

Jefferson County Circuit Court
Case Files - Civil
December 1859, No. 5

Box 11 Folder 73

Allen, Thomas

vs.

Moss, Thomas

Coons, Frank

Coons, Mary

Ejectment of Thomas

Survey 2020, 640 acres on

Merrimack River; \$100 damages;

depositions; see also Thomas Allen

vs. Maria Palmer, et al, November

1855, No. 34 and Thomas Allen vs. Thomas

Moss, Alexander Hensley, November

1855

In the Jefferson Circuit Court
December Term, 1857

Thomas Allen
Plaintiff
against

Thomas Mops and
Frank Coors,

Many Coors

Plaintiff states that
on the day of 1857 he was en-
titled to the possession of a tract of land
situate in Jefferson County bordering
upon the Murrumbidgee River at the mouth
of Pomme Creek it being survey No 2020
conformed to Hardy Wane's representations
containing six hundred and forty acres and
being so entitled to the possession of the
premises above described the said day and
on the day and year above stated
entered into the premises above described
particularly the northern half thereof
and unlawfully withholds from the plain-
tiff the possession thereof. And the said
plaintiff further says that that the
said defendant Coors is in possession
of the premises as tenant and that
Mops claims to be the owner thereof.

And said plaintiff says that he is
damaged by reason of the unlawfully
withholding the possession of said premises
in the sum of one hundred dollars per
annum for which with the possession he asks judgment.

M. F. Fells atty.
for plaintiff

M. F. Fells attorney for plaintiff and

and says that the foregoing petition and
the matters therein as stated he believes
to be true

M. F. Fells

Sworn to and Subscribed before
me June 11th 1859.
Elias J. Harvey Clerk

Thos Allen
against

Wells & Brown

Petition for the
prohibition of duels

Anti-Slavery
M Fairbank

Oct 1 June 13th 1857
Ellen J Hooley
Clerk

3 copies sent	75
30 letters	150
2 books	200
2 copies	40
copy	10
with	20
only	15

Thomas Allen Plaintiff
against
Thomas Mop and Frank Coons
& Mary Coons Defendants

In the Jefferson Circuit
Court. December
Term 1859.

the day of 1857. Plaintiff states that on
possession of a tract of land. Situate in Jefferson County
bordering upon the Merrimac River, at the mouth of
Pompe Creek, it being Survey No 2020. confirmed
to Hardy Ware's representatives, containing six hun-
dred and forty acres, and being so entitled to the pos-
session of the premises above described, the said
defendants on the day and year above stated en-
tered into the premises above described, particularly
the Northern half thereof, and unlawfully withheld from
the Plaintiff, the possession thereof. And the said Plain-
tiff, further says that, that the said Defendant Coons
is in possession of the premises as tenant and that
Mop, claims to be the owner thereof. And said Plain-
tiff says he is damaged by reason of the unlawful
withholding the possession of said premises in the
sum of One hundred dollars per annum, for
which, with the possession, he asks judgment,

Mo Tripell atty
for Plaintiff

Mo Tripell, attorney for Plaintiff makes oath and says
that the foregoing petition, and the matters therein as
stated he believes to be true.

Sworn to and Subscribed }
before me, June 11th 1859 }
Elias F. Honey Clerk.

Mo Tripell

Filed June 13th 1859

A true copy of the original

petition and affidavit on file in my office
in said cause.

In Testimony whereof I hereto set
my hand and affix the Seal of said
Court at office April 7th A. D.
1860

Elias D. Hooney clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Thomas Meigs and
Frank Coors

----- if they be
found in your County, that they 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 Monday} ~~fourth~~ Monday of November
next, then and there to answer unto Thomas Allen

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 twentieth
day of June A. D. 1859

Elias J. Honey
CLERK CIRCUIT COURT.

I executed the within writ in the County of Jefferson
State of Missouri on Thomas Moss first served by
by delivering him A true copy of this writ and
annexed petition as furnished me by the Clerk
on the 23rd day of June 1859 Oscar Dover Sheriff
Frank Coons not found within my County - non Est

No 5

St. Louis Court

December term 1859

Thomas Alford

vs. L. L. L. L.

Thomas Moss

Frank. Coons

Sheriff fee \$1.50
non Est

Attest. Oct. 20th 1859

Oliver S. Hovey

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

Saint Louis

Go the Sheriff of the County of ~~Jefferson~~-Greeting:

We command you, that you summon *Frank Coors and*
Mary Coors

if they be found in your County, that they
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
Monday after the fourth Monday of *May*
next, then and there to answer unto *Thomas Allen*

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

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Seventh*
day of *April* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

34 No 14 C

Dofferen Birch-bark
June. Term 1866

Thomas Allen
as S. Dummer
Frank. Lewis
Mary Leonard

Not found
No. 14 by W. B. G. G. G.

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

Saint Louis

Go the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon *Frank Coors and*
Mary Coors

if they be found in your County, that they
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
Monday after the fourth Monday of *May*
next, then and there to answer unto *Thomas Allen*

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

LS

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Seventh*
day of *April* A. D. 1860.

Elias F. Honey

Clerk Circuit Court.

Thomas Alford

no

Frank Beers
Mary Beers

Copies, petitions and writs
for defendant first served

A true copy of the writ
attest. C. F. Horney clerk

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

Saint Louis
Go the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon *Frank Coons*
and Mary Coons

if they be found in your County, that they
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
Monday after the fourth Monday of *November*
next, then and there to answer unto *Thomas Allen*

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

Witness, **ELIAS F. HONEY,** Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro,* this *Twenty first*
day of *September* A. D. 18*60*

Elias F. Honey

Clerk Circuit Court.

No.

Jefferson Circuit Court

December Term 1860

Thomas Allen

vs. Elias Summons

Frank Coons

Mary Coons

Executed this writ in the County of St. Louis Oct. 22, 1860
by delivering a copy of the writ and petition as furnished
by the clerk to Mary Coons.

Frank Coons not found in my County

Fee \$1.00

John H. Anderson Sheriff

Amount \$1.50

\$1.50

Paid by J.A.

A. C. Rop

Sept

Thomas Allen plaintiff } Jefferson
 or } Circuit
 Thomas Mop, Frank Coors } Court Dec
 and Mary Coors } 1860

Now comes the defendant Thomas
 Mop and for answer to the petition
 of plaintiff herein states that he
 admits that he is in possession of
 said land and was in the posses-
 sion thereof at the commencement
 of this action. Defendant denies
 that plaintiff was on the day
 alleged in his petition or at
 any time since entitled to the
 possession of said land. Wherefore
 he denies that he did at the day
 of the demise laid in plaintiff's
 petition or at any time since
 unlawfully the possession of said
 tract of land from plaintiff

Philip Pipkin attorney

Pipkin & HOLL Atty.

for Thomas Mop makes oath and says the for-
 going answer and matters therein con-
 tained he believes to be true
 Sworn to & subscribed

before me this 15th day of
 June 1860

Philip Pipkin

Elias J Honey clerk

Allen

no

Wash

Annexed Address
of Thomas Hook

Dated Decr 15th 1860

Wm O'Harey
Clerk

Thomas Allen Plaintiff

against

Mary Leons et als Defendants

In the Circuit Court Jefferson County.

The defendant Mary Leons for answer to the petition of plaintiff states that it is not true as alleged in the petition that in the year 1857. the plaintiff was entitled to the possession of the premises in his petition described. she denies that she on the date alleged entered into the ~~po~~ was entitled to the possession of said premises or any part thereof ~~she denies that plaintiff has sustained damages~~ She states that she is lawfully entitled to the possession of said land and denies that she unlawfully with holds same from the plaintiff.

W. L. Hatcher for deft
Leons,

This W. L. Hatcher attorney for said defendant Mary Leons on oath states that the foregoing answer and the matters therein as stated he believes to be true

Signed & sworn to before
me mar 28th 1861

Elias J. Honey clerk

This W. L. Hatcher

Thomas Allen

or

Mary Leona et al

Answer of Mrs Leona

Filed Nov 28 '1861

Chas J Henry Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *John Butcher and Mrs John Butcher*

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

13th day of June 1861 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 *Thomas Allen is* Plaintiff and *Thomas Wood et al are* 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

27th day of *April* A. D. 18*61*

Elias F. Honey Clerk.

Robertus Deant
June Term 1861

Thomas Allen

^m
The Shop or etc

for left

John Butcher

me

Butcher

Theriff

~~100~~

Thomas Allen, Plaintiff. }
Against
Thomas Moss defendant

In the Circuit Court for the
County of Jefferson State }
State of Missouri

To Thomas Allen the
above named Plaintiff:

You are hereby notified that
that depositions of witnesses to be read in
evidence in the above Cause on the part of defend-
ant, will be taken at the Residence of John Ogle
in Big River Township in the County of Jefferson,
State of Missouri, on Monday, the ~~twenty fifth~~
(25th) day of May A.D. 1863, between the hours
of Eight of the Clock in the fore noon, and Six of
the Clock in the after noon, and that the taking
of said depositions, if not completed on that day,
will be continued from ~~from~~ day to day at the
same place and between the same hours until
completed

J. H. H. & H. H. H.
Attorneys for Defendant

Hillsboro Mo, May 2^d 1863.

Allen
vs
Moore
Motion to take
Depositions

I executed the within Motion in the County of St Louis
State of Missouri on the 5th day of May 1868 by delivery
to Thomas Allen the within named plaintiff a
true and correct copy of said motion

So sworn by me

John C. Joyce Sheriff St Louis Mo
By Gustavus Hamnerstein Depy

Thomas Allen, Plaintiff,
Against
Thomas Mose defendant

In the Circuit Court for
the County of Jefferson
State of Missouri

Deposition of Witnesses, produces, Examined Sworn and Examined, and Monday, the twenty fifth day of May in the year of our Lord, 1863, Between the hours of eight of the clock in the forenoon and six of the clock in the afternoon of that day, at the Residence of John Ogden in Big River Township in the County of Jefferson and State of Missouri, before me, John Cook a Justice of the Peace within and for the County of Jefferson, & State of Missouri in a certain Cause now depending in the Circuit Court of the County of Jefferson in the State of Missouri, between Thomas ~~Allen~~ Plaintiff and ~~John~~ Thomas Mose defendant, on the part of the defendant. Hannah J. Pettick of lawful age being produces sworn and examined on the part of the defendant, deposeth & saith that she knew was a very well acquainted with one Hardy Ware, before she was married, that she was married in ~~on~~ the year 1808, and that she knew him a long time after she was married. Said Hardy Ware lived ~~at~~ on the Merriam River not far from the Mouth of Hamilton's Creek, in St Louis County, Mo. Missouri was then a Territory, that she never knew any other Hardy Ware, that the said Hardy Ware, was married & has several children, & among ^{them} one name George Ware, who now lives in near Mouses Springs in Jefferson County, Mo. that the said Hardy Ware was uneducated, she knows this from the fact, that on one occasion defendant was present when a certain note was executed by ^{one} Jacob Storey to one David Harris, & that the said Ware was asked to witness the said note, Ware replied that he could not

not write; that on an other occasion & this defendant &
was at her father's law; that there was also there
there at the same time; & that a dispute arose between
some of her Brothers in law, in regard to their ages; that
her Brothers in law produced the family record of their
ages and reads presents the same to the said ~~James~~ Ware
and asked him to decide the ~~present~~ dispute between
them, to which the said Ware replied that he could not
read, that the said Hardy Ware left the County a good
while after this witness was married.

Honah J. ^{her} + Bellick
mark

Subscribed and sworn to before me, on the day, at the place,
and within the house first aforesaid,

William Crook Justice of the peace

Cross Examined by the Justice at
the request of James A Beal Plaintiff's Atty,
I never heard Hardy Ware say any thing about Mr Russell,
I know Mr Russell he used to stay at my father's,
never heard him say any thing about getting ^{the} land confirmed to
Never heard John Bruley & James Small say any thing about
Russell, never heard them or either of them say any
about Russell attending to their settlement rights to have
it confirmed by Government,

Honah J. ^{her} + Bellick
mark

Subscribed and sworn to before me on the day, at the place,
and within the house first aforesaid,
William Crook Justice of the peace

State of Missouri
County of Jefferson

I Wm Cook, a Justice of the Peace with-
in & for the County of ~~Jefferson~~ State of Missouri

do certify that in pursuance of the ~~comet~~ annexed
Notice came before me, at the residence of John Ogle
in Big River Township in the County and State last afore-
said, Hannah J. Pittick who was by me duly sworn to
testify the whole truth of her knowledge, touching the
matter in controversy aforesaid, that she was examin-
ed and her examination reduced to writing and
subscribed by her, in my presence on the day, between
the hours, and at the place in that behalf first
aforesaid, and her said deposition is herewith
returned and I further certify that the said
Hannah J. Pittick is a resident of the said County
of Jefferson, in the State of Missouri, Given at
the residence of John Ogle in Big River Township
in the County and State aforesaid, This the twenty
fifth day of May A.D., 1863.

William Cook Justice of the Peace

Justice fees
Mr. Court,

\$1.50

Witness fees

Branch North

Main by left

50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Louisa J. Patton

GREETING :

You are **Strictly Commanded**, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the

10th day of June 1863

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 *Thomas Allen* is

Plaintiff and *Thomas McFarrell*

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

10th day of *May* A.D. 186*3*

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

Thomas Allen

vs

Thomas McFetral

for Plaintiff

Louisa J. Bolton

Sheriff Fees 50

J. B. Oliver Sheriff
by J. D. L. Moore Deputy

I executed the within writ on L. J. Bolton
by reading the same in due form and return
the 28 day May 1863

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Warrick Butts

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

10th day of June 1865 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

vs. Ellen

Plaintiff and

Wm. Elliott

Defendant on the

part of

Sept

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

9 day of *Sept* A. D. 186 *5*

Ellen F. Honey

Clerk

TO JEFFERSON CIRCUIT COURT.

Jan, 186

Thos. Allen
vs
Thos. Mays

For Plaintiff
Marah Bittick

Shuff 507

Presented the within writ on Marah
Bittick by reading the same in her
presence and hearing this the 9 day of June
1863

D. B. Davis Sheriff
"by D. J. Mays Deputy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

George Hall

GREETING :

Now we Herby Commanded, That setting aside all

manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the
10th day of June 1863 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 *Thomas Allen is*
Plaintiff and *Thomas Webb et al* 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

24th day of *May* A. D. 186*3*

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

Thomas Allen

vs

Thos. McPherson

for debt

Geo. Ware

THE STATE OF MISSOURI
To Robert

COUNTY OF JEFFERSON.

Heard, Abraham Williams

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 10th day of June 1863 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 Thomas Allen a Plaintiff and Thomas McCosk Defendant on the part of defend 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

10 day of June A.D. 1863

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863 3

Thomas Allen
vs
Thomas M. op.

for debt
Robt. Hunt

Sheriff Fees \$100.

I executed the within on Robert Hunt by
reading the same in his presents and
hearing this the 10 day of June 1863 also on
Isaac Williams the 10 day of June 1863

D. B. Dover Sheriff
by J. T. Mays Depy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Andrew Elliot, and Robert Simpson

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

15th day of June any 1863 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 *Thomas Adlen*

Plaintiff and *Thomas Hoof shals* 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

19th day of *Decer* A.D. 186*2*

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

January Term, 1863

Thomas Allen

vs
Thomas Mopetals

For Plaintiff

Since this notice is the bearing of up on the 12th day of
January 1863 by delivery to Robert Simpson as true copy
thereof —
Valued W. J. Fardham's copy

for 50

Since this notice is the bearing of up on the 12th
day of January 1863 by delivery to Andrew Bell
as true copy thereof
John C. Lyle: At
per 50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

John C. Coorsen

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

10th day of June 1863

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

Thomas Allen is

Plaintiff and

Thomas also et al are

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

9th day of *May* A.D. 1863

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

Thomas Allen

vs
Thomas Meop et als

for Refs

Ans E Leowan

Sheriff Fees 50

I executed the within writ on John E Leowan
by reading the same in his presence and hearing
this the 14 day of May 1863
J. B. Barber Sheriff
by J. D. Jones Deputy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Garret. J Johnson

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

12th May June 1863 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

John A Allen

Plaintiff and

Thos Moley

Defendant on the

part of *defend* and herein you are in no wise to fail.

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

with the Seal thereof heretofore affixed, at office, this

12 day of *June* A. D. 186 *3*

Elias F Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

The Attorney
The Clerk

for debt
G. J. Johnston
Sheriff Fees &c. 00

I presented this writ to G. J. Johnston by his
acknowledging the service of the same & referring to
me as I did this 12th day of June 1863

George B. Deane Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *the Henry Deems*

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

Wednesday of June 1863 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 *Thomas Allen is*

Plaintiff and *Thomas Hoofsholt* are 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

9th day of *May* A.D. 1863

Edw. J. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June

Term, 1863

Thomas Allen

vs
Thomas Meep et al

for Debt

vs E. Coopers
Mary Coopers

on bond left

Read

Mrs Mary Coopers not found on my

John E. Poye
Jenkins M. Rogers
Supt

Mrs Coopers is in New York

Thomas Allen vs Thomas Map.

It is agreed by the parties
to the above styled Cause
that the same be continued
generally to the next Term of
the Superior Court Court
which will be in the month
of December A.D. 1863

Wm. B. Adams
for Plaintiff

Pipkin & Thomas
For Defendants.

Allen

Prof

Agreement

Made June 12 1863

Charles H. Moorey



COUNTY OF JEFFERSON.

THE STATE OF MISSOURI

To

H. J. Johnston

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
10th day of November 1863 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 *Thomas Allen*
Plaintiff and *Thomas Woods* 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

19th day of *dec* A. D. 186 *3*

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

December Term, 1863

Thomas Allen
vs
Thomas Mop

for Debt

G J Johnston

J B Doneshiff Dec 50

I executed this writ on G. J. Johnston by reading
the same in his presence and hearing this 4th
day of December 1863
J B Doneshiff Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *J. Q. Johnston*

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
24 day of *December* 186*4* 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 *Thomas Allen* is
Plaintiff and *Thomas Apple* is Defendant on the
part of *deft* 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

24 day of *December* A. D. 186*3*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Decr Term, 1863

Thos allen

vs

Thos Mose et als

for debt

G. I. Johnston

J. B. Dorer & H. D. Co, 50

I, Executed this writ on G. I. Johnston by Recording the same in his presence and hearing this 5th day of January 1864

Jerome, B. Dorer & Sheriff

Thomas Allen,

vs
Thomas and May Coons } In the Jefferson
Circuit Court
Dec. Term 1863.

The defendants Coons and for ^{amended} answer to Plaintiff's petition heretofore filed state that it is not true as is in said petition alleged that that Plaintiff was in the year 1857 entitled to the possession of the lands therein described or that defendants unlawfully entered into the same and withheld from Plaintiff the possession thereof, to the damages of Plaintiff in the sum of one hundred dollars or any other sum.

Defendants aver that May Coons one of said defendants ~~was~~ at the commencement of this suit and is now the legal owner of said land by purchase from Thomas Mayo the other defendant herein.

Defendants further state that they ~~have~~ ~~had~~ and those under whom they claim have had peaceable, uninterrupted adverse possession of said land for more than ten years prior to the commencement of this suit.

Pipkin & Thomas
Atty for defendants

Makes oath & says that the above petition & the matters therein stated by

believe to be true.
Sum to and subscribed
before me this 8th day
of Dec. 1863.

Thos Woods

Thos Woods
Clerk



Thomas Allen

7

Thomas Hop Sted

Frederick Stinner

Filed April 12 1863

Oliver & Son

Thomas & ~~Sam R.~~ Allen, Plffs

vs.

May Coons, Thomas Moss
& others Defts

} Ejectment.
In the Jefferson
Circuit Court.

To Thomas & Sam R. Allen, the above
named Plaintiffs -

Take notice that depositions of
witnesses to be read on the trial of the
above entitled Cause on the part of the
defendants will be taken at the residence
of Louisa J. Botton at Sulphur Springs
Landing in Jefferson County Missouri
on the 15th day of January A.D. 1864
between the hours of eight o'clock in
the forenoon and ~~five~~ ^{ten} o'clock in the
afternoon of that day.

Pipkin & Thomas
Attys for Defts.

I James A. Deal Atty for the within named Plaintiffs, hereby waive the necessity of personal service of the within notice but agree that depositions of witnesses may be taken by Defendants in said cause at the place time and between the hours therein specified. I further agree that the depositions taken under this notice may be read by Defendants in the trial in said Circuit Court of the case of Thomas Allen vs. P. H. King et al. Defendants, reserving to myself however the right to object to such deposition or any part thereof on account of incompetency or irrelevancy, ^(or illegality)
 Jan. 8th 1864 -

J. A. Deal Atty for Plffs

Thomas Allen vs. P. H. King et al.

vs.

Mary Levens, et al.

Notice to take depositions

Depositions of Witnesses, produced,
sworn and examined, at the Residence
of Mrs L. J. Ballou in the Town of Sul-
phur Springs in Jefferson County
State of Missouri, before me the
undersigned H. M. Parker a Justice
of the Peace, within the Jefferson
County State of Missouri, in a
certain cause now pending in the
Circuit Court of Jefferson County
State of Missouri between Thomas
& Ann H. Allen Plffs. & Mary Cosens
Thomas Mary & others Defs. on the
part of the Defendants. -

Mrs Louis J. Ballou of Lawhull agree
being produced sworn & examined on the
part of the Defendants before the & says -
That she was married to James C. Smith
in year 1810 - on Sunday & married by
Reverend H. Hendricks, who was then at
Louis Co. but now Jefferson County -
about the time she was married she

Knew a man by the name of John C Beeler -
2 also Genl Gov. Clark - She was
very intimately acquainted with Gov.
Clark - he was frequently at my father's
house & she was frequently at his
house - have visited his house
frequently after marriage & have
staid there all night - She and
her husband lived at her father's
while after her marriage - she
has seen Clark at her father's
frequently after her marriage -
her father's name is Genl Johnston
lives on land 24 or 25 miles
from St Louis - She knew Alex-
ander McNair who was Sheriff
at that time or about that time -
Lucy: Did you ever hear any
conversation between your husb-
and J. C. Smirl & Gov. Clark
relative to the Hardy Ware tract
of Land?

Ans. - I did.

Some time after our marriage
my husband & I went to St Louis
to Gov. Clark & Clark asked
my husband Smirl if that matter

3
was all right" - & my husband said
"it is ^{his} if you are satisfied, the
land is mine." I then in the
presence of Clark asked my
husband what matter it
was they were talking about
and he said in the presence
of Clark & myself ~~he said~~
^{that} we were talking ^{about} the ^{Hardy}
were Tract of Land - Clark
then said in this same convers-
ation that he had bought this
Land under an Execution
in favor of Beeler & against
J. C. Smirl for the Satisfaction
of my husband J. C. Smirl and
that he did not want to see it
sacrificed, & very too valuable,
and that he had received from
J. C. Smirl the whole amount
of money that he had paid under
the purchase of said Execution -
My husband then said the Land
is mine & Clark said, yes I am
satisfied, - (The foregoing Question

4 and answers are objected to by
Plaintiffs Council as incompetent,
Illegal, and hearsay.)

This conversation took place two
or three years after my marriage.
Did you at any other time hear
any other conversation between
your husband & Gov. Clark in
regard to this Land?

Ans. I did. - Gov. Clark asked
my husband several times why
he did not move down and
settle on the Merimee Land tho
heary wage claim & he replied
that he had better business in
some other place. - I understand

from Gov. Clark & my husband
that his wife took place
previous to or about the time
of my marriage, but she will
not be particular as to dates. +

J. C. Smith died in Vincennes leaving
two daughters Eliza who has mar-
ried Thomas May & Louisa who
married William Bogges.

Did your husband claim this land
were trust of Land up to the time

This Question &
answer objected
to by Plt's Council

5
of his death?

Ans: he did. -

(This Question & ans. objected to by
Alty's Council) as leading incomp. &
& hearsay)

Cross Examined by J. A. Beal Alty's
Attorney. -

She says Maria in 1810 & lived
5 or six months with her father
at her father's - he lived in Herca-
-lanum afterwards, a short time,
three, four, or five months then
she moved to Shibballeh in Wash-
-ington County - She & her husband
remained five or six months at
Shibballeh - we came in from there
to her father's & staid a week or
so, & then moved to Louisville
Ky. She supposed she lived seven
or eight years in Louisville & then
moved to Vincennes Ind. & there
my husband died in about the year
1825 - She thinks that she moved
to Louisville in the fall - Gov.
Clark said had occupy the Land

Q at the time the conversation between
her husband & Clark - there was
no agreement between her husband
& Gov. Clark ~~to buy~~ ^{buy} it - in
for her husband's ~~share~~. Gov. Clark
bought it in through friendship
for her husband - and ~~that~~
Gov. Clark had received
My husband kept store & Livery
stable in Louisville - ~~then~~ ^{she}
she had heard of the sale (sheriff's sale)
before that conversation between
her husband & Clark - Mr. Thom-
-as may may have me all of
my interest in the land & I have
no interest - whatever in the
event of this suit - having sold
same to Mr. Thomas ^{Mass} ^{Mass} ^{Mass}
the purchase money ^{to} ^{Mass} ^{Mass} ^{Mass}
note which Thomas ^{Mass} ^{Mass} ^{Mass}
gave up to William Buggs & wife
for their interest in the land -
note past due - Mr. Thomas
Mass held a note on William
Buggs ^{& Mr. Bates} for one thousand dollars
which was the note given up

7 to Baggus by said Mary as the consideration for the Transfer of Baggus & wife to Thomas Moss. She never heard any thing about Corn. My husband was not living on the Hardy Tract when she married, - J. C. Smiel ~~at~~ the time of our marriage was living at the Waters Place. - Thomas Rogers is a Brother in law of my husband - he lived on the Hardy were claimed before she was married he was living on the land ^{after} ~~or~~ ^{after} ~~two~~ (this Thomas Rogers) before her marriage - said Rogers lived on north west side of said Land. She never heard any contract between Smiel & Rogers, in regard to this land. never heard of any contract between Rogers to Brinley. She ~~hard~~ recollect of hearing her husband speak of having a law suit with Donaldson in St. Louis. My husband was never broke up - This witness is Mother to Mrs Thomas Moss & Mrs Baggus - My husband always claimed the Land.

8 and had kept it rented to same
one all the time - the last one
that were on the land was two or ~~three~~
three years before his death - ~~Some~~
~~some~~ Humphreys was one that
lived there - Mike Brindley lived
there under Mr Swirl - she
never paid any taxes on the land
after her husband's death -
she don't know of any person occu-
-pying the land ~~after Smith's death~~
when she was in ^(about 1832) Galena, she heard
that Wm Russell claimed the land -
never heard that he claimed it -
after she came to this country -
she knows that Baggs & his wife
did not know of Wm Russell
claiming the land - she was
present the whole time of the trade
between Mr Baggs & Mr Moss -
& knows of ~~none~~ no conversation
between them except what she
heard - about half hour after-
wards she heard Mr Moss
say that he expected to have
some difficulty with it - the
land -

9 did not say who he expected
to have the slipper with -
Mr Baggas said he hoped
not - & there may be more
said than she recollects
of - Eliza Moss & Louise
Baggess are Smith's only heirs.
Re. Examined by Council of Dep.
There was a crop of corn raised
on the land by Smith's Tenants
the year before his death - &
the year after his death - & for
several years afterwards.



~~in Moss &~~ Louise Bolton

J. H. M. Parker a Justice of the
Peace within & for Jefferson County -
State of Missouri do hereby Certify
that Louise J. Bolton the Dependent,
whose residence is Sulphur Springs
Jeff. Co. Mo was by me sworn
to testify the whole truth of her
knowledge touching the matter
in controversy in the Cause aforesaid.

and that her deposition was reduced to writing, and subscribed by her in my presence on the fifteenth day of January A.D. 1864. between the hours of eight o'clock in the fore noon and six o'clock in the afternoon, at Sulphur Springs (Mrs Bolton's Residence) in Jefferson County, State of Missouri. —

H. M. Parker
Justice of the Peace.

Thames & Son, Allen } In the
M. Coang Thos. Moss } Circuit
& others } Court
of Jeff. Co. Mo.

Depositions for Defts:

To E. F. Haney

Clerk of the Circuit Court

Heilbrunn
Jeff. Co. Mo.

Parties fees — \$2.50
Court fees — 1.00
witness L. J. Bolton — 1.50

Postage & fair
paid by Glas. Moss .09

\$3.19

Recd for record, opened &
filed by me, Jan'y 20th 1864

Elias H. Hooley
Clerk

1
To Thomas Moss

You are hereby notified
to produce in trial of Case of James Allen
as Moss & Leorn in the Fifth Term Circuit
the - a certain written contract between you
& Moss & Leorn concerning the sale of the
land in controversy against which
Jan 1864

Attest
J. H. Allen
City of Allen

I served this Notice on
Thomas M. S. by Reading the
same to him this 2nd day
of February 1864

James B. Dener
Sheriff

Notice
to Thomas M. S.

James B. Dener

Thomas Allen

vs }
Thomas Woods et al }
Jesse W. Brown, Plaintiff
vs }
Jesse W. Brown, Defendant

Is Thomas Woods, you are hereby notified to produce on the trial of the above Cause a certain written contract executed by Mary Jones to you for the purchase of the lands in controversy in the above suit,

May 1864,

Thomas Allen

Allen
vs
Moss et al

Notice to Moss

J B Doner Sheriff Dec 50

I. Executed this notice by Reading the same in the
Presence and hearing of J B Doner Sheriff this 7th day of June 1867

J B Doner Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

G. J. Shumetone

GREETING:

You are **Hereby Commanded**, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County afore-said, on the *13th* 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 *Thomas Allen*

Plaintiff and *Thomas Allen*

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

9th day of *May* A. D. 186

2

Elias Honey

Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

June Term, 1864

Thomas Allen

vs

Thomas Moss.

G. J. Johnston

for Defendant

B. D. Dorrer & Co. Dec 50

*I. Excused this Writ on G. Johnston by Recalling
The same in his presence and hearing this 27th day of
June 1864*

Jessie B. Dorrer & Co.



I knew old Governor William Clark,
he left surviving him three children;
M Lewis Clark, George R H Clark and
Jefferson K Clark, these are the only
children and heirs of Governor William
Clark of Missouri, deceased ~~at~~
~~Feb 1 1864~~ I knew

~~John E Cowan~~
John E Cowan

We the undersigned Counsel & attorneys for
the defendants in case of Thomas Allen
against Thomas Moss & others in the Cir
cuit Court of Jefferson County Mo, do
hereby agree that the above statement
of John E Cowan may be used as
evidence in this Cause - by Thomas
Allen

Feb 1 1864

Pipkin & Thomas
attys for Defs

Deposition

Allen

vs

Moss et al

Deposition of Corwin

Evidence

+

(Please direct "Corner 7th Street & Ann Avenue.")

St. Louis, Feb 21 1865

E F Honey

Clerk of the Circuit Court
Hillsboro Mo

Please dismiss
the Suit of Thomas Allen against Thomas
Moss & send your bill of costs to Mr
Edward Knobel agt for Mr Allen

Yours
J A Beal Attorney
for Thomas Allen

I dont know whether there are any costs in the other
suits. Please send all to above adre^s. Yours respectfully

E Knobel

Filed July 23. 1965

E. J. Morrey Clerk

Thomas Allen

"

Thomas. Wood et al.

Authenticated by Plaintiffs

Tracy

1865. Book No 5. page 110.

If the jury believe from the evidence, that the claim
 of Hardy Ware to the land in controversy, was sold
 by him to John Brindley in 1805, and by said
 Brindley to James C. Smil in the same year 1805,
 whether such sale was by deed or other instrument of
 writing or by parol, and that the said Smil took
 possession under such sale, and that the land
 confirmed to Hardy Ware's legal representative, and
 in dispute here, was the same land so sold to
 Smil, and that Smil had not conveyed or
 disposed of the same in any way prior to the
 Confirmation, and he was then alive, they are
 instructed that the Confirmation was to said
 Smil as the legal representative of Hardy Ware,
 and unless the plaintiff shows a title derived
 from him or those ^{legally} claiming under him, they
 will find for the defendant —

Refused

4

If the jury find from the evidence, that Hardy

Have sold ~~this~~ claim to the land in controversy,
prior to the date of the Confirmation on 29th April 1816,
then the Confirmation was to such person as was the
first legal purchaser from said waste; and those
who show themselves, by evidence, to be entitled
thereto, under such legal purchaser ~~as~~
must recover in this action.

Refused

5-

If the jury find from the evidence that at the date of the deed from Hardy Ware to Brindley & Clark on the 11th of August 1815. the said John Brindley had actual notice of the sale and conveyance by the said Hardy Ware to himself ~~and~~ said Brindley and from said Brindley to Smith in 1805. as evidenced by the deeds read in evidence by defendant. then the failure to have said last mentioned conveyances acknowledged or proven and recorded does not render them fraudulent or void as against said Brindley.

Given

6

If the jury find from the evidence that William Russell at the date of the deed from John Brindley to William Russell to wit the 9th of December 1815. ~~the said William Russell~~ had actual notice of the sale and conveyance by Hardy Ware to John Brindley and by said Brindley to James & Smith in 1805. then such deeds are not fraudulent or void as against said William Russell.

Given

7

The deed from Ware to Brindley and from Brindley to Smith dated in the year 1805 having been proven and ~~as~~ Recorded prior to the 26th day of February 1855 the date of the deed from Russell to the plaintiff. in parts notice thereof to the plaintiff ~~and is in law notice to plaintiff~~ notwithstanding they may not have been proven & recorded within the time presented by law.

Required

8 The jury may take into Consideration the actual possession and occupation of Brindley and Smirl under the deed of 1805 read by Defendant. and also the facts stated by William Russell in the notice of the Claim before the recorder of land titles in November 1812 in determining whether said Russell had actual notice of the Sale and Conveyance of the Claim to Brindley and from Brindley to Smirl in 1805.

9 If the jury believe from the evidence, that the deed introduced by the Plaintiff, signed "Hardy Ware", and dated 11th August 1815, purporting to convey the land in Controversy to William Clark & John Brindley, was not executed by the same Hardy Ware who claimed the right to settle the land in Spanish times, they will find for Defendant.

10

Gwen

The plaintiff in this Case cannot recover for any interest in the land in controversy which Clark may have acquired under the Shripps deed read in evidence.

Navy War, to Brindley Black 11th Aug, 1875
Brindley to Russell 9th Dec, 1875

Allen
v.
Moff

Prothonotaries
given & refused

As the absence of any evidence to the contrary, the jury
will infer that the Mary Wane who claimed and found
settled the land in controversy, is the same person
mentioned in the various deeds in evidence

Instructions given

1. Under the Spanish law that prevailed in the Territory of Missouri, until 1816, it was not necessary in order to convey real estate that there should be a deed or other instrument of writing, executed by the seller to the buyer, but it was competent and legal to sell and convey title to a purchaser by parol, without deed or written instrument - provided the party purchasing took possession of the real estate so bought by him.
2. If the jury find from the evidence that at the date of the deed from Hardy Ware to Brindley & Clark on the 11th of August 1815, the said John Brindley had actual notice of the sale & conveyance by the said Hardy Ware to himself & said Brindley and from said Brindley to Smil in 1805 as evidenced by the deeds read in evidence by defendant, then the failure to have said last mentioned conveyances acknowledged or proven and recorded, does not render them fraudulent or void as against said Brindley.
3. If the jury find from the evidence that William Russell at the date of the deed from John Brindley to William Russell to wit, the 9th of December 1815 had actual notice of the sale and conveyance by Hardy Ware to John Brindley and by the said Brindley to James C. Smil in 1805 then such deeds are not fraudulent or void as against said William Russell.

4. The Jury may take into consideration the actual possession and occupation of Brindley and Smil under the deed of 1805 read by Defendant, and also the facts stated by William Russell in the notice of the claim before the Recorder of Land Titles in November 1812 in determining whether said Russell had actual notice of the sale and conveyance of the claim to Brindley and from Brindley to Smil in 1805.
5. If the jury believe from the evidence that the deed introduced by the plaintiff signed "Hardy Ware", and dated 11th August 1815, purporting to convey the land in controversy to William Clark & John Brindley, was not executed by the same Hardy Ware who claimed the right to settle the land in Spanish times, they will find for defendant.
6. The plaintiff in this case cannot recover for any interest in the land in controversy which Clark may have acquired under the Sheriff's deed read in evidence.

Instructions
for defendant
Nos 1 2 3 4 5 6

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Refused

That the said person Mr. Davis thereby
of St. Louis advised to Blacksmiths House
on his being of all title to the said thereby
concepts and if the jury find that the said
~~can~~ advised in and that is the same said
claimed by defendant - ~~they will find for the~~
~~defendant~~ then neither should nor those
claiming under him are legal representatives
of said Davis

P. 1

Instructions

repeated,

1
Instruction, No. 1 to Quincine asked by Defendant's counsel in
the Case of Allen v. Moss & others

Given
Under the Spanish law, that prevailed in the
Territory of Missouri, until 1816, it was not
necessary in order to convey real estate, that there
should be a deed or other instrument of writing,
executed by the seller to the buyer, but it was
competent and legal to sell and convey title
to a purchaser by parol, without deed or
written instrument — provided the party purchasing
took possession of the real estate so bought by
him —

2
The claim of Hardy Ware's legal representatives, presented
by William Russell as Agent, to Frederick Bates, Recorder
of Land titles, and acting Commissioner for settling
claims to land in the territory of Missouri, was
confirmed by the act of Congress of 24th April 1816,
and ensures to the benefit of such person or
persons as are shown to have had ^{actually} title to the land
~~on that day~~ ^{on that day} ~~legally acquired from~~ and now
is the property of such ^{persons} person or those who may
legally claim under them. The confirmation
by act of Congress of 24th April 1816, was a confirmation
to the person or persons, on that day legally entitled
to the settlement right of Hardy Ware, the original
claimant in Spanish times —

Deposited