

Jefferson County Circuit Court
Case Files - Civil
September 1871

Carr, Charles Bant

vs

Stanley, Robert

Ejectment

480 acres in S2,10,11T43R4E;
\$7,000 damages; depositions

Box

28 Folder 39

State of 'Missouri' } ss
County of Jefferson }

Charles Bent Carr Plaintiff
against

Robert Stanley (Col) Defendant

In the Jefferson County
Circuit Court September Term 1871

Plaintiff states that on the 18th day of July A.D. 1871, he was entitled to the Possession of the following described premises, situate in Jefferson County Missouri To wit: All of the North East quarter of Section Ten, also the North West quarter of Section Eleven, also the South West quarter of Section Two, all in Township Forty Three (43) North of Range No Four (4) East of the fifth principal Meridian containing Four Hundred and Eighty acres more or less, also a part of the North West quarter of Section Two in Township Forty Three Range 4 East of the 5th principal Meridian and described as follows To wit: Beginning at the South West

North West quarter of 44
Corner of said Section Two Thence North
x with the section line Seventeen
chains to a corner, Thence East
Forty one chains and Eighty nine
links to the middle line of said
Section Two, Thence South South
Seventeen chains to the middle of
Section Two. Thence West to
the place of beginning containing
Seventy one + $\frac{2}{100}$ acres more or
less, and being so entitled to the
possession thereof, that the Defendant
afterwards to wit: on the 20th day
of July A.D. 1871 entered into
such premises and unlawfully
withholds from the Plaintiff the
possession thereof, to his damage
in the sum of One thousand
dollars, He further avers that
the monthly value of the rents and
profits of the premises is ~~One~~ hundred
dollars, wherefore, he demands
judgment for the recovery of
the premises, and One thousand
dollars damages for the unlawful
withholding of the same from the
plaintiff, and one hundred
dollars for monthly rents and

profits from the 20th day of July
A.D., 1871 until the possession
of the premises is delivered to
plaintiff, and for other proper
relief

Sterling Bros & Co^d
John L. Thomas & Bro.
Attys for Plaintiff

No 31

Charles Bent Carr

against

Robert Stanley & Co.

Ejectment

Filed Aug 8 1871.

W. S. Boyce cl

By Chas. H. Jones de ft.

State of Missouri }
County of Jefferson }

Charles Bent Carr Plaintiff

against

Robert Stanley (Cal) Defendant

In the Jefferson County Circuit Court

September Term 1871.

Plaintiff states that on the 18th day of July A.D. 1871 he was entitled to the possession of the following described premises situate in Jefferson County Missouri to-wit: All the North East quarter of section Ten, also the North West quarter of section Eleven, also the South West quarter of section Two, all in Township Fourteen three (43) North of Range No Four (4) East of the fifth principal meridian containing Two Hundred and eighty acres more or less, also a part of the North West quarter of section Two in Township Fourteen three Range 4 East of the 5th principal meridian and described as follows to-wit: Beginning at the South West corner of North West quarter of said section Two, Thence North with the section line Seventeen chains to a corner, Thence East Fourteen one chains and Eighty nine links to the middle line of said section Two, Thence South South Seventeen chains to the middle of section Two, Thence West to the place of beginning containing seventy one & ²¹/₁₀₀ acres more or less, and being so entitled to the possession thereof, that the defendant afterwards to-wit: On the 20th day of July A.D. 1871 entered into such premises and unlawfully withheld from the Plaintiff the possession thereof, to his damage in the sum of One thousand dollars

He further avers that the monthly value of the rents
and profits of the premises is one hundred dollars,
wherefore, he demands judgment for the recovery
of the premises, and one thousand dollars damages
for the unlawful withholding of the same from the
plaintiff, and one hundred dollars for monthly rents
and profits from the 20th day of July A.D. 1871 until
the possession of the premises is delivered to
plaintiff and for other proper relief,

Sterling Bros & Co and
John L Thomas & Bro

Attys for Plaintiff

A true copy of the original petition now on file in my office
Witness W. S. Joyce clerk of said Circuit Court
at with the seal thereof hereunto affixed at
office this August 9th A.D. 1871

W S Joyce Clerk
By C M'Kinnon Deputy

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

Robert Stanley Cook

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 *Third* Monday after the fourth Monday of *September* next, then and there to answer unto

Charles Bent Carr

upon *his* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *Ninth* day of *August* A. D. 1871

W. S. Boyce

Clerk Circuit Court.

By

W. H. Morine

Deputy.

I Served the within writ By Delivering a copy
of the Petition furnished me by the clerk the
24 day of August - 1871

John. Williams Sheriff
By J. B. Moß Deputy

No 81

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

September TERM, 1871.

Charles Dent Carr

vs;
Robert Stanley, Col.

John Williams
Sheriff fee. \$1.00

State of Missouri Sct
County of Jefferson

Charles Bent Carr. Plaintiff
against

Robert Stanley. Defendant

In the Circuit Court
for Jefferson County
Missouri. Sept. 7. 1871.

And now comes Robert Stanley, Defendant, by his Attorney and says that the plaintiff ought not to have and maintain his action aforesaid against this defendant because he says that the said plaintiff at the time in the petition in this behalf mentioned was not nor has he since been, nor is he now, entitled to the possession of the said real Estate and lands in the said petition described. Wherefore the Defendant prays judgment &c

For a further answer in this behalf the Defendant says that he and those under whom he claims title to the said real Estate and lands in the said petition described have for more than ten ^{next} years before the commencement of this suit, been in continuous uninterrupted adverse possession of the said real Estate and lands, claiming the same as their own property. And this the said Defendant will prove as the Court here may direct. Wherefore he prays judgment &c

Thos T. Yantt, Attorney
for Defendant.

No 31.

Charles Bent Carr

vs

Robert Stanley.

Answer of Defendant

1. Denial of plaintiff's
title.

2. Adverse possession
for more than ten
years.

Wm J. Gault. p.d.

Filed Sept 19th 1891

Wm Boyce cec

Notice to Take Depositions.

Charles Bent Barr

Plaintiff

AGAINST

Robert Stanley

Defend't

In the Circuit

Court for

the County of Jefferson

State of Missouri. March Term 1872

TO THE ABOVE NAMED Defendant

— You are hereby notified, that depositions of witnesses to be read in evidence in the above entitled cause, on the part of the Plaintiff will be taken at the Office of Sterling & Webster, No 317 Chestnut Street, in the City of ~~the~~ County of ~~St Louis~~ ^{St Louis}, and State of Missouri, on the 15th day of March, A.D. 1872, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day; and that the taking of said depositions if not completed on that day, will be continued from day to day, at the same place, and between the same hours, till completed.

Service of the above notice is hereby acknowledged, and issue of declinatus, and all exceptions as to time, waived.

John L. Thomas & Bros
Sterling Bros & Co

1872.

Attys for Plaintiff

NOTICE
TO TAKE
EPOSITIONS.

State of Missouri
County of St. Louis

J:

Benjamin F. Webster, of lawful age

being duly sworn, makes oath to say that he executed
the within notice by delivering a true copy thereof to Thomas
T. Grant Bog, attorney for the defendant, at St. Louis in said
County and State on the 11th day of March A.D. 1892,

Benjamin F. Webster

Subscribed & sworn to before me

this 11th day of March 1892

J. G. Harney

Notary Public

Depositions of witnesses produced, sworn and Examined, on the fifteenth day of March A.D. 1872, between the hours of Eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the office of Sterling and Webster No 317 Chestnut St in the City and County of St Louis and State of Missouri, before me Henry W. Demison, a Notary Public within and for said County of St Louis, in a certain Cause now depending in the Circuit Court for the County of Jefferson in the State of Missouri between Charles Bent Carr, Plaintiff and Robert Stanley, Defendant, on the part of the Plaintiff

Walter C. Carr of lawful age being produced sworn and Examined on the part of the Plaintiff, deposes and saith,

I know John Kerr of the firm of J. & A. Kerr. I was with John Kerr when he died but can't say just when it was. It was in 1842, or 1843. The wife of John Kerr was my sister. She is dead. Died in March 1865 or 1866. I know George Washington Kerr. He was a brother of

John Kerr. He died long before John Kerr did. I should think between 1836 and 1840. He left two children Geo. W. and Isabella. Isabella's name is now Glendennin, she married William A. Glendennin. Geo. W. Kerr left no other children

Cross Examination

There were three brothers John, Geo. W. and Augustus Kerr that I knew, and I think there were no others. There were no sisters that I knew of and I do not think there were any -

I came to St. Louis to live in 1840. in November. Was here frequently before that time, during the previous two years.

I was acquainted with the firm of J. & A. Kerr. They did business at the North East Corner of Market & Main streets. They were in business when I came here in 1840 I think. The style of the firm was changed several times, previous to that and afterwards also; but in 1840 my impression is that the style of the firm was J. & A. Kerr -

Geo. W. Kerr had been in business with J. & A. Kerr prior to his death, and my recollection is that up to the time of his death the name of the firm was Geo. W. Kerr & Co., or J. & G. W. Kerr & Co. I am not certain about the style of the firm -

I think the style of the firm was changed, after the death of Geo. W. Kerr. to J. & A. Kerr.

I can't tell how long J. & A. Kerr continued in business under that style. I know that for a year and perhaps two years previous

to the death of John Kerr the style of the firm was Kerr & Peters. Augustus Kerr was not a member of the firm of Kerr & Peters, not according to my understanding of it. I think J & A Kerr did not fail in business.

Question Did J & A Kerr, or either member of the firm, settle up and pay the debts of the firm?

(Objected to by Counsel for Plaintiff as irrelevant.)

Answer My impression is that they did.

Question Don't you remember that Augustus Kerr made an assignment of the effects of the firm to Beverly Allen, after the death of John, for the benefit of the creditors of the firm?

(Objected to by Counsel for Plaintiff as calling for secondary evidence.)

Answer I know personally nothing of any such assignment, only from hearsay.

I know Beverly Allen well - I know he is dead. Has been dead a good many years. I can't say when he died.

When Geo W. Kerr died, his children were of tender age, my young children. I don't know what their ages were, but my recollection is that the youngest, now Mrs Clendenen, could not have been more than one or two years old -

I had no business connection that I recollect of, with the firm of J. & A. Kerr. Don't think I ever bought goods of them -

Question Had you any means of knowing anything about the condition of their affairs?
(Objected to by Counsel for Plaintiff as irrelevant.)

Answer I knew nothing about their affairs ex-

capturing what John Kerr told me.

Re-direct Examination

After the death of Mrs W Kerr, and prior to the death of John Kerr, I should think there was a dissolution of the firm of J. & A. Kerr. That is my impression. After that dissolution the style of the firm was Kerr & Peters. It was Kerr & Peters at the time John Kerr died and how many years previous to that I can't tell. Kerr & Peters did business at the same place J. & A. Kerr did, the north East Corner of Market & Main. After the formation of the firm of Kerr & Peters, the firm of J. & A. Kerr did not carry on business at any other place that I know of. I wouldn't say positively. I was very intimate with John Kerr & would have known it if it had been so from conversations with him about his business. He had large landed interests outside of the City of St. Louis but no mercantile transactions other than the firm of Kerr & Peters.

Re-Cross Examination

I do not know whether the dissolution of the firm of J. & A. Kerr was published or not, but I know they suspended active business.

I don't know, of my own knowledge as that subject, whether in point of fact the firm of J. & A. Kerr was dissolved.

Question

What property did Mrs John Kerr receive from the Estate of her husband after his decease?

(Objected to by Counsel for Plaintiff as not having been drawn out before and

for incompetency)

Answer
Christian

I know of nothing that she received.
Did John Kerr leave any Estate after
the payment of his debts?

(Objected to by Counsel for Plaintiff as
not having been drawn out before and as
being incompetent)

Answer

I know nothing of it. don't know whether
he did or not. I made Enquiry with a
view to ascertaining whether he did or not.
I found it so mixed that I thought I wouldn't
pay for the friends of Mr Kerr to look
into it

Walter C. Carr

I, Henry H. Denison, a Notary Public within
and for the County of St Louis aforesaid
in the State of Missouri, do certify
that, in presence of the annexed ar-
ticle, Came before me at the office of
Stirling & Webster No 317 Chestnut St in
the City of St Louis, in the County & State
last aforesaid, Walter C. Carr who was
by me sworn to testify the whole truth
of his knowledge touching the matter
in controversy aforesaid; that he was
Examined and his Examination reduced
to writing and subscribed by him in
my presence on the day, between the
hours and at the place in that behalf
first aforesaid, and his said deposition
is now herewith returned —

Given at St Louis in the County
of St Louis and State of Missouri
this fifteenth day of March A.D. 1872
Henry H. Denison.
Notary Public.



Robert L. and
no
Robert Stanley

Received mail opened
and filed Mar 16 1872
Wm. B. Rye, Sec.
U.S. Fish & Game Dept.

B. 7.30/ N 5.15 Off. 2.00
William H. 1.15

Total 15.60

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

To *John W. Smizer, John Brinley, John Bole,*
William A. Smizer, & William Burns

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 *14th day* of *January 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 *C. B. Carr is*

Plaintiff, and *John Stanley is*

Defendant, on the part of *Def.*
in no wise to fail.

; and herein you are

Witness, W. S. BOYCE, Clerk of our said Court, with the seal thereof
hereto affixed, at office, this *14th* day of
December A. D., 187*2*.

W. S. Boyce Clerk.
Wm. C. Hill *Hon. Dep.*

In Jefferson Co: Circuit
Court January 1872

Charles B. Carr.

vs
Robert Stanley

Spa for Defts Witnesses:

John W. Snitzer on
Pacific R.R. 1/2 mile
East of Burka.

John Brinley. lives on
John W. Snitzer's farm
as above. -

John Boli. lives 1 1/2 miles
from Meramec Station
on Snitzer Mill & Hen-
ton road. -

Wm A. Snitzer. near
Henton

Wm Burns. lives near
Burka

For Jan 14th 1872 -
Reber with
Williams for eye.

Sheweth that within subpoena in aforesaid county on
the 9th day of January 1872 by Reading the same to John W.
& Wm A. Snitzer & further sheweth that subpoena is
returning county on the 11th day of January 1873 by
Reading the same to John Brinley & by Wm A. Snitzer
John Boli & Wm Burns in my county

Just \$7.50
Mileage 2.50

\$10.00 fees paid
Total five dollars & no cents

P. C. Taylor atty

W. A. Snitzer
to pay

Charles B. Carr, Plaintiff

Robert Stanley - Defendant

Now at this day comes said Plaintiff and for replication to the plea of the Statute of limitations set up by Defendant in his answer states that he denies that Defendant and those under whom he claims have been in the peaceable, open, notorious, continuous, uninterrupted possession of the premises sued for for more than ten years prior to the commencement of this suit ~~and~~ that Plaintiff, his grantors, predecessors and ancestors were not seized of said premises within ten years ~~not~~ before the commencement of this suit.

Plaintiff further states by way of defense to said plea of the Statute of limitations states that in 1843 one John Kerr was seized of said premises in fee simple and during that ^{year} executed a will bequeathing the property in question to his wife,

Kerr for and during her natural life
with a remainder to the Children of
George Washington Kerr and after
the Election of the same after
this life; that said ^{was} attending pro-
bated by the Probate Court of St.
Louis County where said John
Kerr died and that Mrs. Kerr
the wife of said John Kerr did not
die till 1866 and at the time of her
death in 1866 the right of the Children
of George W. Kerr to institute ~~this~~
a suit for the recovery of said ^{first arose} premises,
and that the Plaintiff derives title to the
same from the Children of said George
W. Kerr and his claim is not barred
by the Statute of limitation -

John T. Howard & Co
Atty for Plaintiff

W. Burt Carr
PS
Robert Stanley

Replacation

Filed June 18 1873
W. B. Carr

C Bent Barr }
 Robert Stanley } Fee Bill.

Bryce clerk

Sept 5 1871. 5 files ²⁵ 2 copies set @ 35¹⁰ vers ¹⁰⁰ with copies ¹¹⁰ \$ 3.05

Lock ¹⁵ and ²⁰ cont. ²⁵ .60

Sept 1872 Lock ¹⁵ cont. ²⁵ 40

May 5 1872 " ¹⁵ cont. ²⁵ 1 pla ²⁰ .65

Sept 5 1872 " ¹⁵ cont. ²⁵ 40

June 5 1873 " ¹⁵ ref ²⁰ cont. ²⁵ 60

May 5 1873 " ¹⁵ cont. ²⁵ 40

Sept 5 1873 " ¹⁵ " ²⁵ 40

June 5 1874 " ¹⁵ " ²⁵ 40

May 5 1874 " ¹⁵ " ²⁵ 40 \$ 7.30

June 5 1873 " ¹⁵ * order dis. damages ³⁰ 50

Sub ³⁰ vers ³⁵ Judgt. ⁵⁰ issue joined ²⁰ order ²⁰ 1.65

order setting aside Judgt. ³⁰ motion ²⁰ order ²⁰ app. ¹⁰ .85

Sub. ³⁰ vers ³⁵ Judgt. ⁵⁰ issue joined ²⁰ Lock Judgt. ¹⁰ 1.55

2 B's making costs, ⁵⁰ 60 \$ 5.15

Am't to be Pld for Sep. \$2.00

John Williams Shff. with ¹⁰ calls ¹⁵ 1.15

\$ 15.60

No. 3874

Circuit Court.

Term, 18

E. B. Carr

vs.

Robert Stanley

Judgment, - - \$

Date 18

Fee Book No. Page

Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.