

Jefferson County Circuit Court
Case file - Civil

Box

11 Folder 64

June 1859

Davis, Joshua

vs

Herrington, Louis

Debt

Debt \$600 for improvements
made on land

Joshua Davis

vs

Lewis Herrington

In the Circuit Court
of Jefferson County
June Term 1889.

The petition of Joshua Davis the above plaintiff states that, One Editha Hettland formerly Editha Herrington a sister of the defendant, and her husband James Hettland on the 26th day of April 1881 contracted with the plaintiff to exchange the following described tract of land to wit The South East fractional quarter (West of River) of section No. 14 Township No. forty two of Range three east containing ninety four and forty five hundred acres, with ^{in Jefferson County Missouri} him for a tract of land hereinafter described in the same neighborhood to wit, South East quarter of North West quarter section 33 Township 42 Range 3 East containing forty acres.

that said exchange was made and one Solomon B. Wilson a justice of the peace of said Jefferson County drew up both deeds at the same time and place, that immediately thereafter said Hettland & wife took possession of the tract deeded to them and plaintiff took possession of the above first described tract and has remained in the possession thereof up to the present time. Hettland ^{swore} soon after the date above set forth sold the land they acquired of plaintiff and the title thereto is in an innocent purchaser, Mrs. Hettland the said Editha did soon after without issue born alive then husband also subsequently

left the country and died insolvent -
That said defendant instituted suit against
plaintiff and on the 11th day of June 1859
obtained a judgment for the possession and
damages for one dollar per month from
the date of bringing the suit.

Plaintiff further says that between the
26th of April 1857 and the date of the
institution of the suit of the defendant
against the plaintiff alone refused
to ~~to~~ ^{on} the 21st October 1857. he made
valuable and lasting improvements to wit
the building of a dwelling house and other
houses, stables, cribs, draining marshy and swampy
land on the said tract and reducing it to cultivation
clearing acres of land making fences
new and repairing the old one, on the tract,
and cutting and preparing a set of house
logs for the building another house, amounting
in value to the sum of Six hundred dollars.
He further states that he entered into the
possession of said land believing he had
a good title thereto and that he made
the improvements specified in the
petition in good faith under the belief
that he had a good title to the land.

Plaintiff therefore asks judgment against the
defendant for the said sum of Six
hundred dollars the value of his said improvements,
and for such other judgment as he may be
entitled to.

Isabel V. Pickett
Atty for plff.

in oath states that the foregoing
petition and the matters therein as stated
he believe to be true, }
Sworn to & subscribed } ^{his} Joshua Davis
before me July 6th 1859 } mark
Elias J. Hooley clerk }

2438

Alphonse Le Petit
Compt. Rue D'Am
1859

Joshua Davis
y

Jos. Manning
.

Settlers

Recorded by Mason till
Oct. 4th 1860 Book No
4 page.

Dec 14th 1859
Geo. J. Hovey etc

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Norram. Notterhand. Jona then* *Wile*
Joseph. Dale

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Concist* Court for the County aforesaid, on the *17th day of December 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 *Joshua Davis* Plaintiff and *Javis Norramgton* 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

21st day of *November* A. D. 1859

Elias F. Honey
Clerk.

I executed the within Spa in the County of
Jefferson on Hiram Helderbrand and Joseph
Sarle by reading on 22 day of November 1859
Oscar Dover Sheriff

To be executed - Court
Decer Term 1859

Farkua Davis

Lewis Harrington

for debt
Hiram Helderbrand,
Jonathan Ware
Joseph Sarle vs
Sheriff fee 1.50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Norman Holterhand Jonathan Heil*
Joseph Alexander Saml Popper Nathan Sellen
GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Jurisdiction* Court for the County aforesaid, on the *17th day of December 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 *Louisa Davis* is Plaintiff and *Louis Stearns Fox* 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
24th day of *November* A. D. 185*9*
Elias F. Honey
Clerk.

20 Lincoln Court
Green Park 1859

Arthur Davis
no. 5 Ave
Low Kensington

for Pelt
Herman Foster hand
more than 1700
Joseph Woodley
Samuel Popham
Nathan Sullivan

Joshua Davis, plaintiff } In the Circuit
Against } Court Jefferson
Lewis Herrington, defendant } County, Mo.

The Defendant in answer to the Plaintiff's petition, admits he obtained Judgment against plaintiff for the first tract of Land described in his petition but Defendant denies that plaintiff had made any valuable improvements on said Land before he had notice of the Defendant's title thereto, - Defendant states that on the 31st day of March 1853, he and Joseph Hardesty & wife instituted suit against the above plaintiff for said Land, which was however afterwards withdrawn, but this suit apprised Plaintiff of the fact, that this Defendant claimed title to a part of said Land, - Defendant says that up to that time, plaintiff had made none of the improvements now set forth in his petition, - that the building of said dwelling house stable outhouses ^{& cutting logs for another building} mending of the swampy land, and the clearing of new ground ^{& before} ~~have~~ all been done since the 31st of March 1853 when this Defendant & said Hardesty brought said suit for the Land aforesaid and consequently after the Plaintiff had notice of the Defendant's claim of title to said Land, - Defendant therefore denies that Plaintiff is entitled to any compensation for said improvements, and denies that he had made any

of said improvements prior to the time
he had notice of Defendant's claim of
title, - Defendant therefore denies that
plaintiff made the improvement on said
Land as specified in his said petition
in good faith under the belief that he
had a good title to said Land - and
denies that Plaintiff is entitled to
recover six hundred dollars, or any
~~and~~ amount whatever, as compensation
for his improvements on said
Land, - Defendant claims \$50 a year for the
rent of said Land for 6 or 7 years,
amounting to \$300.00 & offers the
same in offset against any amount
Plaintiff may be entitled to recover, } Abner Green
Attorney for
Defendant

Lewis Herrington, defendant
makes oath and says the above An-
swer and the matters therein stated
he believes to be true

Lewis^{his} Herrington
mark

Sworn to and Subscribed
before me Oct 10th 1859
Olias D. Honey

In Circuit Court
of Marion County
Portua Town
By,
Loui Hoenington
Attorney
Filed Mar. 28th 1839

8

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Norman Hestertland, Barthas Wile, Joseph Medley*
Saml Rhymer, Jonathan Sultens

(REETING :

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

18th day of June next at Hillsbor, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said
Court, wherein *Joshua Davis vs*
Plaintiff and *Levin Herring et al* Defendant on the
part of *Alf* 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

7th day of *May* A. D. 18*86*

Elias F. Honey
Clerk.

Debercut Court

June 21st 1860

Joshua Davis

²²
Lewis Hemmington

for Pitt

Samuel Hutterbrand

have them this

paper etc & they

have. Paper

Nathan Sullivan

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Noah. Wiley, John Ogbe, Norman Hollenbrand*
James Mice Joseph Dale

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Council* Court for the County aforesaid, on the *18th day of June 1860* 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 *Joshua Davis is* Plaintiff and *Levi Herrington* Defendant on the part of _____ 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

7th day of *June* A. D. 18*60*
Elias F. Honey
Clerk.

McBride & Co
June Term 1860

John David

Wm
Lewis Hemmings

for debt

vs
John & Co

John & Co

Merchants

vs
John & Co

for debt

Hemington

Davis

file put in

ent appearance

all o'wpd

tho over. -

sumpall

11 Apr

Leaves Chup.

3 Apr

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2.00

13.15
25
25

11.50

44.90

515

Joshua Davis

At

Levin Deming to

In the Apperson
Circuit Court.

on Vacation -

Wm. C. Davis Count:

You will observe
& strike from your docket the above
entitled cause.

Oct. 30th 1860.

J. S. Thomas
Atty for Davis -

J. Davis
vs.
L. Henington

Order of Dismissal

Jud Oct 4th 1860
E. Honey clk

Joshua Davis
 "
 Lewis Herrington } Dumped Oct 3rd 1860
 by Plaintiff

Hooney clerk file petition	10.05
Appearance	" 15
aff to Pet	20
Answer	25
continuance	25
H Spas	2.00
Fees —	25
Certs 25. + Dumpsal 50	75 // ~~4.40~~
	3.90
Over sheff. Serv. 3 Spas	1.50
	<u>75.40</u>

Certs Herrington vs Davis	
Hooney	13.99
Wiley	1.50
Seover	6.11
Witnesses	32.90
Ferry	<u>4.00</u>
	63.50
	<u>68.90</u>