

Jefferson County Circuit Court
Case Files - Civil

Box 26 Folder 43

September 1870, No. 25

Beal, James A., trustee
Elgin, Ann M.

vs.

Schalick, August
Schalick, Joseph

Ejectment

80 acres in S11T40R4E;
\$500 damages

Answer & Continuance Vol 6 p 227
Replication " " p 297
Final Decree " " p 319

James A. Beal, Trustee
of Ann M. Elgin
Plaintiffs
v.
August Scholich and Joseph
Scholich Defendants
In the Jefferson
County Circuit
Court.
Sept Term 1870.

Plaintiff states that he as trustee of Ann M. Elgin was on the 15th day of January 1866, entitled to the possession of the following described real estate situated in Jefferson County Missouri viz: The South half of the North East quarter of Section Eleven, Township Forty N. of Range four East containing eighty acres and being so entitled to the possession thereof that the defendants aforesaid viz on the 28th day of January 1866 unlawfully entered into said premises and now wrongfully retain the possession thereof from Plaintiff to his damage in the sum of Five hundred dollars. Plaintiff states that the monthly rents and profits of said premises is ten dollars.

Wherefore he demands judgment for the recovery of the possession of said premises and two hundred dollars damages for the

unlawful withholding of said premiums from
Plaintiff and for ten dollars for monthly
rents and profits of said premiums from
the rendition of judgment herein the
the possession thereof be delivered to
Plaintiff and for other proper relief.

John L. Thomas
Atty for Plaintiff.

James A. Deuel
Master of Arm^y Me.
Algon² Plains

August 1 Joseph
M. Deuel
Spenders

John A. Deuel

Deuel

July 26 July 26 1870
C. A. Deuel

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

*August Schalick &
Joseph Schalick*

*if they be found in your County, that they 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 Sept next, then and there to answer unto*

*James A Beal trustee
of Ann M. Elgin*

*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 Twenty Sixth
day of July A. D. 1870

Elias F. Honey Clerk Circuit Court.
By *Lewis W. Ayford* Deputy.

2891 28 V

RETURNALE

TO

JEFFERSON CIRCUIT COURT.

Of Standard Term, 1870

James A. Neal Plaintiff

AGAINST

August Schulaek Defendant

Orig

Served this 24th day of July by Joseph Schulaek Clerk of Court August Schulaek

The within was served on the 24th Day of August A D 1870 at Jefferson County Mo by delivering a copy of the within writ and Petition ~~to~~ as furnished to me by the Clerk of the Circuit Court to Joseph Schulaek he being the first one served and I further served the same on the same Day by Delivery a copy of the writ to the within named Defendant August Schulaek

Fees 200

Fred Luckenmeyer Sheriff
by Fred Luckenmeyer Deputy

my recd 247
Ret 247
Dues 319

Salaries 500
Sew 200

2,000
7,115

My Borcee
Ret 200 50 85
Judgt 50 1,000
1,000 50 35 2,175
Sergeants 20 20 45
Auditors 15 20 85
25 25
\$ 2,60

at 6 7871
Dues 400
\$ 2.00 monthly like maintenance
Honey 50 85
at 1st 20 50
doc 50 50
mail 100 200 1,200
2,355

James A Beal trustee
of Ann M. Elgin Pff. } In the Jefferson
vs } Circuit Court
Augustus Schatich and } Sept Term 1870
Joseph Schatich Defendants

Defendants state
for answer to plaintiff's petition
that they deny that James A Beal is
trustee of the said Ann M Elgin
and claims that as such he
was on the 25th day of January
1866 or at any other time entitled
to the possession of the land in
petition described.

They deny that they wrongfully
withheld or detained the possession of
said premises from the plaintiff
to his damage in the sum of five
hundred dollars or any other sum.
They deny that the monthly rents
and profits of said premises is ten
dollars or any other sum.

And defendants for further defense
to plaintiff's action say that the said
plaintiff ought not to have and maintain
his said action because the said plaintiff
his ancestor predecessor grantor or other
person under whom he claims was

has seized or possessed of the premises
in question within two years before
the commencement of said suit
and because defendants aver and
state that they and those under
whom they claim have been
in the continued ravage open
and notorious possession of said
premises for two years next before
the bringing of this suit
wherefor defendants say that
said plaintiff ought not to
have and maintain his said
action and asks to be discharged
with costs

P. Piptin atty.
for Defs.

My dear friend
I have left you

1570

From H. P. B.
Trusts of Egypt
as

August 1870
with 1870

with 1870

with 1870
with 1870

James A. Beal Trustee
of Ann M. Elgin, Plaintiff

vs
August Scholich and
Joseph Scholich, Defendants

Now at this day comes said
Plaintiff and for replication to
the plea of the Statute of limitations
set up by Defendants in their answer
deny that Defendants and those under
whom they claim have been in the
continued, adverse, open and notorious
possession of the premises sued for by
Plaintiff for ten years next before
bringing this suit but Plaintiff
over that he as trustee of Mrs. Elgin
has been ~~and is now~~ seized of said
premises within ten years next before
bringing this suit.

John L. Mowman
Atty for Plaintiff

James A. Reed
Master of Steam
H. Elgin
29

August Thielich
27th

Reflection

Blackman 287591
Dorville