

November 1869

Tegmeier, August

vs

Schelling, Emile

Appeal

Defendant appealed from JP
H.M. Parker on \$15 damages
for cutting and removing timber

Lebb. Co. Mo, Mar 18/99
Statement

August Tegtmeyer }
vs. }
Emile - Scheling M.D. }

August Tegtmeyer
states that Defendant Dr Emile Scheling
had a person in his employ enter
upon the Land of Pltf. in Little
Knock Township in Lebb. Co. Mo, and
Chop down a fine black Oak
Tree & appropriated the same to
his own use & carried the same
off of Pltf's Land on to his own,
for which Trespass & the taking
of said Tree he is Damaged to
the value of \$15.00
for which he asks Judgment.

August Tegtmeyer.

Pltf's witnesses
Otto Grouser
John Mahaney
Florence Arnold.

Complaint

August Fegtmeyer

- vs. -

Dr. Emil Schelling

No 10

Claim # 18, -

Filed Mar 19/89

H. M. Paine

Writing Complaint -

\$1.50

"A"

Filed Aug 30th 1889
E. H. May clerk

The State of Missouri,
To any constable of
Little Rock Township in Jeff. Co. Mo.

Greeting:

I do command you
to summon Dr. Emil Scheling to appear
before the undersigned, one of the Justices
of the Peace within and for Little
Rock Township on the 16th day of
April A.D. 1869 at 10 o'clock
in the forenoon of that day at
his Office in Sulphur Springs
Jeff. Co. Mo. to answer to the Complaint
of August Tegtmeyer.
(value of one Tree \$15.- claimed)

Given under my hand this 19th day
of March A.D. 1869.

H. M. Parker
Justice of the Peace,
"

Summons. -
August Feglmeier
- vs. -
Dr. Emil Schelling

Suit - No 10

Am't. Claimed -	\$16.00
D. J. Fee -	35
Court Fee -	31

Filed Aug 30 1869

Extended this suit with the Township of Little Rock Jefferson County
Mo. on this 23rd day of March by reading the within summons
to Dr Emil Schelling defendant within named
Honey C. Boonacker Const

THE STATE OF MISSOURI,
COUNTY OF St. Louis, } ss.

To Mr. Francis John Mackenly, and
Flaunce Spinell -

You are hereby commanded, that, all excuses and delays being set aside, you personally
be and appear before the undersigned, a Justice of the Peace within and for the Township of
St. Louis in the County of St. Louis, on the - 16 - day of April 1869,
at the hour of 10 - o'clock, A. M., at his office in said Township, to testify on the trial of
a case wherein August Springer is
Plaintiff, and Doctn. Emile Schelling - is defendant,
on the part of the Plaintiff and of this you are not to fail at your peril.

GIVEN Under my Hand, this

19 - day of March - 1868.

W. M. Foster
Justice.

No 10.

SUBPŒNA

—FROM—

H. M. Parker

JUSTICE OF THE PEACE FOR ~~the~~ ^{both} TOWNSHIP.

No. ¹⁸
Returnable April 16-1869
August Tegtmeyer

VERSUS

Jaes. Emile Schelling

Justice Fee ³⁵
Court Fees ~~Banden~~ ^{1.05}

Executed this Writ in Jefferson
County this 23 day
of March 1869 by reading
the same to the within named

John Mahanetz and
Florence Donald
Otto Grauser

Henry C. Bonackee
Const

35 225

THE STATE OF MISSOURI,

COUNTY OF *St. Louis*

SS.

To *Frederick Herman*

You are hereby commanded, that, all excuses and delays being set aside, you personally be and appear before the undersigned, a Justice of the Peace within and for the Township of *St. Louis*, in the County of *St. Louis* on the *26* day of *April* 18*69*, at the hour of *10* o'clock, A.M., at his office in said Township, to testify on the trial of a case wherein *Augusta Reinecke* is *—* plaintiff, and *Laas, Emily Reinecke* is *—* defendant, on the part of the *Defendants* and of this you are not to fail at your peril.

GIVEN Under my hand, this *16* day of *April* 18*69*.

Wm. Butler
Justice.

No. 10
SUBPŒNA

—FROM—

Wm Parker
Roch

JUSTICE OF THE PEACE FOR ST. LOUIS TOWNSHIP.

No. *Appel Term* 1869.

August Troughton

VERSUS

Emile Schelling

Justice Fee 35
Court Bonadies Fee 35

Executed this Writ in *St. Louis*
Co. No. 10 this *16* day
of *Aug* 1869, by reading
the same to the within named

Frank Harman

Henry C Bonadies
Cond

STATE OF MISSOURI,

County of St. Charles

ss.

THE STATE OF MISSOURI,

Sherriff & Clerk

To any Constable of ~~St. Louis~~ Township, in the County of ~~St. Louis~~—GREETING!

Whereas,

August Tegeler

on the 16th day of April 1869 obtained judgment before the

undersigned, a Justice of the Peace of the Township of ~~St. Louis~~ ^{St. Charles} in the County of ~~St. Louis~~ ^{St. Charles}

against

Doct. Emily Schelling

for

Hilken

dollars for

His Dancage

and also for ~~between~~ ^{between} 60 dollars

for

His

cost.

You are therefore commanded to levy the same of the goods and

chattels of the said

Doct. Emily Schelling

according to law.

You are further commanded to return this writ to the undersigned Justice, within

10 - days from date.

Given under my hand, this

10 -

day of

April 1869

Wm. D. Smith

JUSTICE.

EXECUTION.

From H. M. Pailles Office

No. 10. Tréar Apr 16 - 1869.

August Pegmeire

vs. } Fi. Pa. Apr 16 - 1869.

Emile Scheling

Returnable in 60 days

Judgment Rendered
against Debt Scheling
Apr 16/69 for,

Damages \$15.00

Costs — 18.00

Total Judgment \$30.00

At 1/4 of 100 Band Mar 23/69 1.00

Trésorier " " 2.50

\$34.00

Filed Aug 30th 1869

August Legtmeir

vs

Emile Schelling M.D.

3

Before H. M. Parker

Judge of the Peace

April 16th 1869

August Legtmeir Plaintiff states that on
the day of February 1869 defendant
without leave and wrongfully entered
on a certain tract of land lying and being
in Little Rock Township in Jefferson County
Missouri to wit, being ^{about 50} 8 acres, ~~S. M. point Section 13~~
Township 42 Range 5 East & West of Schelling's land.

of which the plaintiff was then the owner
and then and there cut timber to the value
of fifteen dollars and carried it away
by which acts and doings of defendant plaintiff
was damaged to the amount of fifteen dollars
for which plaintiff asks judgment

August Legtmeir

By his atty.

P. P. Parker

Before N. M. Parker

August 27th 1869

Emil Schilling

Suit 180-10 -

Amended Petition

Filed April 16-1869
H. M. Parker
J.P.

"B."

Filed Aug 30th 1869

Against Reptunier } suit before Justice of the Peace
— vs. — }
last. twice checking

Verdict—

are the sum, find for the Plainiff in the sum
of \$1500
thirteen dollars.—

J. P. Allen Foreman

Att. Co. No. 16-1869

Verdict of Jury
August Tegmeyer
- vs -

Dr. Emil Schelling

Rendered April 16/69

Quint-HO-10-

Appeal Bond

August Regmeire }
- vs - } Justice of the Peace.
Emile Schelling }

We, the undersigned
Emile Schelling and
acknowledge ourselves indebted to
August Regmeire in the sum of Sixty Five
Dollars, to be paid upon this condition,
whereby Emile Schelling M.D. has appealed from
the Judgment of H. M. Parker a Justice of the Peace
in an action between August Regmeire Plt. and
Emile Schelling M.D. Defendant. Now if, upon such
appeal, the Judgment of the Justice be affirmed,
or if, on the trial now in the appellate court, Jud-
gment be given against the Appellant, and he shall
satisfy such Judgment, or if, his appeal shall be
dismissed, he shall pay the Judgment of the Justice,
together with the costs of the appeal, this recognizance shall
be void. —

J. C. Schilling

Dr. med. &c.

Approved & paid

23rd 1868.

H. M. Parker

Justice of the Peace,

Appell.

Appeal Bond
August Peglucire
- 80. -

Emile Schelling
Appealed by Defendant
April 23^d 1869

He M. Parker
H J

Filed Aug 30th 1869

Affidavit for Appeal.

August Teytmeire
- vs. -
Emile Schelling

} Before H. M. Parker
Justice of the Peace

This affiant states
that the application for an appeal by Emile Schelling,
the Defendant in the above cause, is not made for
vexation or delay, but because this affiant believes
that the appellant is injured by the judgment of the
Justice, -

Sworn & subscribed
to before me this 23^d day
of April A.D., 1869.

} A. O. Schilling {seal}
a Notary Public

H. M. Parker
Justice of the Peace
(1)

Applicant for Abscon
August Teflineire

- vs. -

Emile Schelling

April 23^d 1867

H. M. Parker
— H — 27

Filed Aug 30th 1869

no 18 ~~SS~~
Vehre ~~SS~~

Pegtmeier
-es-

Sect: Schelling

Jurors.

Geo. Simmons

Benj. Tillison

Ba. Morse

~~Arch. Langhorne~~

W. H. Hicks

~~Frank Harmon~~

William Hansen

D. G. Allen

all rights

Feb May 30 1869

Deft Arthur Frank Harmon Sworn ^{VE}
" " Otto Grauer " ^{VE}
" " Dr E Scheling " ^{VE}

Neighbors Recalled
Arnold Recalled
Atto Grauer Recalled
Evidence Closed.

Argued to Jury by Attners Eys
" " " "

Jury retired & bring in the
following verdict:—

Pltfs witnesses Atto Grauer
" " John Markanetz
" " Florence Arnold

August Tegtmeyer }
- 18 - }

Sworn Emile Scheling }

Trial April 16 - 1869

P. Piffin for Pltfs. }
Attners for Deft. }

Jurors. — No-10-

Geo Simmons

Benj Tillison

T. B. Mass

W. H. Hicks

Sam Heusen

J. J. Allen

Jury Sworn
Apr 16/69
Jury Taken by
Both Parties.

Piffin States Case to Jury
August Tegtmeyer Sworn for Plt & Re Ex.
Henry Barker Sworn as Interpreter
Florence Arnold Sworn for Plt & Re Ex.
John Markanetz " " " " " "
Fred. Lauchle Sworn as Interpreter Sworn
Henry Schler Sworn
Atto Grauer Sworn ^{VE}
P. Piffin Sworn

1 Crossed by Pltfs Langhewy

August Tegtmeyer, plaintiff, vs. Before H. M. Parker, Justice of the Peace, Rock Township
Emil Schilling, defendant vs. Ship, Jefferson Co, Mo.
Exchanged for notice to the other party.

To August Tegtmeyer, the plaintiff in
the above case,

Sir,

Take Notice, that
I have taken an appeal from the judgment of H. M. Parker, Justice of the Peace in Rock Township, said County and State, which judgment was rendered on the 16th day of April 1869 in a ~~case~~ pending before said Justice and in which you were plaintiff and myself was defendant, that said appeal has been taken to the Circuit Court of said Jefferson County, Missouri, and that said case will be tried again in said Circuit Court at the next term thereof, to be begun and held on the tenth day of this month, and on the first day thereof or as soon thereafter as said case can be tried.

This 1st day of May A.D. 1869,

Dr. Emil Schilling.

August Legstmeier
vs

Emil Schelling
defd

Notice of
appeal

Con

Filed July 13 1869
E. J. King clk

Enclosed this notice to the within named
August Legstmeier on the first day of May 1869
Henry C. Condit
Constable

No. 10.

Returnable

Apr 16-1869

Jack & Entries

1869

August Segtmier

Emile Schelling M.D.

Plaintiff states that Defendant Doctor
Emile Schelling's employe entered
upon the Land of Plt. in Little Rock
Township in Sept. Co. Mo. & chopped down
w/ fine black oak Tree & appropriated
the same to his own use & carried
the same off of Plt's Land on his
own which trespass & the taking
of said Tree he the Plt. is damaged
to the value of \$15. - for which
he calls Judgment.

March 19-1869 }
Sept Co. Mo. }

"right"

August Segtmier

And filed in my office March
19-1869 & ordered a summons
to issue which is done and
delivered to Court the Bonaster
March returnable April 16-1869

H. M. Parker J.P.

April 14th 1869 Summons returned
& filed in my office this day Executed
at the Law Office. - And the case
being called Plaintiff appears
with D. P. H. & Defendant appears
with H. H. & of their counsels
& being ready for trial the Plt.

filed Amended Petition marked "B"
A Jury having been ordered & venire
was issued & ~~Constable Bennett~~ ~~beams~~
& the following were sworn to try
the case Geo. Simmons, Benj. Tillison,
T. B. May, W. H. Hicks, Wm. Hansen
& D. J. Allen six good men of
the Badger Co. Camp, who having
heard the evidence, return their
verdict as follows. -

"We the Jury find for the Plaintiff
in the sum of \$15. - Fifteen Dollars

Leff. Co. Mo. April 16-1869. (Signed) D. J. Allen
Foreman

whereupon it is adjudged by the Justice
that the Plaintiff recover of Deft.
the Damages so by the Jury assessed
together with his costs & have thereof
Execution. - H. M. Parker J. P.

Execution. Execution Issued April 16-1869 on
the above Judgment against Defendant
Emile Schelling for Damages \$15. -
& for \$16. ⁵⁰/₁₀₀ costs. returnable in 60
days. - H. M. Parker J. P.

Appeal. And on this 28th day of April A.D. 1869.
comes the said Defendant & files his Affidavit
& bond for Appeal with John Mallery
as security which is granted by the Justice

& the Execution recalled. -

H. M. Parker J.P.
Justice of the Peace

State of Missouri }
County of Jefferson } 22

I H. M. Parker
a Justice of the Peace for Jeft. Co, Mo,
certify the foregoing to be a full true
& complete transcript of the entire
an my docket in suit - Teptmeier vs.
Schelling in Term April 16 - 1869
& all the papers on file in my office
and as by law this 23rd day of April
1869.

H. M. Parker,
Justice of the Peace,

Fees Bill

Judgment Rendered April 16-1869 in favor of Plt.
and against - Deft. Dr Schelling for \$15.00 -

Justice H. M. Parker Fees due April 16/69

Docketing Suit	.10
entering Complaint	.50
Entering & amended Plt.	.15
Issuing Summons	.35
2 Subpoenas	.70
Verdict for Jury	.35
Sweating Jury	.25
Rendering Judgment	.50
Execution	.35
App. & Plt. Bond	1.00
Transcript	2.50
Total Justice Fees	\$7.25

Cant. Bonackers Fees Apr 16/69

Verdict sum	.35
" 2 Subpoenas	.50
" Verdict for Jury	.35
" Mileage	.50
Total Cant. Fees	\$4.35

over

Wakam & Reed and
Witness Fees Apr 16/89 Otto Grauser .50 \$26.40

John Mackay .50
Florence Arnold .50
August Rejtner .50
Henry Achter .50
Frederick Harmon .50
Philip Ripken .50

Total witness fees \$3.50

Interpreters Fees H.C. Banacher .50

Fred. Luchtemeier .50

April 16-1889

Total Interpreters Fees \$1.00

Jurors Fees Apr 16-1889 Paid by Plaintiff
this day \$3.00

Total Judgment & Costs against
Debt. Schelling Apr 23/89 is \$34.40

H.C. M. Parker J.P.

Transcrip^t-

August 1869

as -
Emile Sehelin's

Judgment New Deal before
Hon. Justice D. N. McNeil
16-1869 in favor of
Petra against Debt:
Selling for Damages 15:-
Cash - 19.10

Total Judgment \$34.10
Deduct up to 1869
23.1809 is

2802

Recd Aug. 23rd 1869
C. H. H. H. H.

August Peggmeier }
Emil Schilling. }

If the court, sitting as a jury, believe
from the evidence, that defendant
employed one Otto Krause, to cut
certain trees inside the fence of one Emil
Schilling, the daughter of defendant, and
that said Otto Krause ~~went~~ cut
~~three~~ tree ^{in question} outside said fence on
plaintiffs land without the di-
rection of defendant and with-
out the ~~do~~ assent of defen-
dant after the cutting of
the tree, then the finding
should be for defendant.

Spina

Given

Leg. Linnaeus is
Schelling —

Instructed

Relat. to 20th

\$300

August Peggmeys }
Emil Schilling }

If the Court sitting as Jury
believes from the evidence that Otto Hrouse
cut the tree in question, while he was
in the employ of Emilie Schilling
and while engaged in performing work
for her, and without any direction of
Dr. Emil Schilling (who was her Agent)
and without his assenting to the tres-
pass after it was committed for his
benefit, then he, Dr. Emil Schilling
is not responsible, and the finding
should be for Defendant

Refused

Zeghungen
Schulung

Instruction

Zeit Nov 20th 1894
Ed. Hony

That if from the evidence the Court
should find that the defendant hired
the Witness Otto Grover to cut
cord wood & make rails and
in the discharge of his duties as
said employee said witness entered
upon the plaintiff's land under
a belief it belonged to the
defendant or defendant's daughter
^{and cut plaintiff's timber}
1 The Court should find for the
plaintiff single damages, but
if the Court should find
that said employee entered
upon the land and willfully
cut plaintiff's timber then
the plaintiff is entitled to
recover treble damages

Refused

Legumy

is

Schelling

Opp. instructions

See Luther's Ball

43 ms.

Drayton is illing

23^d ms. 434

Filed Nov 20 1869

E. F. Kemmer & Co

Ligman
as
Schilling 3 In the Circuit Court
 of Jefferson County
 Missouri
 Nov. Term 1869.

Now comes the plaintiff and moves the
Court to set aside the verdict and judgment
in this Cause for the following reasons.

1. ^{1st} Because ^{the Court} was in ~~admitting~~
testimony on the part of the defendant
2. Because the judgment and verdict
is against the evidence & the weight
of evidence
3. Because the verdict should have
been for the plaintiff instead
of the defendant
4. Because the Court permitted
the defendant to prove by parol
the contents of a power of atty
given by his daughter in Europe
when the defendant showed that said
power of attorney was in his possession

A Ligman
By R. Ripkin
Atty for Plffs

Aug T. Meyer
vs

Emil Schilling

Motion for new
trial

Filed Nov. 22. 1869
E. F. Conroy at