

Defterson County Circuit Court
Case File - Civil

Box 12 Folder 10

December 1859, #12

Do Witt, Walker, et al
vs

Nelson, John K, et al

Ejectment

500 acpnts in Survey 2508 T 40 R 4E;
\$100 damages; other plaintiffs William G.,

Mary, Clarissa C., Joseph H. Dewitt;
other defendant Alton R. Easton;
depositions

Walter Dewitt Plaintiff

against

John R. Nelson Defendant

} In the circuit Court of
Jefferson County Missouri

The plaintiff states that on the 1st day of January 1859, he was entitled to the possession of the following described premises, situated in the County aforesaid to wit five hundred acres of land, a part of United States Survey No 2008 in Township 40 of Range 4 East lying immediately South West of a part of said survey now in the possession & occupancy of William Newickman along the line of the St Louis & San Francisco Rail Road and on the waters of the Jackson Creek and being so entitled to the possession thereof, that the defendant, afterwards to wit on the 24 day of January 1859, entered into such premises and unlawfully withheld from the plaintiff the possession thereof, to his damage in the sum of one hundred dollars, that the plaintiff does not know how much is the monthly value of said premises. Wherefore plaintiff demands judgment for the recovery of the premises and for one hundred dollars damage, for the unlawful withholding the premises and for the monthly rents to be ascertained and for other proper relief

D. C. Gale & J. A. Beal Attorneys for plaintiff

The atty for the plaintiff makes oath & says that the foregoing petition & the matters therein stated he believes to be true

Given to before me Aug 2nd 1859

Elias J. Honey clerk }
J. A. Beal

Walter Smith

as

John H. Stearns

2nd August 2nd 1859

Chas. D. Hoare

Robert

1000

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon John K. Nelson

----- 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 Monday after the} fourth Monday of November
next, then and there to answer unto Walter

upon his 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 third
day of August A. D. 1859

Elias J. Hovey
CLERK CIRCUIT COURT.

I executed the within writ in the County of
Jefferson State of Missouri on John K Nelson
by reading it to him and Delivering him A copy
of this writ and annexed petition as furnished
me by the clerk on the 13th day of August 1859
Oscar Dorr Sheriff

No 12

To be read to each

December term 1859

Walter Stewart

vs J. J. Stewart

John K Nelson

Sheriff fee \$1.00

Filed Aug 15th 1859

Oliver J. Hovey clerk

Haeter Dewitt

against

John K Nelson and

A R Easton Defendants.

In the Circuit Court Jefferson County.
The Defendant Alton R Easton for answer
to the petition of plaintiff, states that the said John
K Nelson, as his Tenant, is in possession of that
part of the land in plaintiffs petition described which
lies East of the Drachin Creek, being a part of U S
Survey No 2008 in Township No 40. He denies that
said Nelson wrongfully entered upon said land,
but states that he is in possession under this
Defendant who is the legal owner of said land.
He denies that plaintiff is entitled to possession
of said land or any part thereof.

For further answer defendant states that neither
the plaintiff his ancestor, predecessor, grantor
or other person under whom he claims, have
been seized or possessed of the premises in
question within ten years before the commen-
- cement of this action.

He states that Plaintiff did not commence his
said action within twenty years after the cause
of action accrued..

He denies that plaintiff
has sustained damages by reason of the detention
of said lands to the sum of one hundred dollars
or any other sum.

Witcher for Deft.

Thos C. Hatcher attorney for the above named
defendants on oath states that the foregoing
answer and the matters therein as stated he
believes to be true

Signed & sworn to before
me June 1860

Thos C. Hatcher

Walter Bennett

vs.

Geo. H. Johnson et al

Answer

Filed June 11th 1860
Clerk of County
C.H.

Walter Demitt
against
John K Nelson,

In the Circuit Court
Jefferson County.

Thomas C Fletcher agent and
attorney for Alton R Easton, being duly
sworn upon his oath states, that the
said Alton R Easton claims to be the
owner of the land in plaintiffs petition
described and has claimed and exercised
acts of ownership over said land ever
since 1855, that the said Nelson has been
permitted by said Easton & his agent to
reside on said land ever since said date
he paying taxes on the same and receiving
rents from tenants on said land, that the
said Nelson knew of and recognized the claim
of Easton as his landlord, ^{and yet denies to said Eastons agent that he is tenant of plaintiff or recognizes his claim} that no other
person ever pretended to assert a claim
to said land until the commencement
of this suit, the said Easton claiming
to be the owner of said land asks to be
admitted a party defendant in this
cause to defend the same
Signed & sworn to before } Tho C Fletcher
me June 12th 1860 }
Eliu S Hooney Clerk }

Master Bennett
as

John H. Stearns

Petition & affidavit
of W. B. Easton to
be made a party

Dated June 15th 1860

Chas. D. Stoney
Secretary

William G Dewitt Plaintiffs
Mary, Clanssa C and
Joseph H Dewitt by their
Guardian George M Nutt Plaintiffs
against
John K Nelson Defendant

In the Circuit
Court of Jefferson
County
Missouri

The plaintiffs that on the first day of January 1859, Walter and William G Dewitt were entitled to the possession of the following described premises situate in Jefferson County Missouri to wit five hundred acres of Land in Townships 39 and 40 of Range 4 East being a part of United States Survey No 2008 originally confirmed to ~~W~~ Dewitt & Easton bounded at the East End by a farm then ~~owned~~^{occupied} by William Hendrickson and bound on the South West by the farm and premises occupied by John W Fletcher and lying on the waters of the Joachim Creek & through which five hundred acres of Land the St Louis & Iron Mountain Rail Road runs and being so entitled to the possession thereof, said defendant afterwards to wit on the 24 day of January 1859 entered into such premises and unlawfully withheld from the plaintiffs the possession thereof to the damage of the plaintiffs of one hundred dollars. Plaintiffs further state that William G Dewitt and Walter Dewitt are the sons of James Dewitt who was a son of Walter Dewitt the grantee of said land and further that James Dewitt has departed this life and also his son Walter Dewitt has departed this life ^{since commencing out of this Court} and left surviving him, his three children, Mary, Clanssa C, and Joseph H Dewitt who are minors and whose guardian is George M Nutt Plaintiffs ask

judgment for the recovery of the premises and for
the damages Rents & profits & for other proper
relief

J A Beal Atty for
W G Dewitt

George M Nutt Guardians
of Mary, Clauissa C & J H Dewitt

J A Beal Atty for plaintiffs makes oath
& says that the foregoing petition & the matters
as therein stated he believes to be true

Subscribed & sworn to before
me this 12th day of Dec
ember 1860

Elias J Honey Clerk

J A Beal Atty

Miss Derrittals

as

Brook Adams

Amended Petition

Filed Dec 12 1860

Wm J Honey

Clerk

In the Circuit Court Jefferson County
William G Dewitt
Mary, Clarissa and Joseph H Dewitt
by their Guardian Geo M McNeill Plaintiff
against

John R Nelson

& Alton R Easton Defendants,

The Defendant Alton R Easton for himself and for said John R Nelson who is his tenant, comes and for answer to the plaintiffs amended petition states, that it is not true as alleged in the petition of plaintiffs that said Walter & William G Dewitt were on the first of January 1859 or at any other time entitled to the possession of the premises in the petition described, but defendant states that he was at said date and is still the owner of all the land included within U S Survey No 2008, lying between the land of Bro W Fletcher and the land formerly of William Hendrickson, and entitled to the possession thereof, that the said Nelson is in possession by the consent and permission of this defendant, and denies that he unlawfully entered into such possession, He denies that plaintiff have any right whatever to the possession of said land or any part thereof,

He has not a sufficient knowledge to enable him to form a belief as to whether Walter Dewitt and William G Dewitt are sons of James Dewitt or that said James Dewitt was a son of Walter Dewitt or that said James Dewitt is dead

He admits that Walter Dewitt, the ^{alleged} brother
of William L. Dewitt is dead, but he
has not a sufficient knowledge to
enable him to form a belief as to whether
Plaintiffs are his children,

For further answer to Plaintiffs amen-
ded petition, defendant states that said
Plaintiffs did not commence their action
within ten years after the cause of action
accrued,

Hetcher for Deft,
Thos C Hetcher attorney for said defendant
on oath states, that the foregoing answer
and the matters therein as stated he believes
to be true,

Signed & sworn to before
me Dec 12th 1860,

Elias J. Honey Clerk

Thos C Hetcher

Wm L Lewis et al
vs
Geo H Nelson
& A R Dalton.

Answer to
amended petition

Dated Dec 12th 1860
Chas Honeys etc

William & Scott and others
 as
 Nancy Anne John Anne
 & Alton R Easton Deben }
 slaves
 Du the Circuit
 Court of Jefferson
 County Missouri

To the above named defendants. You are
 hereby notified that defendants of witnesses to be
 read in evidence in the above cause ~~will~~
 The fact of the plaintiffs will be taken at the
 office of Elias A Hoerrington. Justice of the peace
 in Jackson Township, Jefferson County, Missouri, on
 the eleventh day of January 1861, between the hours
 of 8 o'clock in the forenoon and five o'clock in the after-
 noon, if not completed on that day, they will be
 continued from day to day at the same place & between
 the same hours till completed.

J. A. DeKal Attorney
 for plaintiffs

I hereby acknowledge the service of
the within notice & waive personal service
of the same upon defendants
Dec 14 1860

Thos C Fletcher
att, for defts

W. G. Sawett & others

vs

John Rowe & others

William & David Mothers
vs
John & Nelson Mothers } In the civil court of
Jefferson County Miss

To John & Nelson, & Alton R. Cantin,

You are notified that depositions
of witnesses to be read in evidence in the above
cause on the part of the plaintiffs will be
taken at the office of Elias D. Hermonson or
justice of the peace of Jackson County,
Jefferson County Missouri on the Eleventh Day
of January 1861, between the hours of 8 o'clock
in the forenoon and five o'clock in the
afternoon and if such complaint on that day
they will be continued from day to day at the
same place and between the same hours till such
order

J. Albal, atty
for plaintiffs

I acknowledge the service of the within
notice & I waive the personal service of
the same as defendants

Decr 17 1860

Thos C Fletcher
Atty for Defts

William G Sawtelle

by

J Nelson et al

Depositions of Witnesses, produced and sworn,
and examined, on the Eleventh day of January in
the year of our Lord one thousand eight hundred and
sixty one, between the hours of eight of the clock in
the forenoon and five in the after noon of that day
at my office, in Joachims Township, in Jefferson
County, State of Missouri, before me Elias P.
Derrington, a Justice of the Peace, in a certain
Cause, now depending in the Circuit Court of the
County of Jefferson, in the State of Missouri, between
William L. De Witt and others, plaintiffs, and
John Rowe and others, defendants.

John Handrickson, being sworn states that
he is now fifty seven years of age, was acquainted
with Walter De Witt, first knew him in the
year A.D. 1812 or 1813. he lived on the Joachims
Creek, in St. Louis County now Jefferson County, on
a tract of land on which is now situate the Town
of Hesoto is now situate. Walter De Witt died in
the year 1813, or 1814, - shortly after he became
acquainted with him, - and left surviving him the
the following named Children to wit, Robt De Witt
James De Witt, Eliza De Witt, and Susan
De Witt, James De Witt the son of old
Walter De Witt, departed this life about the year
A. D. 1835, and left surviving him two children
to wit, Walter De Witt and William L. De Witt.
William L. De Witt lives in Missouri - and
Walter De Witt, son of James De Witt died in
the year A. D. 1860, and left surviving him
three children, to wit, Eliza, Susan and Joseph
De Witt, now minors, living in Jefferson County
Missouri. Robert De Witt left Missouri
De Witt, son of old Walter De Witt, left Missouri

In the year A.D. 1823, and is now dead, has
Children alive, ~~Max~~ Green Hewitt left
Missouri in the year A.D. 1824, and is now
dead, ~~the wife~~, Susan Hewitt, daughter of old
Walter Hewitt, is now dead, she married Frederick
Conner, who is dead, they had five children, to
wit, John, Elizabeth, James, Louisa, and Green
Conner, John Hendrickson

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

Elias B. Herrington Justice of ^{the} Peace,

William Herrington being sworn says that
he is now seventy three years of age, came to
the Territory of Missouri in the last year
seventeen hundred and ninety nine in company
with old Walter Hewitt and knew old Walter
for fifteen ^{or twenty} years before he died, that old Walter
Hewitt lived ~~at~~ first on what is now called
the old Drammors place, on the Gracine
Creek in Saint Louis, now Jefferson County,
Missouri, that in the year 1803 or 4 ~~he~~ down there
moved some ten or twelve miles further up the
Creek, that he had three daughters, ~~to wit~~

Susan and two others, Susan married Frederick
Conner, by whom she had several children, -
One of the other daughters married a man
by the name of Materson, & the other
married a Robert, that he heard of William,
son of old Walter Hewitt was lost in the
the year 1826.

William ^{his} ~~Herrington~~ ^{mark} ~~Tord~~

Subscribed and sworn to before me, ~~at the~~
on the day, at the place, and within the hours
first aforesaid.

Elias B. Herrington Justice of the peace

I Chas R. Herrington a Justice of the Peace
within & for the Township of Joachim and
County of Jefferson, and State of Missouri,
do Certify, that in pursuance of the of ^{Enclosed} ~~Notice~~ ~~the~~ ~~and~~ ~~the~~
Notice, came before me at my office in said
Township in the County and State last aforesaid,
John Deudrickson, and William Herrington
who were by me severally sworn to testify the whole
of their knowledge touching the matter in contro-
versy aforesaid; that they were examined, and their
examination reduced to writing subscribed by
them, respectively in my presence, on the day,
between the hours, and at the place in that behalf
first aforesaid, and their said depositions are now
herewith ~~so~~ returned, and I further Certify that
said John Deudrickson and William
Herrington are residents of said Jefferson County
in said State of Missouri, given at my office
in Joachim Township, & in the said County of
Jefferson and State of Missouri, this the eleventh
day of January A.D. 1861.

Chas R. Herrington

Justice of the Peace

Deaths 1110

Helena Rowland

opened of the door

2307861

Dear John
dear

May

Dewitt et al	}	Same	}
vs		vs	
Nelson et al		Rowe et al	

To the Circuit Court of Jefferson County Mo

The undersigned state that since the commencement of the above suits, William G Dewitt one of the above plaintiffs has died and left surviving him the following children viz Paulina who has married George W Williams, Amanda Dewitt John Dewitt, Willis Dewitt, & Clinton Dewitt, all of whom are minors, They pray this Court to make them plaintiffs and to appoint a guardian ad litem & for all other orders

Paulina & G W Williams,

Amanda Dewitt

John Dewitt

Willis Dewitt

Clinton Dewitt

Deuttchal
As

Uelamchal

Danes
as
Couschal

motion to make
of 108 Deut Plaintiffs
after grandinoad them

Filed June 4 1844
To the Honorable
C. J. Moorey

William G Dewitt, Mary Claripa and Joseph
H Dewitt by their Guardian Geo M McNeill
Plaintiffs

Against
John K Nelson & Alton R Easton
Defendants

In the Circuit Court Jefferson County
The Defendant Alton R Easton for
himself and for his co defendant John
K Nelson who is his Tenant, comes and
~~for answer~~ by leave of the court first
had and obtained makes this his
amended answer to the amended
petition of the plaintiff and states that
it is not true as alleged in the petition
of plaintiff that said Walter Dewitt &
William G Dewitt were on the first day
of January 1859, or at any other time
entitled to the possession of the premises
in the petition described or any part
thereof. Defendant states that he was
at said date and long before and still
is the owner and entitled to the possession
of all the land included within res
Survey No 2008, lying between the land
of John H Fletcher and the land formerly
of William Hendrickson, that the
said Nelson is in possession by the consent

and permission of this defendant, he denies that he unlawfully entered into such possession, He denies all right and title of said plaintiffs or either of them to said land or any part thereof

He has not a sufficient knowledge to enable him to form a belief, as to whether Walter Dewitt & William G Dewitt are sons of James Dewitt or that James Dewitt was a son of Walter Dewitt or that said James Dewitt is dead or living & requires strict proof thereof He admits that Walter Dewitt the alleged brother of William G Dewitt is dead but he has not a sufficient knowledge to enable him to form a belief as to whether plaintiffs are his children or not and requires proof.

For further answer to Plaintiffs amended petition defendant says, That neither the plaintiffs their ancestor predecessor grantor or other person under whom he claims was seized or possessed of the premises in question ~~or~~ or any part thereof within ten years before the commencement of this action

Defendant further states that he and those under whom he claims have

been in the actual possession & occupancy of the land in plaintiffs petition mentioned for a period of twenty four years during all of which time his claim and possession has been hostile to the plaintiffs and all others, under color of title and has constantly paid taxes and exercised acts of ownership over said land

Defendant states that plaintiffs did not commence their action within twenty years after their cause of action accrued, and that Plaintiffs did not commence their action within ten years after their cause of action accrued.

Wetcher for deft.

Thos C Wetcher attorney for said Defendant on oath states that the foregoing answer and the matters therein as stated he believes to be true,

Signed & sworn to
before me Feb 12th 1884
Elias G. Honey Clerk

Thos C Wetcher

Walter Davis his
vs
bro H John D
a R Daxton

Amended Answer to
Amended Petition

Filed July 12th 1864

Chas D. Honeys

Deputy

William G Dewitt et als

vs.

Bro K Nelson.

Ex'ctment

William G Dewitt et als

vs

Bro & Nancy Rowd.

Ex'ctment

In the Circuit Court

Jefferson County,

For all the purposes of a trial of said causes

It is agreed between the undersigned
counsel in the above causes that it
is admitted that the land was confirmed
to Walter Dewitt and Rufus Easton,

and that the defendant may read from
the record the deed of Russell to Joseph
Easton and the deed of Joseph Easton to
Alton K Easton with like effect as
the originals could be read, Subject to the
same objection as to the original deeds only. Tho' W Hetcher

atty for defts,
J Attrial Atty for
Plaintiffs

and I further agree that in order to obtain
a trial at this term I will waive the
Plea of the statute of limitations set
up in the answer,

Dec 13th 1860

Tho' W Hetcher
atty for defts

also admitted that George McMill is the
guardian of the heirs of Walter Dewitt as
Charg'd

Agreement
Dewitt et al
vs
Heleon et al

D. Aulund ^{married Geo. Hollman} *Mary Sweet* ^{widow of W. G. Sweet}
Quander
John }
Mills } *children of W. G. Sweet*
Clinton

Dewitt's heirs

vs

Helewa, Rowe et al

Names of Ws Dewitt,
Children