

Jefferson County Circuit Court
Case Files - Civil
May 1869, No. 294

Box 24 Folder 9

Pipkin, Philip

vs

O'Fallon, John

Debt, account

Debt \$210 for legal services;
depositions

Philip Pipkin } In the Circuit Court of
 John O. Fallon } Jefferson County Missouri

The plaintiff states that the defendant owes him Two hundred and ten dollars for work and labor performed and services rendered at the request of the said defendant as will appear by the following account to wit,

1867. To my fee in the suit in the Circuit Court of Jefferson County Missouri in the Case of ~~John~~ ^{John} O. Fallon vs. J. I. Kennedy & others \$ 50.00

1868. To my fee in suit before H. W. Parker Justice of the Peace of Abraham Johnson as yourself 10.00

1868. To my fee in making out and certifying abstract of title to land 150.00

Making ————— \$ 210.00
 for which the plaintiff asks judgment
 Philip Pipkin

Ambr. 210.00
 Int. @ 6 per cent. for 11. mo. 6
 12 12,60,00
 105
 11
 \$ 17.55
 210.00
 \$ 227.55

Johnson & Co's Bank
May Term 1869

Henry Jones.
Copy per 50

John's Office
my

John's Office

The Court will please
honor

J. Johnson

Filed April 12 1869
Elias & Co. New York

Introductions 110
C & D 50
Fees 50
Bills 10
Total \$2.20

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *John O. Fullon*

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 ~~seventh~~ Monday after the fourth Monday of *March 1869* next, then and there to answer unto

Philip P. Keen

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
12th day of *April* A.D. *1869*

Elias F. Honey
Clerk Circuit Court.
By S. H. Clifford, D.C.

No 294

TO

JEFFERSON CIRCUIT COURT.

May Term, 1869

Philip's Petition
vs Summers

John O. Sellen

(Original)

by leaving a copy
with Thomas O. Sellen

Subd.
Sells.

210.00

11.55

\$221.55

The within writ was served, at Jefferson County Mo on the 28th day of June 1869, by leaving a copy of the writ and the annexed Petition as furnished to me by the Circuit Clerk at the usual place of abode, of the within named Defendant John O Sellen with a white Member of his familie over the age of sixteen years all at Jefferson County Mo.

Fred Lichtemeyer Sheriff
per Fred Vollmach
Deputy

Philip Pipkin
against
John O'Hallon

In the Circuit Court
of Jefferson County
Missouri

Defendant for answer to the
petition of Plaintiff denies that
he owes Plaintiff the sum of
Two hundred and Ten Dollars
for work and Labor performed
and services rendered at
the request of the said Defen-
=ant

Defendant denies that he
owes Plaintiff fifty dollars or
any sum for any services
rendered in the year 1867 or at any
other time in the Circuit Court of
Jefferson County Missouri in the
Case of ~~John~~ O'Hallon vs T. J.
Kennerly & others.

Defendant also denies
that he owes Plaintiff Ten
Dollars for a fee in a suit before
H. M. Parker Justice of the Peace
of Abraham Johnston vs this
Defendant or any part thereof, &
denies that he owes Plaintiff any
sum for such services either performed
in the year 1868 or at any other time.

Defendant also denies that that
he owes Plaintiff the sum of
one hundred and fifty dollars or

any part thereof for services rendered
in the year 1868 or at any other
time, or for any fee in making out and
certifying any abstract of Title to Lands
Def. admits that he employed Plaintiff to certify for him an abstract of his
Lands & that Plaintiff made out & certified a paper purporting to be such abstract
but avers that they same were wholly worthless & of no value whatever

aggregate sum of Two hundred
and Ten Dollars, or any part thereof
or any item of the account filed
by Plaintiff with his Petition in
this Cause or any part of either
of such items

and denies that Plaintiff
is entitled to Judgment against
him for any sum whatever
& prays Judgment for costs

Jos. B. Williams
Atty. for Defendant

3020

Wm. J. J. J.

John S. Hutton

St. James
Answer

Feb. 11. 1869

Eliza J. Hutton

Philip Piptkin 3 In the Circuit Court of Jefferson
vs. O. Fallow 3 County Missouri

The plaintiff states that the
Defendant owes him two hundred and
Ten Dollars for work and Labor performed
and services rendered at the request
of said defendant, as well as appear
by the following account for the
1867. To my fee in the suit in the Circuit
Court of Jefferson County Missouri, in the
Case of Emily O Fallow vs. T. J. Kennedy
& others, \$50.00

1868. To my fees in suit before
H. M. Parker, Justice of the Peace of
Abraham Johnston vs Yourself \$10.00

1868. To my fees in making out abstract,
certifying same to title to lands. 250.00

making \$210.00
for which the Plaintiff asks judgment

Philip Piptkin

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

John A. Fallon

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 ~~Second~~ Monday after the
fourth Monday of ~~Sept~~ ^{Sept} ~~1869~~ then and there to answer unto

Philip P. Keri.

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

13th day of Sept A.D. 1869

Elias F. Honey
Clerk Circuit Court

By L. H. Alford Deputy

TO
JEFFERSON CIRCUIT COURT.

Nov Term, 1869

Philip Jackson
vs
John O. Fallon

(orig)

Come to Hand
17 by Bond

Served the within on the 29th of October a d 1869
by delivery a Copy ~~to~~ the within named defendant
John O Fallon of this writ and petition as delivered to
me by the Clerk of the Circuit Court of Jefferson County
for \$1.00

The above John Fallon has also ~~in the~~ acknowledged
to me the undersigned Sheriff Service of the above
Summons and Petition

Thos L. Hume
Sheriff

Philip Pipkin Lambert } In the Circuit Court of
vs } Jefferson County
John O'Hallon defendant } Missouri

To the above named defendant: You are hereby notified that depositions of witnesses to be read in evidence in the above cause on the part of the defendant, will be taken at the law office of J. A. Beal No 413 Chesnut street between 4th and 5th streets in the city of St. Louis, St. Louis County, Missouri, on the 7th day of March 1870 between the hours of 8 o'clock A. M. and 6 o'clock P. M. of that day & if not completed on that day, they will be continued from day to day at the same place & between the same hours till completed.

John O'Hallon

I enclose this notice by delivering a copy of same to Messrs Ripkin
on this 2 day of March 1878 in Jefferson County
Mo

Subscribed & sworn to before me this 2^d day of March 1878

Wm. P. Palmer

H. M. Palmer

Justice of the Peace.

Ripkin
vs
Fallen

Return this to J. A. Real
first signing the same
as on back.

Deposition of witness produced sworn and examined, on
the seventh day of March in the year four and eighteen hundred
and Seventy (1870) between the hours of eight o'clock in the forenoon and
six o'clock in the afternoon of that day at the Law Office of
J. A. Beal N^o 413 Chestnut Street between 4th
and 5th streets in the City of St Louis, St Louis
County, in the State of Missouri before me
the undersigned a Notary Public within and
for said County and State in a certain cause
now pending in the Circuit Court of the County
of Jefferson in the State of Missouri, between Philip
Pipkin plaintiff and John O'Fallon defendants on
the part of the defendant - John M. Pullan
Notary Public for St
Louis County Missouri

Henry W. Williams of lawful age be-
ing produced sworn and examined on the part
of the defendant deposes and says:

I am acquainted with Mr O'Fallon
the defendant - I am a lawyer by pro-
fession ^{in St Louis Missouri} - I devote my time to the
examination of titles to real estate -
I think I am sufficiently expert to
know when an abstract of title to
real estate is sufficient or not - suffi-
cient to show the condition of the title -
Major O'Fallon brought me an Abstract
of title purporting to be an Abstract
of title to his property near Sulphur Spring
in Jefferson County Missouri
^{which is the one now known as the O'Fallon property}
- this Abstract of title was signed
by Philip Pipkin - this was in the year
eighteen hundred six & eight
- in the summer or fall of that

year - Major O'Fallon desired me as an
Investigator ^{of title to real estate} as a sworn skilled in the
business of investigating titles to real es-
tate to certify as to the condition of the
title from their abstract, after exam-
ining the abstract I found it so
imperfect, that I was unable to
arrive at any conclusion as to the
validity of the title - The abstract was
not made up in such ^a form as to
enable any person to arrive at a
any conclusion as to the validity of the title,
I did not make any certificate -
I returned the abstract to Major O-
Fallon without giving him any cer-
tificate - not being able from the
abstract to give him one - This Ab-
stract in my opinion as an expert,
as one accustomed to examine and
investigate titles ^{to real estate} and also to certify
to abstracts of title to real estate was of
^{no} value whatever to Major O'Fallon
^{either} to make a sale of his real estate or
to obtain a loan upon the same -
Subscribed and sworn
to before me this 7th ^{day} of March A.D. 1870 - John W. Williams
John H. Fulton

Notary Public for St. Louis County, Missouri

William C. Johnson of lawful age being pro-
duced sworn and examined on the facts
of the defendant's deposition and oath
I am a lawyer by profession in the City of

St Louis Missouri - In the summer of
eighteen hundred and six I saw
what purported to be an abstract to
title of Major O'Halloran's property near
Sulphur Spring in Jefferson County
Missouri signed by Philip Ripkin -
- John O'Halloran showed me this abstract
- the object to hand to me was to examine
me as to see if the title were all right
and if it were all right - Mr Hodgemon
was to loan on the real estate to Mr John
O'Halloran the sum of twenty five
thousand dollars and take a deed
of trust on the property to secure the
Twenty five thousand dollars - This
Hodgemon is Charles Hodgemon Cashier
of the Boatmen's Savings Institution -
I made an examination of this ab-
stract - I could not tell much about
the title from this abstract - nor could
I certify that the title was good from
this abstract and on this account
Mr Hodgemon refused to let Mr
O'Halloran have the money - my
inability to certify to this abstract was
from the inherent defects of the abstract
itself - it did not state sufficient facts
to warrant me to certify to the abstract -
and another thing there were objections
to what was stated as to make so that
I could not make a certificate -
For the purpose of making the above loan
the abstract was of no value to Mr O'Hal-
lan - Mr Charles Hodgemon got me

to examine the abstract - I have been
practising law in the City of St Louis -
about twenty five years -
Subscribed and sworn William C. Jamison
to before me this 7th
day of March A D, 1870
John M. Fulton Notary
Public for St Louis Co Mo

Edward M. Isson of lawful age being
produced sworn and examined on the facts
of the defendants debt and oath.
I reside in the City of St Louis, Missouri
- my business is United States Asses-
sors Assessor - I am acquainted
with John O'Fallon the defendant in
this suit - I undertook to effect a loan
at the instigation of Mr John O'Fallon
on ~~at~~ his real estate in Jefferson
County Missouri in the year eight-
teen hundred and six & eight - and
I effected a loan on the real es-
tate of John O'Fallon in Jefferson
County Missouri for the sum
of twenty five thousand dol-
lars providing Mr O'Fallon fur-
nished papers and Abstracts ^{of title} satisfac-
tory to the parties who had the money
to loan - and Mr Jamison of the firm
of Oliver Jamison and Son ^{lawyers} to examine
the abstract of title to said real estate
and if he pronounced it sufficient the
money would have been loaned - The
Mr O'Fallon furnished me an Abstract

of title to said real estate of John O'Fallon
purporting to be made, Certified to and
signed by Philip Ripkin and dated Oc-
tober fifteenth 1868 eighteen hundred and
sixty eight - This Abstract marked
as Exhibit A consists of two
sheets which I herewith return -
I took this Abstract to Mr. Jernison and
he examined ^{it} carefully as I thought
and refused to certify to the title
from the Abstract and said ~~that~~ that
this Abstract was unsatisfactory and the
loan fell through in consequence of
Mr. Jernison's saying that it was un-
satisfactory - The Abstract is infor-
mal and insufficient all the way
through and full of inaccuracies - At
that time in the year 1868 - I was employed
in negotiating loans as a business, as a
means of my livelihood - It was and
is a universal rule in St. Louis to have
a sufficient and satisfactory Abstract
furnished before a loan is effected -
The object of Mr. O'Fallon was to furnish
an Abstract sufficient and satisfac-
tory to obtain this money -
presented and sworn to
to before me this 7th of March
day of March A.D. 1870
John M. Fulton Notary
Public for St. Louis County Missouri

State of Missouri I John M. Fulton Notary
County of St. Louis do hereby certify that within and for

the County of St Louis in the State of Missouri duly
Commissioned and acting as such do hereby
certify that in pursuance of the annexed
notice came before me at ~~the office~~ law-
office of J. T. Beal N^o. 413 Chestnut Street
between 4th and 5th streets in the City and Coun-
ty of St Louis in the State of Missouri Henry Wil-
liams, W^m C. Jamison and E. M. Tesson, who
were by me severally sworn to testify the whole
truth of their knowledge touching the matter in
controversy aforesaid that they were respectively
examined, and their examination reduced to
writing and subscribed by them respectively
in my presence on the day, between the hours,
and at the place in that behalf first aforesaid
viz at the law office of J. T. Beal N^o 413 Chestnut
Street in the City and County of St Louis in the
State of Missouri.

In testimony whereof I hereby set my
hand and seal this 7th day of March A.D.
(1879) eighteen hundred and seventy

John M. Pullen Notary Public
In St Louis County Missouri

3020
Philip Pippin

John O'Fallon

Depositions for
Defendants

Opened and Filed
And published
by order of Court
March 9th 1870
Elias F. Henry et al

Notary's fee \$7.⁰⁰ paid
by Defendants —

The Court declares the Law to
be that, if the abstract in ~~present~~
question is so imperfect as
not to show on its face the
nature and condition of Defendants
title at the time it was made
then in that event the Plaintiff
can not recover, ^{any thing} therefore and if
the Court so find, from the
evidence the Court will find for
the Defendant as to the item charged
in Plaintiffs Petition for making
out said abstract

P. Pipkin

vs
John Gallon

In the Circuit
Court of
Jefferson
Co. Mo.

Defendant moves the Court
to set aside the judgment
& finding of the Court in this
Cause and grant a new
trial for the reasons
following, viz,

1st Because the finding and
~~judgment~~ judgment is
against the law

2nd Because the finding and
judgment of the Court is
against the evidence

3rd Because the Court erred
in refusing to ~~me~~ declare
the law as asked by defendant

Jos. J. Williams
Atty. for Defendant

P. Phipps
per

John S. Gellon

Motion for
new trial

Filed March 22 1886
E. J. Hunt CLK