

December 1859

DeWitt, Walter, et al

vs

Roue, John
Roue, Nancy
Easton, Alton R.

Ejectment

500 agents in Survey 2008 T40R4E;
\$100 damages; other plaintiffs Mary
DeWitt, William E. DeWitt, Clarissa C.
DeWitt, Joseph H. DeWitt

Walter Dewitt Plaintiff

against

John Rowe ~~and~~
Fancy Rowe defendants

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 situate in Jefferson County aforesaid to wit five hundred acres of land in Township 40 Range 4 East a part of Survey 1802008 originally confirmed to Walter Dewitt & Rufus Easton bounded on East end by land now occupied by William Hennickson & lying immediately adjoining said land occupied by William Hennickson and being so entitled to the possession thereof, said defendants afterwards on the 2^d day of January 1859 entered into said premises & unlawfully withheld from the plaintiff the possession thereof to the damage of plaintiff of one hundred dollars. He does not know what is the monthly value of said premises. Wherefore he demands judgment for the recovery of the premises and for two per damages for the unlawful withholding of the same from the plaintiff and for monthly rents and for other proper relief.

J A Deal atty
for Plaintiff

Walter Dewitt states on oath that the foregoing petition and matters therein stated he believes to be true

Walter Dewitt

Subscribed & sworn to before me this 15th day
of July 1859.

Elias F. Honey clk.

By James B. Hepler.

Walter Stewart

and

John Cowie

Exhibit -

The clerk of circuit
Court will advise to the
on the petition filed 1889

Attest July 16th 1889

Wm J. Honey

clerk

Legacy out	30
1 c. stone	50
Monksbury	120
anchors	20
Butts	10
sumps	50

200
200
<u>400</u>

Paid by bill =

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon John Rowe and
Samuel Rowe

----- 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 Walter Derr &c

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. FEIGHER~~ Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 18th
day of July A. D. 1859

Elias J. Hovey

CLERK CIRCUIT COURT.

I executed the within writ in the County of
Jefferson State of Missouri on John Rowe &
Nancy Rowe both at the same time by reading
it to them and delivering them A copy of this
writ and annexed petition as furnished me
by the clerk on the 13th day of August 1859

Oscar Dover Sheriff

No. 2444

To Jefferson Circuit Court

December Term 1859

Walter Derritt

vs & Defendants

John Rowe

Nancy Rowe

Sheriff fees \$2.00

Filed Aug 15th 1859

Chas J. Honey Clerk

Walter Dewitt

against

John Rowe &
Nancy Rowe

In the Circuit Court
Jefferson County.

Thomas C. Fletcher agent and
attorney for Alton R. Easton, on oath
states, that said Easton claims to be the
owner of said land in petition described
and has claimed the same since 1855 and
before that time. that he exercised acts
of ownership over said land during all
that time renting the same & receiving
the rents therefor and paying the taxes
on the same, that during the construct-
-ion of the St Louis and Iron Mountain
Railroad through said land the defendants
were engaged in work on said Railroad
and for that purpose were permitted
by Easton to erect a shanty on his land
on the line of the Railroad and to reside
there that said Nancy Rowe is not now
on said land or in possession of any
part thereof, that both she and John Rowe
ever since they have been on said land
have known of the claim of Easton to the
land and have recognized & acknowl-
-edged his right up to the time of the
commencement of this suit, and were
permitted by Easton & his agents to
remain on the land, said Easton, by his
signed attorney asks to be admitted a
party to this cause to defend the same,
signed & sworn to before
me June 12 1860
Elias J. Honley Clerk }
Thos C Fletcher

Melton Dennis
no.

John Rowe is

Petition of J. H. B.
Easton to the ad-
=mitted to defend

Filed June 13th 1866
Geo. J. Henry
Recorder

Walter Dewitt

against

John Rowe, Nancy Rowe and
Alton R. Easton defendants

In the Circuit Court Jefferson County.

The Defendant Alton R. Easton for answer to the petition of plaintiffs states that the said John Rowe, as his tenant, is in possession of that part of the land in plaintiffs petition described which lies west of the Drachin Creek. He denies that said John Rowe wrongfully entered upon said land but states that he is in possession thereof under this defendant who is the legal owner of said land. He denies that plaintiff is entitled to the possession of said land or any part thereof, He denies that said Nancy Rowe is in 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 commencement of this action. He further states that said 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 land to the sum of one hundred dollars.

or in any other sum

Witcher for Deft.

This W. Witcher attorney for said defendant
on oath states that the foregoing answers and the
matters therein as stated he believes to be true.

Signed & sworn to before me

June 15th 1860

Elias J. Hooney Clerk

W. Witcher

Walter Dennis

against

John R. R. et al

Answers

Signed June 15th 1860

Elias J. Hooney

Clerk

William G Dewitt Plaintiffs and
 Mary, Claissa C and Joseph
 H Dewitt by their Guardian
 George Mc Nutt Plaintiffs
 against
 John Rowe and
 Nancy Rowe Defendants

In the Circuit
 Court of Jefferson
 County Missouri

The plaintiffs state that on the first day of January 1859, Walter Dewitt and William G Dewitt, were entitled to the possession of the following premises situate in Jefferson County aforesaid to wit, five hundred acres of Land in Townships 39 & 40 in Range 4 East, being a part of United States Survey No 2008 originally confirmed to Dewitt and Eaton, bound at the North East by a farm then occupied by William Hendrickson and bound on the South West by farm and premises occupied by John W Fletcher and lying on the Waters of the Joachim Creek & through which five hundred acres of land is located the Lewis & Clark Mountain Rail Road, and being so entitled to the possession thereof, said defendants afterwards to wit on the 2^d 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 sons of James Dewitt who was a son of Walter Dewitt confinee of said land and James Dewitt is dead and Walter Dewitt died after commencement of this suit & his interest in said land & premises descended to his children Mary, Claissa C & Joseph H Dewitt ^{whose Guardian is George Mc Nutt} Plaintiffs ask judgment for the

Recovery of the premises and for damages for the
unlawful detention of the same and for the monthly
rents & profits and for other proper relief

J A Bial Atty for
W G Dewitt

George M Nutt Guardian
of Mary, Louisa C & J H Dewitt

J A Bial Atty for plaintiff makes
oath & says that the foregoing petition & the mat-
ters as therein stated he believes to be true

Subscribed & sworn to
before me this 11th day of
Decr 1860

J A Bial Atty

Wm. L. Swett and

John Stone
Nancy Stone

Amended Petition

done by the court

Filed Dec 12th 1865
Wm. L. Swett
Clerk

William L Dewitt,
Mary, Clarissa C and Joseph H Dewitt by
Their Guardian George McArthur Plaintiffs
against

John Rowe and Nancy Rowe Defendants,
In the Circuit Court.

Jefferson County,

The defendant Alton R Easton admitted by the Court as a party herein to defend the possession of said John & Nancy Rowe, for answer to plaintiffs amended petition states, that it is not true as alleged in the petition that on the 1st day of January 1839 or at any other time, that Walter Dewitt and William L Dewitt were entitled to the possession of the premises described in plaintiffs petition or any part thereof,

Defendant states that he is the owner and was at said date owner of all the land included within M S Survey No 2008. lying between the Land of Bro H Hatcher and the land formerly of William Hendrickson and that defendants Bro & Nancy Rowe are in possession of the same with his consent & permission he denies that they wrongfully entered into said possession and denies that plaintiffs are entitled to the possession thereof or to any part of said land,

Defendant further states that he has not a sufficient knowledge to enable him to form a belief as to whether Walter and William Dewitt are sons of James Dewitt or that James Dewitt was a son of Walter Dewitt, or that James Dewitt

is dead, He admits that Walter Devitt
the alleged brother of William L. Devitt
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, Defendant states
that said plaintiffs did not bring
their action within ten years after
the cause of action accrued,

Wetcher for deft

Thos C Wetcher attorney for said defen-
dant, being duly sworn, upon his
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,

Thos C Wetcher

Elias J. Honey

clerk

Wm. H. Smith et al
= no. =
Pro. Rove et al.

Answer to amended
petition,

Miled Decr 12th 1865
Chas. J. Honey clerk

William & Dewitt $\frac{1}{4}$ of one $\frac{1}{7}$ of $466\frac{2}{3}$
 Mary, Clarissa, & Joseph
 Dewitt heirs of ^{sub} ~~Mathew~~ Dewitt for $\frac{1}{42}$ of $466\frac{2}{3}$

$\frac{3}{11111}$
 $466\frac{2}{3}$

Yours

General Land Office
May 4th 1863.

C. F. Honey Esq:
Clerk of Circuit Court
Hillsboro Missouri

3
3
3

Sir:

I inclose a correct Certified
Copy of diagram showing private claim No. 2008. agree-
ably to the request of J. A. Beal Esq.

Very respectfully

Yours obt servt

J. M. Edmunds

Commissioner