

Jefferson County Circuit Court

Case files - Civil

May 1876, NO. 59

Fleming, Andrew J,

vs

Koepke, Frederick

Koepke, Catharine

Slander

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

Box

35

Folder 59

1 Andrew J. Fleming
2 Plaintiff
3 vs
4 Frederick Koepke
5 and his wife
6 Catharine Koepke
7 Defendants
8 } In the Circuit
9 Court of Jefferson
10 County, Missouri
11 }
12 } May Term 1876
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8 Plaintiff Andrew J. Fleming states
9 that defendants Frederick Koepke and
10 Catharine Koepke are husband and
11 wife; and that heretofore, on or about
12 the ninth day of March 1876, the
13 defendant, Catharine Koepke, wife of
14 defendant Frederick Koepke, did speak
15 of and concerning plaintiff to one
16 William Peters and to one George
17 Cole the following false and slanderous
18 words to wit, "He is a thief", meaning
19 by the words "He" and "thief", the
20 plaintiff, by which slander plaintiff
21 states he is damaged in the sum
22 of Fifteen Thousand Dollars, for
23 which he asks judgment.
24

25 Andrew J. Fleming
26 Plaintiff, by his attorney
27 Carl French Corvan
28
29
30
31
32

A. J. Fleming
as
Frank Kuehke
Katharine Kuehke

Petition - suit for
damages for slander

Filed April 19th 1876
O. W. H. H. H.
Clerk.

13 paid

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

*I do command you, that you summon Frederick Koepke
and his wife Catherine Koepke*

*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 af-
fixed, at office in Hillsboro, this 19th day
of April, A. D., 1876.

C. Tho. Horine, Clerk Circuit Court.

I Execute the within Writ at the County
of Jefferson State of Mo. by Delivering a
true copy of the Writ and Petition to
Frederick Koepke on the 21 day of April
1876 and on the other as a.bove by
Delivering a copy

J. B. Map Staff

594240

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1876

Andrew Fleming

vs

Frederick Koepke
and his wife Catharine Koepke

original

763
3.75
1130

Staff for 200

Andrew J. Fleming Plaintiff

vs

Andrick Koepke and his wife
Catharine Koepke Defendants

In the Circuit Court of
Lefferson County Missouri

Now come the defendant
Andrick Koepke and answers to
the petition of the plaintiff in this
cause and for grounds of demurrer
assigns the following objections.

1. Because the ^{petition} does not ~~contain~~ ^{state}
facts sufficient to constitute
a cause of action in this that
the alleged defamatory words are
not actionable in themselves.

And. Koepke
By his attorney
P. P. Kirk

Jefferson Circuit
Court May Term 1876

A. L. Fleming
vs

F. Koepke & wife

—
Plumman
—

Filed May 9th 1876
L. Ho. Hornbeck.
L. Marsden Deft.

A. J. Fleming

^{on}
F. Koepka



Now comes the
Defendant and moves the Court
to rule the plaintiff to security
for costs because said
plaintiff is insolvent and
unable to pay costs

P. P. P. P.
Depts. Atty.

Fleming
17
Ruefaka

motion to rule
plaintiffs to give
security for
costs.

Filed May 10 1876
L. Ho. (Horne)
Clerk

Andrew J. Fleming vs. In the Circuit
Court Jefferson
Frederick Koepke County Mo
and Catharine Koepke May Term 1876

Now come the defendants, and
for answer to the petition of the plaintiff
deny that the wife of said Frederick
whose name is not Catharine
on or about the ninth day of March
1876 or at any other time spoke
of and concerning the plaintiff
the alleged slanderous words,
to wit "he is a thief".

Defendants deny that said
plaintiff has sustained the damages
claimed, ~~claimed~~ or any
damages or damages in consequence
of any false or slanderous word
spoken of him by the wife of
said Frederick, for defendants
aver that no such words
were used as alleged
J. P. Phipps
deft atty.

A. J. Fleming

vs

Jos. Buchner

Leopold

Depts answer

Filed May 15th 1876
G. W. Hornick
by G. Marsden Depts.

Andrew J. Fleming
Plff
vs
Frederick Koepke
& his wife
Catharine Koepke

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

That plaintiff is fully able
to pay the costs thereof, and that
the order ~~was made~~ 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
wishes the privilege of showing the
facts to the court

Edw Branch Cowan
Atty for Plff.

Fleming
vs
Kochke & wife
Motion to set aside
order - ruling ~~with~~
to security for costs.

Filed May 15th 1896
S. J. Horine clerk
by C. Marsden Deft.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON.

To Mr. *James T. Lee* & *George Cole*, *Attorneys*
Holmes,

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 *24* 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. Starnes* is Plaintiff, and *Kaepler and Kaepfer* are 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 hereunto affixed, at office, this *28* day of *August* A. D., 1876
C. Tho' Horine, CLERK.

Henning
20
Koeffe & Koeffe

P.

Wm Peters
George Cook

T B Moss Sheriff fees \$1.00
Filed Sept. 11th 1876
C. M. Horine, CLK
by C. Masden, Sept.

I served the within subpoena at Jefferson County Mo on the 2nd day
September 1876 on Wm Peters and George Cook by reading
the same to each of them in their presence and hearing.
T B Moss Sheriff

Andrew J. Fleming
vs
Fredk Koepke
and Catharine Koepke
his wife

Now comes the plaintiff, Andrew J. Fleming, and for reply to the allegation in defendants answer herein that the name of the wife of said Frederick Koepke is not Catharine, states that the true name of said wife ^{is dependent} is unknown to plaintiff, and that he plaintiff has no knowledge or information as to her true first name, sufficient to form a belief in the matter as to what her true first name is.

Wherefore plaintiff having fully replied, asks judgment for his damages and costs herein

Edw Branch Cowan
atly for Plaintiff

A. J. Fleming

vs

Frank Koepke
and
his wife

Reply

J. D. T. Feb. 19 1876
C. H. D. Maine
Clerk