

To Florsen County Circuit Court
Case Files - Civil

June 1859, #26

Couch, Leonard
Couch, John
Parnell, Agnes
Parnell, Reese,
et al

VS

Melcan, James

Unlawful detainer

Slave Ann, livestock, and \$516 belonging
to plaintiffs as heirs of Leonard
Couch; \$500 damages; other plaintiff
Henry Couch

Box

11 Fold, 37

State of Missouri In the Jefferson Circuit
County of Jefferson Court June Term 1859.

Britton
John Couch, Leonard
Couch, Agnes Parnell
& Reese Parnell + Plaintiffs Petition
Henry Couch & Co. vs Circulation
James B. McKeon, Defendant

Plaintiffs state that heretofore
to wit on the 4th day of September 1840, Leonard
Couch executed to Julius Higgins a deed
of trust conveying to said Higgins a certain
tract of land therein described also all
the personal property which he then owned
or might at his death be possessed of in
trust for himself during his natural life
and after his death in trust for his wife, Mar-
tha Couch for and during her natural life
with power in the said Martha to dispose of the
same at her death by will, provided she survived
her husband: that the said Leonard died in the
year 1857 possessed of the following personal
property to wit: One negro girl, (a slave) named
Ann, two horses, two mares, several cows and
calves, & hogs together with considerable amount
of money the exact amount Plaintiffs cannot now
give: that the said Martha survived her hus-
band & died in 1858 without having executed the
power vested her to dispose of the said personal
property at her death by will, leaving the afore-
said personal property & about Two hundred
and sixteen dollars in money undisposed of
Whereupon said deed of trust becomes of no effect

and the said property together with the said sum of Five hundred & sixteen dollars in money resulted back to the heirs of the said Leonard.

Plaintiffs further aver that the said Leonard at his death left surviving him, themselves, and James Couch who is not a party to this action as his only children and heirs at law; that the Estate of the said Leonard is not in debt to any one; that there has been no administrator appointed to take charge of his estate nor is there any at this time, although it has been more than a year since his death, & that the said James Couch has wrongfully misused his interest in said property to Defendant.

Plaintiffs further aver that Defendant has wrongfully taken possession of all the aforesaid property amounting in all together with the money to Sixteen hundred dollars & refuses to deliver any portion of it to Plaintiffs; that they and Defendant are each entitled to one sixth part of the value of said property; that the amount to which Plaintiffs are together entitled is ~~Two hundred and sixty~~ ^{Thirteen hundred and thirty three} ~~dollars~~ ^{dollars} - Plaintiffs say by reason of the premises they are entitled to the said sum of Thirteen hundred and thirty three dollars & that by reason of Defendant's wrongful acts, as aforesaid they have been damaged ~~one~~ ^{and} ~~thousand~~ ^{which} five hundred dollars for which they ask judgment.

Hagon, Diphin & Thomas

Attys for Plaintiffs -

J. L. Thomas Atty for Pliffs makes oath & says he believes the above petition & the matters as therein

are true—
Sworn to & subscribed
before me this 21st day
of Feb. 1859.
Elias & Honey Clerk

J. L. Thomas.

copy set.
with the
1110 etc.

95
1.50
1.20
30

Buller et al

3

J. W. McQueen

Local Edition

Edition

(Original)

March 21st 1859

Chas. J. McQueen et al

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon James B McKear

----- if - he - be
found in your County, that - he - be 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 ^{second} ~~fourth~~ Monday of June
next, then and there to answer unto. Brattor

John Couch, Leonard Couch, Agnes Parnell, Reese
Parnell & Henry Couch

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

Elias J. Hovey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Twenty Second
day of February A. D. 1859

Elias J. Hovey

CLERK CIRCUIT COURT.

I executed the within writ in the County of
Jefferson State of Missouri on James B. McKean
by reading said writ and petition to him also by
delivering him A true copy of this writ & petition
on the first day of April 1859

Oscar Dover Sheriff

No 261688

2d Jefferson Circuit Court
June Term 1859

Britton et al

vs. } Summons

James B. McKean

Sheriff fee \$1.00

Acquitted