

Jefferson County Circuit Court
Case Files-Civil
September 1874, No. 25

Bohn, Jacob

vs.

Weber, Adolph

Ejectment

60 acres in S35T43R24E;

\$100 damages

Box 33 Folder 16

Jacob Bohm Plaintiff } In the circuit court
against } of Jefferson County, Mo.
Adolph Weber Deft. } Sept. Term, 1874

Plaintiff states, that on the 28th day of March 1874, he was lawfully entitled to the possession of the following described premises, viz Sixty acres off the north side of the South West qr of Section 35 in Township #3 Range #4 east, and bounded as follows: Beginning at the quarter section corner between sections 34 & 35 and running thence North 89 degrees and 40 minutes east along the north side of the South West qr of said Section 35, forty one chains and eighty seven (87) links to the North East corner of said South West qr, thence South along the East side of said South West qr fourteen (14) chains and forty (40) links to a stake for corner, thence South 89 degrees and 40 minutes west parallel to the north side of the South West qr of said Section 35 forty one chains and 87 links to a stake for corner, on the line between sections 34 & 35, thence north along the line between said sections 34 & 35 fourteen chains and forty links to the beginning corner, containing Sixty acres

and being so entitled to the possession thereof. The defendant afterwards, on the 28th day of March, 1874 entered into such premises and unlawfully withholds from the plaintiff the possession thereof.

To the damage of the plaintiff in the sum of \$100. dollars -

And the plaintiff states that the monthly value of said premises is \$10. dollars.

Plaintiff asks judgment for the possession of said premises, with damages to the amt. of \$100.⁰⁰ dollars, and \$10.⁰⁰ dollars monthly value, together with costs of suit &c.

John Byrnes
Atty for Plff

Jacob Bohner
vs

Adolph Weber

Action of Ejectment

att. issue process
Sam Byrnes, atty,

Filed Aug. 22nd 78/4
W. S. Byrnes
Clerk

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 *Adolph Weber*

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

Jacob Bohne

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 *22nd* day of *August* A. D. 18*74*

W. S. Boyce

Clerk Circuit Court.

By *C. H. Wonne*

Deputy.

20-
3863

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

Sept. TERM, 1874.

James Bohm

vs

Adolph Weber

Original

May 1875

Executed the within writ at the County of Jefferson in the State of Missouri this 25th day of August AD 1874 By Leaving a true copy of the within writ and petition as furnished me by the clerk of the circuit court at Hillsboro at the usual place of abode of the within named defendants Adolph Weber with a white member of the family over the age of fifteen years

T. B. Mose Sheriff
By Wm. T. Mockbe Depy-

Defendant says, that he is the owner and in lawful possession of said premises, except so much thereof, as lies within the boundaries of sixty acres, taken off the east side of said South West quarter, which he is not and was

not in possession of at the commencement of this suit.

Defendant further states, that the following deeds, under which plaintiff claims title to and the right of possession of the premises, in his petition described, to wit: a deed from Ralph Dredley and Ann, his wife, to their daughter Virginia Jane Hollensbeck, wife of Able D. Hollensbeck, dated June 7th 1852, and recorded in the Recorder's Office of said County, in Book L. page 107; a deed from Jeannette Hollensbeck and Sarah Christine Hollensbeck to Plaintiff, dated March 25th 1874, and recorded in the same Office in Book N. 8. page 267; and a deed from Able D. Hollensbeck to Plaintiff, dated March 25th 1874, and recorded in the same Office, in Book N. 8. page 268. — contain a clerical error in the description of the land, which the respective grantors in said deeds intended to convey thereby, and which the respective grantees in said deeds intended to take thereunder, in this: the 60. acres, described in said deeds, are to be taken off the East side of said South West quarter, and not off the North side thereof; that said clerical error is a consequence of mere accident and mistake, in writing said deeds; that, accompanying the delivery of said deeds, the respective

grantees therein actually and corporately did carry and deliver under said deeds to the respective grantees therein, 60 acres, to be taken off the east side of said South West quarter, and that the respective grantees in said deeds did at the time of the delivery thereof to them, receive, take possession of and have and hold under said deeds said 60 acres of land, to be taken off the East side of said South West quarter.

Defendant further states, that he, and those persons, under whom he claims title to the premises, described in plaintiff's petition, except so much thereof, as he does not claim and is not in possession of, as above stated, have for at least ten years next prior to the commencement of this suit, had and held, actual, continuous, ^{exclusive} open and notorious possession of said premises in dispute, adversely to the plaintiff and all those under whom he claims title to said premises, and with an assertion of title and ownership thereof, and defendant states, that the plaintiff, his ancestors, predecessors, grantors, and other persons, under whom plaintiff claims title to the land in dispute, were not seized or possessed of the premises in question within ten years before the commencement of this action.

Defendant therefore says, that plaintiff is

In the Circuit Court
of Jefferson Co. Mo.

Jacob Bohn,
Plaintiff,

against

Adolph Weber,
Defendant.

~

Filed Dec. 9 1874
W. S. Boyce
Clerk

not entitled to and ought not to have the judg-
ment he asks, and defendant asks judgment for
costs of suit.

Henry F. Ahlers,
Atty. for defendant.

SUBPOENA--CIRCUIT COURT.

STATE OF MISSOURI,

County of Jefferson

ss.

THE STATE OF MISSOURI.

To

A. J. Baret
And Miller Jacob Rohu Jr &

YOU ARE HEREBY COMMANDED, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Willsboro of the 13th day of January A. D. 1875, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said court, wherein

and Jacob Rohu Jr Plaintiff,
Adolph Weber is Defendant,
 on the part of said Plff.; and this you shall in nowise omit
 And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and seal of our said Court. Done at office
 in Willsboro, in the County aforesaid, on this 4th
 day of January A. D. 1875.

By C. Ho Stone Clerk.
 D. C.

SUBPOENA

No. [REDACTED]

Circuit Court.

Term, 1875.

January
Bohler

vs
Weber

Subpæna.

Exect.

Plffs. }
Defts. } WITNESSES.

Day of Trial

Fritz Miller
Jacob Bohler Jr.
I S Baker

Sheriff per 150

Fee, \$

RETURN.

I HEREBY CERTIFY, that I served the within Writ in the County of *Jeff*
the *8th* day of *January* 1875, by reaching the same to
Fritz Miller *Master Deacons*
Convent of Mount
Shenandoah *Jeff Co Mo*

SUBPOENA--CIRCUIT COURT.

STATE OF MISSOURI,

County of *Jefferson*

ss.

THE STATE OF MISSOURI.

To

John Killebrew & John Storce

James Killebrew

YOU ARE HEREBY COMMANDED, That, setting aside all manner of excuse and delay, you be and appear in proper person before the Judge of our Circuit Court, at the Court House, in the Town of *Killsbarno* within and for said County, on the *15th* day of *January* A. D. 1873, then and there to testify and the truth to speak, in a certain matter of controversy now pending in our said court, wherein

Jacob Bohm is

Plaintiff,

and *Adolph Weber is*

Defendant,

on the part of said ; and this you shall in nowise omit. And the person or officer serving this Writ is commanded to have the same at the time and place aforesaid, certifying thereon his return.

Witness my hand and seal of our said Court. Done at office in *Killsbarno*, in the County aforesaid, on this *29th* day of *December* A. D. 1874.

By

*W. H. Boyce**Clerk*

D. C.

SUBPOENA

No. 

Jefferson Circuit Court.
January Term, 1875.
Bohu

Subpoena.

Weber

~~Def'ts.~~ } WITNESSES.

Day of Trial *Jan'y 15 1875.*

John Tillotson

John Stouck Sured

~~John Stouck Sured~~ DEC 30th 1874

Samuel H. Holman Beck

RETURN.

I HEREBY CERTIFY, that I served the within Writ in the County of *Jefferson*
the *30* day of *December* 1875 by *returning the same*
to *John Stouck Sured* & *Samuel H. Holman Beck*
on the *30* day of *January* 1875.
By *Wm. F. Block* the Clerk

Fee, \$ *1.00*

Jacob Bohn, Plaintiff } In the circuit
vs. } court of Jefferson
Adolf Weber Defendant } county - Mo. May
term 1875:

Plaintiff for replication
to new matter set up in defendant's
answer. Denies that defendant is
in lawful possession of said premises
on any part thereof whatever, denies
that a clerical error exists in the
deed from Jennie Hollmbeck and
Sora Christina Hollmbeck to Plaintiff
dated March 25th 1874, and the deed
from Abbe S. Hollmbeck to Plaintiff dated
March 25th 1874. Denies that said
grantor attempted to convey 60 acres
off the east side of the South west
quarter, as alleged in ~~Plaintiff's~~ ^{Defendant's}
answer. Denies that said grantor
ever took into possession 60 off the east
side of said South west quarter or
ever in any manner pretended to own
or possess sixty acres as set up in
defendant's answer.

Plaintiff further replying to defendant's
answer, denies, that defendant ~~has~~ ^{or those} held
or those under whom he claims have held
open and notorious possession for ten

years, and further replying says that
said Jennette Hollenbeck and Sarah
Christina Hollenbeck grantors to plaintiff,
are heirs of the body of Virginia Hollenbeck
long since dead leaving them as her said
heirs at law and to whom descended the
premises in controversy in common, and
that said Jennette and Sarah Christina
Hollenbeck were then minors of under
years, ~~who~~ and did not gain their
respective majorities until - - -
and that since gaining their majorities
as aforesaid they sold conveyed and
transferred said premises in controversy
to plaintiff. wherefore plaintiff asks
judgment for said possession of said
premises with damages ~~amounting~~ rents and
costs of this suit

Sam Byrnes,
att'y. for Plaintiff

Bohn

Webster

Replication

Filed May 12th 1878
C. Thos. Horne
Clerk

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Herman Engelhardt, Isaac & Parker Jacob Bohrer,

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 12th day of May, 1875, 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 Jacob Bohrer is Plaintiff, and Adolph Weher is Defendant, on the part of Reff, ; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 22nd day of April A. D., 1875.

C. Tho' Horine, CLERK.

Rec'd this
writ by receiver
the same for
Bohn and Herman
Engelhardt on
May 22 May
1875 Met Livery
Car

May 18/5

Bohn
" "
Weber

P
Herman Engelhardt
Isaac S. Baker and
Jacob Bohn Jr.

Sheriff fee 1.50

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To *John Sullivan, John Stans, & Francis Baldwin*

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 *12th* day of *May*, 187*5*, 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 *Jacob Bohn* is *Plaintiff*, and *Adolph Weber* is *Defendant*, on the part of *Defendant*; and herein you are in no wise to fail.

Witness, C. THO' HORINE, Clerk of our said Court, with the seal thereof hereto affixed, at office, this *27th* day of *April*, A. D., 187*5*.

C. Tho' Horine, CLERK.

Exhibit this was
by reading the
Journals of John
Stouss and Francis
Bouldin on the
7 day of May 1875.
Most Sincerely

May 1 1875

Bohr
re
Weber

D.
John Tillison
John Stouss
Francis Baldwin

Sheriff fee 150

Bohn {
Weber }

Boyce, files ¹⁰ copy ⁴⁰ cost ⁵⁰ mit copy ¹⁰⁰ // 2.10

Lock ¹⁰ leave to ans (cont ²⁰) ⁷⁵ .60 // 2.70

Norine Clerk

July 18/5.

Cont. ²⁰ Rep. ²⁰ 4 sps ^{1.00} files ³⁰ // 1.75

May 1

Sub ³⁰ Indgt. ⁵⁰ Lock ¹⁰ 3 B ¹⁰ 1.05

4 affds ⁶⁰ making costs, ⁵⁰ 1.10 // 3.90

Mass Shff. writ ^{1.00} calls ³⁰ (11 sps ^{5.50}) 6.30

Isaac S Baker, 2 days 34 m // 4.72

Ad Hollensbeck 2 " 50 " 9.50 out. Co.

Bro Tillison 2 " 30 " 4.40

Bro Stouse 2 " 32 " 4.56

// 20.18

Appeal Case Boyce files 35 //

35

Norine.

Indgt. ⁵⁰ certified copy ⁷⁵ Lock jurg ¹⁰ 1 sp ²⁰ // 1.60

MB Moss spw

270

3.05

.50
33.93
1.60
35.53