

Sefterson County Circuit Court
Case Files - Civil

Box 26 Folder 18

March 1870, No. 31

Weeman, J. H.
vs

Geislmann, Henry

Ejectment

307 acres 518 T 43 R 4 E; enjoin
cutting of timber; \$500 damages

J. H. Weeman, Plaintiff

vs

Henry Guslerman, Defendant

In the Jefferson
Circuit Court

Term 1890

Plaintiff states that on the 1st day of January 1869 he was lawfully entitled to the possession of the following real estate situated in Jefferson County Mo. viz: The West half and the NE 1/4 of Section Eighteen, Township Forty Three N. of Range four East containing three hundred and seven $\frac{82}{100}$ acres and being so entitled to the possession thereof that the Defendant afterwards about on the 2nd day of November 1869 wrongfully and without leave entered into such premises and now unlawfully withholds the same from Plaintiff to his damage in the sum of Five hundred dollars. Plaintiff avers that the value of the monthly rents and profits of said premises is Fifty dollars. Wherefore Plaintiff demands judgment for the recovery of the possession of said land, and Five hundred for the unlawfully withholding from Plaintiff the possession of said premises and Fifty dollars for monthly rents and profits thereof from the rendition of judgment till possession of said premises be delivered to Plaintiff.

and for other proper relief.

John L. Thomas.

J. H. Newman

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Henry Guillemain

Potion in Agreement

paid July 11/98

Chas. H. C. H.

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon *Kenny*
Grissman

if he be found in your County, that he be and appear before the Honorable
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 *First* ~~Monday after the fourth Monday~~
of *March* next, then and there to answer unto

John H. Grissman

upon *his* 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, *Fifteenth*
day of *February* A. D. 1870

Elias F. Honey Clerk Circuit Court.

By *L. H. Ayford* Deputy.

No. 21 2808
RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

March Term, 1870

J. H. Wozman

Plaintiff

AGAINST

Henry Gieselman

Defendant

Original

12/10/70 over the
proceedings

Don't be afraid

The within was served on the 19th Day of February A.D. 1870,
by delivering a true copy of the within writ and Petition, to the
Defendant Henry Gieselman at Jeff Co Mo. As furnished
to me by the Clerk of the Circuit Court, of the County
afore said
Fees \$ 1.00

John L. Luebmeier Sheriff
by Florence Arnold
Deputy

J. H. Meeman, Plaintiff
vs
Henry Gisleman, Defendant } In the Jefferson
Circuit Court.
Sept Term 1870.

Plaintiff states that he has now pending in the Jefferson Circuit Court a suit in his favor and against the above named Defendant for the recovery of the possession of the following described real estate situated in Jefferson Co. Mo. Viz: The W¹/₂ and the NE¹/₄ of Sec. 18, Township 43. N. of Range 4. E. Containing $307\frac{82}{100}$ acres.

Plaintiff states that he is the owner in fee simple of said land and is entitled to the possession thereof but that Defendant who does not pretend to have any title thereto still retains possession of said land wrongfully from Plaintiff. Plaintiff states that Defendant has no title whatever to said land. Plaintiff states that Defendant has unlawfully, wrongfully and without Plaintiff's consent and against his will ~~has~~ Chopped from said land a great quantity of timber within the last two months, viz: thirty trees of the value of one hundred dollars. He over that Defendant is still chopping timber from said land and

is still threatening to Chop timber therefrom
and to convert the same to his own use
to the great and irreparable damage of Plaintiff

Plaintiff avers that Defendant is utterly
insolvent so that an action at law
against him for the timber he has ^{about}
to chop ~~and~~ that which he is threatening
to chop would be unavailing

Plaintiff therefore prays the Court to grant
him a writ of Injunction restraining
and enjoining Defendant from Chopping
or removing any more timber from
said land until said suit for the recovery
of the possession thereof be determined
and then to make such injunction or
dissolve it as the right of the case
may require.

John K. Thomas.
Atty for Plaintiff

J. H. Weeman the Plaintiff in the above
Cause makes oath and says that the facts
set forth in the above petition are true
that Defendant has Chopped, is Chopping
and ~~threatens to continue to chop~~ timber
on said land and that Defendant is
utterly insolvent so that no judgment
for damages against him could

be collected. Plaintiff states that he is the owner
of said land
known to and subscribed }
before me April 20th 1870 }

Elias F. Honey a Justice

By L. A. Ayford Deputy

J. H. Newman

or

Henry Guillemain

Petition for signature

Filed May 4 1886
E. J. Strong clk

J. H. Wileman, Plaintiff } In the matter
vs } of the application
Henry Guileman, Defendant } of J. H. Wileman
for an Injunction.

Now at this day comes the Plaintiff
in the above entitled ^{cause} at the Court house
in Fronton, Iron County Missouri
and presents to the undersigned judge
of the 15th Judicial Circuit of
Missouri his petition verified by affidavit
as the law requires, praying for
a temporary Injunctional order against
Henry Guileman the above named
Defendant, restraining said Defendant
from chopping ~~any more~~ or removing
any more timber from the Wfl² and
the NE 1/4 of Sec. 18. T. 43. R. 4. E.

~~And~~ it appearing to the satisfaction
of the undersigned Judge of said Circuit
that due notice of such application has
been given to said Defendant and
said Plaintiff having given a bond with
security which is approved by said Judge
as the law directs. Whereupon all and
singular the matters aforesaid being seen
and fully understood it is ordered by
said Judge that said Defendant he and
he is hereby restrained and enjoined from

choosing or inserting any more testimony
said Court will adjudge hearing of the
witness pending in the September Circuit
Court in favor of the Plaintiff against
said defendant for the recovery of
said land. And the petition of
Plaintiff has presented and the
Court gives as foregoing are herewith
returned.

Given at the Court house in Benton
County Missouri, at two o'clock
of the second day of May 1870.

James H. Kent. Judge of said Circuit.

Injunction Order

Neuman

^{vs}
Guilmard

Filed May 7th 1886
E. J. Henry clerk

is hereby returned and enjoined from

J. H. Newman, Plaintiff

vs
Henry Gusteman, Defendant

In the Jefferson
Circuit Court.

We John H. Newman as principal
and Peter Jenni

as securities acknowledge ourselves
indebted to Henry Gusteman in the sum of
one thousand dollars to be void however upon
this Condition: That whereas the said Newman
~~has about to sue out of the County Court of Jefferson~~
~~County Mo. or before of two of the Justices~~
^{before the Hon. of the 15th Judicial Circuit}
~~thereof an injunction against Defendant to~~
restrain and enjoin him from chopping
or removing any more timber from
the W & N E 1/4 Sec. 16. T. 4 S. R. 24 E.
made returnable to the Jefferson Circuit
Court. Now if said Newman shall abide
the decision which shall be made on said
injunction by said Circuit Court and
pay all sums of money, damages and costs
that shall be adjudged against him
if said injunction shall be dissolved, then
this bond to be void, otherwise to remain
in full force.

Witness our hands and seals April 25th 1870.

J. H. Newman
Peter Jenni

Seal
Seal
Seal

J. St. Meenan
or
Henry Guelmer

Injunction Bond.

Filed May 7th 1870
C. Attorney at L

State of Missouri
County of Jefferson

To the Sheriff of the County
of Jefferson Greeting we command you
that you notify Henry Giselman
that he is enjoined and restrained from
cutting or taking away any more timber
from said lands as also from the
Commandery that you summon the said
Henry Giselman 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 Keokuk
within and for the County of Jefferson on the
first Monday in September 1870
there and there to answer unto John H.
Wernman upon his original petition
a copy whereof is hereto annexed
and accompanies this writ and
have you then and there this
writ.

Witness Elias D. Henry Clerk of said
Court with the seal thereof hereto
affixed at office this 7th day
of May 1870
E. D. Henry Clerk
J. L. Hafford D.C.

J. H. Weimer
vs
Henry Guselmann
Jefferson Circuit Court
Jan Term 1870

Defendant

Served the

27
day

The within was served on the 27 Day of May a D 1870
at Jefferson County Mo by Delivering a true Copy of the
within writ and Petition to the within named Defendant
Henry Guselmann as furnished to me by the Clerk of the
Circuit Court.

fees 100

For Luchsmeyer
Sheriff
by For Vollmach
Deputy

J. H. Weeman, Plaintiff
v.
Henry Wisleman, Defendant

In the Jefferson
Circuit Court.

To the above named Defendant.

You are hereby notified
that I shall apply to the Hon. Judge of the
15th Judicial Circuit of Missouri, J. H.
Vail, at the Court House in Houston
Groules. Mo. on second day of May
1870 at two o'clock or as soon thereafter
as a hearing can be had for a temporary
injunction against you to restrain you
from chopping or removing any more
timber from the W¹/₂ x N¹/₄ of Sec.
18. T. 43, R. 4. E. containing $307\frac{82}{100}$
acres

J. H. Weeman Plaintiff
By John L. Thomas, Atty

J. A. Weemon
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Henry Gustenow

Notice.

(Original)

Filed May 4th 1870
E. H. Honeycutt

Served the within Notice this 26th day of April 1870
by delivering a true copy thereof to the within named
Henry Gustenow at Jefferson County, Mo.

Ernest Lachemeyer Sheriff
by Fred W. Thomas

Deputy

J. H. Weeman, Plff.

vs
Henry Gessleman Def.

} In the Circuit
} Court of
} Jefferson
} County Mo.

Defendant for answer to the
Plaintiffs Petition says that
he denies that Plaintiff was
on the 1st day of Nov. 1869 or
at any other time lawfully
entitled to the possession of the
Real Estate described in his
said Petition or any part
thereof, and denies that the
Defendant did on the 2nd day
of November 1869 unlawfully
and without leave enter
into the said premises or
that he now does or did at
the institution of this action
unlawfully withhold the
same from Plaintiff to his
damage either in the sum of five
hundred dollars or any other
sum, and denies that the
monthly rents and profits of
said premises are worth fifty
dollars per month, and denies
that Plaintiff is entitled to
recover judgment against the
Defendant for the possession of
said Land or for five hundred

Dollars Damages or for any
other sum for the unlawfull
withholding of said ~~one~~ Lands
from plaintiff by Defendant
or for fifty Dollars for monthly
rents and profits thereof till
the rendition of judgment or for
any sum for rents & profits or
Damages, or for any relief
whatsoever

Jos. J. Williams
Att. for Defendant

J. A. Weeman
my

Henry Geselman

answer of
Dr. H.

Filed July 6th 1876
E. J. Honey at

The State of Missouri,
COUNTY OF JEFFERSON.

To

Charlie Albee

(My)

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 *Twenty second day of Sept. 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

J. H. Merriam is Plaintiff, and *Henry Sigelman* 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 *25th* day of *August* A. D. 1870

E. F. Honey Clerk.

I served the within Subpoena
in St. Louis County Missouri
on the 13th day of September 1870
on the within named Charlie Ellae
and Herman Giel by reading the
same to each of them in their
presence and hearing

sworn to and sub-
scribed before me
This 23rd of Sept.
1870

H. Gieselman

SUBPOENA
RETURNABLE TO
JEFFERSON CIRCUIT COURT.
Term, 18

J. H. Weeman Plff. } In the Circuit
 vs } Court of Jefferson
 Henry Geiselman, Dft. } County Missouri

Now at this day Comes the Defendant
 Henry Geiselman and on his oath says
 that he can not safely proceed to trial
 in the above entitled Cause at this Term
 of this Court for the want of material
 witnesses whose names are as follows,
 viz, Charlie Allae & Herman Diel,
~~that~~ - That the testimony of said
 absent witnesses is material to the
 Defendants defence in this suit,
 that said witnesses are not in attendance
 upon the Court at this Term, that Defendant
 has used due diligence to obtain the
 attendance of said absent witnesses at
 this Term of the Court to be used as
 witnesses on the trial of this Cause on
 the part of the Defendant, by having
 Subpoenas issued for them by the Clerk
 of this Court on the 25th day of August
 1870 commanding their attendance as
 witnesses for the Defendant at this
 Term of the Court, which Subpoenas
 were duly served on said Allae and
 Diel on the 13th day of September 1870

Defendant again says that the facts which said absent witnesses would prove if they were present is material to the Defendants defence of this suit, that neither they or either of them are absent from this Court at this Term of Court by or through the connivance or procurement of this Defendant, or ^{but on the contrary after said witnesses were subpoenaed they both promised Defendant} by or with his consent or direction ^{to attend as witnesses for him at this Term of Court + that he expected & believed they would do so,} that there is no other witness or witnesses present at this Term of the Court by whom the same facts or facts of the same import can be proved as could be proved by each of said absent witnesses if they were present, And Defendant avers that if an adjournment of this case be granted to him until the next Term of this Court he can have said absent witnesses present to be used on the trial of the cause as witnesses to support his defence of this action, and in view of the facts set forth in this affidavit Defendant prays the Court to continue this cause till the next Term of this Court,

Sworn to and Subscribed
before me this 23rd of
September 1870
J. Ed. Walker

Notary Public Jeff. Co. Mo

H. Gieselman

J. H. Weeman

H. Geisselman

Affidavit for a
continuance

Filed Sept 23rd 1870
E. T. Horney clk

J. H. Keenan Plaintiff }
Henry Gustman, deft }

Now at this day comes
said Plaintiff and states that the affidavit
for a continuance in this cause
made by Defendant is not sufficient
to entitle him to a continuance and
urges the following specific objections.

1. Because the issue, and sole issue
in this cause is the legal title to
the property in dispute and witnesses
cannot effect it.
2. Because the alleged absent witnesses
live more than forty miles from
this place and the affidavit
does not state that Defendant or
anyone for him tendered said
witnesses their fees.
3. Because no subpoenas were served
on said witnesses.
4. Because Defendant should
have taken the depositions of said
witnesses.
5. Because this application for a con-
tinuance is made simply for delay.

John L. Thomas
Atty for Plaintiff

J. H. Newman

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Henry Guildman

objection to the
affidavit
continuance

Filed Sept 28th 1880

E. T. Henry, cl