

Jefferson County Circuit Court
Case file - civil

Box

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June 1861 40 13

Pitzer, David

VS

Wickerham, William

Wilson, Rebecca

Drennen, Jonathan

Drennen, Rachel

Ejectment

250 acres in Survey 395 T 41, 42 R 3, 4 E,

\$100 damages; survey map

**ALL OVERSIZED
DOCUMENTS FOR THIS
CASE ARE LOCATED IN:**

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Number of Items: 1

Duguid Pitzen Plaintiff

vs

John Wickham
Rebecca Wilson
Whathan Drenner
Rachael Drenner
Defendants

In the Circuit
Court of Jefferson
County
Missouri

Plaintiff states that on the 2^d day of February 1861, he was entitled to the possession of the following described premises situate in the County aforesaid to wit, one hundred acres of Land in the South East part of United States Survey No 395 in Townships 41 and 42 in Ranges 3 & 4 and adjoining one hundred acres of said Survey deeded by Jake Wickham to William Wickham and, also one hundred acres of United States Survey No 395 aforesaid in the South West part of said Survey bounded on the West by Big River and on the South by the head line of said Survey and being so entitled to the possession thereof, that the defendants afterwards on the 3^d day of February 1861 entered into such premises and unlawfully withheld from the plaintiff the possession thereof, to his damage one hundred dollars. Plaintiff demands judgment for the recovery of the premises and for one hundred dollars damages & for other proper relief

J. A. Seal Atty
for plaintiff

State of Missouri
County of Jefferson 3 3d

Dequid Pitzer makes
oath & says that the foregoing petition
& the matters as therein stated he believes
to be true

Subscribed & sworn
to before me this
19th day of February
1861
Elias J. Honey Clerk

Dequid Pitzer

Ensign Peter

was

John McEacham
& others

Chestnut

Sailed July 19th 1861

Chas J. Honey

Chas J.

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

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

We command you, that you summon John Wickerham
Rebecca Wilson Johnathan Drennen and
Rachel Drennen

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 and return

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 thirteenth
day of February A. D. 1861

Elias F. Honey

Clerk Circuit Court.

I executed the within writ on Rebecca Wilson the first served
by leaving her A certified copy of this writ and annexed
petition as furnished me by the clerk at her place of residence
with a free white person of the family over the age of fifteen
years also on John Wickerham, Jonathan Drennon and
Rachel Drennon by reading this writ and annexed
petition in their presence and hearing on the 19th day
of March 1861

Oscar Dover Sheriff

No 13

Jefferson Circuit Court
Term March 1861

Augusta J. J. J.
at J. Drennon

John Wickerham

Rebecca Wilson

Jonathan Drennon

Rachel Drennon

Shelf for 1861

Duquoin Pitzer, plaintiff } In the
 Against } Circuit Court
 John Wickerham } Jefferson County
 and others, — defendants }

John Wickerham, one of the de-
 fendants, being duly sworn, on his oath states
 for himself & the other defendants, that at
 the last Term of Court, he was much ex-
 cited & confused, in consequence of his
 son being on trial for Larceny, — and hence
 on being told by his Counsel that the
 above suit was continued, he thought
 he had nothing more to do in the matter,
 and if his Counsel told him he had
 to file a answer in vacation, he, in
 his confusion & anxiety on account of his
 said son, forgot it & thought he had
 nothing more to do till next Term. — He
 states that he and his Co-defendants
 have a good and meritorious defence
 against said action. — That they & others,
 as the heirs of Jacob & Nancy Wickerham,
 on the 8th day of February 1861, filed a
 Petition in Ejectment against the said
 Duquoin Pitzer for the same Land,
 described in plaintiff's petition. — That
 process was sued out by them on the
 same day, and on the 13th day of Feb-
 ruary 1861, said summons was executed
 on said Pitzer. — That Pitzer then
 (six days after such process was served
 on him,) filed his petition on the

above suit against these defendants,
for ~~the~~ identical same Lamas, - This
affiant further states that he believes
^{ex-act} he have a just cause of action against
said Pitzer for said Lamas, - and that
as their suit was brought first, they
had been advised by counsel that it
would be first tried, and that Pitzer's
suit would be delayed until their
suit was determined - and that he
thought he had nothing to do in Pit-
zer's suit for the present.

He for himself and Co-defendants
therefore asks to have the ~~defendant~~
in the above cause set aside, and
that they be permitted to file an
answer in the same, - and that the
above suit of Pitzer against them
be delayed until theirs is determined.
He also states that he not only has a monetary
claim against plaintiff's action, but has instituted
an action of ejectment against Pitzer for the
recovery of said property for which Pitzer
has instituted his suit, and thus can
now two actions pending against for the
same ~~property~~ ^{property} + and as the whole
matter of the case arises on the action
brought by ~~plaintiff~~ ^{doe Keyham & others} and as the said
plaintiff, can ought first to be tried
in regard to the case of Pitzer against
defendants, be abated & dismissed.

He also states that he employs Thomas C. Fletcher
who is now in the Federal service

as his ^{co-plaintiff} attorney in the case who institute
suit for him. & that he & his co-plaintiff
have been relying on his services in the case
& suppose in all probability he could be seen
to get his services without any unreasonable
delay -

That he supposed the case instituted by himself
& his co-plaintiffs would develop all the
facts in the case & decide the whole
controversy in the case and do not know
that any judgment by default had been
taken against him & his co-plaintiffs.
He therefore asks for himself & his
co-plaintiffs that the judgment by
default may be set aside
and that the suit instituted by
Peter may be ~~continued~~ abated
suspended & such judgment as
may be considered by with law
equity -

John Mickerham, make oath & depose that the
matter & things contained in plaintiff's
fuging affidavit are true
sworn to & subscribed
before me this 11th day
of Dec 1863
Elias O'Honey clk

his
John Mickerham
mark



Augusta Wiggen

Pro,

John Christopher Henry
and others

Affidavit

to wit said

deponent

Filed Decr. 14 1863

Chas. S. Henry

Clerk

Duguid Fitzgibbon.

John Wickham & others.

In Jefferson Circuit
Court Dec Term 1863.

Said Defendants served with process in the above entitled cause came & by leave of the Court first had to obtain an answer to plaintiffs foregoing Petition & say that said plaintiff was not entitled on the 2^d day of February 1861 or at any other time whatever to the possession of the land or premises mentioned & set forth in plaintiffs petition nor to the possession of S. East part of U. States survey No. 395 in T. 41 & 42 in Range 3 & 4 and adjoining one hundred Acres of said survey divided by John Wickham to William Wickham, nor to One hundred acres of U. States survey No 395 in S. W. Part of said survey bounded on west by Big River & on the South by the head line of said survey. - Said Defendants deny that their Plaintiff was entitled to the possession of said land & premises at any part thereof in manner & form as alleged in plaintiffs Petition & Defendants deny that they are relieved of this on 3^d day of Feb 1861 or at any other time unlawfully entered on said land or premises or unlawfully withhold from the plaintiff the possession of same to plaintiff & damages one hundred dollars or any other sum. ^{an alleged plaintiff} Defendants say that plaintiff is not entitled to a recovery of the premises nor to the recovery of one hundred

Dollars nor to any other sum whatever.
That they the defendants are the owners
of said Land - and are entitled to the proceeds
of the same.

John Wickham for himself & the other defen-
dants in the case comes says that
the matters & things set forth in foregoing
answer he believes to be true

Sworn to & subscribed }
before me this 12 } John Wickham
Dec 1863 } master
Elias J. Hickey Clk.

Augusta Pugh
John Wickhamham
Athens

Amson of
Spartanburg

Filed Dec 12th 1863
Clem Athens 1863

D Pitzer

vs

John Wickerham et al

In the Circuit Court
of Jefferson County
Mo

Be it remembered that on the
12th day of December 1863, the Def
endants filed a motion to set aside
the default in this case and to permit
defendants to file an answer in
words following (here copy) upon
which motion plaintiffs objected
to setting aside the default and
to filing an answer. The court
permitted defendants to file an
answer in the case, to which ruling
of the court plaintiffs objected and excepted
to the decision of the court allowing
defendants to file answer and pray
the court to sign and seal and
allow this bill of exceptions which
is accordingly done and it appearing
to the court that no default had been
taken the court permitted the Defs
to file answer to the decision of the
court allowing the Defs to file answer
the plffs objected & excepted and the
court to allow this bill of exceptions
which is done accordingly.

J. W. Owens Judge

Altgor

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Michael Aaron

Bill Corbett

Filed Dec 12 1863

Charles A. H. only
Clerk

Suzer Piles plaintiff. } In Jefferson Circuit Court
" } Dec Term 1863 adjourn
John Wickerham & others. } to Feb. 1864.

Said defendants served with process in the above entitled Cause come by leave of the Court for & have obtained filed their answer to plaintiff's foregoing Petition saying that said plaintiff was not entitled on 2nd day of Feb 1861 or at any other time whatever to the possession of the lands & premises mentioned in plaintiff's petition; nor to the possession of the E. part of the State Survey No 395 in T. 41 & 42 in Range 3 & 4 and adjoining one hundred Acres of said Survey divided by John Wickerham to William Wickerham, nor to one hundred acres of the State Survey No 395 in the S.W. part of said Survey bounded on west by Big River south South by the head line of said survey. Said defendants deny that said plaintiff was entitled to the possession of said premises or any part thereof in manner & form as therein set forth in plaintiff's Petition & defendants each of them deny that they or either of them unlawfully entered on said land & premises or unlawfully withheld from the plaintiff the possession of same to plaintiff's damage one hundred dollars or any other sum as alleged in plaintiff's Petition. Defendants say that plaintiff is not entitled to a recovery of the premises nor to the recovery of one hundred dollars nor to any

other says whatever & that the defend ants
are the owners of the respective portions of
land set forth in plaintiff's Petition & are
entitled to the possession of same.

And for further answer, the said defend ants
say, that neither the plaintiff, ^{his} ~~their~~ ancestors
or any other persons under whom ~~they~~ claim were
seized, or possessed of the premises above
~~described~~ within ten years before the commence-
ment of this suit - Defend ants further state
that they and those under whom they claim
the premises in controversy came into possession
of the land in portions mentioned & have
peaceably occupied & possessed the same for a
period of ten years longer than ten years,
during all which time they & those under
whom they claim title have had exclusive
and continuous ~~the~~ possession & claim
the same under Color of title, adverse
& hostile to all persons, & particularly adverse
to plaintiff & insist that Petyan has no right
or title in Law or equity to any portion of said
land.

And for further answer, defend ants state
that neither the plaintiff, his ancestors, grants, or
other person under whom he claims, were ever
seized or possessed of the premises in controversy
within twenty years before the commencement
of this suit - Defend ants further state, that

those under whom they claim they claim the
affirm and premises came into the possession of
the land in further mention, and have peacefully
occupied and possessed the same for a period of
twenty years longer than twenty years du-
ring all which time they & those under whom
they claim have had exclusive & continuous
possession, & claim the same under color of title
adverse to & hostile to all persons & particularly a-
gainst the plaintiff. Defendants deny that plaintiff
have a right to recover in this action & insist that plaintiff
are barred by the Statute of Limitations, & advise
possession by defendant & those under whom they
claim title —

Defendants claim the protection of an act
entitled an act concerning Simulators & Exhibitors presenting
of counterfeit articles
- approved. day of 18.

Flathen Green ^{hwy} ~~hwy~~
Atty: for defend al-



John Wackerham & Jonathan Drenow further say
 & for other defendants make oath & say that
 the facts set forth in foregoing answer
 they believe to be true

Sworn to & subscribed before
me this 5th day of Feb'y
1864

Elias F Honey clk

His
John + Wickerham
menk

His
John + Dren
menk

D. J. J. J.

21

John W. H. H. H.
others —

Andrew of
Alfreda —

Selected Aug 31st 1864
Edwin J. H. H.
Edwin

State of Missouri } SS
County of Jefferson }

The State of Missouri,
To the Sheriff of the County of Jefferson,
Greeting. -

Whereas Duguid Pitzer, did on the 19th day of February A.D. 1861, file in the office of the undersigned clerk of the Circuit Court in and for the County of Jefferson, his petition in ejectment against John Wickerham, Rebecca Wilson, Jonathan Drennen, and Rachael Drennen; and whereas afterwards to wit, on the 18th day of May A.D. 1865, the death of the said Duguid Pitzer, was suggested in said Court. It was thereupon ordered by the Court, that a Decree Facias issue to the heirs of said deceased to bring them into Court as plaintiffs;

You are therefore commanded that you notify, Jane Morgan, Kyle Pitzer, and George Pitzer

minor heirs of Duguid Pitzer, deceased, that they be and appear before said Court, on the first day of the next term thereof to be begun and held at the Court house in Hillsboro in said County, on the second Monday in November next, to show cause if any they have why they should or should not

be made parties Plaintiff in said cause in
the stead and place of the said Osgood
Pitzer deceased;

And have you then there this writ,

Witness Samuel A. Reppy, clerk of said
circuit court with the seal thereof
hereto affixed in Hillsboro this
6th day of October AD 1865,
Samuel A. Reppy clerk

Stefferson & Co's Bank
November 20th 1865

August Peter

at

John Michaelson
Rebecca Wilson
Jonathan Peterson &
Michael Peterson

Debit, being in and
Christy

Sam Morgan
Ryle Peter &
George Peter Junior
Heirs of August Peter
deceased —
The Peter Trust for 300

I enclose this note in the county of
Jefferson State of Missouri on the 27 day of
Oct 1865 on George Peter by receiving the same
to him in his place & bearing date Morgan
Ryle Peter is not the owner in my county

to the Peter
Christy

H. P. LLOYD,
Attorney at Law,
No. 65 WEST THIRD STREET.

Prompt attention given to all Business.

Cincinnati, Sep 27th 1872
Joseph J. Williams Esq.
My Dear Sir
Your very kind
favor of the 24th is at hand. Mr Davis is
preaching at Anna Ill. & I suppose there
is no prospect whatever that he will be in
Missouri. So we must proceed by attachment.
In Ohio, no bond is required in attachment
cases, when deft. is non resident of state.
It seems to be different in Missouri. Theiffs
are abundantly responsible, and are very
honorable men. Whatever arrangement is
necessary for the bond, I shall of course leave
to you, assuring you that any parties who may
sign the bond at your request shall be fully
protected. Whenever money is necessary
for the printers fees, let me know and I
will remit to you. Please write
me again. Very truly Yours
H. P. Lloyd