

November 1866

Yohn, Ernst
Yohn, Eliza by next friend
Yohn, Ernst

vs

Rosenstein, Nath
Rosenstein, Josephine

Trespass

Cut and removed fruit trees from
lot in Windsor Harbor \$1,000 damages;
depositions

Ernst Yahn

Eliza Yahn, who appears

By Ernst Yahn her next friend Plaintiffs.

vs

Daph Rosenstein

Josephine Rosenstein Defendants

In the Circuit

Court of St. Louis

County Missouri

The plaintiffs state that Eliza Yahn is the wife of Ernst Yahn ^{appearing by her next friend} that on the 28th day of June 1864, Freeman D Waters by deed conveyed to Eliza Yahn the plaintiff wife of Ernst Yahn the following Real Estate situate & being in Jefferson County Mo to wit Lot No three in the Town of Windsor Harbor in Jefferson County, in United States Survey No 2028 & containing Two ⁴/₁₀₀ acres of land according to plat of said Town Recorded in the Records office of Jefferson County Mo. That plaintiffs took possession of said lot immediately ^{after} execution of said deed & that Eliza Yahn is the owner thereof, that on three times in the Spring of 1865 the defendant Daphth. Rosenstein without leave and wrongfully entered on said lot of ground and did then & there cut down the grass and weeds, and destroyed about 135 fruit trees all the property of plaintiffs, in which defendant had no interest or right to, that said grass and trees were standing growing & being on said lot of ground at time of the defendant's wrongful entry & injury & cutting of said grass & trees & that defendant did not own said lot of ground. Plaintiffs sustained large

Damages by said wrongful acts and demand
Judgment for one thousand dollars for
treble the value of the things so injured
as aforesaid and for all other proper
relief

For Real Atty for E. Yohu
Eliza Yohu By her next friend

Eliza Yohu being sworn on his
oath says that the foregoing petition & the
masters therein as stated she believes to be
true

Subscribed & sworn to
before me this 27th day
of June AD 1866

Wife Eliza Yohu

Daniel McLellan
Notary Public

Eliza Yohu et al

vs

Daphne Yohu

Filed June 28th 1866.
Dated at the City of
San Francisco
by the Plaintiff
Attorney

Ernst Yahn
Elija Yahn By Ernst
Yahn his next friend Plaintiffs
vs

Sapette Rosenstern
Josephine Rosenstern Defendants

In the Circuit
Court of Jefferson
County Missouri

The plaintiffs state that Elija Yahn is the wife of Ernst Yahn, that on the 28th day of June 1864 Freeman D Waters by deed conveyed to Elija Yahn the plaintiff & wife of Ernst Yahn the following Real Estate situate & being in Jefferson County Mo viz Lot No three in the Town of Woodsboro Harbor in the County of Jefferson in Survey No 2028 & containing two ⁴⁷/₁₀₀ acres of land, according to plat of said Town ^{Recorded} ~~in file~~ in Recorder's office of Jefferson County Mo. That plaintiffs took possession of said lot immediately after receiving of said deed & that Elija Yahn is the owner thereof. That on sundry and divers occasions & times in the Spring of 1866 Josephine Rosenstern the defendant & wife of Sapette Rosenstern without leave and wrongfully entered on said premises and did there & there injury and destroy four fruit trees, one other tree, three flower plants and ten grape vines, and other injuries and wrongs did to plaintiffs & the said land, that said trees, plants & vines were standing, growing and being on said land for use & ornament of said Real estate & for plaintiffs, and belonged to plaintiffs, that defendants had no

intent in ~~so~~ right to said Real estate or
the said trees vines & plants. By reason of
which wrongful acts plaintiffs have sustained
heavy damages & ask judgment for
one thousand Dollars, for treble the value
of the said trees plants & vines. So
injured broken and destroyed & for
all other proper relief

At Law Atty for self
Eliza John by her next friend

Eliza John being sworn in her oath
says that the foregoing petition & the matt
ers therein as stated she believes
to be true

Subscribed & sworn
to before me this 21st
Day of June A.D. 1866

Wife Eliza John

Daniel McLawar
Notary Public

Eliza John
as
Josephine Courtenay
and

Filed June 28th 1866.

Exam'd & signed by the
Clerk of Court & Atty

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

Daph Rosenstein

if She be found in your County, that She
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 ^{first} ~~second~~ Monday after the fourth
Monday of November next, then and there to answer unto

Ernst John, Eliza John, who appears by
Ernst John her next Friend

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

Saml A. Rapp

Witness, ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof herunto affixed, at office
in Hillsboro, this Twenty Seventh

day of September A. D. 1866

Samuel A. Rapp

Clerk Circuit Court.

I Executed the within writ at the County
of Jefferson State of Missouri Sept 20th
1866 on the 17th day of Oct 1866 by delivering to
her a true copy of this writ and annexed petition
as furnished to me by the clerk

C. C. Fletcher
Sheriff

TO JEFFERSON CIRCUIT COURT

November Term, 1866

Ernest John et al

vs
Summons

Joseph Roenstein

17

Fletcher Sheriff 100

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 *Isapeth Rosenstein*
and *Josephine Rosenstein*

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~~ ^{first} Monday after the fourth
Monday of November next, then and there to answer unto

Ernst Yohn and Elizabeth Yohn

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

Saml A Rapp
Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twenty Seventh*
day of *September* A. D. 1866

Samuel A. Rapp
Clerk Circuit Court.

2532

TO JEFFERSON CIRCUIT COURT

November Term, 1866 -

Emel Hobbs and
Eliza Hobbs
vs
J. and J. Roenstein

Original Petition

Left at Hudson
Hudson



Ernest John, Eliza John
By Ernest John next friend }
vs
D. Rosenstein

In the Circuit Court
Jefferson County, Mo.
Nov. Term 1866

Defendant moves the Court to make
a rule on Plaintiffs to file Bond
for costs for the following Reasons

1st Because said Ernest John
is a non Resident of the State of
Missouri & insolvent & said
Eliza John is also insolvent so
that the Costs of suit could not be
collected off of ~~her~~ them or either of them

Jos. J. Williams
Atty. for Defendant

John, Ch. H.

as

Henshaw Ch. H.

Motion for Bond
for Cork

Motion recorded
Nov 8 1866

Filed Nov 8 1866

Saml. A. Phelps
clerk

Ernest John, Eliza John By Ernest John
her next-friend

vs
D & J. Rosenstien

In the Circuit Court of
Jefferson County Mo.

Nov Term 1866

Defendants move the Court to
make a rule on Plaintiff
to give security for costs in the
above cause for the following
reasons, To wit,

1st Because said Ernest John is
a non resident of the State of
Missouri & insolvent & said
Eliza John is also insolvent so
that the costs of suit could
not be collected off of them or
either of them

Jos J Williams
Atty for Defendants

John E. H. A.

as

Beaushien, E. H. A.

Motion for Bond
for Costs

Motion overruled

Nov 9th 1866

Filed Nov 8 1866,

Samuel A. H. A.

to the

Ernst Yahn &
Eliza Yahn by
Ernst Yahn next friend

vs
D. Rosenstein

In the Circuit Court
of Jefferson County
Missouri

Now at this day Comes Defendant
and for Answer to Plaintiffs petition, Denies
that plaintiffs or either of them own all the lot
in said petition mentioned but avers that Defend-
ant owns a part thereof.

Denies that Eliza Yahn is the wife of
Ernst Yahn, Denies that he entered upon
said premises owned by plaintiffs or either
of them or on any part of said premises in
the Spring of 1865 or at any other time or cut
or destroyed 135 fruit-trees or any tree or trees
of any kind or committed any waste or
Damage of said premises

Defendant admits that he cut some
grass on said Land but States that he
bought the same from plaintiffs and paid
them for it and cut the same with their perm-
ission and Consent as he had a right to
do.

Defendant avers that each averment in the
petition of plaintiffs is utterly untrue and
asks to be discharged with his Costs.

Jos. J. Williams
Atty. for Defendant,

Hahn & Hahn

as

Rosenstein

Answer

Filed March 8th 1867
Edw J Honey Clerk

Ernst Yahn &
Eliza Yahn by
Ernst Yahn next friend

In the Circuit Court
of Jefferson County
Missouri

vs
D. and Josephine Rosenstein

Defendants for answer to Plaintiff's
petition, Deny that plaintiffs or either of
them own all the Lot of Land described in
said petition and aver that Defendants own
a part thereof, Deny that Eliza Yahn is
the wife of Ernst Yahn;

Deny that Josephine Rosenstein
entered upon any part of said Lot owned
by plaintiffs or either of them or on any
part of said Lot at divers times or at any
time in the Spring of 1866 or at any other
time and destroyed or injured four fruit-trees
or one other tree or any tree or trees of any
kind; or three flower plants, or ten grape vines,
or any of them or either of them, or committed
any waste or Damage of said premises or
any trees, vines, plants, or other things thereon

Defendants aver that each and every
allegation of trespass in said petition is wholly
untrue; and pray judgment for costs

Jos. J. Williams
Atty. for Defendants

John & John

vs

Rosenstein Et al.

Answer

Filed March 5th, 1867

Edw J. Hooley clerk

Ernst Yahn &
Eliza Yahn by C. Yahn
her next friend
vs

In the circuit court of
Jefferson County -
Missouri

D & Josephine Rosenstein

To Ernst and Eliza Yahn

You and each of you will take notice that Deposi-
-tions of witnesses to be read in Evidence on the
part of Defendants on the Trial of the above entitled
Cause will be taken between the hours of nine
o'clock A.M. & five o'clock P.M. on the 30th day
of April 1867 at the Office of Joseph
S.W. Cor:
3^d & P. Dickerson ^{with Lidingenber Bowman and Cole}
a Notary Public at ~~St.~~
2nd Street St Louis Missouri and that the
taking of said Depositions if not completed on
that day will be continued at the same place
and between the same hours from day to
day till completed.

Joseph Williams
Atty. for Defendants

John Dr. Al.
Hennrich Dr. Al.
notice

I served the within notice on James A. Beal Atty for.
the within named Ernst & Eliza Gahn in the within
stated cause in St. Louis Missouri on the 24th day
of April 1867 by giving him a copy

signed

sworne to and subscribed
before me April 24th 1867

Frederick Ledinger

Joseph Dickson

Notary Public

COUNTY OF JEFFERSON.

The State of Missouri,

To August George & Eliza Gahr

(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 thirteenth day of May Ad 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 George & Eliza Gahr are Plaintiff and Ad & Eliza Gahr are

Defendants on the part of

and herein you are in no wise to fail.

WITNESS, SAM'L A. REPPY, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

27th day of April A. D. 1867

Wm. J. Moorey Clerk.

S U B P E N A .

TO

Jefferson Circuit Court

May Term, 1867

E. Yahn Ex at

vs

D of Rosenstein

For -

Deposition of Witnesses. produced sworn and examined
on the 30th day of April. in the year of our Lord 1867. between
the hours of Eight o'clock in the forenoon and six o'clock in the
afternoon of that day. at St Louis. in the County of St Louis
and State of Missouri. before me. Joseph Dickson. a Notary Public
within and for the County aforesaid. in a certain Cause now
pending in the Circuit Court of Jefferson County. State
of Missouri between Ernst Yohn & Eliza Yohn by Eliza her
next friend. Plaintiff and D & Josephine Rosenster. defendants
on the part of the defendants.

Ernst Yohn of lawful age being produced sworn
and examined on the part of the defendants. deposeseth
and saith.

State your business and place of residence?
ans. Business Physician — Residence 327 Market St.

Do you know plff in this case Mrs Yohn?

Ans. I know this lady not Mrs Yohn.

Why do you say not Mrs Yohn?

ans Because I know what the suit is about

~~How do you know she is not Mrs Yohn?~~

Is she any relative to you?

ans she is no relative to me whatever

Do you know if this woman ever passed herself off as any relative to you?
ans. I don't know as she ever passed herself off as
~~this woman ever pass~~ any relative of mine.

(Question & answer objected to by Plaintiff)

Is this woman your wife?

ans No. she is not my wife.

Do you know or have you any reason to believe this

Woman ever passed herself off as your wife?
ans ~~both~~ I have reason to believe that she has; because
I heard of it once.

Was it in connection with this case or before this?
ans When I came here from Germany I heard this.

~~Did?~~ Has the suit of Yahu Et al Vs Rosenstern
been commenced with his knowledge and approbation?
ans No. it has not.

Did any one try to intimidate you from giving
evidence in this case?

ans No. they did not.

~~Did any one threaten you in case you gave
evidence against Mrs Yahu?~~

~~No they did not.~~

Cross Examination by Plff atty.

Did you ever hear Mr or Mrs Rosenstern say
they did any ~~any~~ to the property of the plaintiff
in Jefferson County?

ans I don't recollect anything certain. heard of it
but don't know who from nor the particulars
(above question & answer objected to.)

Do Const Yahu

Sworn to and Subscribed before me on the day at the place and within the hours
aforesaid. ~~Sworn~~ ~~Sworn~~ of lawful age being produced to me.

And Examined on the part of the deft deposed & Sworn.

Do you know Mrs Yahu Plaintiff in this case?
ans I do.

Do you know anything in regard to property
owned by Plaintiff.

adjoining the property of the deft in Kinder Harbor
Jefferson County Missouri?

ans. Yes sir. I know plff owns 2 acres & $\frac{4}{100}$
of an acre south of defendants property.
Do you know anything of defendant cutting
some grass on property of Plaintiff in
the spring or summer of 1865 or at any time
if so state what you know.

ans. I know this. in summer of 1865 defendant came
told Mrs Yahr. it was necessary to have a
fence between their lots & if she would agree
to pay half costs he would have a man put it
up. this was in my presence. Mrs Yahr
did not answer but said afterward. he
might just as well do it. and told me if I
saw Mr Rosestein (Defendant) to tell him
so. one month after that. deft came to store
of plaintiff on Franklin Avenue between
17 & 18th Streets and said he had put up the
fence and the cost of it was thirty dollars.
and wanted her to pay him fifteen dollars.
I asked defendant what kind of a fence
he had put up. - He said "a temporary
pole fence". Plaintiff said nothing ^{about that} but said
she had not the money to pay for it.

Plff told witness that she thought it was too
much for a pole fence. but told witness the
first time he went down the road to look at it

I went to Sulphur Springs and in passing by there down and back. I looked at that lot and saw it was a pole fence at a glance. I had no time to examine it as the train was in motion. But when I came up to St Louis I told Plaintiff that the amount of fifteen dollars for the one half of the fence according to my judgment was an extraordinary high charge, and that I would advise her before she pays the fifteen dollars to have some one who was an Expert building a fence to have it appraised and ascertain the amount the fence was worth.

Some time afterwards I met defendant he proposed to me that for the amount he claimed from Plaintiff for the fence that he would cut the grass on her land that season. ~~I made no further~~ I made no reply but said I would inform plff of it.

At that time I did not mention it to plff.

About a week or so after that I saw defendant at the Store of Plaintiff. and he made the same proposition to Plaintiff. she did not agree at the time to it. but asked me what she should do? what I thought about. plff asked me likewise what the proceeds of that grass was the year previous at the time when I sold it for her.

I told her it was nine dollars - and told her likewise that the grass was worth full as much if not a few dollars more. at the time above referred to. I told her that he had made the same proposition to me already. She felt rather angry because I had not informed her about it before.

I noticed deft came often about that grass to the store of plaintiffs. Elya when she said she was tired of deft coming so often asking the money or the grass and that she had no money to spare for him. for that fifteen dollars which he claims. and that she was bothered so much by his calling so often with the same request. If I thought proper in order to get rid of him to let him have the grass. - I made no reply. I was going to say it was too much pay for the grass but noticing she was angry I said nothing but meeting him sometime afterwards I told him to cut the grass. Were you acting for her and ~~whether~~^{defendant} knew it? ^{and} I acted for her. and did not know whether deft knew it or not. When were you out last at her place?

ans I think that I was on her place ^{some} ~~where~~ ^{August} in the early part of ~~1865~~ 1865

Do you know if there was a fence on the western boundary of Plffs lot when you were there?

ans There was no fence there.

~~Do you~~ Do you know if any one told deft to take care of Plffs place and to tend to the trees?

ans Yes Sir: Plaintiff told deft. to oblige her and take care of her trees

Do you know ~~her husband~~ (Plffs husband) ~~Mr Yahn?~~ Dr Ernst Yahn?

ans I do.

Do you know who Plff means when she speaks of her husband Mr Yahn?

ans I do. ~~the~~ plaintiff pointed him out to me two years before. (Objected to by plff.)

Where does he live now?

ans Keeps an office on Market between 3 & 4 th ~~Now~~ ^{after character} Any prior knowledge you have, do you think plaintiff Mrs Yahn could be believed under oath.

My own belief is not evidence -
objected to

What were the condition of the trees when you

~~crop examinations~~
were out there last?

ans I believe that some of her trees had been injured but I don't know how?
Do you know they were injured
I do not some 8 to 15 were injured. but my impression is that they would come to life again.

Were they broke off, or cut off?

ans ~~I~~ When ~~they~~ I saw these trees at the Iron Mountain depot they were from 3 to four feet high. when I last saw them 8 to 15 were about from 15 to 18 inches high. but were planted. after the grass was cut.

How long was it from they left St Louis till they were planted?

ans They were first healed in until the ground was fit for transplanting

Do you know whether the trees were healed in on the lot of the Plff or deft?

ans I do not know. anything about that

Crop Examination

Were you attorney for Plff or deft?

ans I was not attorney for either party.

ans At the time I was last on plffs the grass was cut,

ans I don't know how long before it was cut. but it was stacked up when I there.

ans. Mrs Yahu was at the place last time I was there Early part of August 1865.

Did Mrs Yahu complain at that time of the defendant having cut the grass?

ans. No. she did not. -

By the Defendant.

State whether the permission was given previous to the time you were there last in Aug 1865 to cut the grass. -

ans. From four to six weeks previous.

By Plaintiff.

ans. I don't know when this ^{fence} was built but according to the conversation between the parties ^{to this suit.} I think it was built about the month of June.

How long after the fence was finished did defendant demand payment for it.

ans. in the latter part of June or first part of July. - about a week previous, the fence had been finished.

ans. It was from ten to fourteen days from the time that deft demanded payment for the fence until Plaintiff told me to tell deft he might cut the grass.

ans. About two or three days after I told ~~defendant~~ Plaintiff about it.

I reside at Pacific City, Franklin County.

Simon Connelley

Subscribed and Sworn to before me on the day
and at the place and within the hours aforesaid
Joseph Dickson
N.P.

I, Joseph Dickson a Notary Public. within
and for the County of St Louis in the State of
Missouri. do certify That in pursuance of the
annexed notice. Came before me at the City
of St Louis in County of St Louis & State of Missouri
Ernst Uahn & Simon Dautelius. who were by me
severally sworn to testify the whole truth of their
knowledge touching the matter in controversy
aforesaid and that they were Examined and
their examinations reduced to writing and subscribed
by them respectively in my presence on the day between
the hours and at the place and in that behalf aforesaid
and their said depositions are now herewith
returned

Given at St Louis, in the County of St Louis & State
of Missouri

Joseph Dickson
Notary Public

1
Jan'y
18
Reception.

Receptions of
Ernest Mah
Erwin Doulton.

opened and filed Aug 14th
1867. E. J. Henry, Clerk

Other files
held by ~~Ernest Mah~~ Reception

W
John
vs
Renee Linn. } De the Circuit Court
} Depositions for Defendant.

To. Clerk of Circuit Court of Jefferson Co

Wm

Ernst Yahn & Eliza Yahn by E. Yahn
next friend

^{vs}
O. Rosenstein

In the Circuit Court of
Jefferson County Missouri
May Term 1867

Now again at this day Defendant comes &
moves the Court to dismiss this cause for the
following Reasons, to wit,

1st Because said suit was not commenced
nor is it now prosecuted with the consent of
said Ernst Yahn

2nd Because said Eliza did not commence said
suit and does not now prosecute the same
with the consent or approbation of said
Ernst Yahn as her next friend

3rd Because said Eliza avers that she
is the wife of said Ernst Yahn and as
such can not prosecute this action
without his consent & approbation

Joseph Williams
Atty for Defendant

John Bell

(m)

Boozman

Proton to themselves

Stedley 15" 1867

C. J. Henry, etc

Overruled leave
to file amended pet on
pay costs of term

Ernst Yahn & Eliza Yahn
by Ernst Yahn her next friend

^{vs}
J & J. Rosenstein

In the Circuit Court of
Jefferson County Missouri
May Term 1867

Now again at this day comes said Defendants
and move the Court to dismiss this Cause for
the following reasons, to wit,

1st Because said suit is not prosecuted and
was not commenced with the consent or
approbation of said Ernst Yahn

2nd Because said Eliza does not prosecute
and did not commence this suit by said
E. Yahn as her next friend with his consent
or approbation,

3rd Said Eliza avers that she is the wife of said E. Yahn and
as such can not sue or ~~for~~ ~~William~~ prosecute
this action without his knowledge ~~for~~ Defendants &
Consent

Jas Williams
Att for Defendants

John Stithers

Residence

Providence to Dennis

Filed May 15th 1867
E. J. Henry clerk
overruled & remanded to

Eliza Weippert, formerly
Eliza Yahn, ~~plaintiff~~ } In the circuit
and John Weippert, her husband, } Court of Jeffers-
against } son Co. Mo.
Daphn Rosenstein, defd.

May Term 1867

Plaintiff Eliza Weippert states, that since the last ^{continuance} ~~and~~ ~~of this case~~ she has intermarried with John Weippert and
Plaintiffs states in their amended
petition, ^{filed by leave of Court} that on the 28th day of June
1864, Freeman D. Waters by deed
conveyed to Eliza Yahn, the plaintiff,
the following Real Estate situate & be-
ing in Jefferson County, Missouri,
to wit: Lot No. three in the Town
of Windsor Harbor in Jefferson Coun-
ty, in United States Survey No. 2028,
and containing Two ⁴⁷/₁₀₀ acres of
Land according to plat of said Town,
recorded in the Recorder's Office
of Jefferson Co., Mo., that plaintiffs
took possession of said lot im-
mediately after execution of said
deed and that Eliza Yahn the
plaintiff, is the owner thereof, that
on divers times in the spring
of 1865, the defendant Daphn Rosen-
stein without leave and wrong-
fully entered on said lot of ground,
and did then and there cut down
the grass and injured and destroy-
ed about 135 fruit trees all the
property of plaintiffs, to which

defendant had no right or interest in, that said grass and trees were standing growing and being on said lot of ground at the time of the defendant's wrongful entry and injury and cutting of said grass and trees and that defendant did not own said lot of ground,

Plaintiffs sustained large damages by said wrongful acts and demand judgment for one thousand dollars for treble the value of the things so injured as aforesaid and for all other proper relief.

J. A. Beal & Henry F. Ahlberg
attys for plffs,

Friend Edmund
Jefferson in Vermont
Vt.

—
Delia Baber
West.

against
Capt. Fremont
West,

—

Vermont & put them
at liberty.

Filed May 16th 1863
E. J. Honey Clerk

Eliza Weippert, formerly
Oliva Yahr, plaintiff
and John Weippert her husband, plffs.
against

Dapeth Rosenstein and
Josephine Rosenstein, defds. } In the Circuit
Court of Jeffer-
son Co. Mo.
May Term 1867.

Plaintiff Eliza Weippert states, that since the last continuance
of this case she has intermarried with John Weippert, and
amplifies in this their amended peti-
tion, filed by leave of court, states
that on the 28th day of June 1864, Free-
mann D. Waters by deed conveyed
to Eliza Yahr, the plaintiff, the follow-
ing Real Estate situate and being
in Jefferson County, Mo., viz, Lot
Number three in the town of Windsor
Harbor, in the county of Jefferson
in survey No. 2028. and containing
Two $\frac{47}{100}$ acres of land, according
to plat of said town, recorded in
Recorder's Office of Jefferson County
Mo., that plaintiff took possession
of said lot immediately after re-
ceiving of said deed and that
plaintiff is the owner thereof,
that on sundry and divers occa-
sions and times in the spring
of 1866, Josephine Rosenstein
the defendant and wife of Dap-
eth Rosenstein without leave
and wrongfully entered on said
premises and did then and there
injure and destroy four fruit.

trees, one other tree, three flower
plants and ten grape vines, and
other injuries and wrongs did to
plaintiff and the said land,
that said trees, plants & vines
were standing, growing and
being an said land for use &
ornament of said Real Estate
and for plaintiffs and belonged
to plaintiffs, that defendants had
no interest in or right to said
land or the said trees, vines
and plants, By reason of
which wrongful acts plain-
tiff has sustained heavy dam-
ages and asks Judgment for
one thousand dollars for
treble the value of the said trees
plants and vines, so unjust-
ly broken and destroyed and
for all other proper relief.

J. A. Beal & Henry F. Allen,
Attys for plffs.

Apparatus for
measuring sound

Oliver Parker
Jelly

Against
Dapoth Parn
them and pro-
phetic predictions

—
shunted out
from at Jelly

Filed May 16 1867
E. J. Hooley att

Elija Weippert - formerly
Elija Yahn and
John Weppert - her husband

~~Elija Yahn~~ } In the Circuit Court of
D. ^{us} Rosenstein } Jefferson County
Missouri

for answer to plaintiffs amended
petition filed May 16th 1867, Defendant denies
that plaintiffs own~~ed~~ all said Lot of Land
mentioned in his said petition, Denies that
he entered on said Lot owned by plaintiffs,
or any part thereof owned by plaintiffs at
the Spring of 1865 or at any other time and
Cut or destroyed 135 fruit trees or any tree
or trees of any kind or committed any waste
or Damage of said premises, Defendant
admits that he cut some grass on said Land
but States that he bought the same from
the plaintiffs and fully paid her for it, ^{all} &
Cut the same for himself with the perm-
ission and consent of plaintiffs as he had
a right to do.

Defendant avers that the
petition of plaintiffs is untrue in each &
every allegation of trespass therein con-
tained, & therefore Says that plaintiffs
is not entitled to recover judgment against
Defendant for any sum whatever &
Prays judgment for his costs

Jos. Williams
Atty for Defendant

Wm. Hahn
D. H. H. H. H. H.

Answer to amended
petition

Dated Dec 14th 1887
to James H. H.
D. H. H. H. H.

William
for Dec 14

Eliza Weippert formerly
Eliza Yahn and John
Weippert - her husband
~~Eliza Yahn, plff.~~

vs
D. Rosenstein &
Josephine Rosenstein, Defs.

In the Circuit
Court of Jefferson
County
Missouri

For answer to the amended
petition filed in this Cause by Plaintiff
on the 16th of May 1867 Defendants Deny that
Plaintiff is the owner of all the Lot mentioned
in her said petition but say that she only
owns a part thereof, Deny that Josephine
Rosenstein entered upon said Lot owned
by Plaintiff or upon said Lot or any part
thereof in the Spring of 1866 or at any
other time ^{and} wrongfully entered upon and
without leave injure and destroy four
fruit Trees or any fruit tree or trees or one other
tree or three flower plants or Sea grape vines
or any plant or plants or vine or vines or any
tree or trees or vine or plant then or at any
other time being or growing on said Land or
did or committed any other injury or Damage
thereof of any kind or description whatever
but Defendants say that each & every of
the charges made by Plaintiff Charging said
Josephine with Trespass & Damage of said
Described Lot is wholly untrue, and says
that said Plaintiff has not sustained Damage
by reason of any act of said Josephine in
the sum of one thousand Dollars or in any
other sum, and Defendants pray judgment for
costs

Jos. Williams
Atty. for Defendants

Chia Hane
for
J. J. Rosendine

Answer to amended
petition

Filed Oct. 1st 1867

Wm. J. Drury Clerk
U. S. District Court

William
for Deft.

COUNTY OF JEFFERSON.

The State of Missouri,

To Simon Soudellan & Mary Steedon

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 fourth day of November ad 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

Conat Mahan et al is

Plaintiff, and vs J. Greenstein 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 5th day of October A. D. 1867.

Elias F. Honey (Clerk)
By C. J. Davis et al

The within named Simon Londhelum
and August Kenken not to be found
in this County

Jas. W. Whittemy

Sheriff of Franklin County

For \$0.50 paid by defendant

Jas. W. Whittemy
Shruff

Londhelum removed from Franklin County (where he used to stay) to some
place in Wisconsin to me (Jas. W. Whittemy)

SUBPÆNA.

TO

Jefferson Circuit Court

Nov. . . . TERM, 186 . . .

Yahu
vs
Rosenstein

For Debt,
J. Londhelum
Aug Kenken

COUNTY OF JEFFERSON.

The State of Missouri,

To August Leavitt

You are Hereby Comanded, That setting aside all manner of excuse and delay, You appear before our Circuit Court for the County aforesaid, on the 7th day of November 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

Charles et al is

Plaintiff, and

vs James Deane is

Defendant, on the part of Plaintiff

and herein you are in no wise to fail.

WITNESS, ELLIAS F. HONEY, Clerk of our said Court, with the seal thereof hereto affixed, at office, this 13th day of October, A. D. 1867.

Elias F Honey Clerk

By Edw Davis Deft

SUBPŒNA.

TO

Jefferson Circuit Court

Nov. . . . Term, 1867.

Elmer C. Val
vs
Rosenstein

For Plaintiff

August Carriage
at Windsor Harbor
Jeff Co Mo.

John Williams
Sheriff fee \$500

I certify the within in Jefferson County Mo
on the 28th day of Oct 1867 by reading
the same to August Carriage

John Williams
Sheriff

Eliya Weippert formerly
Eliya Yahn, and
John Weippert her
husband,
vs
Daph Rosenstein.

In the Circuit Court
of Jefferson Co., Mo.,
March Term 1867.

Plaintiff in replication to
the amended answer of defendant
filed October 1st 1867, denies, that
defendant bought of plaintiff the
grass, which defendant admits
to have cut on Plaintiffs premises
and also denies, that defendant
has paid plaintiff for said
grass, and denies, that defendant
cut said grass with the permis-
sion and consent of plaintiff
but alleges, that defendant cut said grass
wrongfully, Green & Ahlers
per plff.

Elyse Vahne
or
Joseph Rasmussen
Stein
—
Repetition
—

Black Star, 1867
De Schuyler Clark

COUNTY OF JEFFERSON.

The State of Missouri,

To Edward J. Wolfe & John Brown

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~~ *fourteenth* 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

Eliza Rachel Wallis

Plaintiff, and

Dr. J. H. Lewis & Co.

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 hereunto affixed, at office, this, *8th* day of *December* A. D. 1867.

Elias F. Honey Clerk.

SUBPŒNA.

TO

Jefferson Circuit Court

Nov TERM, 1867

Yahu
vs
Rosenstein

For Debt

Ed. F. Happe

Shff \$100

COUNTY OF JEFFERSON.

The State of Missouri,

To

Jack Haines

You are Hereby Comanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, ~~on the 27th~~ *at Hillside* 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

E. Haines et al vs

Plaintiff, and

John Haines et al

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 *13th* day of *Nov* A. D. 1867.

Elias F. Honey Clerk.

By C. W. Haines

SUBPENA.

TO

Jefferson Circuit Court

Nov. TERM, 1867

Yohu

Rosenstein

Proo framed
John Williams
Sheriff fee 50

I received the within in Jefferson County Mo on
the 31st day of October 1867 by meeting the
same to his term in

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To. August Merquand Plaintiff
vs. Jacob Leckmeyer Defendant

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~~ *Thursday*

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

Eliza Rachel shall be
Plaintiff, and *Orlando Leckmeyer* and

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 *13th* day
of *November*, A. D. 186*7*.

Eliza Rachel (wife)
Orlando Leckmeyer

SUBPŒNA.

TO

Jefferson Circuit Court

Nov. . . . TERM, 1867.

Yaku

vs

Rosenstein

For Def

A. Weigand

~~W. Weigand~~

D. Suchbinder

John William
Shriff fee \$1.50

Mariff

I certify the within in Jefferson County, Mo
on the 13th day of September 1867 by reading
the same to Mr. Henry Walter & J. Suchbinder
and they received thereof
John William Shriff

COUNTY OF JEFFERSON.

The State of Missouri,

To,

John O'Fallon

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~~ *Prothonotary* 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

Elias Graham et al is

Plaintiff, and

Or J. G. Graham et al

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 *12th* day of *November* A. D. 1867.

Elias F. Honey

Clerk.

Ray C. Stevens

SUBPENA.

TO

Jefferson Circuit Court

Nov. TERM, 1867.

Yahw
vs
Rasensheim

Dear Sir

John A. Ballou
John Williams
Scripff fee 50

I herewith certify that in
the 13th day of November 1867 by
meeting the same to John A. Ballou
John Williams Sheriff

Francois Mubert et al

D. Rosenstien

The defendant moves the Court to
set aside the verdict in this cause
grant him a new trial for the
following reasons:-

1. Because the Court improperly excluded
the deposition of Santhelm & thereby
took defendant by surprise -

2. Because the verdict is against
the evidence,

3. Because the verdict is against
the law,

Williams & Thomas

Meibach

By
Arthur
Corrington

Prothon for new
trial

Filed Nov 18-49
E. J. Mearns clerk

Of the jury believe from the evidence
that the Alth permits apt-to go on her
land to cut grass and also said grass
to him the jury will ~~find for the~~
Alth's claim nothing for the grass.

But if the jury should find that
Alth permits apt-to go on her land and
also him the grass and that is cutting
the grass he did not injure the
fruit-trees of Alth they will allow
Alth nothing for the trees

Wester

13,

Boonstain

If the jury believe from the
evidence that at the time the theo=
= was alleged, the defendant was an
agent on the premises in question to super=
= ^{of} intend the same, then this is in
law, necessary in the defendant,

If the jury find from the evidence that Rosenstein or his employees or servants cut ~~the~~ ^{& injured} fruit trees on the premises in possession of Eliza Weichert formerly Yahm without the authority of him, they will find for plaintiff damages for the same ~~double the value of the trees so cut down & injured~~

2 If the jury find that defendant cut & took the hay on the property in possession of Eliza Weichert without her permission they will find for plaintiff damages for the amount of the hay

3 That although the jury may believe that Rosenstem cut the hay by permission of Eliza Yahm, yet it is no justification for cutting or injuring the fruit trees

John
no
Dorchester

We the Jury find for the Plaintiff
the Sum of \$29.75

J. H. Williams

Foreman

307, 309, (332), 422, 425, 430.

Judgt for D. Off for 23.25

Graham vs Rosenstine — Book 5 p 493.

S. A. Peppy Clerk - cop pet. 50^c, CV 50^c. 1.00

Int 1, cop 10^c - 2 files, 10^c Book 10^c. 1.30

Appr 10^c ~~cont~~ [motion 20^c rule, 20^c cont 20^c] 75⁻
3.05⁻

Money CLK, motion 20^c rule 20^c rule 20^c cont 25⁻ 85⁻

answering cont jing. off. cont recd 50^c ord 20^c Ind to jdg. 10^c 1.80

Indences 30^c app 10^c sub, 35⁻ 6 files 30^c motion rule 20^c 1.25⁻

answ pet, 35⁻ ans 35⁻ Rep 35⁻ ans 35⁻ 1.40

Cont 25^c making cost 25^c Dec bill, 75^c 1.25⁻

~~7.45~~ 2 Has 50^c ~~1.75~~ 50^c
oaths. 50 7.55⁻

Jury fee - 12.00

C. C. Blatcher. serv 1 D. Off 1.00 1.00

For Depositions, paid by D. Off 6.00 6.00

F. J. paid by Plaintiff 3.00 3.00

3 4.60

1.00

3 5.60

Judgt for Defts,

513

John W. Lawrence, - Fees 5.00-

Sub Beply - copy pet, 50^c cross^c,

\$1.00

Withd. 2 copy 20^c, books 10^c - files 10^c,

1.40

appr 10^c, motion 20^c rule 20^c cont, 25^c.

75-

3.15-

Money CLK motion 20^c 2 rules 40^c cont 25^c-

85-

Sub 35^c Judgt 50^c Ind to Ind, 10^c ors 20^c, Indexes 30^c appr, 10^c

1.55-

5 files, 25^c, rule 20^c answer pet 35^c ans 35^c Dep 33^c ans 35^c

1.85-

cont 25^c making each 25^c Fee bill 75^c vacts 50^c

1.75-

to spurs \$1.50 motion for new trial 20^c rule 20^c

1.90

7.90

John Williams Sheriff.

E. C. Fletcher Shff 2 defts,

\$2.00

John Williams Serv 5 spurs, 4.00

10 cases

50^c

4.50

Paid by Shff,

5.00

John Nieperth - o.c. d m 9- 81-

17.65-

August, Barkow, 10 - 48

13.84

John Lawrence, 10 - 48

13.84

Fred Stromer 6 - 48

9.84

77.72