

Jefferson County Circuit Court
Case Files - Civil

Box

18 Folder 40

November 1866 - No. 43

Shields Peter

vs

Maguire, Eliza

Maguire, Dennis

Ejectment

Lot No. 8 Block No. 38
Town of DeSoto; Damages \$100
Plus \$5 month rent;
survey attached.

Peter Shields, - Plaintiff

Against

Eliza Maguire, - Defendant

In the Circuit
Court of Jefferson
County Missouri,

The Plaintiff states that on the 16th day of May 1858, he was entitled to the possession of the following described Lot of Land, situate in the Town of De Soto, in Jefferson County, Missouri, To wit, Lot, number Eight, in Block, number Thirty Eight, as the same is designated on the Plat of said Town, now on file and of record in the Recorder's office of said Jefferson County, - which said Lot is Twenty five wide, fronting the St. Louis & Iron Mountain Railroad, and One hundred and twenty five Long, as described on said Plat; and being so entitled to the possession of said Lot of Land, that the Defendant afterwards, To wit, on the first day of January 1863, entered into the Northern part of said Lot, and built a house thereon, occupying about Eight feet in width, from North to South, and about Twenty five ^{feet} in length, from East to West, of the North East Corner of said Lot No. Eight, and unlawfully withholds from the Plaintiff the possession thereof, to his damage in the sum of one hundred dollars. He further avers that the monthly value of the rents and profits of said premises is five dollars. Wherefore Plaintiff demands Judgment for the recovery of the said premises, and one hundred dollars damages for the unlawfully withholding of the same from Plaintiff, and five dollars for monthly rents and profits, from the rendition of Judgment until the possession of the premises is delivered to the Plaintiff, and for other proper relief.

Abner Green

Attorney for Plaintiff

Anne Shields, Agent for the Plaintiff, makes oath
and says the above and foregoing petition and the
matters therein as stated, she believes to be true.
Sworn to and subscribed } Anne ^{per} Shields
before me this 19th day of } mark
October A.D. 1866,
Samuel A. Rippey Clerk

In the Circuit Court
Jefferson County

Walter Whelan

vs,

Eliza Maguire

Petition

in Exoneration

Let Annuous

rent

Alison

for 30th 1866.

Filed Dec 19th 1866

Daniel A. Popham

Clerk

5th paid by 1866

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 Eliza Maguire

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

Peter Shields

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

Samuel A. Reppy
Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this Nineteenth
day of October A. D. 1866

Samuel A. Reppy
Clerk Circuit Court.

2876
1043

TO JEFFERSON CIRCUIT COURT

November Term, 1866

Peter Shields

vs. } Summons

Eliza Maguire

Original Petition

John Williams Dep't

Sheriff for 1.00

I Executed the Within Writ in the County of Jefferson
State of Missouri on Eliza Maguire on the
22nd Day of October 1866 by Delivering to her
a true Copy of the Within Writ and Petition
as furnish to me by the Clerk
C. C. Fletcher Sheriff
By John Williams Dep't

Peter Shil vs. Poff

vs

Dennis McGuire and
Eliya McGuire

In the Circuit Court
Jefferson County
Mo.

The defendants for answer to
the petition of the plaintiff as
amended and filed on the 30th
day of August, ¹⁸⁶² state that they deny
that said plaintiff was, on the
16th day of May 1858, or at any
other time lawfully entitled to the
possession of Lot No. Eight in Block
Number thirty eight in the Town
of Desoto in Jefferson County
aforesaid, as the same is laid
off and designated on the Plat of
said Town.

Defendants for further answer
denies that the said defendant
Eliya McGuire on the 1st day of
January 1862 unlawfully entered
into the Northern part of said
Lot No. Eight and built thereon
a house embracing about four
feet in width of said Lot from

North to South and about twenty
feet in length from east to west
and that said defendants now un-
- lawfully withholds from the plaintiff
the possession of said portion of said
lot, to the damage of said plaintiff
in the sum of one hundred dollars
defendants deny that the monthly
value of the rents and profits of the
said portion of said lot is five
dollars

Philip P. Skinner
Attorney for the Defendants

John Smith

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Ann's St. George
and Eliza St. George

Dependable to answer

Peter Shields, - Plaintiff } In the Circuit Court
Against } of Jefferson County
Dennis M^cGuire and } Missouri,
Eliza M^cGuire, his wife } Defendants, -

The Plaintiff for amended petition files by leave of the Court, states that on the 16th day of May 1858, he was lawfully entitled to the possession of the following described Lot of Land, situate in the Town of De Soto, in Jefferson County, Missouri, To wit, Lot number Eight, in Block number Thirty Eight, as the same is laid off and designated on the Plat of said Town, now on file and of record in the Recorder's Office of said Jefferson County, - which said Lot is twenty five feet in width on the Eastern side thereof, fronting the St. Louis and Crow Mountain Railroad, and One hundred and Twenty five feet in length from East to West, as described on said Plat, - and being so entitled to the possession of said Lot of Land, that the Defendants, (The said Eliza M^cGuire claiming title to an adjoining Lot) afterwards, To wit, on the 1st day of January 1862, unlawfully entered into the Northern part of said Lot No. Eight, and built thereon a House, embracing about four feet in width of said Lot, from North to South, and about twenty feet in length from East to West, and that the said Defendants now unlawfully withhold from the Plaintiff the possession of the said portion of said Lot; to his damage in the sum of ^{one} hundred dollars. He further avers that the monthly value of the rents and profits of the said portion of said Lot is five dollars, - Wherefore

Plaintiff demands Judgment for the recovery
of the said part of said Lot, and One hun=
dred dollars damages for ^{the} unlawfully with=
holding of the said Premises from the Plaintiff,
and five dollars for monthly rents and profits
from the rendition of Judgment, until the pos=
session of the said part of said Premises
is ~~delivered~~ to the Plaintiff, and for other
proper relief.

Abner Green
Attorney for the Plaintiff

In Circuit Court
Jefferson County

Peter Shuckles

vs,

Dennis McQuinn
& Elizabeth McQuinn

Amended Petition,

Set aside
leave against Dennis
McQuinn,

Alfred
H. Hays

Filed Aug 20th 1867,
Edw. Honey, cler.

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 *Dennis McGuire*

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 *Sixth* Monday after the
fourth Monday of *September* next, then and there to answer unto
Peter Shields

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 hereunto affixed, at office in Hillsboro, this
Thirty first day of *August* A.D. 1867

Elias F. Honey
Clerk Circuit Court.
By C. J. Irvine Depy

TO
JEFFERSON CIRCUIT COURT.

November — Term, 1867

Geo. Shields

vs
Dummons

~~Chas~~ Dennis McGuire

original

John W. Williams

Sheriff fee \$1.00

Served September 11

I Executed this Writ in Jefferson County Mo
on the 11th Day of September 1867 By Deli-
vering to Dennis McGuire a true copy of
this Writ and Petition as furnished
By the Clerk

John Williams Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To

J. S. Hankins. J. R. Fletcher
John Doak.

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 day of May 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 *John Sherick vs*

Plaintiff, and

Olivia McQuinn

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 . . . *7* . . . day of . . . *May* . . . A. D. 186*7*.

Elias F. Honey
Clerk.

By J. H. Herring
Deputy

SUBPŒNA.

TO

Jefferson Circuit Court

May... TERM, 1867

Peter Shields

Eliza McGinnis

for Defth

L J Rankin

J W Fletcher

John Dool

Sheriff fee \$1.50

I executed the within in Jefferson County Mo
on 21st of January John W Fletcher John Dool
Reading the same to each of them
the 18th Day of May 1867
J W Fletcher
John Dool

COUNTY OF JEFFERSON.

The State of Missouri
To Jas B Friel

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 seventh day of December 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

Peter Friel is

Plaintiff, and Elias McNeal et al is

Defendant, on the part of Plaintiff 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 4th day of December A. D. 1867.

Elias F Honey
By A. H. Stone Clerk

SUBPÆNA.

TO

Jefferson Circuit Court

Nov. TERM, 1867.

Shields

McGuire

Forc. Plff

Wm G Reid

To wit the
his Servant

within his dwelling
or elsewhere in the City
John W. Brown Bond



COUNTY OF JEFFERSON.

The State of Missouri,

To John Townshend & J. Buchanan Attorneys

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 seventh day of December 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

John Shields is

Plaintiff, and

Olivia McElwaine et al 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 6th day of December A. D. 1867.

Elias F. Honey Clerk

SUBPŒNA.

TO

Jefferson Circuit Court

For TERM, 1867
Shiled
L. J. Rankin Esquire
John Tool
Wm. Fletcher

Sheriff's fees \$1.50

I executed the within Subpo in Jefferson County
on L. J. Rankin John Tool & William Fletcher
by meeting the same in their presence and
hearing that the 7th day of November 1867
John William Shortt
by me the Sheriff Deputy

Shields plff } In Jefferson Circuit Court
 vs }
 } Jefferson County Missouri
McGuire et al dft. } at Nov. Term 1867

Defendants demur to the petition
of plaintiffs - and for reason thereof
assign the following

There is a defect of parties defendant
Brady for dft

Shields
ab-

McGuire or at

Announcement to
petition of H. T.

Filed Nov 5-1867
E. J. Honey cut

Peter Shields
 vs
 Dennis M. Guire &
 Eliza McGuire } In the Circuit
 Court of Jefferson
 County Mo.

Defendants for
 answer to plaintiffs amended petition
 filed herein on the 30th day of
 August 1867, deny that on the first
 day of January 1862, or at any other
 time, they unlawfully entered into
 the northern part of Lot eight in
 Block thirty eight in the town of
 Desoto in said County and built
 thereon a house embracing about
 four feet in width of said lot from
 north to south and about twenty
 feet in length from east to west,
 as charged in said petition
 and defendants further deny that
 they unlawfully withheld from the
 plaintiff the possession of said
 portion of said Lot. and that
 said plaintiff has sustained
 any damage, and that the rents and
 profits are of the monthly value
 of five dollars and ask to be
 discharged with costs

J. P. Pickett atty
 for Defts.

John Shields

by

Hennrich M. Schmitt
Kaiser M. Schmitt

Sept. 1888

W. L. Schmitt & Co.
St. Louis, Mo.

State of Missouri }
County of Jefferson } In the Jefferson Circuit Court
Nov 3 1867 The following proceedings were had viz:

John Shields }
Alza McGuire et al } Now at this day comes the Plaintiff
as well as Defendants by their attorneys, and neither
party objecting. It is ordered by the Court that this
cause be continued, and it is further ordered
that the Surveyor of Jefferson County, make a true
and correct survey of the Lands in Plaintiffs
Petition described, and report herein at the next
term of this Court.

Attest Copy from the Record
Witness my hand and the seal of said
Court at office in Hillsboro Nov 23 1867
Alza McGuire Clerk
By *Wm. L. D.*

John Shields
Esq.

Dea W D Stone

Order on

County Surveyor

Original

Dec 24 1890

\$90

copy 1.20

11.10

Shen. fee \$1.00



COUNTY OF JEFFERSON.

The State of Missouri,

To

Wm. B. Paul

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 *10th day of November* 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 Shields v
Plaintiff, and *Oliver M. Davis et al v*

Defendant, on the part of *Charles* 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 *2nd* day of *Oct* A. D. 186*8*

Elias F. Honey Clerk.

By Chas. H. Jones Secy

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 1868,

Shields
vs
McGuire

Perff.
W. G. Ford

John Williams
Sheriff fee 50

I served the within in Jefferson County Missouri the 9th
day of September 1868 on Wm. G. Shields by reading
the same to him

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To J. M. McLehey & J. Rankins

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 18th day of November 1868, 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 Peter Shields is

Plaintiff, and Eliza Melvaine et al are

Defendants, on the part of Defendants 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 15th day of October A. D. 1868

Eliza F. Honey
By Eliza Melvaine et al, Clerk,

SUBPOENA.

To Jefferson Circuit Court.

Nov

Term, 1868

Peer Shields

vs
E. McGuire

For Deft.

For Detacher

L. & Ransom

John Williams
Sheriff fees

\$1.00

I. Served the within in Jefferson County Mo on the 12th
day of November 1868 on J. J. Brewster and John
McGuire by reading the same to each of them

John Williams
Sheriff

Peter Shields, - Plaintiff	}	In the Circuit
Against		Court of Jefferson
Eliza Maguire, & Demus Maguire } Defendants		County Missouri May Term 1869.

The Plaintiff by his Attorney, moves the Court to set aside the non-suit entered at this Term in the above entitled Cause, ^{and re-instate the case} for the following reasons;

- 1 - Because said non-suit was taken without the knowledge of Plaintiff, by the misrepresentation of the Defendant, Eliza Maguire, that Plaintiff desired a non-suit; which was not the fact.
- 2 - The Plaintiff had told Eliza Maguire that the case might stand continued until a ^{general} survey of the Town Lots of Desoto was made, and thereupon she swore before the Court that he wanted it dismissed, & thereby induced Plaintiff's Attorney to voluntarily take a non-suit.
- 3 - The non-suit was taken under a mistaken representation of the facts & wishes of Plaintiff.

Abner Green
} Attorney for Plaintiff

John Wheeler

18,

John Wheeler

John Wheeler

John Wheeler
John Wheeler
John Wheeler
John Wheeler

Peter Shields, - Plaintiff
 Against
 Eliza Maguire, } Defendants
 & Dennis Maguire }
 In the Circuit
 Court of Jefferson
 County Missouri
 May Term 1869.

Ann Shields, wife and Agent of
 Plaintiff, makes oath and says that the
 Plaintiff told Eliza Maguire that the above
 suit might stand Continued until a gen-
 eral Survey of the Town Lots of De Soto
 was made, - but, that he did not tell
her that he would dismiss the suit or
consent that it be dismissed, - That the
 statement under oath by Eliza Maguire
 at this Term of Court, that Plaintiff denied
 the suit dismissed, was not true, - She
 states that the Plaintiff desires the above
 suit to be re-instated and Continued to
 next Term, - That he wishes the nonsuit
 set aside, and the case placed on the dock-
 et again

Subscribed and sworn to this
 19th day of May 1869.

Elias P. Henry clerk.

By S. H. Clifford, D. C.

her
 Ann X Shields
 mark
 Agent of Plff

Peter Shuelan
23,

Eliya Magrube
& Dennis Magrube

Affidavit

Recd May 19 1869
Elias & Henry Clark
Payd to order H. C.

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court September Term 1870
September 24th 1870

Be it remembered that in said Circuit
Court of that day, among other proceedings
therein had, the following order appears
of record, to wit,

Peter Shields }
vs
Dennis McGuire }

Now at this day comes the parties plain-
tiff and Defendant by their Attorneys
and neither party objecting, the Court
doth appoint Isaac S Baker to make
survey of the land in ~~plaintiffs~~ peti-
tion described and report the same
herein at the next term of this Court
with plat of said survey, and the
Case is continued.

A true copy from the record
Witness my hand and the Seal
of said Circuit Court at office
in Hillsboro this thirteenth day
of December A D 1870

W S Boyce Clerk

Wm Jefferson Circuit Court
March Term 1871,

Peter Shields
vs } Order of Court,
Dennis McGuire

Original for Sheriff
to make return on.

W. S. Boyce Clerk Fee 75c
copy ——— 20
95c

John Williams
Sheriff fee 50

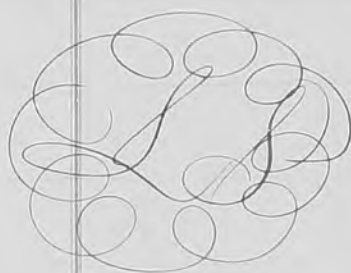
I served this notice in Jefferson County Mo
on the 2nd Day of January 1871
on Isaac S. Baker by delivering
to him a true copy of this notice
John Williams Sheriff

State of Missouri } In the Jefferson Circuit Court
County of Jefferson } September Term 1870, Sept 24 1870

Be it remembered that in said Circuit Court of that day, among other proceedings therein had, the following order appears of record To wit:

Peter Shields }
Dennis M. Guire } Now at this day comes the parties
plaintiff and Defendant by their attorneys and
neither party objecting. The Court doth appoint
Isaac S. Baker to make survey of the lands in
Plaintiffs petition described and report the same
herein at the next term of this Court with
plat of said survey, and the case is continued

A true Copy from the record



Witness my hand and the seal of said
Circuit Court at office in Hillsboro
this thirteenth day of December A.D. 1870.

W S Boyce Clerk

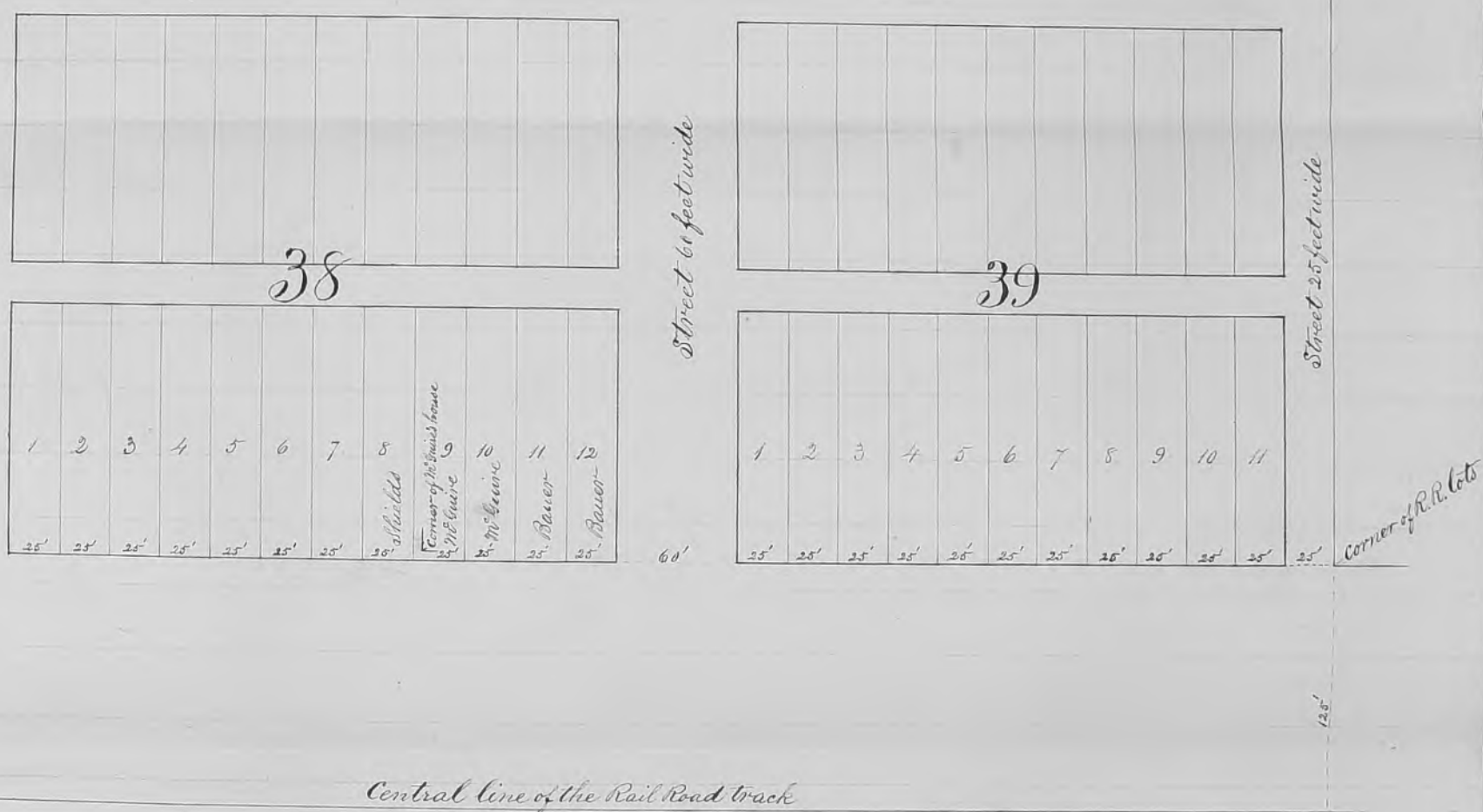
To the Jefferson Circuit Court,
March Term 1871,

John Shields,
vs
Samuel McGuire,

County of order for
J. S. Bader

Filed Mar 21 1871
Wm. D. Boyce Clk.

Diagram of Blocks 38 and 39 as laid down on the recorded plat of the town of De Soto showing the position of Dennis McGuire's house in relation to the line between lots 8 and 9 in Block 38, - the distance from the south-easterly corner of McGuire's house to said line between lots 8 and 9 being 4 feet and 6 inches as represented on the diagram



I certify that the above Diagram of Blocks 38 & 39 in the town of De Soto correctly represents the position of Lots 8 and 9 in Block 38 and the relative position of McGuire's house on said Lot 9
 Subscribed & Sworn to before me this 21st day of March 1871

W. S. Boyce Clerk in ch.
 By Tho' Horine Deput

Scale of 100 feet to an inch

Isaac S. Baker

Surveyor

Fees

One day's services in making Survey

\$5.00

Expenses

2.40

One day's attendance at Court & making report

2.50

\$9.90

Peter Shields

W.

James McNamee

Report of Henry
by J. S. Parker

John May 21 1871
W. S. Douglas

Vol 5 Circuit Court Record,

Continuances 337, 456, 609, 725, 771.

Scams to answer and 430 motion 718, rule 735.

Order for summary 456, 771. Demurrer 450.

Vol 6 Circuit Court Record,

Order for summary 31, 229.

Cont 110, Report summary 265, And. all expenses for 265

Damages 272.