

De fensen County Circuit Court

Case Files - Civil

October 1858, #32

Baldue, Lewis

^{vs}
Pully, Vincent

Tresspass

Cut and removed timber; \$100 damages;
defendant also "Pulley", "Pooley"

Box

10

Folds 44

Louis Boland, plaintiff } In the Circuit
Against } Court of Jef-
Vincent Pulley, defendant } ferson County
Missouri.

Plaintiff states that the Defendant, on or about the first day of January 1858 and on divers days betwixt that day and the commencement of this suit, as the County of Jefferson aforesaid, unlawfully and wrongfully entered upon the following described Real estate ^{then} belonging to the Plaintiff, situate in said Jefferson County, to wit, the South East quarter of Section ^{No} twenty eight, in Township No. thirty nine, of Range No. ~~the~~ ^{four} East, containing one hundred and twenty acres, and then and there, without leave and wrongfully cut down timber of the value of forty dollars, and made the same into rails and carried them away, - also that the defendant then & there, without leave and wrongfully tore down and carried away ^{two or} three cabins then being on said land, of the value each of about twenty dollars. By which several acts and trespasses ~~of the Defendant~~ Plaintiff says he is damaged to the amount of one hundred dollars for which he asks Judgment.

The Deed for said land is hereto annexed as part of this Petition.

} Abner Green
} Attorney for Plaintiff

Louis Boland, plaintiff, makes oath
and says the above Petition and the
matter therein as stated he believes
to be true.

Sworn to and Subscribed } J. J. Volck
before me Sept. 30th 1858 }
Elias J. Honey Clerk }

In Circuit Court
of Jefferson County

Louis Boland
vs.

Vincennes Pulley

Petition,

Let summons issue
A. Green, for plaintiff.

Filed Sept. 30th 1858

Elias J. Honey

Clerk

2 copies pet 1.50
2 do. 1.00
affid. 0.25
H. & H. 1.20
each 15

Louis Bolduc, Plaintiff }
Against } In the Circuit Court
Vincent Pully, defendant } of Jefferson County
Missouri

Plaintiff States that the defendant on or about the first day of January 1858, and on divers days betwixt that day and the commencement of this suit, at the County of Jefferson aforesaid unlawfully and wrongfully entered upon the following described Real Estate, then belonging to the Plaintiff, situate in said Jefferson County, to wit. The South East quarter of Section No Twenty Eight in Township No. thirty nine of range No three East, containing, one hundred and sixty acres, and then and there without leave and wrongfully cut down timber of the value of Forty dollars, and made the same into rails and carried them away; Also that the defendant then & there without leave and wrongfully tore down and carried away, two or three Cabins, then being on said land of the value ^{Each} of about twenty dollars. By which several acts and trespasses of the defendant, plaintiff says he is damaged to the amount of One hundred dollars for which he asks Judgment. The Deed for said land is hereto annexed as part of this petition.

Abner Green Attorney for Plaintiff

Louis Bolduc plaintiff makes oath and says the above Petition, and the matters therein as stated he believes to be true

L Bolduc

Sworn to and Subscribed before me Sept 30th 1858

Elias & Honey Clerk

A true copy of the original petition and affidavit on file in my office

Witness my hand and official Seal

at office this 30th day of September 1858

Olas D. Honey Clerk



COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Vincent Pally

----- if he be
found in your County, that he do and appear before the Hon.
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 October
next, then and there to answer unto Louis Bolduc

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

Elias J. Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this First
day of October A. D. 1858

Elias J. Honey

CLERK CIRCUIT COURT.

I executed the within writ in the County of Jefferson
on the 6th day of October 1858 on Vincent Pully by
leaving ^{some} A copy of the original writ and petition as
furnished me by the clerk at his usual place of
residence with A free white person over the age of
fifteen years

Oscar Dover Sheriff of
Jefferson Co Missouri

No 232

2d Jefferson Circuit Court

October Term 1858

1559

Louis Bodlaer

vs J. Swanson and

Vincent Pully

Sheriff fee \$ 1.00

CH

Attest Oct 7th 1858

Oscar J. Hoeny clk

Louis Boland
Against
Vincent Pulley

In the circuit court.
Jefferson County Mo.

Defendant for answer to plaintiffs petition says that he did not on or about the first day of January 1858 or on divers days between that day and the commencement of the above entitled cause unlawfully and wrongfully enter upon the land in petition described and there and there without leave wrongfully cut down timber of the value forty dollars or of any value and make the same into rails and carry them away.

Defendant denies that he also there and there without leave and wrongfully tore down and carried away two or three cabins then belonging on said land of the value each of about twenty dollars or of any value whatever.

wherefore

defendant denies owing plaintiff one hundred dollars or any sum whatever on account of the alleged trespass

Peckin & Thomas

Attys for defendant.

Vincent Pulley makes oath and says that the above answer and the matters therein as stated he believes to be true.

Sworn to & subscribed

before me October 25th
1858

his
Vincent Pulley
mark

Elias J Honey, clk

L. Bolane

17

Friend Pelly

Sumner of. Sept

Sept 27th 1858
Wm. J. Honeys etc

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Joel Cape, John Strickland, Washington Wilcox
Harvey Blackwell, et al Deceit
GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you
appear before our Court for the County aforesaid, on the

11th day of June next 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 Lewis Pollock is
Plaintiff and Vincent Purley is Defendant on the
part of Plaintiff and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

11th day of May A. D. 1859
Elias F. Honey
Clerk.

I executed the within spec in the County of Jefferson
State of Missouri on the Joel Cape, John Strickland
Wash Wilkinson, Harry Blackwell, Charles Cooper
by reading the same within their presence and
hearing on the 18th day of May 1859

Asat Dover Sheriff

To Jeff. Co. Court
June Term 1859

Louis Bolduc

vs

Vincent Pulley

for Plff.

Joel Cape

John Strickland

Wash Wilkinson

Harry Blackwell

Chas Cooper

Sheriff fee \$2.50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Willis Hopson, Jackson Collins, Hannville Patton*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Jessie* Court for the County aforesaid, on the *Seventh day of June* 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 *Lowell Aldred* is Plaintiff and *Wescent Bailey* is Defendant on the part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

11th day of *May* A. D. 1859

Elias F. Honey
Clerk.

I executed the within writ at the County
of Jefferson State of Mo on Granville Patton on
the 27th day of May and on Willis Hopson & Larkin
Collins on the 18th day of May 1859 by reading it
within their presence and hearing

Oscar Dover Sheriff

To be paid to
June Term 1859

Louis Padua

as { the

Viscount Jettley

for debt

Willis Hopson

Larkin Collins

Granville Patton

Sheriff fee \$1.50

Louis Bolene

vs

Vincent Pooley 3

Lefferson circuit

Comm. June 1849.

Defendant for answer to plaintiff's amended petition says, that he did not wrongfully and without leave on or about the first day of January 1858 and on divers days between that day and the commencement of this suit at the County of Jefferson aforesaid unlawfully and wrongfully enter upon the land in petition described and there and then without leave and wrongfully cut down timber of the value of forty dollars and make the same into rails and carry them away. He further says that he did not then and there without leave and wrongfully bear down and carry away two or three cabins, there being on said land of the value of about twenty dollars each or of any value whatever.

Defendant for further answer says, that on the 12th day of February 1849. the plaintiff for a valuable consideration obligated himself in writing (which writing is filed in this Court in the Cause of Vincent Pooley against Louis Bolene and is made part of this petition) to convey to defendant the land suitable for farming on that part of section 28 Township 39 Range 4 East which was then entered by the Plaintiff, and also the improvements of the defendant then on. Defendant further says that said farming land and improvements are situated on the South East quarter of section No. 28. aforesaid.

Defendant for further answer denies that ~~the~~ so
much ^{of} said south east quarter of ^{said} section, on which
was situated the improvements and farming land
aforesaid was, at the time of the alleged trespass
or at this time the property of the plaintiff.
In consideration of the premises defendant says
that the plaintiff ought not to have and
recover of him the said sum of money
or any part thereof, & asks to be discharged
with his costs, Peckin & Thomas

V. Pullen makes oath & says that the foregoing
answer and the matters therein as stated
he believes to be true
Sworn to & subscribed before } V. X Pullen
on the 11th day of June 1889 }
Elias J. Hooley Clerk }

Levin Boston

211.

Priscilla Peck

Admission to members

Children

June 9th 1859

Wm J. Henry Clerk

Louis Bolduc }
vs. } In Circuit Court
Vincent Pulley } Jefferson County

The Plaintiff moves the Court
to strike out all that part of Defendant's
Answer, which sets up a written a-
greement ^{of Plaintiff} to convey a part of the pre-
mises to Defendant, for the following
reasons.

1st Said portion of the Answer does
not constitute any defense to the cause
of action.

2 - It is inconsistent in itself, and does
not show that Defendant had any
right or title to the premises.

} Alva Green
} Atty, for Plaintiff

In Circuit Court
Loffman County

John B. Blane

vs,

Wincent P. Miller

Defendant

To Shew out

whereas answer

Dated June 11th 1859

John B. Blane

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Joseph W. Hoagshorn

GREETING:

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

Eleventh day of June

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 *Louis Patience is*
Plaintiff and *Barceel Putter, is* Defendant on the
part of *Def* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

16th

day of

June

A. D. 1859

Elias F. Honey

Clerk.

I executed the within ~~Writ~~ in the County of
Jefferson on Joseph Magahan by reading it
~~to him in the~~ within his presence and hearing
on the 10th day of June 1859

Oscar Dover Sheriff

Louis Bolotus
vs
Vincent Bully
Sheriff for 50cts

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Geo W. Houghs* *for leaving*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Sanctid* Court for the County aforesaid, on the *Eleventh day of June 1859* 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 *Louis Botcher* is Plaintiff and *Wm. Read Bulley* is Defendant on the part of *Wm. Read Bulley* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this
11th day of *June* A. D. 1859
Elias F. Honey
Clerk.

I executed the within writ in the County
 of Jefferson by Reading the same
 in the Presence and hearing
 of J. W. Dearing on the 13th day
 of June 1857 J. B. Painter Dep^y Clerk
 Sheriff

Balance

5000
 Sheriff for 5000

Amount 5000

Attest My Hand

John D. McKee
 Clerk

Attest, the within in E. J. McKee, by reading the
 same to him and him by the day of June 1857

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

James Sandells

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Jurim's* Court for the County aforesaid, on the *thirteenth day of June 1857* 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 *Josiah Stoddard* is Plaintiff and *Josiah Stoddard* is Defendant on the part of *Defendants* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

13th day of *June*

June

A. D. 1857

Elias F. Honey

Clerk.

Louis Bolduc
vs
Vincent Pulley
Sheriff fees 50[¢]

I executed the within aff in the County
of Jefferson in James Conditly by his acknowledgment
the service of the same on the 13th day of
June 1859
Jesse Dool Sheriff

The Court instructs the jury, that by the agreement between
Plaintiff and Defendant in Evidence, the Defendant agrees
to title to the land is Controversy, or right to land down
the house, or out and carry away timber therefore there
all such acts are wrongful and a trespass on the rights
of the Plaintiff and the jury will render a verdict for
the Plaintiff for the value of the house, taken down and the
other timber cut and carried away by the Defendant

We the Law find for the
Plaintiff \$750.

E. H. Wilson
for man

Lewis Bolduc
vs.
Vincent Pullen } Civil Action.

Now at this day comes the Defendant by attorney moves the Court to set aside the verdict rendered in this cause & grant him a new trial for the following reasons.

1

Because the Court gave wrong instructions to the jury.

2

Because, the whole law was not given to the jury.

Pipkin & Menas,
Atty for Deft.

V. Bullock
by
V. Bullock,

Not a for new line -

Filed June 14th 1859
Edwin J. McCreary
Clerk

rec'd 2