

To Fferson County Circuit Court
Case Files - Civil
May 1874, No. 29

Box 32 Folder 40

Kohler, Xavier

vs

Schware, Henry

Ejectment

Land in Survey 2970 T 42 R 5 E;
\$50 damages

Janice Kohler, plaintiff, } In the Circuit Court
against } of Jefferson County, State
Henry Schaar, defendant. } of Missouri,
May Term 1874.

Plaintiff states, that heretofore to wit: on the 18th day of May 1872, he was the owner and entitled to the possession of the following described premises, situate in the County of Jefferson and State of Missouri, to wit: a part and parcel of the John Wilson's survey, being survey Number 2970, in Township forty two North, of Range Number five east, which part and parcel is described as follows to wit: beginning on the North East boundary line of the said survey, corner between formerly John Wilson jun. and Joshua Wilson, from which a black oak 10 inches in diameter, bears south 43° east, 12 links, thence North 43° west 17 chains to corner on said boundary line, for corner a white oak, 20 inches in diameter, thence south 47° west to south west boundary line, corner on said line from which a white oak 12 inches in diameter bears North 10° east 37 links, thence south 47° east on said boundary line, 17 chains to corner, a chestnut 10 inches diameter for corner between formerly John Wilson jun. and Joshua Wilson, thence North 47° east an di-

visional line to the place of beginning, being the premises, acquired by plaintiff of the Administrator of the Estate of Henry Westcott deceased, by deed dated the 17th day of May 1872, and recorded in the Recorder's Office of said County in Book No. 4, page 381.

Plaintiff further states, that, he being so entitled to the possession of the aforesaid premises, the defendant afterwards to wit: on the 19th day of May 1872, entered into a part, being a strip, of the aforesaid premises, which part and strip is situated all along and within the North west side of the aforesaid premises, bounded on the North west by the North western boundary line of the aforesaid premises, and containing a width of about 20 feet at the Southwestern end, and of about 90 feet at the Northeastern end of said part and strip, and containing nearly two acres; and that defendant unlawfully withholds from plaintiff the possession of said part and strip, to his, plaintiff's damage, in the sum of (\$ 50.00) fifty dollars,

Plaintiff further alleges, that the monthly value of the rents and profits of the part and strip, thus withheld by defendant from plaintiff, is two dollars; Wherefore plaintiff asks judgment for the recovery of the part

and strip of land, entered into by defendant
and withheld by him unlawfully from plaintiff
as aforesaid, and fifty dollars damage for
✓ the unlawful withholding of the same from
plaintiff, and two dollars for monthly rents
✓ and profits from the rendition of judgment
until the possession of said part and strip
of land is delivered to plaintiff, and for
other proper relief.

Henry F. Ahlers,
Atty for plaintiff.

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

James Kohler,
Plaintiff
against
Henry Schaefer, de-
fendant.

Exhibition,
Petition,
wherein for plaintiff.

Filed April 20 1874
Wm. Boyce Clerk
By C. Thos. Hawkins, Sept

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 Schaar*

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 *Lavie Kohler*

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 *20th* day of *April* A. D. 18*74*

W. S. Boyce Clerk Circuit Court.

By *Chas Moine* Deputy.

I Executed the within writ at the county of
Jefferson. No. on the within named Defendant
Henry Schaar on the 24. day of April 1874
by Delivering him a true copy of the writ
and Petition as furnished me by the clerk
of said court

J. B. Mof
Sheff

29. 3905.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1874.

Carver Koller
vs
Henry Schaar

1874 1.10 2.30

(original)

Ahlrens
Sheff for 100

Havier Kohler Plaintiff } In the Circuit Court
against } of Jefferson County
Henry Schaare Defendant } Missouri September
Term A.D. 1874

Now at this day comes the defendant and with leave of court, and for answer to Plaintiff's petition denies that ^{was} on the 18th day of May 1872, ^{or at any other time} the owner and entitled to the possession of the land described in plaintiff's petition, defendant further answering denies that he on the 19th day of May 1872 ^{or at any other time}, entered into the premises described in plaintiff's petition, denies that he unlawfully withholds from plaintiff the possession of said strip of land, to plaintiff's damage in the sum of fifty dollars or any other sum, defendant denies that the monthly rents and profits of said strip of land is two dollars or any other sum, defendant further denies that plaintiff is entitled to judgment for said strip of land and two dollars for the monthly rents and profits and fifty dollars for the withholding of said premises or for any judgment whatever. defendant having fully answered asks to be discharged

with his proper costs

John L. Thomas & Son
attys for defendant

Kaver Kehler }
Henry Scharre }

Answer

Filed Aug. 13th 1874
W. S. Boyce
Clerk

County of Jefferson,

The State of Missouri.

To Isaac S Baker, Henry Sickman
and Peter Paul

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 18th September 1874 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

Xavier Kohler is

Plaintiff, and

Henry Schauer is

Defendant, on the part of ptffs

and herein you are in no wise to fail.

WITNESS, W. S. BOYCE, Clerk of our said Court, with
the seal thereof hereto affixed, at office, this 25 day
of August, A. D. 1874.

W. S. Boyce Clerk

By Chas. Waring Clerk

I Executed the within Subpoena by Reading the
Same to J. S. Baker, H. Sackman & Peter Paul
Not found in my Court Sept 16 1874

J. B. W. W. W. W.

S. T. 1874

Kohler
Schaare

241.286

P.

Isaac S. Baker ^{31 Aug}
Henry Sackman ¹¹
Peter Paul

Sept 1. 25

and out 1. 25 35

Kohler }

Schaare }

Free Bill,

May 1 1874

Boycel
Cap. pet 60 (eds 50) writ & cap 100

2,20

sock 10 / Lane Towel 20 (cont 25)

.55

Sept. 1 1874

" 15 / Dis 35 / spa 20

.75

31B 10 / casts 20 / files 15

.50 / 5,00

13 maps. 2 Spas.

writ 100 / 2 Spas 100 / manesh 20 / calls 25

\$ 2,40

13 Deer Inv. 1 day 10 miles. \$ 2,30

2,30

\$ 9,70

Koller

no

Schaum

Enschiff 9. 70