

Jefferson County Circuit Court
Case Files - Civil
July 1869

Box

24 Folder 25

Bergart, Reinhardt
vs
Jefferson County

Appeal

Plaintiff does not agree with
\$150 damages assessed for
his land for the Hillsboro
Gravel Road, appeal from
County Court

Rimont Buzot } In the County Court
vs } July term 1869
Jefferson County }

Philip Popham attorney for
the plaintiff makes oath and
says that the appeal taken from
the judgment of the Court in
the above cause is not taken
for rescission or delay but because
believe the appellant is aggrieved
by the judgment of the Court

Sworn to & Subscribed }
before me July } P. Popham
21st 1869 }
Wm. M. M. Co.

Peter Marx
Geo. Ems
Barand Bungot
Barand Stot
J. M. Friedman

Filed July 26th 1869
E. J. Hony clerk

affidavit for return

Barand Bungot
in
Hudson County

Reinhart Budget
vs
Jefferson County }

In the County Court
July Term 1869

I Philip Pipkin obligate
myself to pay all costs which
have accrued or may accrue
in the above cause adjudged
against the plaintiff.

P. Pipkin

Rumball Bunge

⁴
Jeff Carvity

Special Bond

State of Missouri / In the County Court
County of Jefferson April 28th 1869,
The following proceeding was had, to wit,

The Court doth order that the Road Commissioner of Jefferson County, Mo. be and he is hereby instructed to take the distances of the Lemay Ferry road where it runs through enclosures, and estimate the damage, and cost of building fences and report the same to this Court,

May 17th 1869 the following, to wit

Now at this day comes Samuel Marsden Road Commissioner and files report of lands under cultivation through which the Hillsboro Lemay Ferry Gravel road runs as follows,

Through land of Adolf Kassel	788 feet,
" " " Peter Marx	1480 "
" " " George Emms	1040 "
" " " Reinhardt Burger	1050 "
" " " Conrad Glatt	865 "
" " " J. M. Frederitzie	1300 "

and said parties appearing in open Court and agreeing thereto, the Court doth order that they be allowed out of the road fund for compensation for extra fences,

Adolf Kassel	\$100.00
Peter Marx	200.00
George Emms	150.00
Reinhardt Burger	150.00
Conrad Glatt	110.00
J. M. Frederitzie	150.00

and said parties agreed to give the right of way for said road through their lands in consideration of said amounts,

June 22nd 1869 the following, to wit

The Court doth order that Peter Marx, George Enns, Reinhardt Burget, Conrad Glatt and J. M. Frederitzke be notified to appear before this Court on the third Saturday in July next, to show cause if any they have why the order made appropriating money to them to build fences along the gravel road, should not be rescinded, and set aside, Judge Geiger dissenting.

(For return, see papers hereto attached marked A.)

July 17th 1869 the following, to wit

Now at this day the Court doth rescind the Order made on the 17th day of May 1869 appropriating money to build Adolf Kassel, Peter Marx, George Enns, Reinhardt Burget, Conrad Glatt, & J. M. Frederitzke for building fences through their lands along the line of the Gravel road, and the same is annulled and wholly set aside.

Now at this day comes Samuel Mansden road commissioner of Jefferson County and presents a report that he has viewed the following lands through which the Lemay Ferry Gravel road runs to wit, A part of lots 1 & 2 of Survey 877 in Town 43 & 43 R. 5 & 6 E. belonging to J. M. Frederitzke, NE 1/4 of NE 1/4 of NE 1/4 of NE 1/4 Sec 36 Town 43 R 5 E belonging to Conrad Glatt, NE 1/4 of SE 1/4, NW 1/4 of SE 1/4 Sec 36 Town 43 R 5 E belonging to Reinhardt Burget, the SE 1/4 of SE 1/4 Sec 35 Town 43 R 5 E,

See Report of 1869 miswritten
see papers hereto attached marked B

belonging to George Emme, & Wm Meyer Sec 2 Township 4 S
R 5 E belonging to Peter Marx - That said road embraces
fifty feet in width of said lands from where it enters to
where it leaves said lands, That said J. M. Fredenitz, Conrad
Glatz, Reinhard Burghart, Geo. Emme, & Peter Marx refused to
give the right of way for said road through said lands, and
that he did, on the 5th day of July 1869 proceed to view
and assess the damages done to said lands by the location
of said road, and assessed the damages at nothing
which report is approved, and ordered to be filed and
recorded, and said lands are hereby condemned, and
appropriated for said road, and the said parties are
ordered to be notified of this proceeding and the Assess.
of damages assessed them, and also to remove their
fences from said lands so as not to obstruct said road
Judge Berger dissenting.

A copy of this order was made and delivered to the sheriff
of Jefferson County Mo. on the 17th day of July 1869 which
was returned to my office with the following endorsement, to-wit

Served the within notice by reading the same to
the within named J. M. Fredenitz, George Emme Conrad Glatz
Reinhard Burghart. Peter Marx by reading the same
in there hearing and presence this 17th day of July 1869
at Jefferson County Mo.

Fred Luchtermayer Sheriff
by Fred Vollmach deputy

July 21st 1869 the following to wit,
Now at this day comes John W. Fredericks, Peter Marx, Reinhardt
Bungert, George Emms & Conrad Glatt by their attorney and file
affidavits for appeal from the decision of this Court made
on Saturday last concerning damages to their land by the location
of the Hillston LeMay Ferry Gravel road, to the Circuit Court
of Jefferson County which appeals are granted,

A

Copy of Notice which is on file in the
office of the County clerk of Jefferson County,

State of Missouri } In the County Court
County of Jefferson } June Term 1869

The Court doth order that Peter Marx,
George Emms, Reinhardt, Burget, Conrad Glatt and J. M.
Friederitz be notified to appear before this Court on
the third Saturday in July next to show cause if any they
have why the order made appropriating money to them
to build fences along the gravel road, should not be
rescinded, Judge Berger dissenting

Attest copy of the Order

J. B. Witness my hand, and the seal of said Court
hereto affixed at office this 22nd day of June 1869

V. M. Mullin Clk Co. Court

which notice was returned on the 17th day of July 1869 with
the following endorsement,

Served the within notice this 8 day of July A.D. 1869
by reading the same to within named Peter Marx, George
Emms, Reinhardt Burghart, J. M. Friederitz, Conrad Glatt
in there hearing and presence at Jefferson County Mo,
Fred Luchtemayer Sheriff
by Fred Vollmach Deputy,

IB

Copy of Report of Commissioner Filed July 17th 1869
To the Honorable the County Court of Jefferson County State of Missouri,

The undersigned was Commissioner for said County and respectfully make the following report that the Travel road leading from Lemay's Ferry to Hillsboro, as located by the County Court of said County runs through the lands of the following persons to wit, J. M. Fiedentz the West part of lot number one and two (182) survey eight hundred and seventy seven (877) Township forty two and three (42 & 43) Range five and six (5 & 6) East, Conrad Glatt the North East 1/4 quarter of North East quarter and the North 1/2 half of North East quarter of Section thirty six (36) Township forty three (43) range five (5) East, Bernard Borgenth the North East quarter of South West quarter and the North West quarter of South West quarter Section thirty six (36) Township forty three (43) Range five (5) East, George Ems, the South East quarter of the South East quarter of Section thirty five (35) Township forty three (43) Range five (5) East, and Peter Marx the West half of the North East quarter of section two (2) Township forty two (42) Range five (5) East embracing the space of fifty feet in width through said lands from the point where said road enters the same to where it leaves said lands and that the aforesaid J. M. Fiedentz, Conrad Glatt, Bernard Borgenth George Ems, and Peter Marx refused to give the right of way for said road through said lands & therefore as commissioner of roads did by virtue of the power given by law on the fifth day of July 1869 proceed to view and assess the damages done to said lands by the location of said road as aforesaid, deducting from said damages the amount of benefit I deemed said road to be the value of said lands and did thereupon assess no damages. All of which is respectfully submitted

July 17th 1869

St. Charles Road Court,

State of Missouri
County of Jefferson ~~St~~ J. H. W. McMillin, Clerk of the County
Court in and for the County of Jefferson aforesaid, do hereby certify
that the within and foregoing are correct copies of the order
of the Court made in said case, and of papers
filed in said case in my office

Witness my hand and the seal of said
Court this 26th day of August

J. H. W. McMillin
Clerk

R Durgah
vs
Jefferson Co
294

Att. W. Mullin, ex. fee \$4.50

Filed July 26th 1869
Elias F. Hone et al
By L. H. Alford et al

H. Burgo
vs
Jefferson County

In the Jefferson
Circuit Court

Defendant moves the Court
to dismiss the appeal in the
above cause for the reason

1st that no notice of the appeal
was given to the Road
Commissioner of the County
of Jefferson

Jos. J. Williams
Atty. for Defendant

H. Burgo

Jefferson Co,

Motion to
Dismiss appeal

Filed Nov. 1978
E. F. Humey clk

R. Burgo
Jefferson County

In the Jefferson
Circuit Court

Defendant moves the court to
tax the costs of witnesses and
also for subpoenaing them
~~on his part~~ for the present
Term of this Court on the part
of Plaintiff against him

12² Because Plaintiff is liable
by Law for the same

Williams
Atty for Deft.

R. Burget
Jefferson co

motion to
Tax costs

Filed Nov. 26 1869
E F Hemyell

COUNTY OF JEFFERSON,

The State of Missouri.

To

Leah's Heirs Francis West
Fred Longshorn

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

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

Benjamin Bergant

Plaintiff, and

John Smith

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

July 1870 day of

July 1870 Elias F. Honey Clerk.

By J. A. Nelson

1/2 Jeff Cir Court Ch
July Term 1870
2947
Reinhardt Bergant
vs

Jefferson County

Frank Grimm X

Francis Kirk

Fred Snycheney X

Plffs

The within was served at Jefferson County Mo on the 21st day of
January & 1870 by riding the same within the proper and hearing
to the within named Frank Grimm and Francis Kirk and
Fred Snycheney at Jefferson County Mo

fees \$ 1.50

Fred Snycheney & Frank
vs Fred Volkmann

Deponits