

Telferson County Circuit Court
Case Files - Civil
September 1871

Box

29

Folds - 2

Wilson, Elizabeth

vs

Hink, William J.

Ulrich, John

Ganaloft, Adam

Becker, Hubert

Appeal

Plaintiff appealed from County
Court on petition to vacate
Jury

Jefferson County Mo
Notice

I shall make application
to the County Court at
the next session to locate
the old road running to
the River from my Hedar
formerly known as the Longferry
Road as I wish to Cultivate
the land through which the
Road passes
April 22 1871 Elizabeth Wilson

Jefferson County May
15 2/1871

I hereby certify that
I posted up three notices
a copy of the within in three
public places near the dam
road for Mrs E Wilson

William Shornate

To the Honorable the County
Court of Jefferson Co. Mo.

The Petition of the undersigned
respectfully sheweth that she
is the owner of the Land
through which the Public
Road runs leading from
Hillsboro to St. Louis by way of
Lemays ferry, that there are
Two public Roads running
through her said Land which
adjoins on the Merimack
River on the north, one of
said Roads running through
her farm near her Dwelling
House; the other running
further Eastwardly and
crossing the Merimack at
the Lemays Bridge, Your
Petitioner prays the Court
to ^{turn on her ground} ~~change~~ the Road leading
through her farm to the and
across the River near her
Dwelling House to the site
of the Road as it now runs
on her Land & which crosses
the Merimack at the Bridge,
as Your Petitioner desires to

Cultivate the Land through
which said Road running
nearest her Dwelling House
now runs, and that upon
said Change being made and
Proof to this Court that The
Public Road as it now runs
on her Land Crossing the River
at the said Bridge being opened
and in good repair that the
Court will order that so much of
said Road running through her
farm nearest her said
Dwelling which lies between the
Place where it Leaves said Road
which Crosses the River at ~~said~~^{said}
Bridge and the Place where it, said
Road, nearest her dwelling) Crosses
the Merimack be vacated.

& in duty bound your Petitioner
will ever Pray,

Elizabeth Wilson.
By her Agent J. H. Hall

Petition of
Elizabeth Wilson
~~To vacate Road~~
~~for Permission~~
to Turn & vacate
Road)

Petition Rejected
and Judge against
Petitioner for
Costs-

Filed May 18/71

W R Donnell
ck

To the Hon County Court of Jefferson.

We the undersigned Citizens of Little Rock Township do hereby remonstrate against a certain petition handed into the May term of the Jefferson County Court held on the third Monday in May A.D. 1871 for the purpose of vacating a part of the old state road Branching of at the ~~old~~ farm of A. K. Willson on the Hillsboro & Lemay gravel road and leading to the Lemay ford ^{on the meramec river.} Now we the undersigned Citizens of Little Rock do humbly petition you ^{the} Honorable County Court of Jefferson not to vacate the said part of state road Branching of from the Hillsboro & Lemay gravel road at the farm of A. K. Willson and leading to the Lemay ford. But to keep the said road open for the traveling public for it is a very essential outlet for the Public at large and for the stock of the surrounding neighborhood to get water also for drovers of large herds of cattle, and also for the Citizens to get water and sand, &c. For the keeping open of said outlet we the undersigned citizens will ever pray

Wm. J. Kirk
John Ulrich
Adam Gungloff

Karlitz Kiefer
George Geimue
Martin McAllen

Fr. Grogoni

Heinrich Becker

Charles Leijf

Hurtot Becker

Christof Friederitz

Octavio Reis

Ernst Reimer

Hermann Wegmann

John Kockner

Jungehager Joseph

John A. A. A.

B. Telgmann

Wilhelm A. A.

Georg A. A.

Wilhelm Töpper

Jacob Andrus

Max Stengel

Lucas Hoff

Johann A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Georg A. A.

Fr. Miller

John A. A.

John A. A.

John A. A.

William A. A.

John A. A.

Jacob A. A.

Daniel A. A.

George A. A.

Jacob A. A.

Jacob A. A.

Jacob A. A.

Jacob A. A.

Jacob A. A.

John A. A.

John A. A.

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John A. A.

John A. A.

Ernst Michael Biederman

Charles Tiefenbrunn D. D. Sprick

Nick Foster
Jesse Gorman

J. Rejersdorff

Paul J. Wells

William Muller junior

William Muller senior

John Richardson

Peter Christ

Johannes Waffar

Michael Geist

B. Richardson

Henry Allen

Marcel Park

J. A. Knicker

Milton Darke

Michael Knicker

Carl Cohl

John Kenzel

Heinrich Illinger

Michael Menner

Henry Brüggemann

George Resch

Larry Zindel

Joseph Gorman

Paul Hampel

Opfthry ch. Gorman

John Ags. Puck

John Gohl

Geisthorn Opium

Peter Ziegelmeyer

Robert Sprick

Anton Ziegler

Joseph Ziegler

J. M. Frideritz

Paul Meyer

Isidor Meyer

George Samuelson

Leopold Walde

Bernard Brockhagen

Protestance against
changing State Road
at C. K. Wilsons
Farm

Filed July 17/71
W. R. Donnell
C. K.

In the matter of } In the County Court
Elizabeth Wilson on } of Jefferson County
Mo. July Term 1891

Petition to vacate a certain part
of Road near Lunny Ferry Bridge

Now comes Philip Phipkin on behalf
of certain remonstrants against
the vacation of said road and
moves the Court to dismiss the
petition of the said Elizabeth
Wilson because

1 The same matter has
heretofore been before this Court
and stands adjudicated and
the decision of said Court made
at the October Term thereof for the
year 1868 is final and conclusive
and cannot again be brought
into controversy.

2 The notice on which said
petition is based and which is filed
with the same is insufficient
indefinite and vague and does
not describe the part of the
road which is sought to be
vacated.

P. Phipkin
att'y for R^{em} ^{not}

Elizabeth Wilson
State Road

Motion to discontinue
petition &c

Filed July 17/76
W R Somers
Ch

Elizabeth Wilson, Plaintiff } In the
Against } County Court
William J. Kirk } of Jefferson
and Others, — Defendants } County Missouri,

On petition to turn & vacate
Road on Plaintiff's land,

James C. Hall, Agent for Elizabeth
Wilson, the plaintiff, makes oath and says
that the application of the Plaintiff for
an appeal from the decision and judgment
of the County Court respecting the Petition
of the Plaintiff in the above entitled
Cause ^{to the Circuit Court} is not made for the purpose of
vexation or delay, but because this Af-
frant believes said appellant is aggrieved
by the decision and judgment of said
County Court.

^{subscribed & sworn to before me this 21st August 1871}
W. R. Dorned, Clerk of Court James C. Hall
Agent

Elizabeth Wilson
vs.

William J. Kirk

Affidavit

Filed August 20th 1871

W R Dornell

Elizabeth Wilson, Plaintiff } In the County
 Against } Court of
 William J. Kirk } Jefferson
 and others, - Defendants } County Mis-
 souri.

We, the undersigned James C. Hall and John H. Morse acknowledge ourselves indebted to William J. Kirk and other defendants in the above cause, in the sum of one hundred dollars, to be void upon this condition, Whereas, Elizabeth Wilson has appealed from the judgment of the County Court aforesaid in an action wherein Elizabeth Wilson is Plaintiff, and William J. Kirk & others whose names are on a remonstrance on file in said cause, are Defendants, Now, if the said Plaintiff will prosecute her said appeal without delay & with effect, and will pay all debt, damages and costs, that may be adjudged against her, then this obligation shall be void, otherwise to remain in full force.

Witness our hands & seals this 21st day of August 1871

J C Hall

Seal

John H Morse

Seal

Elizabeth Wilson
vs,
William J. Kirk

Bond
for appeal

Approved

GIVEN August ~~27~~²⁸ 1871
W R Donnell *ck*

State of Missouri } In the County Court
County of Jefferson } July Term 1871.

The following proceeding
was had to wit,

At this day comes Philip Dikins
attorney for remonstrants and files a remon-
strance signed by numerous citizens interested
against the change in the State Road at the
Ark Wilson Farms and near Lemay Ferry Bridge
as petitioned for by Elizabeth Wilson also files
a motion to dismiss the petition of the said
Elizabeth Wilson, which being read and fully under-
stood the same is overruled by the Court and
the whole cause continued till the August
term of this Court.

Also in the County Court at the August
term the following proceeding was had to wit,

The petition of Elizabeth Wilson by her
Agent J C Hall asking the Court to make a
change over her land in the Killebuck and
Lemay Ferry Road is after hearing the argu-
ment of Counsel rejected by the Court
and judgment is hereby rendered against
her the said Wilson for the costs in this
behalf expended.

Also at the same term and on the same

day the following appears of Record to wit.

Elizabeth Wilson	} Appeal.
William J. Kirk and others	

Now at this day comes Elizabeth Wilson by her Agent James Hall and files affidavit and Bond for appeal from the judgment this day entered in said cause which being seen and fully understood by the Court here it is ordered that the appeal herein prayed for be granted and that the Clerk of this Court make out and deliver certified to the Clerk of the Circuit Court of Jefferson County Missouri a true and complete transcript of the papers relating to said cause at least ten days before the next term of the said Circuit Court.

I W R Domell Clerk of the County Court of Jefferson County Missouri do hereby Certify that the above and foregoing is a true, complete, and full transcript of the Record in said cause as fully as the same appears and remains of Record, with the original papers in said Cause filed therewith.

Witness my hand and the seal of said Court
hereby affixed at office this 28th day of August
AD 1871 W R Domell
Clerk

Elizabeth Wilson
vs
Wm Kirk & others

349-880,404

Filed Aug 30th 1871
Wm Boyce cl

Wm Somell clks Fees.

3 judg ⁹⁰ 90 Binder 15 - 1.05

2 sub ³⁵ 70

Manuscript & Seal 1.00
John Williams Sheriff

2 sub - 1.00

O. Frederick's Witness

1 Day & 48 Miles - 4.84

Das Tiffenbaum Witness -

1 Day & 48 Miles 4.84

Frank Grimm Witness -

1 Day & 48 Miles 4.84

5 18.27

The State of Missouri,

COUNTY OF JEFFERSON.

To Charles J.ffenbrun Frank Linnam Peter Proderitz
and Henry Barker.

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 19th day of September 1871

, 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 Elizabeth Wilson is

Plaintiff, and W. J. Dix et al are

Defendant v, on the part of Defendants; and herein you are in no wise to fail.

W. J. Dix
Witness, ELIAS F. HONEY, Clerk of our said Court, with the seal thereof

hereto affixed, at office, this 5th day of Sept A. D. 1871

W. J. Dix
Clerk.

SUBPOENA

RETURNABLE TO
JEFFERSON CIRCUIT COURT.

Sept

Term, 1871

Elizabeth Wilson

^{vs}
Wm J. Kirk et al

Doan deft.

Charles Diefenbrenner

Frank Crissman

Peter Frederickie

Henry Baker

John Williams

Sheriff fee

\$2.00

I served the within subpoena on each Defendant
Peter Frederickie and Henry, Baker the 6th day of Sept. 1871
By Reading the same to them John Williams Sheriff
served the within on Frank Crissman By J. O. B. Sheriff
the 15th Sept 1871
J. O. B. Sheriff

Elizabeth Wilson }
vs }
Prof Kirk & al }
In the Jefferson
County Circuit
Court -

Sep. Term 1871

Now comes the respondents by
their atty and moves the Court
to dismiss the appeal taken in
this cause for the following
reasons.

1. No appeal is allowed
by law in the case, the
judgment of the County
Court upon the report of
the Commissioner is con-
clusive -

2. The application of the
petitioner Elizabeth Wilson being
for the vacation of the road, should
be signed by twelve householders
of the township in which the
road is situated.

3. The petition is defective in that
that it does not sufficiently set
forth the portion of the road which
is sought to be vacated.

No affidavit for appeal made

P. Pippin atty
for respondents,

Jefferson County
Circuit Court
Sep. Term 1871

Elizabeth Wilson

vs
Wm J. Kinard et al

Motion to Dismiss
appeal

Filed Sept 18 1871
Jas Boyce cl

Elizabeth Wilson, - Plaintiff } In the
 Against } Circuit
 William J. Kirk, } Court of
 and others, - Defendants } Jefferson
 County, Missouri
 On appeal from the County
 Court,

The Plaintiff moves the Court to
 set-aside the order and judgment of
 the Court, dismissing the appeal in the
 above entitled cause, for the following
 reasons;

- 1- Because the Court erred in sustaining
 the Defendants motion to dismiss the
 appeal.
- 2- The Plaintiff being the owner of the
 land through ^{which} the road runs, which
 she asks in her petition to have changed,
 has such interest in the matter of the
 County Court's order, as to entitle her
 to an appeal, - her private rights
 to her private property are directly affected by the order of
 said County Court,
- 3- The judgment of the Court dismissing
 Plaintiff's appeal is erroneous.
- 4- The Court misconstrued the law gov-
 erning the case.
- 5- The order & judgment of the Court dismissing
 said appeal, are erroneous, - Abner Green
 Attorney for Plaintiff

Elizabeth Wilson

vs,

Wm J. Kirk
and others

Motion To
set-aside Judgment,
I grant a new-
trial.

Filed Sept 19th 1871

W. S. Boyce Cl

Brief

Wilson } In circuit court
vs } Sep. T. 1871
Change of Road }

No appeal allowed in the case
Act of March 23^d 1868 in relation to vacating
& changing road. sec. 63. p. 188

The judgment of the Co. Court is conclusive,
Overbeck vs Shaw or Galloway 10 Mo
364 -

The County Court has exclusive
jurisdiction in such matters. County
Court of Calloway Co. vs. Inhabitants
of Round Prairie Township. 10 Mo. 679.

The Circuit Court has no jurisdiction
to appeal over the case, because
the 63 sec. above referred to expressly
declares the judgment of the Court
to be final -

See Circuit Court jurisdiction
Chap 136 sec 2, page 557 Gen S.

No.

3830

Jefferson Circuit Court.

Sept

Term, 1871

Nelson

Risk vs. Etal

Judgment, For Cash

Date Sept 10th 1872

Fee Book No. 1 Page 289

Judg't Docket, Page

Appeal from County Court

\$4.50 per 275 H 3.00 per 7.58

Prd 968 New, Baler 3.00

Chas. F. Chamberlin 1.84

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

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