

DeFerson County Circuit Court
Case # 12 - Civil

Book

22 Folder 41

November 1868, No. 197

O'Fallon, Emily

vs.

Veornis, Robert S.
Massey, William T.

Quot title

320 acres in U.S. Survey 747

Tyler E; John O'Fallon substituted
as plaintiff 1870

Emily O'Hallon

vs
Robert S. Bookies &
Wm. C. Mason

In the Circuit
Court of
Jefferson
County Missouri

Plaintiff states that she is the owner
in fee simple of the South West half
of United States Survey No. 747 in
Township 42 Range 6 in Jefferson
County Missouri containing Three
hundred and Twenty acres and
that Plaintiff is in the possession
of said Tract of Land

Plaintiff says further that
she is informed and believes that
Defendants make some claim to
said Land adverse to the Estate of
Plaintiff Petitioner and in
consideration of the premises prays
the Court that Defendants may be
Summoned to show cause why
they should not be bringing an action
to try the alleged title if any

Josef Williams,
Atty for petitioner

No 198

No 198

Emily O'Hallor

m

Working & Measuring

Position to Quick
With

Girls May 22 '88
E. O'Hallor

Capital Price

90

56.5

Emily O'Fallon }
 Robert S Voorhis & } In the circuit court of
 Wm S Massey } Jefferson County Missouri

Plaintiff states that she is the owner in fee simple of the South West half of United States Survey No 747 in Township 42 Range 6 in Jefferson County Missouri containing three hundred and twenty acres and that plaintiff is in the possession of said tract of land,

Plaintiff says further that she is informed and believes that Defendants make some claim to said land adverse to the Estate of petitioner and in consideration of the premises prays the court that Defendants may be summoned to show cause why they should not bring an action to try the alleged title if any.

Josef Williams

Atty for Petitioner

A true copy of the original petition now on file in my office

Witness my hand and the seal of said Court hereunto affixed at office June 27th 1868,

Elias D Honey Clerk
 By Chas J. Hume Deft

State of Wisconsin } In the Jefferson Circuit
County of Jefferson, } Court, May 22nd 1868,

Among other proceedings of that day
the following appears of record,

Emily O'Dallan
vs
Robert S Vookhis and
Wm. J. Mason

Now at this day comes
Emily O'Dallan by her attorney and presents
her petition to the court stating ~~unnecessarily~~ ^{alleging} ~~that~~
^{Michigan} that she is the owner in fee simple of
the South West half of United States Survey
No 747, in Township 42 Range 6 in Jefferson
County Wisconsin, containing three hundred
and twenty acres, and in possession of the
same, and that Defendants claim said land
adverse to the Estate of Plaintiff, and it ap-
pearing to the satisfaction of the court, that
the matters contained in Plaintiffs petition
are true. It is thereupon ordered of the court that
said Defendants be summoned to appear on
the first day of the next term of this court to
be begun and held at Hillsboro on the seventh
Monday after the fourth Monday of September
next, and show cause if any they have
why they should not bring an action to
try the alleged title ordered that the same be
certified

A true copy from the record of

and cannot,

"Witness my hand and the seal of said circuit court hereunto affixed at office in Hillsboro this 27th 1865,

Chas J Henry Clerk
By Charles J Mcintosh

No 197

In the Jefferson Circuit Court,
Nov Term 1868,

Emily O'Dallon,
vs } order of Court
Robt S Vooch's r
Wm D Mason,

(original)

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

THE STATE OF MISSOURI,

St Louis

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Robert S Voorhis*
Wm J Mason

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 *seventh* Monday after the
fourth Monday of September 1868, ~~and~~ then and there to ^{show} answer unto
cause if any they have ~~or~~ ^{should} they should
not bring an action to try their alledged
title to the lands set forth in the

~~upon~~ original petition, a copy whereof is herunto 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 herunto affixed, at office in Hillsboro, this
Sixth day of *October* A.D. 1868

Elias F Honey

Clerk Circuit Court.

By *Ch H Morine Dep*

Executed 16th 119

111 119

TO 2729

JEFFERSON CIRCUIT COURT.

1107 Term, 1865

County of Allen

and W. H. P. Oct 12/66

X Voorhis & Mason

32 4 1/2

(orig. in hand)

paid by plff

Executed this Writ in St. Louis County on the 12th day
of October 1868 by delivering copies of the Writ ^{and} Petition
as furnished by the Clerk to Robert S. Voorhis and
Wm. T. Mason
John W. Nail Sheriff
By A. Valentine Deputy
Fee \$2.00
Paid by plffs

Emily O'Hallon, Plaintiff	} In the Circuit Court of Jefferson County Missouri.
v	
Robert S. Voorhis and William T. Mason, Defts	

Defendants for answer to plaintiffs petition come and deny that she is the owner in fee simple of the land described in the petition.

Defendants deny that the plaintiff is in the possession of said tract of land.

Defendants aver that they are the owners of, and have the title in fee simple, of said land.

Defendants having fully answered the petition pray hence to be discharged with their costs and without day.

Voorhis & Mason

Emily O'Fallon

v

Robert S. Voorhis and
William T. Mason

~~~~~  
Answer to Petition  
Voorhis & Mason.

Filed April 15<sup>th</sup> 1869

Elis P. Henry Clk  
By L. H. Apple DC

Emily O'Hallon, Plaintiff  
v

Robert J. Worshis and  
William T. Mason, Defs

In the Jefferson  
Circuit Court

Now Come the defendants, and for Answer to the petition amended by the substitution of John O'Hallon for Emily O'Hallon, the plaintiff: deny that John O'Hallon is the owner in fee simple of the land described in the petition.

They deny that Emily O'Hallon was ever in possession of said lands, at any time, or that she transferred the possession of the same to the said John O'Hallon as alleged in the petition amended.

They deny that the said John O'Hallon is in possession of said lands.

They deny that the said Emily O'Hallon sold the said land to said John O'Hallon, as alleged in the petition amended, or that said John O'Hallon is now the owner thereof.

Defendants further answering, here show Cause why they should not be required, by any order of this Court, to institute any proceeding against the said John O'Hallon by which to try the title to said land as between them and the said John O'Hallon, as follows: They aver that the said Emily O'Hallon, the said John O'Hallon, and William C. O'Hallon, being brother and sister, have combined and confederated together to cover up and conceal an interest which the said Wm. C. O'Hallon, claimed and - claims

in said land, for the purpose of cheating and  
defrauding Certain Creditors of the said William  
C. O'Fallon, and especially to deprive these  
dependants of their right, title, interest, property and  
estate in said land.

That the said Emily O'Fallon was only a pretended  
owner of the pretended claim or interest of said William  
C. O'Fallon in said real estate, and that the said  
John O'Fallon is now only a pretended owner of  
said land, for the purpose of protecting the said  
claim of said Wm. C. O'Fallon. That the said  
Wm. C. O'Fallon is the real party in interest, as plaintiff.  
Defendants having fully answered pray hence  
to be discharged without day, with their costs.

Booth & Mason

proprae personae

— No 197 —  
In Jefferson Circuit Court

Nov Term 1868

Emily O'Fallon Plaintiff

v

Robert S. Vorhis and  
William T. Mason. Defts.

Answer to petition as  
Amended.

Vorhis & Mason

f.d.

Filed - May 19<sup>th</sup> 1869  
Elias J. Hiney clerk  
By S. H. Wynn D.C.

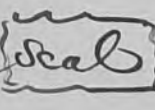
Emily O'Hallon, Plaintiff } In the Circuit  
v } Court of  
Robert S. Verakis and } Jefferson County  
Wm. Mason, Defendants }

Be it remembered that the above entitled Cause came on to be heard on the 19<sup>th</sup> day of May 1869. the plaintiff appearing by attorneys and the defendants in person, before the Court sitting as a jury; that before the introduction of any evidence the plaintiff's attorney on her behalf moved the Court to amend the petition by substituting John O'Hallon in the place of Emily O'Hallon for reasons stated in the said motion, which is here inserted as follows:-

(Here insert the motions.)

This motion was granted by the Court, and the defendants there and then took their exceptions to the ruling of the Court in allowing the motion.

In order that these proceedings may be made a part of the record in this case the defendants pray that this their bill of exceptions may be signed, and it is accordingly done.

James N. Will. Judge 

No 197  
Jefferson Circuit Court  
Nov Term 1868

Emily O'Fallon pff

v

Robert S. Brooks  
and Wm J. Mason. Dfts

Bill of Exceptions.

Filed May 19<sup>th</sup> 1869  
Elihu W. K. my cl<sup>k</sup>  
By S. H. Clifford Atty

|                |   |                  |
|----------------|---|------------------|
| Emily O'Hallon | } | In the Circuit   |
| W. J. Mason &  |   | Court of         |
| R. A. Bookie   |   | Jefferson County |
|                |   | Missouri         |

Now at this day comes the John O'Hallon and sheweth unto the Court that since the institution of this action he has become the purchaser of the Real Estate described in the petition of from Emily O'Hallon the plaintiff & is now the owner thereof and has since the institution of this action been placed in possession thereof by said Emily O'Hallon who was in possession at the time this action was commenced

William & Thomas

for John O'Hallon

He therefore prays the Court to be substituted as party Plaintiff in this action.

William & Thomas  
for John O'Hallon

Emily O'Halla

7

North's Manor

Filed May. 19<sup>th</sup> 1869.

Elias P. McHenry clerk

By L. H. Alfred D.C.

John O'Fallon  
vs  
Robert S. Voorhis &  
William T. Mason } In the Circuit  
Court of  
Jefferson  
County,  
Missouri

Now at this day comes the  
Plaintiff John O'Fallon and for  
repetition to the amended  
answer of Defendant filed  
May 19<sup>th</sup> 1869 says he denies  
the allegation in said answer  
contained that said John O'Fallon  
& William O'Fallon and Emily  
O'Fallon being brothers and sister  
have combined and confederated  
together so as to conceal or  
cover up or ~~to~~ with any views  
or intention to conceal or cover up  
any interest which the said  
William O'Fallon claims or  
claimed in said Land and denies  
that said William O'Fallon had or claimed  
any right or interest in said Land  
when this proceeding was commenced  
or that he now has or claims any  
right or interest therein, either  
for the purpose of cheating or  
~~covering~~ defrauding any creditor

or Creditors of the said William C. O'Hallon or for the purpose of depriving these Defendants of any right title or interest which they have in or to said Land and Plaintiff denies that Defendants have any right title or interest in or to said Land, and Plaintiff denies that ~~the~~ said Emily O'Hallon was only a pretended owner of the pretended claim or interest of said William C. O'Hallon in said real estate and also deny the allegation that the said John O'Hallon is now only a pretended owner of said Land for the <sup>purpose of</sup> protecting any claim of said William C. O'Hallon and deny that said William C. O'Hallon is the real party in interest as Plaintiff in this proceeding

and Plaintiff further says that the said allegations in the Answer of Defendants are each and all of them wholly gratuitous and contain no matter of defence to this action

And this Plaintiff here reasserts that he is the owner of

the Real Estate heretofore described  
in the original Petition of Emily  
O'Fallon as filed in this proceeding  
in this Court, and here further  
reasserts that Emily O'Fallon was  
at the time of the institution of this  
proceeding the owner in fee of said  
Real Estate & was then in possession  
thereof and that Plaintiff has since  
this action was instituted purchased  
said Real Estate from said Emily and  
been by her placed in the possession  
thereof & that he is now in the  
possession of the same ~~and~~

Thomas & Williams,  
Attys. for Plaintiff

John O'Gallon

vs  
Boorhis & Mason

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Replication  
to Answer of  
Defendants

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Filed July-4 1870  
E. J. Honey  
Clk

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Emily O'Fallon }  
vs  
Worth & Mason }

Ex Honey alk

Copy Pet. C. H. 90 + Copy Bonds 150 2.40

rent 2 Cop. 1.20. Felix 7.35 Bill Ex 35, Order 35, 2.25

Rept 15 and 25 and returned 25. Index 25. Dicks 25 1.15

Dismissal 20 Fee Bill 10<sup>¢</sup> 30

John McNeil Sheriff St Louis County, party Pky.

2.00  
\$ 8.10

Emily O'Fallon

vs

Horatio Mason

See Bill # 8.10