

Jefferson County Circuit Court
Case Files - Civil
November 1853, No. 8

Box 7 Folder 60

Slope, John
Slope, Samuel

vs.

Wilson, James A.

Ejectment

172 acres in 528,3374123E;
\$100 damages

John Stone & Samuel Stone *plffs* } In the Jefferson
 against } Circuit Court
 James A. Wilson *def.* } Nov Term 1853

plaintiffs state that they are the legal owners in fee, of a certain tract or tracts of Land Situate in the County of Jefferson and described as follows, North East quarter of Section thirty three (33) Township forty one (41) Range No 3 East, Containing $135 \frac{1}{2}$ of an acre, North fractional half of South East quarter of Section Twenty eight (28) Township forty one (41) Range No 3 East containing $17 \frac{33}{100}$ of an acre, and the East half of the North west quarter ^{of the NW quarter} of Section thirty three (33) Township forty one (41) Range No 3 East, containing twenty acres, the three above described tracts or pieces of Land composing one farm,

that as such owners they were on the first day of April 1853, entitled to the possession of said Land and are still so entitled, and that the said defend James A. Wilson, on the said first day of April or before that time, entered upon the aforesaid Land and premises, and unlawfully detains and holds the possession thereof from plaintiffs, plaintiffs ~~also~~ say that the yearly value of said premises is one hundred dollars, and the monthly value thereof is eight dollars, plaintiffs claim title by virtue of a deed executed by John Stone dec^d Baring date 24th Sept 1848 which is herewith filed and prayed to be taken as part of this petition

plaintiffs ask judgment for the possession
of said Lands and damages for the
detention thereof. D. C. Perryman
attor for plffs

John Stone being duly sworn makes oath and
that the foregoing petition and matters therein as
stated he believes to be true

Sworn to and Subscribed before John T. Stone
this 8 day of September 1853

Theophilus Beyer
Justice of the Peace

prospect Lane
apt
pt of William

Filed Sept. 13th 1853
H. B. McPherson
att
for Attorney at Law

Bill passed
June 27th 1853

2 copy pick
1 m. m. m.
1 copy 1853
2 copy 1853

John Stone & Plffs
 Samuel Stone
 Against
 James A. Wilson, def. } In the Jefferson
 Circuit Court
 Nov. Term 1853

Plaintiffs States, that they are the legal owners in fee. of a certain tract or tracts of land situate in the County of Jefferson and described as follows North East quarter of Section thirty three (33) Township forty one (41) Range No 3 East; Containing $135\frac{14}{100}$ of an acre, North fractional half of South East quarter of Section Twenty Eight (28) Township forty one (41) Range No 3 East, Containing $17\frac{33}{100}$ of an acre And the East half of the North West quarter of the N. W. quarter of Section thirty three (33) Township forty-one (41) Range No 3 East containing twenty acres, the three above described tracts or pieces of land comprising one farm.

That as such owners they was on the first day of April 1853 entitled to the possession of said land and are still so entitled and that the said defendant James A Wilson on the said first day of April or before that time entered upon the aforesaid land and premises and unlawfully detains and holds the possession thereof from plaintiffs

Plaintiffs Say that the yearly value of said premises is one hundred dollars, and the monthly value thereof is Eight $\frac{6}{100}$ dollars.

Plaintiffs Claim title by virtue of a deed executed by John Stone deed, bearing date 24th day of Sept 1848. which will appear by reference to the Records in the proper office of Jefferson County—

Plaintiffs ask judgement for the possession of
Said Land and damages for the detention
thereof

W. B. Perryman
Attor for Plffs

John Stone being duly sworn makes oath and
that the foregoing petition and matters
therein as stated he believes to be true

Sworn to and subscribed
before me this 8th day of
September 1853

John^{his} Stone
marks

Theophilus Bayer.

Justice of the peace

Endorsed filed Sept. 13th 1853

Thos. C. Fletcher clk
for Ex. Money dept

A true Copy from the original petition as the
same appears on file in my office

In Testimony whereof I hereto set my
hand and affix the seal of said Court
at office Sept. 14th 1853

Thos C Fletcher
Clerk

No 8.

To the Circuit Court
Nov Term 1853.

1181

John & Samuel Stone
vs. } Summons
James & Wilson

Sherriff fees fees

\$5.00

Wm. Dyer 20th 1853
Wm. & Melcher
cc

The State of Missouri
To the Sheriff of the County of Jefferson. Greeting
We command you, that you Summon James
A. Wilson if he be found in your County, that he
be and appear before the 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 fourth
Monday of November next, then and there to
answer unto John Stone and Samuel Stone
upon their original petition, a copy whereof
is hereto annexed and have you then there
this writ

Witness Tho. C. Fletcher clerk of our
Said Circuit Court with the Seal thereof
hereto affixed at office September
17th A.D. 1853

Tho. C. Fletcher clk
for Ex. Money dept

I executed the foregoing writ at the
County of Jefferson on the 20th day
of September 1853. by delivering to the
above named defendant James A.
Wilson a true copy of the same and of
the petition hereto annexed as furnished
by the Clerk.

James McCallach Sheriff

John Stone &
 Samuel Stone ~~plffs~~ } If in court
 against } Nov 1853
 James A Wilson ~~df~~ }

Defendant says that the prayer of the plaintiffs petition ought not to be granted because he says that the plaintiffs are not the legal owners of the tracts of land in their petition mentioned nor are they or either of them entitled to the possession thereof nor were they on the first day of April 1853 nor did the said defendant on said day or on any other day or time nor does he now unlawfully hold the possession thereof from the plaintiffs.

But on the contrary ^{he} ~~they~~ entered into said the possession of said land lawfully and so holds the possession thereof by ~~virtue~~ ^{virtue} of a title derived from the administrator of John Stone Jr deceased who in his life time was the owner of said land and the evidence of his title is the administrators deed to him for said land which has been duly executed acknowledged and recorded in the recorder's office at Jefferson County.

M. F. Fell atty
 for Defendant

James A Wilson makes oath and says
that the foregoing answer and the matters
therein as stated he believes to be true
Sworn to & Subscribed
before me Nov 28 1853
Thos C Fletcher
Clerk

James A Wilson

bro & family alone
as
James & Milton

Andrew

Filed Nov 28th 1853
Thos L. Phelps
CLM