

Jefferson County Circuit Court
Case Files - CIVIL
May 1874 - #10

PAULUS, WILLIAM
PAULUS, BARBARA

VS

ZULICH, HENRY

DOWER

Lot No. 5; 85 arpens;
T43-R5E, survey 664,
as widow of Xavier Leves

Box

32

FOLDER

38

William Paulus and Barbara Paulus, In the County
 his wife, plaintiffs, } County of Jefferson
 against } County, State of
 Henry Gulick, defendant. } Missouri,
 May Term 1874.

Plaintiffs state, that they are husband and wife;
 that heretofore to wit: on the day of 1865.
 and for a long time prior thereto, one of plaintiffs,
 Barbara Paulus, was the lawful wife of one Harrier
 Lerer; that said Harrier Lerer died on said day
 of 1865; leaving said Barbara, one of plain-
 tiffs, his widow; that during the time, said Harrier
 Lerer and Barbara Paulus, one of plaintiffs, were
 husband and wife, said Harrier Lerer was the owner
 and seized of the following described Real Estate
 in fee simple, situate in the County of Jefferson,
 and State of Missouri, to wit: 85 acres or less,
 more or less, in Lot No. 5. of the Christian Roman
 survey (Survey 664.) confirmed to Alexander Mc
 Nair under Christy Roman, in Township forty three
 Range 5 East, beginning at the North east corner
 of Lot five, on the Bank of the Merminac River, thence
 S. 76 W. 36 chains to NW corner, thence South 14 E.
 20 chains post corner, thence N 76 E. 37 chains
 to River Bank, an ash, 8 inches in diameter S. 36 E.
 10 links distant, an awesup 8 inches North 36 West
 20 links distant, thence up the River with the me,

and coming to the place of beginning; that in a
suit, which was pending in the Circuit Court of
said Jefferson County, between the Lemay Ferry Bridge
Company as plaintiff and said Harrier Lever, as de-
fendant, said Lemay Ferry Bridge Company obtained
Judgment against said Harrier Lever on the 15th
day of June 1863, in said Circuit Court, ^{for the sum of \$47.50 by debt and damages} that
an execution was issued upon said judgment,
by the clerk of said Circuit Court; that the then
sheriff of said County, levied said Execution upon
and seized the Real Estate, above described, as
the property of said Harrier Lever on the 30th day
of December 1863, and that said Sheriff ~~sold~~
on the 8th day of June 1864, by virtue of and under
said Execution sold, assigned, transferred, and
conveyed all the right, title, interest and Estate
of the said Harrier Lever of, in and to the above
described Real Estate, to Henry Gulick, the
defendant in this present action, as the highest
bidder, and executed a deed to him therefore.

Plaintiffs state, that after the sale of said Real
Estate and the execution of a deed therefor to
Henry Gulick, the defendant, as aforesaid, to wit:
on the day of 1865, said Harrier Lever
died leaving Barbara Paulus, one of plaintiffs
as his widow, and that ~~the~~ said Barbara Paulus
as the widow of said Harrier Lever was then and
still is entitled to dower in said Real Estate,

that is, the use of one third of said Real Estate for
✓ and during her natural life after the decease of her
said husband James Lever, that afterwards how-
ever, to wit: on or about the day of March 1867,
when she was in actual possession of said Real
Estate as ~~the~~ ^{such} widow, the defendant Henry Gulick, il-
legally, and wrongfully dispossessed her of said Real
Estate, and forced her from her said dower
therein against her consent.

Plaintiffs further state, that at the time, said
Barbara Paulus was forced from her said dower
as aforesaid, the same had not been assigned and
set off to her, that therefore she was entitled to
the use and benefit of ~~the~~ all said Real Estate up
to the time of such dispossessment; that in the
fall of 1866, she had sowed out a certain
quantity of wheat on said Real Estate and other
grain, and that after her dispossessment from said
Real Estate and ~~the~~ dispossessment as aforesaid, said
defendant Henry Gulick took possession of the
same and the crop sowed by her, and then
growing on said place as aforesaid, ~~which~~
~~crop~~ and appropriated said crop and dispos-
ed thereof to his own use; that said crop was
worth four hundred dollars,

Plaintiff further states, that the dower of said
Barbara Paulus in said Real Estate has never
yet been assigned to her; that said defendant

Henry Gulick ever since the dispossession and
depossession of her from her said dower, has
had the use, benefits and profits of all said
Real Estate, and hence of her dower, and plain-
tiffs state, that the said dower is worth from the
time of said dispossession therefrom till the
✓ present time the sum of six hundred dollars,
and that plaintiffs are damaged by the act
of defendant in dispossessing and depriving
the plaintiff Barbara Paulus (then Barbara
Cerer) from the said Real Estate and dower
as aforesaid, in the sum of One thousand
dollars, that said Barbara Paulus is now about 36 years of age.

Plaintiffs therefore ask judgment, that said
Barbara Paulus be seized of her dower in said
Real Estate, that is the use of one third of said
Real Estate for and during her natural life;
also damages to the amount of one thousand
dollars, as aforesaid; that her dower be assign-
ed and administered to her, and such other
relief, and judgments as may be proper.

Henry F. Ahlborn,

Atty. for plaintiffs.

In the Circuit Court
of Jefferson County Mo.
May Term 1874

William Paulus and
Barbara, his wife,
Plaintiffs,

against

Henry Gulick,
defendant.

Petition for
assignment and
measurement of
damages.

Filed April 21st 1874
W. S. Boyce Clerk
By C. F. Ho. Marine
Deft

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 *Henry Gulick*

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 *second* Monday after the fourth Monday of *May* next, then and there to answer unto

William Paulus and Barbara Paulus

upon *their* 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 *21st*
day of *April* A. D. 18*74*

W. S. Boyce

Clerk Circuit Court.

By

E. Ho. Horne

Deputy.

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RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1874.

William Paulus
Barbara Paulus

v

Henry Gulick

(original)

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~~ as before commanded that
you summon Henry Gulich

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 ~~second~~
~~Monday after the fourth~~ Monday of September next, then and there to
answer unto

William Paulus and Barbara Paulus

upon *Their* 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 10th
day of July A. D. 1874

W. S. Boyce Clerk Circuit Court.

E. J. L. Ho. Marine Deputy.

I Executed the within Summons at the County
of Jefferson. Mo. on the within named Defendant
by ~~Leaving a true~~ ^{Henry Gulick} Copy of the writ and Petition
as furnished me by the Clerk of said Court
with a white Chamber of his family over the
age of fifteen years of age on the 10 day
of Aug 1874

J. B. Moss Sheriff

10 3918

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

TERM, 1874.

Sept.

William Paulus
Barham Paulus

re

Henry Gulick

original

Rock

Shrift for 100

William Paulus and
Barbara Paulus his husband Plaintiffs
against
Henry Zulich Defendant

Now at this day comes Defendant
and with leave of court, and for
answer to Plaintiffs petition state,
admit that ~~he has no knowledge or information~~
~~sufficient to form a belief that~~ plaintiffs
are husband and wife, but ~~admits~~ ^{says}
that Xavier Lever and his wife Barbara
Lever on the 23^d day of January A.D., 1863
executed and delivered to Raenholdt
Schlecht Trust for Barbara Schlecht ~~the~~
a deed of Trust on the land described
in plaintiffs petition to secure
a certain ~~de~~ note in said deed
of Trust described, which deed of
Trust is recorded in the records office
of Jefferson County Mo. in Book "8"
page 338, and ~~that after~~ the said Barbara
Lever wife of said Xavier, relinquished
all her right of dower in said land
before an officer authorized to take the
same - Thereby transferring all her right of
dower in said land to said Raenholdt
Schlecht to secure the payment of
the said note in said deed

described, and That afterward
in pursuance of the powers in
said deed of Trust described
and at the request of the said
Barbara Schlecht, he sold said
Real estate to one, Francis A. Loring
and executed a deed dated the 5th day
of March 1864, which deed was executed
in due form which said deed is recorded
in the records office of Jefferson Co.
Mo. in Book "I" page 300 & 301, which
said deed conveyed to the said Francis
A. Loring all the right of the said Xavier
Lever and his wife Barbara Lever of in
and to the real Estate in said plaintiffs
petition mentioned, Plaintiffs further
answering state That the said Xavier
Lever and Barbara Lever his wife
by their Warranty deed dated the
23^d day of February A.D. 1863 and
recorded in the records office of
Jefferson County Mo. in Book "S"
page 359 ^{in plaintiffs petition} conveyed the
land described, to John Schlemmer
which deed was acknowledged before
an officer authorized to take acknow-
ledgement to deeds, Defendant
Therefore states That all the right of
dower of the said Barbara Lever

of in and To said real estate mentioned
in plaintiffs petition passed by said
conveyance,

Defendant for further answer states
That he brought a suit in The Circuit
Court of Jefferson County Missouri
on the 29th day of March A.D. 1865
against Xavier Lever Francis A. Lorenz
and Raenholdt and Barbara Schlech
for the possession of the real estate
in said Plaintiffs petition mentioned
and that before the termination of
said suit the said Xavier Lever
died leaving his widow Barbara
surviving him who intermarried
with one John Futternecht and that
the said Barbara Futternecht and
John Futternecht were made parties
defendant to said suit at the
November Term A.D. 1866 of said
Circuit Court of Jefferson Co.
Mo. and that they were duly notified
of the same on the 17th day of
Oct. 1866, and that afterwards
to wit on the day of A.D.
1867 The said Circuit Court of
Jefferson County Missouri rendered
Judgment against the said John

Futternecht and Barbara Futternecht
for the possession of the premises
in plaintiffs petition described
and that all the rights of the
said Barbara Futternecht widow
of the said Xavier Leuer were
adjudicated. Therefore Defendant
says that the said ^{Barbara Paulus} ~~Plaintiffs~~ ^{one of the said} ~~are~~ not
entitled to dower in said real
estate, deny that she is entitled to
the use of one third of said Real
Estate for and during her natural
life after the death of the said Xavier
Leuer, Defendant denies that he
on or about the day of March 1867
(when the said Barbara Paulus was in
actual possession of said Real Estate
as such widow) or at any other time
illegally, and unlawfully dispossessed
her of said Real Estate, and deposed
her from her dower therein against
her consent.

Defendant denies that the said Barbara
Paulus was entitled to the use and benefit
of all said Real Estate mentioned
in Plaintiffs petition at the time
stated in said petition or at any other
time, denies that she had in the

fall of 1866 or at any other time she
had sowed out a certain quantity of
wheat on said Real Estate and other
grain, and denies that he at the time
mentioned or at any other time took
possession of the same the crop
sowed by her, and then growing on

said said place and appropriated
to his own use, deny that said
Crop was worth the sum of four hun-
dred dollars or any other sum, Defend-
ant further answering said count
says that the Plaintiffs are barred
by the Statute of Limitations from
recovering on said count the
cause of action having accrued
more than five years before
the bringing of this suit,

Defendant further answering denies
that the ^{rents & profits of} one third part of said land
is worth from the time mentioned when
Defendant got possession of said
land to the present time the sum
of six hundred dollars or any other
sum, deny that the plaintiffs are
damaged by the act of Defendant
in deforcing Barbara Paulus (then Barbara
Leuer) in the sum of one thousand
dollars or any other sum

Defendant therefore states That
The said Plaintiffs are not entitled
to judgment that the said Barbara
Paulus be seized of dower in said
real estate, that is the use of one third
of said Real Estate during her
natural life or for judgment for
one thousand dollars or for any
other sum for damages, or that
her dower be assigned to her
or for any relief whatever,
Defendant having fully answered
as to be discharged with
costs.

William Paulsen vs.

a gainst

Henry Zulich

Answer

Filed Dec. 9 1874

W. J. Boyce
(clerk)

Paulus & wife Plffs.

against

Zulich Defendant

In the Circuit Court
of Jefferson County
Missouri Jan'y Term
A.D. 1873

Now at this day comes the
above named Defendant
and moves to dismiss the
above entitled cause for
the following reasons to wit:
Because the Plaintiffs are
non Residents of the State
of Missouri and have
not filed security for
costs as required by
law

John L. Thomas & Son
Atty's for Deft

Paul's wife
against
Zubich

Motion to dismiss
for the reasons therein
stated

Filed Jan'y 11th 1875
C. H. Stone
Clerk