

May 1868, No. 157

Moon, Lexie

Grady, William

Grady, Amanda

Murphy, William H., et al
vs.

Cole, Salathiel

Set aside will

Will of Joseph Moon; other plaintiffs
Lucretia E. Murphy, Reba W. Moon, Thomas
G. Moon, Andrew L. Moon, Clary M. Moon,
Rushie E. Moon, William A. Moon, Luther F.
Moon, Cynthia Roberts, Amanda Roberts,
Sarah A. Roberts, Cassandra Roberts

To D. C. Perryman. Esqr.

Dear Sir

as we understand that you are about
to institute proceedings to set aside the
will of Joseph Moon Decd., we the under-
signed Heirs of said Joseph Moon, now
hereby notify you that we are satisfied
that said will cannot be successfully
defended, and that so far as we are
concerned agree that the same be set
aside. As we are unwilling to spend the
money of the Estate in a useless Law Suit,
we hope that you will not ^{make} us or any
of us parties to any suit you may in-
stitute in regard to said will.

Feb'y 1868

Sarah X Moon
Thomas J Roberts
Gemina Roberts
Thomas Moon
James Linwiddy
Matilda Linwiddy
George Keal
Mary Keal

Albert Moon

John Moon
James Roberts
Elizabeth Roberts
Daniel Moon

Copy of the last Will of Joseph Moon Decd

I Joseph Moon, of the County of Jefferson and State of Missouri, do hereby make and publish this my last will and testament, as follows to wit: (First.) After my death I want all my debts and funeral expenses paid, (Second) I want my wife Sarah to have the old homestead during her life, and after her demise, I want the same to be sold and equally dived among my children.

I have also the sum of five thousand dollars, (\$5,000) in the hands of Mr. Scott, merchant in Saint Louis drawing interest at the rate of six percent. I give and bequeath to my wife Sarah, the interest of the said five thousand Dollars, and if the interest of the said five thousand dollars, should be more than needful for her maintainance, the ballance to be equally dived among my children, and after her death I want all my property equally dived among my children if I have given any of my children, during my life time, any thing extra, that is between them and me, and nobody elses concern, and I dont want any body to interfere with it. I will to the Widow of my late son E Franklin Moon, the sum of (\$10.00) ten dollars, on account of said E Franklin Moon having sold his part of inheritance to Stettin Cole, whom I consider as my rightful heir. I also appoint my son James Moon, to see, after my death every thing is done just as I desire it, in this my last will and testament, made

this 9th day of May in the year of our Lord
1867, in the presence of. } Joseph Moon
W. C. Jahn }
W. Thomas Blackwell }
A Hoopengamer }

Description of Land of the estate of Joseph Moon Dec.

70 acres. SW $\frac{1}{4}$ & Pt. SE SW $\frac{1}{4}$ - Section 10. Town 38 Range 4
160 " N $\frac{1}{2}$ SW $\frac{1}{4}$ & SE NW $\frac{1}{4}$ & NW SW - " 15. " 38. " 4.
40 " NE NE $\frac{1}{4}$ - " 22. " 39 " 4.

Copy of Will of
Joseph Moon,

Laura Moon
Amelia Moon

Liza Moon William Grady and
Amanda his wife formerly Amanda
Moon William H. Murphy and Lucretia
E his wife formerly Lucretia Moon Rader
A Moon Thomas G. Moon Andrew
L Moon Clary M. Moon Rustie E. Moon
William A Moon Luther J. Moon Cy-
thia Roberts. Amanda Roberts Sarah,
A Roberts Casander Roberts heirs of Nancy
Roberts now dec? formerly Nancy Moon
Plaintiffs

against
Clathie Cole Defendant
In the Circuit Court of Jefferson
County Mo May Term thereof 1868.

Plaintiffs state that they are chil-
dren of Allen Moon and Franklin
Moon both deceased who were children
of Joseph Moon dec. Therefore Plaintiff
aver that they are heirs of said Jos-
eph Moon dec. They further aver that
Joseph Moon dec. aforesaid departed
this life some time in the year 1867. They aver that a certain instrument
of writing purporting to be the last Will
and Testament of the said Joseph Moon
dec. has been procured and exhibited by

The Probate Court of Jefferson a Copy
of which is hereto attached the original
being on file in the Office of said Court,
Plaintiffs aver that said instrument of
writing or pretended Will is not the
Will of the said Joseph Moon Sr.,

That he the said Sr. was not of a
sound and disposing mind and
Capable of making a Will at the time
of the pretended Execution thereof
to wit May 9th 1867. That the said
Jos Moon Sr. did not Execute
the same. nor did he understand the
meaning and tenor thereof, and that
said pretended Will, was dictated
and prepared for him (said deceased)
and his assent (if any) obtained throu-
gh misrepresentation deceit and fraud,
for the purpose of depriving these plain-
tiffs of their just and legal rights and
further aver and say that said in-
strument is not attested accord-
ing to the requirements of the Statute
in such cases made and provided
Plaintiffs state that the other heirs and
legal representatives of said Jos Moon
deceased renounce and disclaim any

interest under said pretended Will
and refuse to defend the same and
ask not to be made parties to this said
Wharfon Pleine which recitation of
said pretended Will of the other heirs
is hereto attached. Wharfon Plaintiffs
pray the Court to declare said pretended
Will to be null and void and in
all things hold the same for naught.

Derryman & Dimmery
attys for Plffs.

Lexie MonEral
by
Statkild Cole

Petition to set a
side Will

Filed Mar 13 1868
E F Honey & Co

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeling:

We command you, that you summon

Satathiel Cole

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 *March* 1868 ~~and~~, then and there to answer unto
Lessie Moon, Mrs Grady, Amanda Grady, Mrs Murphy, Lucretia E. Murphy, Recla
W. Moon, The G. Moon, W. S. Moon, Clay M. Moon, Rustie E. Moon, Mrs Moon
L. F. Moon, Cynthia Roberts, Amanda Roberts, Sarah A. Roberts, &
Cassandra Roberts,
upon ~~their~~ 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
Sixteenth day of *March* A.D. 1868,

Elias F. Honey
Clerk Circuit Court.
Per J. J. Honey

No 157
2615

JEFFERSON CIRCUIT COURT.

May Term, 1868

John A. Mason et al

vs
State Cole.

original

John Williams
Sheriff for Dism

April 8

I Executed this writ in Jefferson County Missouri
on the 8 Day of April 1868 By Delivering To
State Cole a True Copy of this Writ and Petition

John Williams Sheriff
By R. G. Whitehead Deputy

Wm H. Moon, Et al. } In the Circuit
 vs } Court of Jefferson
 Salathiel Cole, Et al. } County Missouri
 May Term 1868

Now at this day comes James Moon
 & Sarah Moon & States that they
 are ~~are~~ interested in the event of
 the suit in the above cause the said
 James as a son & distributee of the
 Estate of Joseph Moon, deceased
 and said Sarah as the widow
 of said ~~Sarah~~ Joseph Moon and
 both as Legatees under the will
 of said Joseph Moon, which is the
 subject matter of this action,

Wherefore said James & Sarah
 Moon pray the Court that they may
 be made parties Defendant in
 the above cause that they may assert
 & defend their rights under the will
 of said Joseph Moon.

Green & Williams
 Attys for James & Sarah
 Moon.

W. H. Moon Etal

or

J. Lisle Etal

(motion to make)
Jas. & Sarah (Moon)
parties

Dated May 19th 1888
E. H. Honeywell

Lexie Moor, William Grady }
and Amanda his wife, and Others, - Plaintiffs }
Against }
Salathiel Cole, - Defendant }
} In the Circuit Court of
} Jefferson County, Missouri }

Answer of Salathiel Cole, the above named Defendant, and James Moor and Sarah Moor, who, on their application, have been made parties Defendants, by order of the Court.

These Defendants, Salathiel Cole, James Moor, and Sarah Moor, for Answer to the petition of Plaintiffs filed in the above Cause, deny that the Instrument of writing, referred to and copied by Plaintiffs, and which was probated in the County Court of Jefferson County in 1867, is not the last will and testament of Joseph Moor, deceased. These Defendants aver that the said Joseph Moor, dec^d did legally make and execute his last will and testament on the 9th day of May 1867, and that ^{the} same was duly probated in the County Court of said Jefferson County some time in said year, - and that said instrument is the last will and testament of the said Joseph Moor, dec^d. - They deny the allegation of Plaintiffs, that said instrument is not the last will and testament of the said Joseph Moor, dec^d. - Defendants deny the allegation of Plaintiffs, - that

the said Joseph Moon was not of a sound and disposing mind and capable of making a will at the time of making said will, to wit, on the 9th day of May 1867, - and deny the allegation, "that the said Joseph Moon ^{deny} did not execute the same," and the allegation that "he did not understand the meaning and tenor thereof, and that said pretended will was dictated and prepared for him (said deceased)" - And Defendants ^{the allegation,} deny that the assent of said Joseph Moon to said instrument was obtained through misrepresentation, deceit and fraud, for the purpose of depriving Plaintiffs of their just and legal rights, And Defendants deny the allegation that said instrument was not duly attested according to the requirement of the Statutes in such cases, made and provided. - And these Defendants deny that they, or either of them, renounce or disclaim any interest under said will, or refuse to protect and defend the same, - The said James Moon and Sarah Moon state that their names were procured to the Writing filed with said petition, dated February 1867, addressed to David E. Perryman, by misrepresentation and deceit, and without their understanding the nature and effect thereof, and therefore they repudiate the same as not binding on them.

These Defendants aver that the instrument

of writing which was made and executed
by Joseph Moon dec^d, on the 9th day of May 1867,
and on the day of 1867, Probated in
the County Court of Jefferson County, is the
last will and testament of the said Joseph
Moon, dec^d, - duly made, executed and attested
according to the requirements of law, - and
they deny that any cause exists for declar-
ing the same null and void, or for setting
aside said will, and holding the same for
nought.

Alben Green & J. J. Williams
Attorneys for Defendants.

In Circuit Court
Jefferson County

Lexie Noon, W^m 16,
Noon Et, al,
vs,

Salathiel Cole

Answer
of S. Cole, Jas, Noon
& Sarah Noon

Filed Sept 12 1868,
E. F. Moneys Cl

COUNTY OF JEFFERSON,

The State of Missouri,

To *Me & Agents the O'Neal Co. St. Louis*

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^d 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

Wm. H. Meen et al is Plaintiff, and *Salathiel Cole* is

Defendant, on the part of *S. S. Spauldahl*, 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 *14th* day of *Oct* A. D. 1868

Elias F. Honey Clerk.

By O'Neal & Co. St. Louis

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 1868.

Maun
vs
Cole

Geo Deph
vs S. Roberts +
Thomas P Maun +
asa Stephens +

John Williams
Sheriff fee

\$1.50

I herby certify that within in Jefferson County Mo on the 22nd
day of October 1868 on Chas S Roberts Thos P Maun and
asa Stephens by presenting the same to each of them

John Williams Sheriff

COUNTY OF JEFFERSON,

The State of Missouri,

To *M^{rs} Alastair & J. E. Jackson, George & George*
Reuben Mathews

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^d* day of *November* 186*8*, 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

Plaintiff, and *John A. Mason et al* is

Defendant, on the part of *St. Louis & Co.* 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 *14th* day of *Oct*, A. D. 186*8*,

Elias F. Honey Clerk,

By John A. Mason et al

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 1868,

Moore et al
vs
Cole,

Grand Jurors
Amos Blackwell Jr,
J C Lachin,
Geo Hughes &
Reuben Mathews

John Williams
Sheriff fee \$2.00

Whereas the within in & known County Mo on the
12th day of October 1868 on Wm Blackwell
Jr, C. John George Hughes and Reuben
Mathews by executing the same to each of them

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To Mrs Blackwell &c,

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^d 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

and others and
Plaintiff and *Salathiel Cole 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 23^d day of Oct A. D. 1868

Elias F. Honey Clerk.

By John W. Hume Del

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 1868,

Maon et al
vs
Oule

For Deft,
Wm Blackwell Sn

John Williams
Sheriff. bee

50

COUNTY OF JEFFERSON,

The State of Missouri,

To

Salvat Morn James Robert
James Churchill James Hughes & Mark Vinyard

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 20th 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

Plaintiff, and *Salvat Morn et al* is

Defendant, on the part of

Plaintiffs

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 April A. D. 1868

Elias F. Honey Clerk.

By *Geo. H. H. H. H.*

SUBPOENA.

To Jefferson Circuit Court.

Nov Term, 186*8*,

Moon
vs
Cole

Plsff

Calvert Moon

James Roberts

James Leundiff

James Hughes

Mark Vinson

John Williams Sheriff Dec 75
\$250

Served on 11/16

COUNTY OF JEFFERSON.

The State of Missouri,

To

James Leavelle

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*

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

J. N. Moore et al

Plaintiff and

J. Cole

Defendant, on the part of

Pliff

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

22nd day of

Nov

A. D. 186

8

Elias F. Honey

Clerk.

For

E. F. Honey

moon
vs
Cull

SUBPOENA.

To Jefferson Circuit Court.

November Term, 1868

John Williams
Sheriff fee 50

John Williams is

of Seneca the Within in Jefferson County Mo on
the 29th day of October 1868 on James Bond
by meeting the same to him

John Williams
Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To *W. Hooper Garner,*

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*

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

J. H. Brown et al, is
Plaintiff, and *Deale* is

Defendant, on the part of *Deale* 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 *23^d* day of *Nov* A. D. 18*68*

E. F. Honey
Clerk.

By E. F. Honey et al

SUBPOENA.

To Jefferson Circuit Court,

et al Term, 1868

*Moore
vs
Cale*

*for
Shoopingamen*

*John Williams
Sheriff fee 50*

I herby the within in Jefferson County Mo on the
23rd Day of October 1868 on at Shoopingamen
by receiving the same to him

*John Williams
Sheriff*

The State of Missouri,

COUNTY OF JEFFERSON,

To

Wm A Stephens

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 *first* *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 *the Case is*

John Moore et al vs
Plaintiff, and

Defendant, on the part of *each* 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 *23^d* day of *Nov* A. D. 1868,

Elias F Honey Clerk.

By *Edw H Moore et al*

SUBPOENA.

To Jefferson Circuit Court.

Not

Term, 1868

J. C. Cole
vs

~~*J. A. McCleary*~~

J. McCleary

for Plaintiff
Wm. H. Stephens

John Williams
Sheriff fee 50

*I received the within in Jefferson County, Mo on the 23rd Day
of October 1868 and Wm. H. Stephens by Reading
the same to him*

John Williams
Sheriff

44

The State of Missouri,

COUNTY OF JEFFERSON.

To

Frank H. Stephens

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~~ *first* *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

Geo. C. Cook is
Plaintiff, and
John M. Brown et al is

Defendant, on the part of *each* and herein you are in no wise to
tail.

Witness, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office

this *23^d* day of *Nov* A. D. 186*8*,

Elias F. Honey, Clerk.

By *Edw. H. Davis* *Deputy*

SUBPOENA.

To Jefferson Circuit Court.

Not

Term, 1868

J. C. Cole
13

~~J. A. McCleary~~

J. McCleary

for Sheriff
Wm. H. Stephens

John Williams
Sheriff-fee 50

I received the within in Jefferson County Mo on the 23rd Day
of October 1868 and Wm. H. Stephens by Reading
the same to him

John Williams
Sheriff

44

COUNTY OF JEFFERSON,

The State of Missouri,

To Thomas Roberts

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 with

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

Plaintiff and John Moore et al and
is

Defendant, on the part of Eliza
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 28th day of November A. D. 1868

Eliza F. Honey Clerk.

By John Moore et al

SUBPOENA.

To Jefferson Circuit Court.

Not

Term, 1868

Moore

vs

Cole

for Plaintiff

Thomas Roberts

John Williams
Sheriff fee 50

Given the within in Jefferson County Mo on
the 23rd Day of October 1868 on Thomas Roberts
by bearing the same to him
John Williams
Sheriff

Wm N. Moore Et al }

Salute hole }

In the circuit-court
of Jefferson County, Mo
before me 18th
now at this day comes
the Plff and by leave of
Court replies to ~~complaint~~
Defendant's answer and
~~deceit~~ - that they the Plffs
during that time, Moore & Sarah
Moore's name were procured
to the military fund with simi-
lation dated Feb 1867 addressed
to Daniel E. Payne were pro-
cured, by misrepresentation and
deceit - and without their
the said Jas Moore & Sarah Moore's
understanding the nature and
effect thereof. And the Plffs
say that said Jas Moore & Sarah
Moore signed said writing with
a full knowledge of the
contents of all the matter and facts
of this Controversy -

Payne & Dunning
attys for Plffs -

H H Moon Esq

Shile Lee

Refutation

Filed Nov 23 1888
E D Hovey Cl,

Moon } Indgt. for costs, Nov 28 1869,
 Cole^{rs} } Book 5, p. 623

A. F. Honey Clerk, =
 cap of mill. ⁵⁰ cap, ⁶⁰ set, ⁵⁰ cas ⁵⁰ mit & cap, ¹¹⁰ 2,70
 Centrifugal set. J. H. Moon ²⁰ org to make partly debts ³⁵ 55
 Leave to and ²⁰ and ²⁰ out of S. Cole ²⁰ 60
 Rep ²⁰ to Spas ¹⁵ Costs ² A B ¹⁰ 2,55
 error cut from ^{1.00} 100 acts ⁵⁰ Indgt. ⁵⁰ 2,50

~~8.40~~
 9.10

Mr William Jeff less Sept, ^{1.00} Calls, ²⁵ 175
 " " " Spas 5,50

10, 25

Nov 1868,

Ly R Hughes,	1 day 32 miles,	3.56
Reuben Matthews	2 " 36 "	4.88
A. Hoopengamer	2 " 30 "	6.00
Mr T Blackwell	2 " 32 "	4.56
Asa J. Stephens	2 " 32 "	4.56
Thomas Moon	2 " 32 "	4.56
Claverh Moon	2 " 32 "	4.56
Thomas Roberts	2 " 32 "	4.56
Ja Cundiff	2 " 36 "	4.88

~~42.12~~
~~7.17~~
 60.77