

Jefferson County Circuit Court
Case Files - Civil
September 1872

Box

30 Folder 18

Atchison, Phoebe E.
Atchison, Peter S.

vs

Alexander, William

Petition for title to land

40 acres in S30T42R4E

Know all men by these presents: That
J. William Alexander of the County of Leflore
-son, Missouri, in consideration of the sum of
Fifty Dollars, in hand paid by William
Mansion Alexander of the same place, have con-
vained and sold, and do hereby grant, bargain,
sell and convey unto the said William Mansion
Alexander, his heirs and assigns forever, the
following premises, situate in the County of
Leflore, in the State of Missouri, and in the
Township of Manninack, S. E. 1/4 of S. E. 1/4 of Sec.
30, T. 42, R. 4, E. To have and to hold said
premises with the appurtenances unto the said
William Mansion Alexander, his heirs and assign-
s forever, and the said William Alexander
for himself and heirs doth hereby covenant
with said William Mansion Alexander, his
heirs and assigns, that he is lawfully seized of
the premises aforesaid, that the premises are free
and clear from all incumbrances whatever; and
that he will forever warrant and defend the
same with the appurtenances unto the said Will-
iam Mansion Alexander, his heirs and assigns,
against the lawful claims of all persons, whoso-
ever. In testimony whereof, the said

William Alexander have hereto set my
hand and Seal this 16th day of January in the
year one thousand eight hundred and fifty

William Alexander

State of Wisconsin
County of Jefferson. }

Be it remembered that
William Alexander who is personally known to me
a Justice of the peace of said County, to be the
person whose name is subscribed to the foregoing
and as a party thereto this day appeared before
me and acknowledged that he executed and
delivered the same as his voluntary act and
deed for the uses and purposes therein contained

Given under my hand this 17th day of January
eighteen hundred and fifty

Philip Piskin
Justice of the Peace

Wm. M. Alexander

To 3 Dec

Wm. M. Alexander

Filed Jan'y 21st 1850

Thos C Fletcher

Recorder

fee 75¢

State of Missouri }
County of Jefferson } ss. I, Thos C Fletcher, clerk of the
circuit court and ex officio recorder in and for
said county, do certify that the within & foregoing
instrument in writing was filed for record in
my office on the 21st January A.D. 1850. and is
duly recorded in Book I folio 583 & fol

Witness my hand and the seal
of said court at office in
Hillsboro Jan'y 21st 1850

Thos C Fletcher

Recorder

Phoebe E. Atchison and
Peter S. Atchison her
husband, Plaintiffs
Against
William Alexander
Defendant

In the Jefferson
County Circuit
Court.
Sept. Term 1872.

Plaintiffs state that on the 16th day
of January 1858 the Defendant was
sized in fee simple of the following
described real estate situate in Jeffers-
on County Missouri viz: The S E $\frac{1}{4}$
of the S E $\frac{1}{4}$ of Sec. 30, T. 42, R. 4. E.
Containing forty acres of land:
That on the day and year aforesaid
he sold said land to William Marion
Alexander for which the latter paid
him fifty dollars, that sum being
the consideration thereof agreed upon
between them: That at the time of
said sale Defendant undertook
to convey the title to said land to
said William Marion Alexander
by a written instrument duly signed
and acknowledged by him, which
instrument is herewith filed and
may be taken as a part of this
petition: That said instrument of
writing is in proper form and contains

the words requisite to convey the title to said land and was duly signed and acknowledged according to the provisions of the Statute in such case made and provided but by mistake which was not discovered until within the last year Defendant omitted to attach a seal to his name to the same which makes the deed ineffectual to convey the legal title to said land, but which is a sufficient memorandum of said sale signed by Defendant to bind him in equity.

Plaintiffs state that immediately after said sale Wm M. Alexander took possession of said land and he and his grantors and assigns have continued in possession thereof ever since up to the present time. Plaintiffs further state that since the execution of said instrument of writing the said Wm M. Alexander has conveyed said land to Wm C. Davis and the said Davis has conveyed the same to Phoebe E. Atkinson who is the wife of Peter S. Atkinson who is made a party Plaintiff herein. Plaintiffs therefore allege that the

said Phoebe E. Atchison has by the
conveyances aforesaid acquired
all the right title and interest
of the said Wm M. Alexander in
and to said land.

Wherefore Plaintiffs ~~demanded judgment~~
~~prayer~~ pray the Court ^{by a proper decree} to require the
Defendant to clear of good and
sufficient deed to said land to
the said Phoebe E. wife of said
Peter S. Atchison or in default thereof
to adjudge and decree that the
Defendant be divested of any
title either legal or equitable which
he may yet retain to and in said
land and vest the same absolutely
in law and equity in the said Phoebe
E. wife of the said Peter S. Atchison
and for other proper relief.

John H. Thomas & Co
Attys for Plaintiffs.

Richd. W. Smith
John C. Nelson and Peter S. Nelson
Nelson her husband, Plaintiffs
Against
William Alexander Defendant
In the Jefferson
County Circuit
Court
Sept. Term 1872

Plaintiffs state that on the 16th day of January 1871 the Defendant was seized in fee simple of the following described real estate situated in Jefferson County Mississippi viz. the S.E. 1/4 of the S.E. 1/4 of Sec 30, T. 42, R. 4, E. 6 containing forty acres of land. That on the day and year aforesaid he sold said land to William Marion Alexander for which the latter paid him fifty dollars, that sum being the consideration thereof agreed upon between them, that at the time of said sale Defendant undertook to convey the title to said land to said William Marion Alexander by a written instrument duly signed and acknowledged by him, which instrument is herewith filed and prayed to be taken as a part of this petition and that said instrument of writing is in proper form and contains the words requisite to convey the title to said land and was duly signed and acknowledged according to the provisions of the Statute in such case made and provided but by mistake which was not discovered until within the last year Defendant omitted to attach a seal to his name to the same which makes the deed ineffectual to convey the legal title to said land, but which is a sufficient memorandum of said sale signed by Defendant to bind him in equity. Plaintiffs state that immediately after said sale W. M. Alexander took possession of said land and he and his grantees and assigns have continued in possession thereof ever since up to the present time.

Plaintiffs further state that since the execution of said instrument of writing the said Wm M. Alexander has conveyed said land to Wm C Davis and said Davis has conveyed the same to Phoebe E Atchison who is the wife of Peter S Atchison who is made a party Plaintiff herein.

Plaintiffs therefore allege that the said Phoebe E Atchison has by the conveyances aforesaid acquired all the right title and interest of the said Wm M Alexander in and to said land.

Wherefore Plaintiffs pray the court to require by a proper decree the Defendant to execute a good and sufficient deed to said land to the said Phoebe E wife of said Peter S Atchison or in default thereof to adjudge and decree that the Defendant be divested of any title either legal or equitable which he may yet retain to and in said land and vest the same absolutely in law and equity in the said Phoebe E wife of the said Peter S Atchison and for other proper relief.

John L Thomas Esq
Atty for Plaintiffs

A true copy of the original petition.

Witness W. S. Boyce, Clerk of said Circuit Court with the seal thereof hereto affixed at
Office this August 13th 1872.

W. S. Boyce Clerk,
By O. H. McNamee Depy

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

Scott
William Alexander

if he be found in your County, that he be and appear before the Honorable
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 *September* next, then and there to answer unto

Philo D. McChesney and Peter Satchison
his husband

upon *their* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, *W. S. Pryor* **ELIAS F. HONEY**, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed,
at office in Hillsboro, this *Fifteenth*
day of *August* A. D. 1872

W. S. Pryor Clerk Circuit Court.

By

C. M. Corine

Deputy.

I hereby certify that I served the within writ
in the County of Scott and State of Missouri
by delivering to the within named William Alex-
ander a copy of the Petition & writ on the
24th day of August 1872

Joseph S. Anderson
Sheriff of Scott County

Fee \$1.00 Paid

18
RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept. Term, 1872
J. E. Alexander and
W. S. L. L. L.
Plaintiff,

AGAINST

Wm. Alexander

Defendant

Original

No. 3464

Jefferson Circuit Court.

Sept Term, 1872

Phoebe C. Atchison
Peter S. Atchison her husband

vs.

William Alexander

Judgment, - - \$

Date 18

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Judg't Docket, Page

Thomas V. Bro

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.