

To Flosser County Circuit Court
Case Files - Civil

Box

16 Fodor 84

November 1965, No. 61

Sloan, Benjamin
Sloan, Mary
Sloan, Mary, by Next Friend
Loney, Moses

vs

Pounds, Newman
Wiley, Stewart S,

Ejectment

100 acres in 5874023E. \$1000

Damages

Benjamin Sloan } In the Circuit Court in and
" } for the County of Jefferson
Newman Parnold & } State of Missouri
Stewart S. Wiley }

The Plaintiff Benjamin Sloan complains
of the above named Defendants for that Whereas the
the said Plaintiff on the 4th Day of October 1848
became the owner of and was seized of in fee
simple absolutely in his own right of and und
to the following described real Estate Situate
Lying and being in Jefferson County State
of Missouri to wit. being Lot No. 2. N E 1/4
Section 8. Township 40. Range Three East
Containing ninety nine acres and ninety five
hundredths of an acre and that he became
the owner and was lawfully seized of the
Same by virtue of a Deed executed and
delivered by John Stone to Plaintiff in 1849
and that said Deed was recorded in the
Recorder's office of Jefferson County Mo
18th Day of April A.D. 1849. in Book
II. Page. 381. That the Plaintiff was then on
that Day entitled to the possession of the above
described premises and hath been ever since
and is now entitled to the possession thereof
and being so seized as above stated and
entitled to the possession thereof the Defendants
afterwards in the year 1853 well knowing
that the Plaintiff was legally seized of
the above described premises ordered the
Pliff. to give up possession to Newman
Parnold one of Defendants, that said Deft
Parnold by threats and violence compelled
this Pliff. to give up possession of the Same

In Said Preamble. And. That he Said Preamble
occupied Said Premises for several years
thereafter to wit. about. four years and that
he Said Preamble then put in possession of
Said Land the Supt. Leonard S. Wiley
and that he Said Wiley is now in possession
of said premises and unlawfully withholds
the possession thereof from this Plaintiff
And this Plaintiff further alleges that
in consequence of defendant unlawfully
withholding the aforesaid premises he has
been damaged and has sustained damage
in the loss of the profits use and occupation
of said premises in the sum of one
thousand dollars for which he will
claim judgment for on the trial
also that Defendant be Equated from
the premises and the Supt. be put in the
possession thereof together with the costs
of this Suit -

Signed in presence of Benjamin ^{his} Sloan
Mark
McConner

State of Missouri
Washington County } H. Benjamin Sloan
duly sworn deposes and says that the
facts set forth in the foregoing Petition
set forth he believes to be true

^{his}
Benjamin Sloan
Mark

Sworn and Subscribed
Before me this 3^d day of
October 1863

More Conner
Notary Public

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 *Newman Pounds*
by *Stewart D. Wiley*

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

Benjamin Sloan

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

Witness,

Samuel A. Peppy Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Eleventh*
day of *October* A. D. 18*65*

Samuel A. Peppy
Clerk Circuit Court.

21 61

2605

TO JEFFERSON CIRCUIT COURT

November 3rd, 1865

Benjamin Sloan
vs J. Summons

Seaman Burdett &
Stewart S. Wiley

11006



Benjamin Stone
vs
Newman Pounds &
A. S. Wiley

In the Circuit Court
Jefferson County - Mo.

Defendant Newman Pounds for
Answer to the petition of Plaintiff
says - it may be true that
the Land in said petition mentioned
was deeded to Plaintiff by his
father John Stone as stated in
the year 1849 but that said Deed
was made from said John Stone
to said Plaintiff voluntarily &
without any valuable consider-
ation that at the time of executing
said Deed said John Stone was
largely involved in debt & insolvent
& made said Deed with a view to
defraud his creditors in the collection
of their Debts against him. That said
John departed this life about the year
1850 & that one John Sargent be-
came a trustee of his Estate that said
Sargent presented his petition to
the County Court of ^{the} ~~said~~ ^{Jefferson} County -
of Jefferson for an order to

Said John Stone having died in
said County & letters of adminis-
-tration having been granted on his
Estate by said Court - for an order
of sale of said Land to pay the
Dfts of said Estate about the
day of 1855

that an order of sale was made
by said Court - at the
Term thereof for the year 1855
that in pursuance of said order
of sale said Land was sold to
Defendant by said Admin^r &
conveyed to him by deed dated
day of 1853

& Defendant says that by reason
of said Conveyance he is the legal
owner of said Land & rightfully
in possession thereof.

And that he has been in
possession thereof under claim
of title hostile to Plaintiff for
more than ten years before the
bringing of this suit and that the
Plaintiff's claim if any he ever had
is long since barred by the Statute
of Limitations

Jos. Williams
for Defendant.

Wm. Howe

per

W. Howells &

St. Peter

Customer of Howells

Filed April 18th 1866

David H. DePuey att

Benjamin Slane,
vs.
Nemman Pounds and
Stewart S. Wiley.

In the Circuit Court
of Jefferson County
Mo.

Defendant Stewart S. Wiley states, that he has no knowledge or information sufficient to form a belief, that plaintiff on the 4th of October 1848. or at any other time became the owner of an estate in fee simple in the real estate described in the petition of plaintiff; this defendant has no knowledge or information, sufficient to form a belief, that plaintiff by virtue of the deed referred to in his petition, became the owner and seized of the real estate, in said petition described; this defendant denies, that plaintiff ever since the year 1849. has been entitled to the possession and is now entitled to the possession of the premises above referred to; This defendant Stewart S. Wiley further denies, that he and his co-defendant, in the year 1853, or at any other time by threats and menaces ~~to~~ compelled plaintiff, to give up possession of said premises to his co-defendant Nemman Pounds; this defendant further has no knowledge and information, sufficient to form a belief

that Kennmann Paunds, his codependant, by threats and menaces ~~compelled~~ plaintiff, to give up to him the possession of the premises in question; This defendant denies, that he unlawfully withholds the possession of said premises, described in plaintiffs petition, from him, plaintiff, ^{and that} the latter has sustained damages to the amount of One Thousand Dollars in consequence of said unlawful withholding of said premises, and for the other reasons, mentioned in plaintiffs petition, or that he has sustained damages in any other amount.

This plaintiff Stewart S. Wiley, in ~~and~~ further answer to plaintiffs petition avers, that he and those, under whom he claims, have had actual, adverse and continued possession of the premises described in plaintiffs petition, for ten years, and that ~~consequently~~ he is the owner of said premises and entitled to their possession legally.

Thomas G. Ahlvers,
Attys for Stewart S.
Wiley, one of defendants,

Dr the Treasurer
Co. Ancient and

Benjamin Stone

vs.

Samuel Stone
and Edward Grey,

Debtors

Filed April 13th 1869
Samuel M. Peck
Clerk

Professor Sherrin
Guns &
Newman & Sons &
S. S. Wiley.

The barrel for Blamoff was
the Court & Sutshut & Poff
Mury. Sherrin. And Sherrin
the Blamoff gun had since
the commencement of this action

Nov. 7th 1866 M. Conger

B. D. Haven

21

Attest
J. J. Wiley.

Notar Public

for the State of
New York

C. W. Deane
City of New York

Witness my hand and seal
this 5th day of May

1866
at New York City

Benjamin Slawn

against

Newman, Paull &

S. S. Wiley

Notice of his
Purchas

To Newman, Paull, & S. S. Wiley, And
To all others concerned or interested
You will please take notice that
a Suit is now pending in the
Circuit Court of Jefferson County
Missouri, an Action of Ejectment
To Recover possession of the following
described real Estate, To wit Lot No
2. N E fractional quarter Section No
8 Township 40. Range 3. East. Contain
ing $(99\frac{95}{100}$ of an acre.) Ninety nine and
ninety five hundredths of an acre
That at the last Oct. Term of Jefferson
County Court, M. O. The death of the
Plaintiff was suggested to the Court
and Mary Slawn ~~his~~ wife and
Widow, and his infant daughter
Helen Slawn were made Plaintiffs

McConner

Deft. Atty

Notis M. O

Feb. 13th 1867

State of Missouri, Jefferson County, ss.

I, ~~SAMUEL A. REPPY~~ *E. J. Honey*, Clerk of the Circuit Court, and *ex-officio* Recorder, within and for said county, do hereby certify that the foregoing instrument of writing was filed for record in my office, on the *16th* day of *Feb* 1867, (and that the same is truly recorded therein, in Book *28*, Page *288*.) *on the 18th day of March 1867*

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of said Circuit Court, at office in Hillsboro, the date last aforesaid.

Elias J. Honey RECORDER.

Ben Sloan
vs
Woman Parrell Coal

Notice of Purchase

Filed Feb 16th 1867
Elias J. Honey clk

Record fees 70¢

Jefferson County
Circuit Court
May Term 1863

To The Honorable Circuit-Court
of Jefferson County State of Mo

Mrs. Cury Respectfully represents unto your Honor, that since the Commencement of the above entitled Cause to wit on or about the 15th day of 1866 - Benjamin Sloan Plaintiff as aforesaid departed this life - leaving as his heirs and legal Representatives to wit Mary H. Sloan widow of said Benjamin and Nancy Sloan infant heirs of said Benjamin. Your Petitioner represents that said Nancy is under the age of fourteen years that is to say of the age of nine years - Your Petitioner prays the Court to appoint Your said Petitioner as "nxt friend" of the infant - child (Nancy) of the aforesaid Benjamin - in order that said Nancy may be made a party Plaintiff in the above Cause - Your Petitioner further prays the Court to allow the ^{Petition in the} above entitled Cause to be amended by substituting Mary H. Sloan & Nancy Sloan by her nxt friend to be made Parties Plffs - said amendment to be

made, without prejudice to the rights
of the parties Defendant, and in such
time and upon such terms
as the Court may deem just
M. Leary
Dated May 8th 1867-

Burgin Slaves
vs
Newman Bond
Et al

Motion to
Amend

Filed May 8th 1867
E. J. Honeyaker
sustained

Mary J Sloan & Nancy Sloan
by her next friend Moses Conyer

vs
Nathan Bonds &
Edward Wiley

Jefferson County
Circuit Court May Term 1863
Forfeited Petition being Court first heard
I do allege that Benjamin Sloan
in his lifetime was seized in fee simple absolute
in his own right to the following described
Real Estate Situate in Jefferson County
State of Mo, To wit Lot no 2 NE
1st Quarter Sec Eight Township 40
Range 3 East, Containing ninety nine
& 96 acres (99 7/8) that he be-
came the owner and was lawfully
seized of the same by virtue of a deed
executed and delivered by John Sloan
Sr to Benjamin Sloan aforesaid, in the year
AD 1849 and the said deed is of Record
in the Office of the Recorder of the County
of Jefferson aforesaid on the 11th day
of April 1849 - in Book of page 381
That the said Benjamin Sloan was
on that day the owner and entitled to
the possession of the above described prem-
ises and hath been ever since

the execution of said deed. The Defendants afterwards - in the year 1853 well knowing that the Plaintiffs were legally seized of said premises ordered the said Benjamin to give up possession to Norman Pounds one of the aforesaid Defts that said Deft Pounds by means & threats compelled the said Benjamin to give possession of said premises to said Pounds that said Pounds received said premises for the term of five years - and then put Stuart & Wiley & Deft aforesaid into possession of the same - and that said Wiley is now in the possession of the same - and unlawfully withholds the possession thereof from these Plffs. These Plffs aver that the aforesaid Benjamin Boone departed this life on or about the 15th day of Apr 1846 - and that these Plffs are the only his and legal Representatives of said Benjamin. That the said Mary F is the Widow of said decd & the said Mary is an infant child of the said Benjamin,

And Plffs further State That in
Consequence of the Defendants un-
lawfully withholding the aforesaid pre-
mises they have sustained da-
mages in the loss of the rent use and
occupation of said Premises in the
sum of one thousand dollars - for
which they will claim Judge-
ment on Trial and that the De-
fendants be ejected Therefrom and
these Plaintiffs be put in poss-
ession of said premises by a
proper order or Judgment of this
Court + Costs of this Action

M. Conger Atty
for Mr J Sloan
Nancy Sloan
By her atty M. Conger

Henry of O'Brien

Erin

25

Norman Ground

Erin

Amundus Dillie

Wm. Conyer

with my

Wed May 8th 1867

Mary J. Sloan et al } In the Jefferson
vs } Circuit Court
Newman Pounds et al } Nov Term 1867.

Now comes Elack Pruitt defendant
being sworn, that he claims no
interest in the lands sued for,
that the land owned by him and
purchased by H. S. Wiley of Newman
Pounds and wife and by said Bonds
of the Administrators of John Sloan
the ancestor of plaintiffs is Lot
No. 2 of NE 1/4 Section 2
Twp. 40 Range 3 East.

also S 1/2 of NE 1/4 Section 5 -
in same township and range
containing 40 acres -

Defendant further says that
he and those under whom he
claims have been in the adverse
possession, claiming said lands,
for more than two years next
before the bringing of this suit
Wherefore he asks judgment
for cost.

Piptin & Thomas
for Plaintiff
C. Pruitt

Burgess House
No 10

Charmian Pennell
No 10

Answer of Clark
Pennell

Stiles Nov 7 1887

E. F. Stacey, Clerk

Benjamin Sloan et al

vs
Norman. Bennett et al

State of Missouri }
Jefferson County } ss. Moses Conger being
duly sworn deposes and says that
Since the commencement of the above
Entitled Cause Benjamin Sloan
died, that Subsequent to his death
Mary Sloan his wife and Nancy
Sloan his infant daughter by this
deponent as his next friends were
made parties Plaintiffs. that since
the time they were made parties
and recently as this deponent
has been informed the said Mary
Sloan has married but the name
of the person to whom the said
Mary was married this deponent
does not know. deponent prays
for a continuance of the cause and
for leave to amend. Petition
Sworn and Subscribed

before me this 12th day of Moses Conger
November A. D. 1869

Elias H. Honey, Clerk

By C. D. Honey Depts

Wm. L. Brown
Esq. Secy.

ag. 18

Wm. L. Brown
Esq. Secy.

Wm. L. Brown
Esq. Secy.

Wm. L. Brown
Esq. Secy.

Wm. L. Brown
Esq. Secy.

~~S. A. Repp~~

Benj. Lane,
Newman Bonds &
S. L. Triley

}

S. A. Repp, copy ret, $\frac{60}{\text{exs}}$ $\frac{5-0}{\text{exs}}$

\$ 1,10

stamp $\frac{5-0}{\text{exs}}$ writ 2 cop, $\frac{120}{\text{exs}}$ 4 files $\frac{20}{\text{exs}}$ dock $\frac{10}{\text{exs}}$

2,00

org $\frac{35-}{\text{exs}}$ org affd $\frac{35-}{\text{exs}}$

\$ 3,10

Nancy motion $\frac{20-}{\text{exs}}$ rule $\frac{20-}{\text{exs}}$ cont $\frac{25-}{\text{exs}}$ leave to ans $\frac{35-}{\text{exs}}$

\$,50

and C.P. $\frac{35-}{\text{exs}}$ affd $\frac{15-}{\text{exs}}$ rule $\frac{20-}{\text{exs}}$ motions $\frac{20-}{\text{exs}}$ rule $\frac{20-}{\text{exs}}$

1,10

dis $\frac{35-}{\text{exs}}$ indgt. $\frac{50-}{\text{exs}}$ indgt. $\frac{10-}{\text{exs}}$ org $\frac{20-}{\text{exs}}$

1,15

indgt. $\frac{40-}{\text{exs}}$ files $\frac{30-}{\text{exs}}$ cashs. $\frac{50-}{\text{exs}}$ 7.13.10 copy $\frac{20-}{\text{exs}}$ $\frac{20-}{\text{exs}}$

2,20

\$ 5,25