

Jefferson County Circuit Court
Case File - Civil

Box

13

Folder 42

June 1861

Miller, Jacob

vs

Bengardner, Ferdinand

Ejectment

40 acres in S26T43R5E

Jacob Miller
Against

Ferdinand Bongardener

In the Jefferson Circuit
Court - June Term 1861.

Plaintiff states that he was on the 11th day
of May 1861, entitled to the possession of the
following described real estate - Situate
in Jefferson County, Missouri, To wit - S. W. 1/4
of S. W. 1/4 of Sec. 36, Town, 43, Range, 35 East
Containing forty acres; and being so entitled
to the possession thereof that defendant on
the day aforesaid entered into the possession
of said land and now wrongfully withholds
the same from Plaintiff & profits of said land at the rate of five dollars per month
& that the monthly rents,

Wherefore Plaintiff demands judgment
for the possession of said land & also for monthly
rents & profits at the rate of five dollars per
month - & for other proper relief.

Thomas H. Hagan -

Att'y for Plff -

Jacob Miller makes oath & says that
he believes that the above petition & the
matter therein stated are true &
sworn to & subscribed before Jacob Miller
on this 11th day of May 1861.

A. R. Hagan, c/c

J. Y. Ferdinand Baumgartner
Superintendent herein acknowledge
The service of the within ^{Petition} ~~and~~ and
~~value~~ service ^{of summons thereon}
this 11th day of May A.D. 1861

Signed J. Y. Ferdinand Baumgartner
Attest Elias P. Hooney

2421

Geese & Pheasants

as

Hard-Bongardener

Bochults

20

Boat

25

1 Spr a

52

Swamp

52

Indes.

20

165

Section in G'edmund.

ated May 11th 1861

Chas & Moorey Clerk

Jacob Miller
vs
Herward Bongardner } In the Circuit Court
of Jefferson County

The defendant, for answer
denies that the plaintiff was entitled
on the 11th day of May 1861 or at any other
time to the possession of the S W 1/4
of S W 1/4 of Section 36 Township 43 Range
5 East. Defendant denies that he wrongfully
withholds from the plaintiff the possession
of said land but states that the
plaintiff does not own said land
or any part thereof nor did he have
any right to recover the possession
of the premises but says that he
defendant is entitled to the possession
and has not damaged the pl
aintiff in five dollars or any sum
of

Sworn before me }
Jany 13th 1863 }
E J Hooney clk }

Wm. Springgärtner

James Meiler

to

Therese and Augustus

Anner

Dec 14 1863
Elias Anthony
Clerk,

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To Jacob Miller & James R. Arley

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 October 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 Jacob Miller is

Plaintiff and Herd Runquistes 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 thereto affixed, at office, this
25th day of May A. D. 1863

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June

Jan, 1863

Jacob Miller

vs

Ferd Bungalowner

Spa for Deft
Jacob Miller
J B Ashley

Sheriff Fees 75^c

I received the within writ on Jacob Miller
by reading the same in his presents and hearing
This June the 4th 1863 James R. Ashley not
found in my country

J. B. Dover Sheriff

by J. T. Mays Clerk

Jacob Miller }
 vs }
 F. Bungardner } In the Circuit Court
 of Jefferson County
 Missouri

The defendant states on oath
 that he cannot safely proceed to trial
 in the above cause for want of material
 witnesses that he has used due dilig-
 ence to obtain the attendance of said
 witnesses but has failed to procure
 the attendance of said witnesses that he
 knows of no other witness by whom
 he can prove the same facts that
 this application for a continuance is not
 made for vexation or delay but that
 justice may be done and if an adjourn-
 ment of the above cause he will be able
 to procure the evidence of said witnesses
 in time to be used on the trial

Friedrich Bungardner

F Bungardner being sworn states that
 the foregoing petition & the matters as
 therein stated he believes to be true

Friedrich Bungardner

Sworn to before me
 Judge 13th 1863 }
 Elias Honey }
 Clerk

Geordie Miller

to

Dr. H. H. H. H. H.

Official of conscience

July 16th 1863

Wm. J. H. H.

Jacob Miller }
 vs } In the circuit of Jefferson
 F. Bungeardner } County Mo

F. Bungeardner states that he cannot safely proceed to trial in the above cause ~~at this point~~ of the Court for the want of the evidence of J. R. Axlly whose evidence is material to the defence of this case. That he can prove by said Axlly that he did not sign the deed of trust ~~for~~ ⁱⁿ favor of said Miller. That said Miller had a deed of trust ~~for~~ ^{proposed} to be signed by the defendant on the lands in controversy, that Jacob Miller caused the land to be sold under the deed of trust & brought the land himself at the trustee's sale and brought suit on that title. Defendant expects to prove ^{and believes that he can prove} by said Axlly that he did not execute or sign the deed of trust under which the land was sold. That the legal title is in defendant and plaintiff ought not to recover the possession of the premises. Said Axlly left Jefferson County suddenly since the commencement of

the present Rebellion and is said to be
gone to the South, that defendant
has made enquiries for said Alexy
in order to get his evidence in this
suit but has not been able
to find where said Alexy is so as
to obtain his evidence. He has
been informed that said Alexy is
alive. Defendant knows of no
other witnesses by whom he can
prove the same facts as by Alexy
that if a continuance be allowed,
he will endeavor to obtain his evi-
dence and he believes that he will
be able to obtain the evidence
of said Alexy in time to be used on
the trial. That this application for a
continuance is not made for vexation
or delay but for the purpose of obtain-
ing the evidence & have a fair
trial & justice done him.

Subscribed & sworn
to before me Feb 4
1864

Elias O. Hovey Clerk

J. D. Loring Justice

