869. in the above case, denies, that defendant is in possession of the premises, described in plaintiffs petition, under and by virtue of a legal title thereto; and denies, that the rents and profits of the same, defendant is entitled to receive and appropriate to his own use as the legal owner of the land. For further reply plaintiff repeats her allegations in the petition, and asks Judgment, as therein asked.

Henry F. Ahlvers,
Atty. for pettff.

Jefferson Co. Circuit
Court.

Caroline Hoehn,
petff.

vs,

Stephan Pounds,
defdt.

Reply to defdt's
answer.

Filed May 11/869

The State of Missouri,

COUNTY OF JEFFERSON.

To

Samuel H. Hefley

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 of March

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

Caroline Hefley

Plaintiff, and

Stephen Hurdle,

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 14 day of May A. D. 1869

Elias F. Honey, Clerk.

By S. H. Hefley

SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1869

Ketchum.

20

Pounds

for Refd

Set Refpy

Served the same this 14th of May A.D. 1869 by reading
the same to the within named J. A. Ketchum at Jefferson

County Mo

Stated such return on Oath

by Stated to Ketchum

Deposits

fees so etc

COUNTY OF JEFFERSON.

The State of Missouri,

To P. T. Hunt, Esq.

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

20th 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

Lemuel Stearns

Plaintiff, and

Stephen Bondi 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 20th day of May A. D. 186

Elias F. Honey

Clerk

And Attest

SUBPOENA.

To Jefferson Circuit Court.

Term, 186

*Noch
no
pounds*

*Arrest the within & residing the same to the within named 1st of May
at Jefferson Circuit Wm on the 22nd of May a 1863
Geo St*

Geo St

Geo St

COUNTY OF JEFFERSON,

The State of Missouri.

To James Rogers

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

Charles Macbain is

Plaintiff, and *Stephan Randa 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 *23rd* day of

Nov A. D. 18*69*

Clas M. Honey

By J. A. Ayers

Served the within Subpoena this 28th day of November 1869
by reading the same to the within named Samuel G. Rogers
on his hearing and appearance at Jefferson County Court

Fees \$10

Thos G. Thompson Clerk
By Fred Holman
Deputy

Haham
vs
Pounds

COUNTY OF JEFFERSON,

The State of Missouri.

To Samuel C. Dejeux

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 11th day of March A.D. 1870. 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 Marguerite Goehm is Plaintiff, and Stephen Parnde 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 2nd day of

February A.D. 1870

Edmund Clerk.

By J. H. H. H.

Caroline Koehn
vs.
Stephan Pauiden

Subpoena
for
plaintiff

Served the within subpoena this 8th day of March
1894 by reading the same to the within named Daniel
A. Peppay in his dressing and parlour at 9th Avenue
South St.

Fred Luch Lemayen Sheriff
By Fred Lallen atty

Deposited

\$ec 50 Lk

COUNTY OF JEFFERSON,

The State of Missouri,

To ~~Pratt~~

Samuel H. Phelps

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 *18th* 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 *Charles M. Phelps*

vs.
Plaintiff, and *Stephen Parsons* is

Defendant, on the part of *Jelaudith* 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 *4* day of *Feb.* A. D. 18*70*.

Clerk.

E. F. Honey
E. F. Honey

2961

SUBPOENA.

To Jefferson Circuit Court.

February Term, 1870

Caroline Koehn

vs
Stephen Rounds

for Refl
S. A. Repp

Forfeiture

Served the within this 4 day of February 1870 by reading
the same to the within named S. A. Repp in his hearing
and presence at Jefferson Circuit Court

Deco 30 25

Good Luck Tenager Sheriff
By David D. Umack
Agent

COUNTY OF JEFFERSON,

The State of Missouri.

To

John Clark Sheriff

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

March

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

Caroline Weaver

Plaintiff, and

Joseph Trench

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, here to affixed, at office, this 22 day of

July

A. D. 1870

Edmund

Clerk.

By the said

MCh Jan 1870
C Holm

¹⁰
Pounds

P T Hunt
C Pruitt
Sam Rapp
Jn Pk

Served the within Subpoena this 4th day of March 1870
by reading the same to the within named J. S. Hunt and
H. Brewell and Samuel Deppay in their hearing
and presence at Jefferson County Mo

dees \$1,50

Fred Such Kemmerer Sheriff
By J. S. Hunt & Muelton

The State of Missouri,
COUNTY OF JEFFERSON.

To

James D. Over

You are Herely Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the 11 day of March, 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

Stephen Girard

Defendant, on the part of said; 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

March

A. D. 1879

E. F. Honey
Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

March Term, 1870

C. Hoehen
vs
Stephen Bonds
for Deft
J. C. Power

Deared The within are the 11th day of March a D 1878
by riding the same to the within named James E Powers
of Jefferson County Mo
per 58

Wm Schindler
The Schindler & Son

Caroline Koehn, Plaintiff
v
Stephen Pomeroy, Defendant

Now at this day comes said
Defendant and moves the Court to make
a rule on Plaintiff to give security for the
costs in this suit because she is
insolvent and unable to pay costs.

John L. Shuman.
Atty for Defendant.

Caroline Washburn
in
Stephen Pomeroy

Motion to rule
Plaintiff to give
security for costs.

Filed March 15th 1878
E. F. Hornum
By L. H. H. H.

The State of Missouri,
COUNTY OF JEFFERSON.

To *Wm. Miller et al County Court*

You are Herby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court, for the County aforesaid, on the *fourth and last* day of *December* 1872, 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 *Caroline Macdon*

Stephen Penn Plaintiff, and

Defendant, on the part of; 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 *eleventh* day of *March* A. D. 1872

sell

Elias F. Honey
19th Dec 1872 Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Term, 18

Loach
vs
Pamula

Served the within I suppose this 16th day of
March 1870 by reading the same to the within
named R. W. The Mullin in his bearing
and presence of ~~James~~ James D. Dine

Deco 50 lbs

Good Luck Cornsayer Along
By Good to them all,

Dynasty

COUNTY OF JEFFERSON,

The State of Missouri
To *J. Frank Clark Perick*

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 *Tuesday*
July *1870* 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
Caroline Wheeler
Plaintiff, and *A. Stephen Dounde*
Defendant, on the part of *Def* 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
Aug *A. D. 1870*
E. F. Honey Clerk.
E. F. Honey

Feb'y Term 1870

Caroline Kecker

Stephen ^W Perin

J Y Hunt

Clark Prewitt X 20

Sense of the within by wedding the same to the within named
J. D. Hunt and Clark Perin in their bearing
and reference this 20th day of January 1870 at
Jefferson County Mo.

Dec 8/70

Geo. Buchtemeyer Schenck
By Fred Coleman

Depn't

Caroline Hoeber, pl. In the Circuit Court
vs. of Jefferson County,
Stephan Paimde, defd. 3 Mo, March Term 1870.

Now on this day comes the plaintiff by her attorney, and moves the court, to set aside the voluntary non-suit, taken by her with leave to move for the setting aside of the same, which leave was given by the court, and to grant a new trial in the above entitled case for the following reasons, to wit:

1st the plaintiff was surprised by the exclusion of the last will and testament of Heinrich Hoeber to her, offered in evidence on the trial, for the reason, that the certified copy thereof, offered in evidence, did not contain the approval of the Probate Court of St. Louis County, Mo. of the probate of said will by the clerk of said court.

2nd the plaintiff was till ^{after} the offering of said will in evidence under the impression, that said certified copy thereof contained the action of said Probate Court on the probate thereof by the clerk of said court,

3rd Plaintiff was not guilty of any negligence on her part in not having the approval of said Probate Court of the probate by said clerk inserted in said certified copy,

for plaintiff asked for a complete transcript of all the proceedings in said Probate court, concerning said mill, and was always under the impression, that said transcript was complete.

4th Plaintiff's Attorney looked at and read said certified copy of the last will several months before trial and at that time did by mistake ~~not~~ and out of pure accident not notice the failure of the approval ~~by~~ said Probate court of the said probate of the will, and plaintiff's Attorney was always since that time under the impression, that the certified copy thereof contained all the facts, that it should contain ~~for~~ as evidence in this case.

5th Plaintiff states, that the probate of said will by the clerk was approved of by the Probate court,

6th Plaintiff can, if a new trial is granted, at such new trial have in evidence a complete transcript of the will and the probate thereof with the approval of the clerk's Probate by the court, and of all proceedings in said court, concerning said will.

7th Plaintiff has a just cause of action, and with the exception of the imperfect copy of the will which copy however can be made perfect,

can show and prove a complete and good title to the land sued for, in her.

8th Plaintiff was surprised in this, that defendant at the trial, when the will was offered in evidence, did not make any objections to said will, and did not raise the objections thereto till the arguments of counsel had commenced.

This motion is accompanied by Affidavit of Plaintiff's attorney.

Henry F. Ahlman
Atty for plff.

Caroline Kocher

vs

Stephen Pounds,

Motion to set
aside judgment,
and grant a
new trial.

Accompanied
by affidavit.

Filed March 17/80
Elias F. Kearney Clk

Affidavit.

Caroline Wachter, pettff, } In the Circuit
as, } Court of Jefferson
Stephan Darnas, defd. } Precinct, Mo.
March Term 1870.

State of Missouri, } ss. Henry F. Ahl-
County of Jefferson } pers, attorney for plaintiff in the above
case, being duly sworn, states, in sup-
port of a motion for a new trial, made
by plaintiff, that to the best of his recol-
lection and belief, he informed plain-
tiff, that a certified copy of the last will,
made by Heinrich Wachter to plaintiff, and
of the probate thereof would be necessary
to prove her cause of action in the
above case & that he asked her, to send
him such a certified copy. This affidavit
further states, that soon after such infor-
mation he received of his client, the
plaintiff a certified copy of said will
that he read the same, and supposed,
that it was a complete copy of all pro-
ceedings, which it purported to be, and
that out of pure accident, he had not
discovered, that said certified copy did
not contain the approval by the Pro.

late court of St. Louis county of the
Probate of said will, taken by the clerk
of said Probate court, This affiant
further states, that, being under the im-
pression, that said copy of will
was complete and unobjectionable
he did not examine the same again
till the trial of said cause, and that
he did not discover that said ap-
praisal by the Probate court was
wanting till the objection was raised
to the introduction of said
copy as evidence. This affiant
further states, that plaintiff has a
good cause of action and can
establish a good title to the land
sued for, ~~and~~ and that, if a new
trial is granted, plaintiff will be
able to furnish all the evidence
necessary to prove her case, to
the best of his knowledge and be-
lief.

Sworn to and sub-
scribed before me
the 17 day of March
A.D. 1870.
Elias F. Kearney
By L. H. Alfred D.C.

Henry F. Allen

Heckin

ⁱⁿ
Powers.

The court declares the law to be that the copy of the will offered in evidence should be excluded ~~and~~ because Plff has failed to account for the original.

The copy said will offered in evidence by Plaintiff is not proven and recorded as the law requires and is therefore not admissible in evidence.

The tot deed offered in evidence by Defendant is at least prima facie evidence of title to Defendant.

If the Court find from the evidence that the tot receipt offered by Plaintiff purporting to be a receipt for the taxes of the land for 1862 has been changed in a material part the same should be excluded.

Heckman &
Painder } Now on this day come the
parties, plaintiff and defendant, by
their respective attorneys, and upon
the case having been called for trial,
Both parties announced themselves
ready for trial and neither of them
required a jury, wherefore the case
was tried by the court, sitting as a
jury.

Plaintiff then ~~offered in evidence~~
among other things, ^{to establish their title} offered in evidence
a certified copy of the last will ~~to~~
~~plaintiff~~ of Heinrich Hecker to her,
to the introduction of which as
evidence defendant objected, ~~for the~~
~~reason that there was a defect in the~~
~~said copy~~, which objection was sus-
tained. Whereupon plaintiff took
a nonsuit with leave to move to set
the same aside, which ~~leave was~~
~~granted~~, nonsuit and leave are
granted plaintiff.

Heckm
is
Pounds

Hochu } Judgt decree, Book page, 201,
 vs }
 Pounds. } For Land & costs,

E. A. Honey	Clk.	and	20	Rep	20	4 cont 2 motions	1.00	40	1.80
3 rulings	40	non suit	35	Sub	35	decree	50	35	1.75
8 indexes	40	5 doc	25 ^c	6 oaths	30 ⁰⁰	cap pet	30	ces	50
files	30	with exp	1.10	making cost,	25 ^c	10			1.45
									<u>9.20</u>

John Williams Sheriff
 Serv Deft 1.00 calls 10

O. Luchtemeyer 9 past, @ 50c, 4.50

calling case & fees 70
 calling 70
5.20

5.20

Witnesses,

R. D. Hunt, 15 days 108 miles \$28.64

J. C. Porter 5 " 5.00

R. W. McMullin 2 " 3 Books 3.05

J. A. Reppy 6 " 6.00

37.69

37.69

9.20

5.20

50.09

36.00

14.09

16- 10.00
 8.64
2.36

5-6
 32
 108
 8
864

W. S. Boyce, 5- has Judgt, 10 2.10 10 Costs = 70

1.00