

Jefferson County Circuit Court
Case Files - Civil
May 1875, No. 39

Achter, Henry D.

vs

Foster, James F.

Ejectment

127 acres in U.S. Survey
932 T41 R5E; \$50 damages

Box

34

Folder 22

Henry D. Achter, Plaintiff } In the Circuit
Against } Court of Jefferson
James H. Foster, - Defendant } County, Missouri
May Term 1875

The Plaintiff states that, on the first day of January 1875, he was entitled to the possession of the following described premises, situate in Jefferson County in the State of Missouri, to wit, a Tract of Land of one hundred and twenty seven acres and $\frac{52}{100}$ of an acre, being part of United States Survey No. Nine hundred and thirty two, in Township No. Forty one, North, of Range No. Five East, and being the same Land conveyed by Louis J. Herrington to Caroline B. Herrington by deed dated the 5th day of March 1862, and recorded in the Recorder's Office of Jefferson County Missouri in Book "S," page 14, and which Land is more particularly described in the deed and plat attached thereto, of Elias B. Herrington and wife to said Louis J. Herrington dated the 11th day of April 1860, and recorded in the recorder's office of said County in Book "R," pages 506, and 507. And being so entitled to the possession thereof, that the Defendant afterwards, on the second day of January 1875, unlawfully entered into a part of said premises, situate in the North East Corner thereof, con-

claiming two acres, and unlawfully withholds from the Plaintiff the possession thereof, to his damage in the sum of fifty dollars, - He further avers that the monthly value of the rents and profits of said part of such premises is five dollars. Wherefore Plaintiff demands Judgment for the recovery of the said portion and part of said premises, and fifty dollars damages for the unlawfully withholding of the same from the Plaintiff, and five dollars per month for the monthly rents and profits of the same from the rendition of Judgment until the possession of the said part of said premises is delivered to Plaintiff, and for other proper relief.

Abner Green

Attorney for the Plaintiff

In Jefferson Circuit Court
May Term 1878

Henry D. Achter
vs.
James F. Foster

Petition in Exoneration

Let Summons issue
A Green
for Poff.

Filed April 21st 1878
C. P. Ho. Norine
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

James D Foster

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

Henry D Achter

upon

his

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

The Hon
Witness, *W. S. WYCK*, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *21st*
day of *April* A. D. 18*73*.

W. S. Wyck Clerk Circuit Court.
By _____ Deputy.

39 3839

RETURN ABLE

TO

JEFFERSON CIRCUIT COURT.

May

TERM, 1870:

Adm. J. Adler

20

James D. Frazer

The Clerk will
deliver this case
Aug 23rd 1895
Original

Edw. J. Schuler

Swift Ave 7100

I executed this writ at the County of
Jefferson in the State of Missouri the 21st
day of April A.D. 1875- By delivering to the within
named Jas. A. Foster a true copy of the within writ
and Petition as furnished me by the clerk of
the circuit court of Jefferson County
Missouri.

R.B. Map Shop
By Mrs. M. W. Moore Sept

Henry D Achter Plaintiff } In the Circuit Court of
against } Jefferson County Mo
James F. Foster Defendant } Sept Term 1875

Now at this day comes the Defendant and for answer to Plaintiffs, denies that Plaintiff was on the 1st day of January 1875 or at any other time entitled to the possession of the premises described in his petition, Defendant denies that he unlawfully entered into a part of said premises situate in the North East corner thereof, containing two acres, and ~~not~~ unlawfully withholds from the Plaintiff the possession thereof, to his damage in the sum of fifty dollars or any sum, denies that the value of the monthly rents and profits of said premises is five dollars or any sum, Defendant denies each and every material allegation in Plaintiffs petition, Defendant having ^{fully} answered asked to be discharged with his costs

John L. Thomas vs
Attys for Defendants

Henry D. Achter

against

James H. Hooster

Answer of

Defendant

Filed Aug. 14 1875-

Wm. H. Morris

CLM

Acker

us
Fisher.

Feb Bill.

Marine Clerk

Copy bet. 40 Cts 50 / with recd 1.10 2.10

files 15 / leave to us 20 / Cont. 20 / .60

~~the~~ P.B. Cashes 25 / Lis 30 / order. 20 / .90 \$3.50

P.B. Mass. Shff. w/ 100 / Cashes 20 / 1.20

4.70