

Jefferson County Circuit Court
Case file Civil No. 20

June 1860

Box 12 Folder 41

Herrington, Isaac A.S. by Next Friend
Herrington, Isaac S.

VS

Arnold, George J

Ejectment

9 acres in S31T42R4E, \$600 damages, in 1863
defendant claimed plaintiff could not claim
possession because he was "in armed rebellion"
against the United States

Isaac A. L. Herrington
By Isaac L. Herrington, Next
Friend,

vs.

George J. Arnold

In the Jefferson
Circuit Court.
June Term 1860

Plaintiff states that on the 25th day of December 1859 he was entitled to the possession of the following described real estate lying in Jefferson County Missouri, To wit The fractional section, Thirty one, (West of Negro Fork of the Meramec) in T. 42, R. 4 East containing nine ¹/₁₀₀ acres and being so entitled to the possession thereof that defendant afterwards on the 10th day of March 1860 entered into such premises and unlawfully withheld from Plaintiff the possession thereof to his damage in the sum of Six hundred dollars.

Wherefore he prays judgment for the recovery of the premises and Six hundred dollars damages for the unlawfully withholding of the same from Plaintiff and for other proper relief.

Green & Thomas

Attys for Plaintiff

Isaac L. Herrington, Next Friend of Plaintiff makes oath & says that he believes the above petition & the matters therein stated are true.

Sworn to & subscribed }
before me this 5 day } H. Herrington
of April 1860 }
Elias B. Honey Clerk

To Elias F. Honey, Circuit Clerk.

You will please appoint
Isaac A. Herrington my father, my next
friend to prosecute an action of ejectment
for my benefit against George F. Arnold.
April 5th 1860.

Isaac A. S. Herrington
By his Attorneys.

To Elias F. Honey, Cir. Clerk—

I hereby consent to act
as next friend of Isaac A. S. Herrington
my son for the purposes expressed above.
April 1860 J. S. Herrington

Isaac A. S. Herrington
by next friend J. S. Herrington

vs
George F. Arnold

In the Circuit Court of Jeffer
son County Mo.

June Term 1860

I do hereby appoint Isaac Herring
ton as next friend for Isaac A. S. Herrington to con
duct a suit as above entitled in the Circuit Court of
said County.

In Testimony whereof I Elias F. Honey
Clerk of said Court have hereto set my
hand and affixed the seal of said
Court. April 5th A.D. 1860

Elias F. Honey Clerk

San Antonio Circuit
 Court June Term 1860

L. A. J. Henington, By
 Next Friend.

vs

Amos R.

Agreement.

Made April 14th 1860
 C. J. Hooley clerk

13 paid by PCH

apptd next friend 0.50
 appo 25
 1 copy Rel 20
 em 50
 writ to pr 1.00
 decr 10
 back 20
 2, 9 5

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

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

We command you, that you summon *George J. Arnold*

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 *May*
next, then and there to answer unto *Isaac A. Sherrington*
by *Isaac A. Sherrington* next friend

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 *fourteenth*
day of *April* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the County of Jefferson
State of Missouri on the 10th day of May 1860 on George
J Arnold by Delivering him A true copy of this writ
and annexed petition as furnished me by the clerk
Oscar Dover Sheriff

No 20

Jefferson Circuit Court.

June Term 1860

vs
Jesse A. S. Worthington, by
Jesse S. Worthington and Friend

vs } Defendants

George J. Arnold, ^{Plaintiff}
Sheriff fee \$1.00

Reviewed by the Court
June 15th 1860 3 books
and 4 page 59)

Isaac A. Herrington by
his next friend Isaac A. Her-
rington

against
George Arnold

In the Circuit Court
of Jefferson County
Missouri

The defendant denies that the plaintiff Isaac A. Herrington was entitled to the possession of the premises as stated in the petition, at the time therein stated or at any other time since or prior. He denies that he unlawfully withheld from the plaintiff the possession of the premises as stated in the petition.

~~He denies that he has not taken the same or did~~
defendant denies that he damaged plaintiff's land or any such

The defendant further states that one James A. Deal about the month of May 1849 obtained a judgment before Zachariah Alexander a justice of the peace of Jefferson County Mo against Isaac Herrington the father of said Isaac A. Herrington, a transcript of which judgment was on the 16th day of January 1852 filed in the office of the Clerk of the Circuit Court of said County of Jefferson as will appear by the same. That an execution was issued on said judgment from said Clerk's office returnable to the May Term of said Court 1855 by virtue whereof the Sheriff of Jefferson County levied upon and advertised and at the said May Term 1855 did sell according to law all the right & title of said Isaac Herrington in and to the following described lands being the same as described in plaintiff's petition to wit fractional Section No 31 Township 42 of Range 4 East containing nine acres 8/100 of an acre and the said James A. Deal then and there became the purchaser thereof and has

~~received~~ the sheriff's due for the same which is
herewith exhibited & shown. Defendant further states
the said land was entered by the said Isaac Her-
rington at the land office in St Louis in the name
of his son Isaac A D Herrington with said
Isaac Herrington's own money, that at the time
of the entry of the same by said Isaac with his
own money, said Isaac Herrington the father was
largely indebted to divers persons so much so that
he was insolvent and had no sufficient visible
means out of which his creditors could make
their debts and defendant charges the fact to be
that the purchase ~~entry~~ of the land from the United
States government was made by said Isaac Her-
rington with his own means & money as far as
payments were actually made and the arrangement
was made by said Isaac to defraud his creditors,
that the entry of said land by said Isaac ~~in his~~
~~son's name~~ ^{money in the name of his son} with his own, who was in infant
and had no means of his own, was done with
intent to defraud, hinder and delay said Isaac Her-
rington's creditors and with intent to secure to him-
self the use of said land through his said
son and at the same time place it beyond
the reach of his creditors.

Defendant further states that James A Beal
conveyed to defendant all his interest in the
said land on the 20th day of February 1860 as will
appear by his deed herewith exhibited.

Defendant states that he is entitled to the
land in consequence of his purchase of said Beal
and of said Beal having purchased the result-
ing interest and trust of said Isaac in said
land as stated in this answer.

Defendant further states that said

Isaac Herrington entered at the land office in St. Louis the land in petition mentioned with said Isaac's own money in the name of his son Isaac A. S. Herrington that the land was entered under the act of Congress granduating the public lands approved August 4 1854, and of March 3 1855 that it was entered for the use of an adjoining farm which farm was set forth in the application for the entry as the South East fractional gr of Section 25 Township 42 of Range 3 East and the North East fractional quarter of Section 36 Township 42 R 3 East.

Defendant further states that at the time of the entry of the land sued for in the petition of plaintiff, the South East fractional gr of Section 25 Township 42 R 3 East and the North East fractional quarter of Section 36 T 42 R 3 East belonged to James A. Beal and did not belong to Isaac A. S. Herrington that in consequence of said Beal being the owner of said land and of the adjoining farm then on and for which the land in petition mentioned was entered as aforesaid for the adjoining farm, the entry entered to the benefit of said Beal the owner of said land.

Defendant further states that said Beal by his deed of date of 20 of February 1860, conveyed to defendant all of his right & title to the land in petition sued for as will appear by same herewith exhibited.

In consideration of the premises, defendant ^{involving plaintiff from possessing her right and interest} asks the Court for a decree vesting in defendant the title, right & interest of Isaac A. S. Herrington in the land and for in petition and for all other & further relief as

may be equitable and proper and other orders
according to defendant's rights &c

George Arnold

George Arnold makes oath & says that
the foregoing answer & the matters as therein
stated he believes to be true

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

George Arnold

Elias J. Honey
Clerk

Isaac A. Worthington
by next friend

(vs)

George Arnold

Answer of Defth

Dated June 21st 1860

Elias J. Honey

Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Erving Rogers, D. J. Tiger, Jas. McComb & David
Hetherland, Isaac & J. Herrington*

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 1862 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 *Isaac & J. Herrington* is
Plaintiff and *George J. Canfield* 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

15th day of *May* A.D. 1862

Elias J. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1862

Thos A. S. Herrington

v

George J. Arnold

for debt

Drury Rogers

d. Pitzer

Jas McColloch

dear. Kettler brand gone

Thos A. S. Herrington

Sheriff fee

75^{cts}

As per the bill within shown in the county of Jefferson and State of Missouri
by recd.ing it to him on the 24 day of May 1862
The Clerk thereof not found within my County
Oscar B. Davis Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

*Riley M. Sherman, John Hyatt
Joacab Wilson, Mrs. Rowe*

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 1862* 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 *Clarice A. S. Hemmington* Plaintiff and *George J. Annickel* 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

21st day of *May* A.D. 1862

Elise F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1862

Isaac A. S. Harrington

George I. Arnold

for Plff

Riley Wickerham

Geo Pyatt

Mr Rowe

Isaac Wilson

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Riley Proctorham the Deputy You Rose

James Wilson

GREETING :

You are Herby Commanded, That setting aside all

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

16th day of January 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 James J. Worrington is

Plaintiff and George J. Arnold is

Defendant on the

part of

WJH

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 March

A.D. 1862

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

Jan'y Term, 1863

Isaac M. Harrington

George J. Arnold

for Plff

Riley Wickerham & Co

vs Pyatt & Co

vs Rowe

Isaac Wilson

Sheriff Fees \$1.00

Descented the within writ and I gave W. G. W. by reading
at his presence and hearing this 24 day of December
1862 also on upon law by reading the same in his presence
and hearing on the 2 day of January 1863

The within named

J. P. Power Sheriff

Riley Wickerham & Co

vs J. T. Mays & Co

But not named in my books

This 12th day of January 1863

J. P. Power Sheriff

COUNTY OF JEFFERSON

THE STATE OF MISSOURI,

To Henry Rogers.

David Hetterband & A. J. Herminator

GREETING:

You are Herby Commanded, That setting aside all

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

16th day of January 1867

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 ~~where~~ *where* A. J. Herminator

Plaintiff and

Henry Rogers

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 thereto affixed, at office, this

9th day of Decer

A.D. 1867

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

January Term, 1863

J. A. S. Herrington

vs
George I. Arnold

for debt

Drury Rogers

D. Pitzer

Las McColloch

D. Ketterbrand

J. A. S. Herrington

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

David Hesterbrand

GREETING :

You are ~~herby~~ *hereby* Commanded, That setting aside all

16th day of January 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 *Harold & Hermann Stone* is Plaintiff and *George J. Arnold* 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

10th day of *March* A.D. 186*2*

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Jan'y Term, 1863

J. A. S. Harrington

vs
George I. Arnold

for debt

David Ketterbrand
Shriff W. Mitchell fee .50

I executed the within writ at the County
of Jefferson State of Missouri by
reading the same in the presence and
hearing of David Ketterbrand on
the 13th day of December 1862

G. W. Dora Sheriff
W. W. Mitchell
Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Henry Hogan & Eliza & James H. Culbreth
& Abner 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
16th day of Jan'y 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 *James H. Williams & Co* is
Plaintiff and *George J. Arnold* is 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

9 day of *Jan* A.D. 1863

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

Jerry Term, 1863

J. S. Hemmington

Geo. J. Arnold

for debt

Orury Rogers

D. Pilzer

James, McCalloch
Chateau, Williams

Sheriff Feb. 11, 75

I Greenback The within writ and Darguid set for
& Chateau Williams
The Sheriff The same in their presence and
hearing this 2nd day of December 1863
I execute The within writ on James McCalloch
by sending the same in his presence and hearing this
12th day of December 1863 D. B. Driver Sheriff

Isaac AS Herrington
by next friend
vs
George Amole

} In the Circuit Court
of Jefferson County
Missouri

The defendant, makes this Supplemental answer and states that the plaintiff Isaac AS Herrington was before the 17th day of July 1862, and afterwards engaged in armed Rebellion against the government of the United States in the States of Tennessee and Arkansas and other States in Rebellion also that said Isaac AS Herrington did before the 17th day of July 1862, ^{and subsequently} aid and abet the rebellion in the States of Tennessee and Arkansas and other States in rebellion against the government of the United States, and further that said Isaac AS Herrington did not within sixty days after public proclamation by the president of the United States, made on the 25th day of July 1862, Cease to aid, countenance and abet such rebellion and return to his allegiance to the United States as required by act of Congress By reason of which, plaintiff has forfeited all right, if any, to recover the land he owned in Missouri and also forfeited ^{all} right to recover the possession or to have the use of the land in question mentioned, even if he at any time owned the same, by virtue of act of Congress of July 17th 1862 and the proclamation of the president of the United States of the 25th of July 1862, made in pursuance

of said act of Congress which act is
set up in bar against a recovery in this
Cause

Defendant does not abandon the defence,
and answer heretofore set up & made in
this case

George Arnold

J A Beal atty for George Arnold
makes oath and says that the foregoing Supp
lemental answer & the matters as therein stated
he believes to be true

Subscribed and sworn to
before me this 12th day
of January 1863
E J Wmery Clerk

J A Beal Atty
for defendant

Dr. A. J. Herington
by next friend

⁰⁰¹
George J. Arnold

Supplemental Answer

Filed May 12th 1863

E. A. Herington

Isaac A S Hemmington
leg next friend
vs
George Arnold

In the Circuit Court
of Jefferson County
Missouri

The defendant moves the court
to rule the plaintiff to security for costs
for these reasons viz

1 Because plaintiff & his next friend
are insolvent

2 Because plaintiff has gone off
since the ~~arrest~~ continuance and is now
a prisoner of war and has no property
out of which to satisfy the costs.

George Arnold

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

James W. Holloch, Plaintiff
vs
David Holterbrand

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 *James W. Holloch* is
Plaintiff and *George J. Arnold* 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

7th day of *May* A.D. 1863

Elias F. Honey

Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

J. A. S. Herrington

vs
George J. Arnold

for debt
Jas McColloch
vs Pitzer
vs Drury Rogers \$14
David Ketterbrand

Sheriff Fees \$2.00

I executed this writ and Drury Rogers on the
14th on D. Pitzer on the 8th day of May also on
James McColloch on the 11th day of June plus by reading
the same in their presence and hearing ~~the~~
with in named David Ketterbrand and
found in my County

James B. Darnes & Son

Affidavit, Required by an Act entitled
 "An Act to graduate and reduce the price of
 public lands to actual settlers and cultivators,"
 Approved August 4, 1854.

I, Isaac A. S. Herrington having made
 application to enter the following described lands
 under the provisions of the above entitled Act, to
 wit: The Tract. (W of Negro fork) of Section
 31 Township 42 North of Range 4E containing
 9⁰⁰/₁₀₀ acres, in the district of lands subject to
 sale at St Louis, Missouri, do solemnly swear,
 that I desire to enter the same for my own use,
 and for the use of an adjoining farm or
 plantation, owned by me, and described as follows:

The NE 1/4 of Section 36 Township 42
 north of Range 3E and together with (this)
 said entry I have not acquired from the
 United States under the provisions of this
 Act, more than three hundred and twenty
 acres, according to the established surveys.

his
 I. A. S. Herrington
 mark

Subscribed and sworn to, before the under-
 signed, Register of the Land office at
 St Louis, Mo. this 19 day of Oct 1854.

A. C. Tuttle Register.

E. J. McHenry Esq

GENERAL LAND OFFICE,

Nov. 20th 1860

I, Joseph S. Wilson **Commissioner of the**
General Land Office, do hereby certify, that the annexed is a
true and literal exemplification from the original on
file in this office

In testimony whereof, I have hereunto subscribed
my name, and caused the
Seal of this Office to be af-
fixed, at the City of Wash-
ington, on the day and year
above written.



Commissioner of the General Land Office.

THE UNITED STATES OF AMERICA,

Se-embled on

To all to whom these presents shall come, greeting:

CERTIFICATE

No. 16,990.

Whereas,

Jackson Widdelbren, of Jefferson County, Missouri

Saint Louis

whereby

according

has deposited in the GENERAL LAND OFFICE of the UNITED STATES, a certificate of the Register of the Land Office at Jackson Widdelbren

it appears that FULL PAYMENT has been made by the said Jackson Widdelbren

the North East fractional

Quarter of Section Thirty-nine, in Township Forty-two, of Range Three East, in the District of lands subject to sale at Saint Louis. Missouri, containing One hundred and thirty-six acre and fifty-one hundredths of an acre

according to the official PLAT of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said tract has been purchased by the said Jackson Widdelbren

Now know ye, That the **UNITED STATES OF AMERICA**, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Jackson Widdelbren and to his heirs, the said Tract above described; **TO HAVE AND TO HOLD** the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Jackson Widdelbren and to his heirs and assigns forever.

In testimony whereof

James Buchanan

PRESIDENT OF THE UNITED STATES OF AMERICA,

have caused these letters to be made Patent, and the Seal of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the first day of March

and of the Independence of the United States the Eighty-fourth,

BY THE PRESIDENT.

James Buchanan

By

J. A. B. Leonard

Sec'y.



J. A. B. Leonard

E. J. Hoare Esq

GENERAL LAND OFFICE,

Nov. 20th 1860

I, Joseph S. Wilson

Commissioner of the

General Land Office, do hereby certify, that the annexed is a

true and literal exemplification from the patent records
of this office

In testimony whereof, I have hereunto subscribed
my name, and caused the
Seal of this Office to be af-
fixed, at the City of Wash-
ington, on the day and year
above written.



J. S. Wilson

Commissioner of the General Land Office.