

Jefferson County Circuit Court
Case Files - Civil
January 1878, Vol. 26

Box 37 Folder 62

Hoelken, Mary T.

vs.

Amor, Eugene

Assault and battery

Defendant, plaintiff's stepfather,
sexually assaulted plaintiff
numerous times; \$10,000 damages;
change of venue to Washington
County

and by him called an oath or obligation,
in words and figures, as follows, viz:-

"I the undersigned, Mary Theresa
"Hocken, daughter of Edward, deceased, and
"Lisetta Hocken and adoptive daughter
"of E. Amor of Hillsboro Mo. do hereby
"promise and swear, before God Almighty
"my parents and before all that might see
"this, that I never, never in my life
"will marry nor have any illicit con-
"nection with a certain young man
"by the name of Jessy Moppen, son of
"Richard Moppen and Catherine Moppen
"(born Johnston) and furthermore do I solemn-
"ly promise and swear that I will not
"talk, dance or have any thing else to do
"with said Jessy, and that I take this
"solemn oath and obligation free and
"without any compulsion or undue in-
"fluence from any body. Furthermore do
"I swear that should I willfully or negligent-
"ly violate the above oath, that my parents
"can make use of the above instrument
"of writing for any purpose they wish,
"that I am willing to be cast out of all
"human society, that my tongue shall
"be torn out of its roots, and my body
"severed in two, and one part cast to

" to the north, and the other to the south,
" that I shall have no part in God's mercy,
" nor will I expect salvation hereafter;
" that my oath or testimony shall not
" be taken in any State Court of the
" U. S. Court, if I do not keep this and
" all of this my solemn oath and
" binding obligation so help me God
" and keep me steadfast in my solemn
" oath and obligation
" (signed) Mary Theresa Hocken"

And the Plaintiff states that, by reason
of the aforesaid wrongful acts done and
committed by the Defendant as aforesaid,
she has suffered much in body and
mind, her peace and happiness have
been wrecked and blighted, and that
she has sustained great injury and
damage, to-wit - in the sum of Ten
Thousand Dollars, for which, with her
proper costs, she asks judgment against
said Defendant. -

And the Plaintiff, Mary T. Hocken,
for another and a different cause of
action against said Defendant Eugene
Amor, states and avers that, in about the

month of November, A.D. 1875, the said Defendant, her father by marriage, and then being her legal Guardian and protector, was bringing Plaintiff from her Aunt's residence, in Morrow, Ohio, to Defendant's home, when Plaintiff had up to that time always lived and resided in Hillsboro, Missouri; that she, in the company and under the protection of said Defendant, was travelling in the cars; that part of the said journey was made in the night, and that the Defendant, when night came on, procured a berth or bed in the sleeping car, attached to the train, for the Plaintiff to occupy; that she did occupy such bed, and that in the night, about 12 o'clock, the Defendant came to the berth where she was sleeping, laid violent hands upon her and attempted to have carnal intercourse with her by force; that she resisted him with all her power and succeeded in repelling his assault; but that, in consequence of such assault and of her struggles with the Defendant, her would-be ravisher, she sustained serious and permanent nervous prostration and injuries and suffered greatly in body and mind.

Wherefore Plaintiff charges, that, by reason of the wrongful act and deed of Defendant so committed by him as aforesaid, she has sustained great injury and damages, viz: in the sum of Ten Thousand Dollars, for which, with her costs, she prays judgment against Defendant.

The Plaintiff further states, as another and a different cause of action against said Defendant, that her father died when she was a small child, and that her mother soon afterward became the wife of Defendant Eugene Amor; that, ever since such marriage, said Defendant has been the head of the family, and that Plaintiff always looked upon and regarded Defendant as her father and the natural guardian and protector of her interests; but, Plaintiff states that the Defendant has, from her earliest approach to womanhood, tried to seduce her, and has continuously, sedulously and systematically, from the time she, the Plaintiff, was fourteen or fifteen years old, tries, by threats, bribes, persuasions and violence, to induce and compel

X her to submit to carnal intercourse with him; that Plaintiff did not disclose the fact of his unholy purposes to her mother or friends through fear of Defendant, as he had threatened to commit great violence and harm to her if she made known to her mother his conduct; that Defendant never abandoned his designs and purposes, upon the Plaintiff's refusing to comply with his requests and submit to his will, but renewed and persisted in his attempts to ruin her, and frequently endeavored to decoy and entice the Plaintiff to go alone with him to St. Louis away from her mother and brothers; that defendant attempted to compel her by force and violence to permit him to satiate his unhallowed and unnatural lusts upon her; that, in March, 1876, while the Defendant's only son, an infant, was lying dead in his house, he endeavored by threats to compel Plaintiff to submit to his will and elope with and live in adultery with him, threatening, if she refused, to ruin and break up his family, her brothers and sisters, and to raze his

house to the ground, not leaving one
x stone upon another; that the Defendant
thus so besieged and persecuted her with
solicitations, threats and violence to
accomplish her seduction and ruin
that she has, in fear for her safety, if she
remained an inmate of his and her
mother's family, fled to the protection
of an Aunt, her father's sister, residing
in Ohio; that, in thus fleeing from De-
fendant she has had to abandon the
society of her mother, brother and sisters
and friends, and quit the place of
her birth and the scenes of her childhood
and that, in consequence of Defendant's
wrongful treatment of her, she has been
permanently broken down and injured
in health and has suffered great
distress and agony of mind.

Wherefore she claims that, by reason of all
such wrongful acts done by the Defendant, as
aforesaid, she has been damaged in the
sum of Ten Thousand Dollars; and, therefore,
she prays judgment against said De-
fendant for the sum of Ten Thousand
Dollars and her proper costs

J. D. Wallace
with Cyrus & M. Mullin
Atty. for Plff. -

Mary T. Hocken, Pff.

vs.

Eugene Auer, Def.

Action for Criminal
Assault & Battery and
"on the case" for damages

Wallace and

Byrnes & McMullen

for the Plaintiff.

Filed Dec. 19 1877,

L. H. Henshaw

Clerk

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

The State of Missouri,

TO THE SHERIFF OF ^{the} COUNTY OF JEFFERSON---GREETING:

We command that you summon *Eugene Anor*

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 of *January* next, then and there to answer unto *Mary P. Hooker*

upon *her* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then and 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 *December* A. D., 1877.

C. Tho' Horine, CLERK CIRCUIT COURT.

45626

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

January Term, 1878.

Mary T. Weston

vs

Eugene Amos

Sherriff fee 1.00

Amended

original

Entered Dec 19

Executed the within writ, at the county of Jefferson State of Missouri, on the 19th day of December 1877 by delivering to the within named defendant Eugene Amos, a copy of the writ, and
petition,

John Williams
Sherriff Jefferson County
Missouri

Mary Hocken Plaintiff } In The Circuit
against } Court of Jefferson
Eugene Amor Defendant } County Mo.
Sept Jan'y Term 1878

Now at this day comes the Defendant and moves the Court to dismiss the above cause, because the Plaintiff is a Non resident of the state of Missouri and she failed to file bond for costs with said suit as required by law

J. J. Williams
 J. J. Williams with
 John L. Thomas
 atty for def.

Mary Hooker

Japanese

Engine Amos,

Notice to examine
for failing to file
bond for costs

Filed Jan'y 15 1878
Chas. Adams

Clerk

Mary J. Hocken (For assaunt,
vs Plaintiff for the care for
Eugene Amor Defk. damages)

Now at this day comes
The plaintiff Mary J. Hocken
by her attorneys and states
to the Court that she has
no means or property or money with
which she can pay the costs of said
suit. That she is unable to pay the
costs of such suit, and prays that she
may by the Court be permitted to prosecute
her said action as a poor person; under
the statute in such cases made and provided

By me & Mennellin
and J. D. Ballou
attys for plaintiff

Mary T. Macken Off
to
Cancer Dept

For assault & damage
in the care

Application to prosecute
suit as a poor person

Filed Jan 14th 1878
@ Tho. Stinson
Clerk

Mary Hockew Pliff } For Damages
 as } In Jeff. Cir. Court
 Eugene Amor Deft }

We the undersigned resident householders
 of Jefferson County Missouri obligate our
 selves to pay all costs that have accrued or
 that may accrue in the above entitled
 cause

July 15th 1878

A. H. H. H. H.

Wm. H. H. H.

Geo. L. H. H.

J. Ed. Walker

V. H. H. H.

Thos. J. H. H.

C. H. H. H.

D. L. H. H.

C. H. H. H.

Sam. H. H.

Thos. H. H.

Wm. H. H.

W. H. H.

V. H. H.

J. H. H.

Chas. H. H.

Mary Wooten

is

Eugene Smart

And for each

Feb. 16th 1878
Chas. W. Moore
Clerk

Mary J. Koecker Plaintiff

^{vs}
Eugene Minor Defendant

In the Jefferson Circuit
Court.

Now at this day comes
said Defendant to for answer
to the petition of the Plaintiff
states that he denies each
and every allegation therein
contained.

John L. Minor & Bro
With Pipkin Williams
Attys for Defendant

Mary J. Hoecker

27

Eugene S. Hoecker

Answer

Filed Mar. 11th 1878

to Mrs. Hoecker
cc: 200

Jos. J. Williams,

ATTORNEY AT LAW.

Hillsboro, Mo., _____, 18

Mary J. Hoeken }

vs }

Eugene Amor }

In the Circuit Court
of Jefferson County Mo

To Mary J. Hoeken or
Byrne & McMullin her
attorneys You are notified
that I intend to apply to the
Circuit Judge of the Circuit
Court of the 26th Judicial
Circuit of Missouri ^{at the Court Room of} at Trouton
Iron County Missouri on the
3rd day of May 1878 for an
order changing the Venue in
two cases of yourself against
me now pending in the
Circuit Court of Jefferson

County Missouri
for reasons in my
petition then & there
to be presented to said
Judge to be stated

Eugene Amor
By Pipkin &
Thomas & Bro &
Williams attorneys

we acknowledge notice of
the foregoing notice and
waive the service thereof
on us or the plaintiff this
30th day of April 1878

Byrnes & McMullin
attys for Mary T. Hoekew

FILED

MAY
6
1878

L. H. Hume
CLERK.

Mary J. Hecker Plaintiff

^{vs}
Eugene Amor Defendant

In the Jefferson Circuit
Court.

To the Honorable Louis J. Durbin
Judge of the 26th Judicial
Circuit of Missouri-

Your petitioner Eugene
Amor, states that he is the defend-
ant in the above entitled cause
and that he has good reason to
believe and does believe that
the inhabitants of Jefferson County
Missouri are so prejudiced against
him that he cannot have a
fair and impartial trial of
the said cause in said County.
He further states that the
knowledge of such prejudice
on the part of the inhabitants of
said County first came to defend-
ant since the adjournment
of the last ^{regular} term of this Court.

Wherefore your petitioner prays
your Honor to ~~grant him~~ make
an order granting him a
change of venue in the above

entirely come to some other County
in this Circuit where such jury
service does not exist.

Eugene Amor
By Pipkin, Millionist
Thomas & Bro
attys

State of Missouri }
County of Jefferson } ss.

On this 2nd day
of May 1878 personally came
before me a Notary Public
in & for said County Eugene
Amor who being duly sworn on
his oath states that the above re-
petition & the matters therein
stated are true to his best
knowledge & belief and he
further states on oath that
he has just reason to believe
and does believe that the in-
habitants of Jefferson County
are so prejudiced against
him that he cannot have
a fair & impartial trial of said

cause mentioned in said petition in
said County of Jefferson and
that a knowledge of such prej-
udice first came to him since
the adjournment of the last
^{regular} term of this Court.

Subscribed and sworn to
before me this 2^d day
of May 1878, I was
qualified Jan'y 8th 1875
my term of office expires
Jan'y 4th 1878.

E. Amory

W. H. H. Thomas
Notary Public

Mary T. Hackett
v

Eugene Minor

Petition for
Change of Venue

FILED

MAY
6
1878

L. H. M. M. M.
CLERK

186 182
8 8
1740

Mary J. Harker Plaintiff
vs
Eugene Huor, Defendant }

Now on this 3rd day of May 1878
the Plaintiff and Defendant in
the above entitled Cause by their
respective attorneys appear before
me the Judge of the 20th Judicial
Circuit of Missouri at the
Court room in Fronts Iron
County Missouri and defendant
presents his petition verified by
affidavit as the law requires praying
an order to change the venue in
the said Cause upon the ground
that the inhabitants of Jefferson
County in which said Cause is
now pending are so prejudiced
against him that he cannot
have a fair and impartial trial
of said Cause in said County of
Jefferson which petition being
seen and fully understood by
me, it is ordered that the prayer
thereof be granted and that the
venue of said Cause be changed

to the County of Nottingham in the
✓ State of Missouri when said prejudice
does not exist and it is further
ordered that the Clerk of the Circuit
County of Jefferson County make
and send certified to the Clerk
of the Circuit Court of Nottingham
County a true complete & full
manuscript of the record and
proceeding in said cause and
accompany by the original papers
on file therein not forming a part of the record
done at the Court room in
Nottingham County Missouri
on the 3rd day of May 1878 in
Vacating Court. Witness my
hand this 3rd day of May 1878

Foris F. Dinning
Judge 26th Judicial
Circuit Mo

Mary's Mother

E. Turner

Order for

Chicago, Ill.

Revenue

Filed May 6th 1878
C. H. H. H. H.
Clerk

Damages

Mary J. Hoken } In the Circuit Court
 vs }
 Eugene Amor, } Jefferson County Mo.
 Bill of Costs

Wm. Horine clerk Circuit Court
 7 files @ 5³⁵ / copy pet. 1²⁵ / cert. & seal 50 / \$ 7.10
 Summons copy 1¹⁰ / motion to dismiss 20 / 1.30
 Ent. & filing appl. to sue as poor person .70
 Rule in " " " " " " .70
 Bnd. 50 / rule in motion to dismiss 20 / .70
 Leave to an. 20 / cont. 25 / fee bill 10 / .55
 Making Trans. 3045 words & fig. @ 15¢ pr 100 4.56
 Cert. & Seal To Trans. .50
 Making fee bill 2000 words and fig @ 20¢ .40
 Postage .52

\$ 11.03

John Wilkams Sheriff 1 Ann. 1.00
 Total \$ 12.03

1103
 538
 5.45

456
 140
 5.96
 506

EXCELSIOR

JUN
3
1878

L. H. M. M. M.
CLERK.