

November 1865, No. 9

Sarpy, John R.  
Berthold, Frederick  
Berthold, Virginia L.  
Morrison, James L. D.,  
et al

vs

Quartrond, Andrew  
Kidd, Jesse

Tree pass

Cut and removed timber from  
500 acres in Survey 1939 T4324E;  
\$750 damages

John R Sarpy

Fredrick Beuthold

Virginia L Beuthold

James L D Morrison &

Julia Ann A Morrison. Plaintiffs

against

Andrew Chatrand Defendant

In the Circuit  
Court of Jefferson  
County Missouri

The plaintiffs state that the defendant at sundry times in the winter and Spring of 1864 without leave and wrongfully entered on the following Real Estate situate in Jefferson County Mo to wit, 500 acres of land being part of United States Survey No 1939 in Township 43 Range 4 East, situated on the waters of Big River in Jefferson County Mo and said defendant did then and there cut timber, standing, being and growing on the said land to the value of one hundred and fifty dollars and carried the same away, that said defendant did not own said land & had not the possession thereof and had no interest or right in said timber and wood & trees standing on said land. Plaintiff further states that Peter R Sarpy owned the undivided half of said lands at the time of the said cutting & taking away of said wood & timber and that John B Sarpy owned the other half of said land in the year 1857 when he died, that Peter R Sarpy died about the month of January 1865 & left his will by which he gave all the

Said interest in said <sup>land</sup> to the heirs of John  
B Sarpy. That the plaintiffs are the heirs  
and legal representatives of John B Sarpy  
and of Peter R Sarpy and as such entitled  
to the said land & to recover for the  
timber ~~cut~~ <sup>down</sup> & taken away from said land  
by said defendant.

Plaintiffs demand judgment for four  
hundred & fifty dollars treble the value of  
the timber, trees & wood cut & taken away  
by defendant from said land and  
for all other proper relief.

Plaintiffs further state that defendant  
at sundry times in the Spring of 1865, wrong-  
fully and without leave as the County of Jefferson  
Missouri entered on the following land in  
the possession of plaintiffs, to wit 500 acres  
of land, part of United States Survey No 1939  
Township 43 Range four east on the Waters  
of Big River in Jefferson County Mo. And said  
defendant did then & there cut down and remove  
away trees and wood standing being and growing  
on said tract of land of the value of one  
hundred dollars, that said defendant did not  
own said land or any part thereof and had  
no interest or right to said land or the said  
trees & wood there standing being & growing on  
said land.

Plaintiffs state that they are the heirs of John  
B Sarpy & Peter R Sarpy <sup>& inherited the same from them</sup>. The demand judgment  
for one hundred dollars treble the value  
and interest said land from

of the trees & wood cut down and carried away by  
said defendant & for all other proper  
relief

J A Deal  
Atty for plaintiffs

Remains Atty being sworn on his oath says that  
the foregoing petition & the matters therein  
as stated he believes to be true

Subscribed & sworn to before J A Deal  
me this 14<sup>th</sup> day of July 1865

Charles F. Blattan

Notary Public



John R. Deasy attn  
as  
Andrew Chastanul

Deafness

Attest  
Not Public  
Jas. S. Smith  
J. S. Smith

Filed July 17th 1865  
James H. Deafness  
\$1.75 July 1865

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

*The State of Missouri*

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

We command you, that you summon

*Andrew Chartrand*

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

*John R. Darpy, Frederick Berthold, V. L.  
Berthold, James L. D. Morrison (J. A. A.  
Morrison)*

upon *their* original petition, a copy whereof is herewith annexed and ac-  
companies this writ, and have you then there this writ.



Witness *Samuel A. Reppy* Clerk of our said Circuit  
Court, with the seal thereof herewith affixed, at office  
in Hillsboro, this *20th*  
day of *September* A. D. 1865

*Samuel A. Reppy*  
Clerk Circuit Court.

I executed the within writ at the County of  
Jefferson State of Missouri on Anarene Chabrand  
the with defendant on the 13 day of Oct 1865 -  
by delivering to him a copy of said writ and  
annexed the annexed petition as furnished me  
by the Clerk

Cl Fletcher Sheriff  
By Jno Williams  
Dpy

TO JEFFERSON CIRCUIT COURT

2410  
Reminded Jan, 1865

John R. Chabrand  
? Defendant

Anarene Chabrand

Sheriff 1865

Filed Nov 14 1865

Samuel A. Repley  
Clerk

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To William Bittels, John Shultz & Willis Bittels

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 23<sup>rd</sup> day of May next 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 John W. Darby et al are

Plaintiff and Andrew Chatham is

Defendant on the part of Plaintiff and herein you are in no wise to fail.

WITNESS, my hand and seal of our said Court,

with the Seal hereof here affixed, at office, this 26<sup>th</sup> day of March A. D. 1866,

Samuel W. Osborn Clerk.

# **SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

*May* Term, 1866

*John R. Darpy et al*  
*vs*

*Andrew Chotrand*

*Witnesses for Plaintiff*

*Wm. Buttick John*  
*Shoutz & Willis Buttick*

John R. Sarpy et al } In the Jefferson Circuit  
vs } Court. May Term 1866.  
Andrew Chaubronel }

Now at this day comes Andrew Chaubronel  
the above named Defendant and for answer to  
the petition of the Plaintiffs, states that it is not  
true as is in said petition alleged, that he, at  
any time in the winter and spring of 1864,  
without leave and wrongfully entered on the  
~~the real~~ estate described in said petition  
or that he did at the time of said or  
any other cut timber, standing being & growing  
on the said land to the value of one hundred  
fifty dollars or any other amount or that  
he carried the same away.

Defendant further states that he has not  
knowledge or information sufficient to form  
a belief as to whether Plaintiffs are the owners  
of said land or not, and therefore requires  
strict proof thereof.

Defendant for further answer to said petition  
denies that at sundry times in the Spring of 1865  
or any other time, ~~he~~ wrongfully and  
without at Jefferson County Ind, en-  
tered upon the land in said petition described  
and cut down and carried away trees &  
wood standing being & growing on said land  
to the value of one hundred dollars or

any other sum

Defendant dems that Plaintiffs are entitled  
to recover of and from Seven hundred  
and fifty dollars or Four hundred & fifty  
dollars or three hundred and fifty  
dollars or any other sum on account  
of any supposed trespasses by him  
committed. and having fully  
answered prays to be discharged  
with his reasonable costs.

Thomas D. Helvey  
Atty for Deft.

John R. Sarpy et al  
vs

Andrew Chaitman

Answer

Filed. Apr 13<sup>th</sup> 1866  
Samuel A. Sarpy Clerk

COUNTY OF JEFFERSON.

To Benjamin Miles, Esq. Mayor  
City of Charleston

You are Herely Commanded, That setting aside all manner of excuse and delay You appear before our Circuit Court for the County afore-  
said, on the 23 day of May Next 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 John D. Danks et al vs

John D. Darby et al

# Plaintiffs and

Dear Child is

Defendant on the part of

Standard

and herein you are in no wise to fail.

WITNESSES

*W. B. Keiser*  
~~W. B. Keiser~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

22

day of *April* A. D. 1866

Samuel A. D. Jay  
Clerk.

**SUBPOENA**

**TO JEFFERSON CIRCUIT COURT.**

*May* Term, 1866

*John R. Sarpy et al*

*vs*  
*Jesse Lidd*

*Witnesses for Defendants*

*Benjamin Miles*

*William Chartrand and*  
*William Ranney*

*Hetcher Sheriff 50*

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *William Barney, Jr. & Atticks & Sebastian*

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 *23<sup>rd</sup> day of May next* 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 *John P. Sapping et al* are

Plaintiff and *Joee Strain* is

Defendant on the part of *Defendants*

and herein you are in no wise to fail.

WITNESS,

*St. J. P. Sapping*  
~~ELIAS P. HONTER~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this  
*25th* day of *April* A. D. 1866

*Samuel A. DeWitt*

Clerk.

# SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866

John R. Garpy et al  
vs.  
Jesse Kidd

Witnesses for Plaintiff  
Wm Ramey W Bittick  
A. Chostrand

Fletcher Sheriff 60

## COUNTY OF JEFFERSON.

To Jessie Stuart and William Kearney

You are **Hereby Commanded**, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County afore-  
said, on the *23 day of May Next* 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 *John D. Davis et al are*

Defendant on the part of

Standard

WITNESS,

~~Shelton~~

with the Seal thereof hereto affixed, at office, this

2020

day of *April* A. D. 1866

Samuel A. Phelps

Clerk.

# SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1866

John R. Sarpy et al

vs

Andrew Chartrand

Witnesses for Defendant

Jesse Kidd and  
William Ranney

Hetcher Sheriff 85-

(from book 1 page 1)

Opinion of the Recorder of Land titles for Missouri, etc., as to claims entered under act of 13th June 1812, and proven before 1st Jan. 1814, as provided by the act of the 3d March 1813, comprehending also the claims in the late District of Arkansas, which by the act of 2d Aug. 1812 were permitted to be entered until 1st Jan. 1814, and proven until 1st of July 1814, together with the extensions of quantity provided by the 4th section of the act of 3d March 1813, and expirations under the act of 12th April 1814 -

(from book 3 page 62)

| Con. Ord. or Hist. of Survey                                        | Survey | Notice to Recorder                       | Land claimed | Situation                       | Vol. & Chk. & Cult. | Opinions of the Recorder                                            |
|---------------------------------------------------------------------|--------|------------------------------------------|--------------|---------------------------------|---------------------|---------------------------------------------------------------------|
| Con. for T. Trudeau & Son, Survey 12th Jan. 1804<br>18th Nov. 1798. |        | Gregorie Clary under<br>Jr. 53. Sanarche | 800 arpens   | Water Meramec Riv.<br>St. Louis | Vol. for 1799       | Confirmed 800 arpens - C p. 263 - Sup. 328<br>Eight hundred arpens. |

Office of the U. S. Recorder of Land titles in the State of Missouri,  
St. Louis April 19th 1866

It is to certify that the above is correctly transcribed from pages 62<sup>th</sup> of Book 3, being one of the five small books in this Office with the following endorsement on the front and also on the fifth book, all said five books are apparently in the handwriting of Frederick Bates, to wit: These five small books are originals in the handwriting of the undersigned, being his decisions on land claims, since the adjournment of the late Board. They were arranged & fairly transcribed for report to the Commissioner of the General Land Office, but not yet recorded in the books, because they have no authority till sanctioned by the Government. St. Louis Nov. 1st 1815. Frederick Bates,  
Recorder of Land titles - "



T. H. Wadsworth  
Recorder of Land titles

Rec'd 1. 25  
St. L.

Confirmation to  
Barby

by  
\$2.50 paid by J. H. Neal  
Cots in

for R. Barby return  
as  
Andrew Chataune  
& Jean Kild

Filed May 11th 1866  
Samuel A. Barby clerk

I, Peter A. Sarpy, of the City and County of Saint Louis, in the State of Missouri, do make and publish this my last Will and Testament, in manner and form following, that is to say:

I give, devise, and bequeath to my brother John B. Sarpy, of the City and County of Saint Louis, in the State aforesaid, all my personal estate, goods, chattels, bonds, notes, debts, moneys and effects, of what kind soever.

And I also give, devise and bequeath to my said brother, John B. Sarpy, all my lands, tenements and hereditaments wherever situated, with the profits and income thereof (except as hereinafter provided) and if the said John B. Sarpy should not dispose of the same, it is my wish and desire that the same shall descend to the heirs of the said John B. Sarpy, in such way & manner as the said John B. Sarpy may direct.

And I hereby further express that it is my will and desire that the said John B. Sarpy shall have the whole and entire management of all my Estate, whether real or personal and that he shall have power to convey any of my real estate, either in fee or otherwise to such persons and for such considerations as he may deem fit and

expedient.

And I do further give, devise and bequeath unto a certain Indian woman known by the name of "Sticommy" now residing at Council Bluffs in the Territory of Missouri, for and during the term of her natural life, an annuity, clear yearly rent, or sum of Two Hundred dollars which sum of Two Hundred dollars my Executor hereinafter named or his successors, is hereby directed to pay her annually, and I do hereby charge and subject all my lands, tenements and hereditaments, to and with the payment of said annuity, yearly rent, or sum of Two Hundred dollars.

And if the said "Sticommy" should ever wish to live in the said City of Saint Louis, it is my will and desire that my said Executor or his successors, in addition to the legacy above made to her, shall provide her with suitable lodgings and pay the rent for the same out of my Estate.

And I do hereby constitute and appoint my said brother John A. Sarpy Executor of this my last Will and Testaments, and I hereby revoke all other Wills and codicils heretofore made.

In Testimony Whereof I have hereunto set my hand and Seal

this Seventh day of April, in the  
year eighteen hundred and forty-five.

P. A. Sarpy, Seal

Signed, sealed, declared and published  
by the said testator Peter A. Sarpy  
as and for his last Will and Testament  
in our presence, who at his request,  
in his presence and in the presence  
of each other have subscribed our names  
as witnesses thereto.

Jos. A. Sire  
E. Mittenberger

State of Missouri }  
County of St. Louis. } ss

Be it Remembered  
that on this third day of June, in  
the year of our Lord, one thousand  
eight hundred and sixty-five, before  
me Milton A. Wash, Clerk of the  
Probate Court of the County of St. Louis  
in the State of Missouri came Edward  
P. Tyson, who being by me duly  
sworn upon his oath says; I was  
personally and intimately acquainted  
with Joseph A. Sire, in his life-time,  
he now being dead, and have often  
seen him write and sign his name and  
know the signature "Jos. A. Sire" above  
written, was written by him. I was  
also well acquainted with Peter A. Sarpy

the testator, in his life time, long before  
and since the date of the foregoing in-  
strument in writing purporting to be  
his Will, and he was of sound and  
disposing mind to the best of my  
knowledge and belief

Edw. & P. Tesson

Sworn to and Subscribed before me  
this 3<sup>d</sup> June 1865.

Milton N. Wash, Clerk

And also on this fifth day  
of June, in the year of our Lord, one  
thousand eight hundred and sixty-five  
before me Milton N. Wash, Clerk of the  
Probate Court of the County of St. Louis  
in the State of Missouri came Eugene  
Mittenberger, who being by me duly  
sworn upon his oath says: I was  
present and saw Peter St. Sarpy, the  
testator sign his name to the forego-  
ing instrument in writing and heard  
him publish and declare the same  
to be his last Will. Joseph St. Sire  
and myself subscribed our names  
thereto as witnesses, at the request and  
in the presence of the testator and of  
each other, and at the time of so doing  
he said Peter St. Sarpy, was of sound  
and disposing mind to the best of my  
knowledge and belief. Joseph St.  
Sire is now dead.

E. Mittenberger.

Sworn to and Subscribed before me  
this fifth day of June 1865.

Milton N. Wash, Clerk

State of Missouri }  
County of St. Louis, ss

Be it Remembered  
that on this fifth day of June, in the  
year of our Lord, one thousand, eight  
hundred and sixty five, at the June  
Term of the Probate Court of the County  
of Saint Louis, the foregoing instru-  
ment in writing, purporting to be the  
last Will of Peter A. Sarpy, and the  
testimony of Edward P. Tesson, and  
Eugene Mittenberger a subscribing  
witness thereto, is produced in and  
exhibited to said Court, on examina-  
tion whereof it is Considered that  
said instrument is duly proved to  
be the last Will of Peter A. Sarpy,  
deceased, and ordered that the  
same be certified and recorded.



In Testimony Whereof  
I, Milton N. Wash, Clerk  
of the Probate Court of  
the County of St. Louis  
in the State of Missouri, hereto set  
my hand and affix the Seal of said  
Court at the City and County of St.  
Louis, the day and year last aforesaid

Milton N. Wash  
Clerk.

State of Missouri  
County of St. Louis, ss  
J. A. S. Lindsey

Clerk, of the Probate Court of the  
County of St. Louis, do hereby Certify  
that the foregoing is a true copy of  
the last Will and testament of Peter  
A. Sarpy deceased, and of the pro-  
bate thereof, as the same remains on  
file in my office and appears of rec-  
ord therein in Book "G" of Wills, on  
Page 483 and following.

In Witness Whereof I  
hereto set my hand <sup>and</sup>  
affix the Seal of said  
Court, at office, this 9th  
day of May 1866.



J. A. S. Lindsey  
Clerk

7000

John A. Harper

Copy of Bill

for \$4.75 paid by John A.

Harper to the

of Andrew

James Smith

Filed May 11th 1864  
Saml. A. A. P. by C. A. P.

John R. Sharps & Son } as the circuit court  
of Johnson County }  
Andrew Chatman } the

The clerk of the circuit court  
of Johnson County has well deemed  
the above due at the costs of the  
defendant in payment of costs  
May 1866

J. A. Deal Atty  
for plaintiff

2410

Sarpy  
vs  
Chartrand

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Notice to dismiss