

Jefferson County Circuit Court
Case Files - Civil
May 1876

Box 35 Folder 42

Fleming, Andrew J.

vs.
Koepke, Frederick

Slander

Defendant called plaintiff a
thief; \$15,000 damages

1 Andrew J. Fleming } In the Circuit
2 Plaintiff } Court of Jefferson
3 vs } County, Missouri
4 Frederick Koepke } May Term 1876
5 Defendant }

6
7 Plaintiff Andrew J. Fleming states that
8 heretofore to wit, on or about the first
9 day of November 187⁵, the defendant Fred-
10 erick Koepke did speak of and concerning
11 the plaintiff to one Frank Stark, the
12 following false and slanderous words, to
13 wit, "Why are you helping that damned thief"
14 meaning by the words "damned thief",
15 the plaintiff.

16 And plaintiff also states that the
17 defendant, on or about the tenth day of
18 November 187⁵, did speak of and
19 concerning the plaintiff to one Batise
20 Loham, the following false and slanderous
21 words, to wit, "Fleming is a thief". &
22 By means of which slander, plaintiff
23 states that he is damaged in the
24 sum of Fifteen Thousand Dollars
25 for which he asks judgment.

26 Andrew J. Fleming
27 Plaintiff, By his Attorney
28 Edw Branch Cowan
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A. J. Fleming

vs
Frank Koepke

Petition - suit for
damages for slander

Filed April 19th 1876.

C. J. McNamee

Clerk

#3 paid

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 *Frederick Korpke*

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

Andrew J. Fleming

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

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *19th* day of *April*, A. D., 1876.

C. Tho. Horine, Clerk Circuit Court.

I Executed the within writ at the County
of Jefferson State of Mo by Delivering
a true copy of the writ and Petition to
the within named Defendant Frederick
Koeper on the 21 day of April 1876
^{as per motion made by the clerk}

J B Mop Staff

604246

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1876

Andrew Fleming

vs
Frederick Koeper

Original

518, 524, 533, 554, 557, 581, 626

Sheet for 100

A. J. Fleming Plff

vs
Frederick Koepke Dft

In the Circuit Court
Jefferson County Mo.
May Term 1876

Now comes the defendant and
demurs to the petition of the plaintiff
filed in this cause on the following
grounds of objection

Because the petition does not state
facts sufficient to constitute a
cause of action in this that
the words alleged to be spoken of
and concerning the plaintiff
are not actionable in themselves

F. Koepke

By P. P. Phipps Esq. Atty.

Jefferson County
In suit record
May Term 1876

A. J. Fleming
vs

F. Koepke

— — —

Answer to

Petition

Filed May 9th 1876
G. W. Hornecl
by G. W. Maradewski

Heming
^{vs}
Kousska & Wife

Now Comm the Defts
and move the Court to rule
the plaintiff to give security
for Costs because the said
plaintiff is unable to pay
Costs & has no property subject
to execution for Costs.

D. P. P. Kin
Defts Atty

Heming
w

Kapaka wife

Protno for-eul
to secure cost

Filed May 10 1876

C. Ho. Stone

OK

A. J. Fleming In the Circuit
vs Court, Jefferson-
Frederick Dapkin County Mo.

Now comes the defendant and
for answer to the petition of the
plaintiff denies that on the
first day of November 1876 the
defendant spoke the false and
slandorous words of and con-
cerning the plaintiff as in the
said petition alleged.

And defendant further denying
the allegations in the second
count of said petition denies
that at the time alleged or at
any other time he spoke the
words of and concerning
~~the~~ plaintiff as charged
in said second count.

Defendant states that said plaintiff
has sustained no damage by reason
of any alleged speaking of said
slandorous words, and having
fully answered asks to be
discharged with costs.

P. P. P.
for Def.

A. J. Fleming

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Fredrick Boylke

Answered Deft

Filed May 15th 1876
L. J. Ho, Horineck
by L. Marsden Deft.

Andrew J. Fleming
Plff
vs
Frederick Koepke
}

Now comes the Plaintiff and moves the court to set aside the order or rule of court made in this case ordering plaintiff to give security for costs for the reason:

That plaintiff is fully able to pay the costs thereof, and that the order of the court was made under a misapprehension of the facts, and in the absence of any direct testimony bearing upon the matter, and plaintiff asks the privilege of showing the facts to the court.

Edw Branch Cowan
atty for Plff

Fleming
vs
Rockhe
motion to set
aside order
awarding Relf to
security for costs

Filed May 15th 1876
D. Ma. Horine clk
by G. Marsden Deft.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Justice Shram, Jas. M. Wilcox
Frank Stark, George Lovell, Michael Dooley

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 20 day of September, 1876, 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 Andrew J. Flannery is Plaintiff, and Geo. H. Hoeft is Defendant, on the part of Plff.; 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 28 day of August A. D., 1876.

C. Th. Horine, CLERK.

Fleming

^{to}
Koeperke

P.

Battise Grant

Jas St. Wilcox

Frank Stark

M. Dowley

Geo Lovel

T B Moss

Sheriff fees \$2.50
Filed Sept. 11th 1874

C. Mottorin clk

by C. Marsden Deft.

I received the within Subpoena at Jefferson County Missouri
on the 8th day of September 1874 on Battise Grant Jas St Wilcox
Frank Stark M Dowley George Lovel by reading the same
to each of them in their presence and hearing
J B Moss Sheriff

Andrew J. Fleming }
and } In the Circuit
Frederick Koepke } Court of
Jefferson County
Missouri

The defendant, Frederick Koepke says he has no knowledge of ever having called Capt. A. J. Fleming by any slanderous words, and that if he ever did so call Captain Fleming by any such slanderous word as "thief", he now retracts the same and regrets having spoken the same, and now states that he has never desired or intended to impute to Captain Fleming any dishonesty or dishonest acts; and that if he, said Koepke, ever made use of any ^{slanderous} words regarding Captain Fleming, he does ^{not} recollect anything about it now and takes back any and all such words and expressions; and the wife of said Frederick Koepke also says that she takes back any slanderous words or expressions she may have spoken of Captain Fleming, and regrets the same, if she ever spoke any such words, of which she says that she now also has no recollection

1 and that she never intended
2 to impute to Capt Fleming any
3 dishonest acts whatever.

4 F. Koepke

5 Maria Koepke

Fleming

vs

Hopke

Statement of

Hopke & wife

Filed Sept 19 1876

@ Tho. Horner

Clerk