

Jefferson County Circuit Court
Case Files - Civil
May 1875, NO. 22

Cole, John C.

vs

Walker, William H.
Walker, James
Stewart, Harriet
Stewart, R. H.,
et al

Reform deed

135 acres in S7, 18 T39 R5E; other
defendants Zurietha Ridgely, Ellen
Goff, D. D. Goff, Leonidas R. Walker,
Carrie, William, Sterling, Catherine,
Rebecca, Alice and Mina Cole

John C Cole plaintiff

Against

William H Walker
James Walker
Walker

In the circuit court
of Jefferson County,
Missouri

May term 1875

Harriet Stewart & R H
Stewart her husband
Zuritha Ridgely
Ellen Goff and d. d.
Goff her husband

Leonidas R Walker and
Carrie, William, Sterling, Catherine, Rebecca, Alice
and Anna Cole Defendants

The Plaintiff for his cause of
action states that on the 7th day of May
A.D. 1864 he purchased from William H Walker
among others, the following described lands
situated in Jefferson County Missouri - to wit
45 acres N¹/₂ Lot 1 of N¹/₂ qr of section 7 Township
39 Range 5 East
40 acres, the S E qr. of the N E qr of section 7
Township 39 Range 5 East
40 acres N¹/₂ qr of the S E qr of section 18
Township 39 Range 5 East paying therefor
to the said William H Walker the sum
of five dollars per acre in cash for all
said lands. That on said day the
said William H Walker made executed and
acknowledged, and delivered to plaintiff
a deed whereby he intended to convey to
plaintiff, among other the land above
described

Plaintiff avers that a mistake was
made by the person who wrote said deed - to wit

in Title the description of the land therein
and that instead of describing said first
tract correctly the draughtsman inserted
the entire North West quarter of section seven
when in fact said Wm. J. Walker at the time
^{and intended to convey} owned but 40 acres the NE 1/4 of Lot 1 in said
North West q of said section.

That ~~instead~~ a ~~title~~ mistake was also
made in the second tract and that the
correct description thereof was not inserted in
said deed, but that the correct number of
acres was made up, by having some tracts
described twice in said deed.

That the third described tract, being the
NW 1/4 of SE 1/4 of section 8 - Township 39 R 5 was
by mistake described as the NE 1/4 of said SE 1/4.

Plaintiff states that both he and said
Wm. J. Walker at the time of making said
deed believed that the land first herein described
was conveyed thereby, as both parties ~~that~~ intended
~~to convey the same~~ it should be

Plaintiff states that said William J. Walker
departed this life in the year 1888 - Having surviving
him the ~~plaint~~ defendants, his heirs at law

Thereupon by reason of the premises the
plaintiff prays, ^{that said defendants be divested} of all right, title and interest in said land
as heirs of said Wm. J. Walker, and that
the title &c be vested in this plaintiff.

Plaintiff also states that the defendants
Carrie, William, Sterling, Catharine, Rebecca, Alice and
Anna Lee are minors and therefore asks that
a guardian ad litem be appointed for them to

represent and protect their interests herein

Plaintiff further states that the defendants James Harker and Harker are non-residents of the State of Missouri and therefore asks that notice be published according to the statutes in such cases provided, notifying them of the commencement of this action

And for all such further orders and decrees as may be just and proper

Thos H Mcmullin

att'y for Petrs

John Cole

vs

Wm H Walker

and others

To reform deed

Memorandum for plaintiffs

Filed April 10th 1876-

to Geo. Shreve

Clerk

13 p

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 *William N Walker*
Jurithia Ridgely, Ellen Goff, D D Goff, &
Carrie, William, Sterling, Catharine, Rebecca,
Alice and Minnie Cole

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 *May*, next, then and there to
answer unto

John B Cole

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

C. Tho Horine
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *12th*
day of *April* A. D. 18*80*

C. Tho Horine Clerk Circuit Court.
By Deputy.

72
4022

RETURNABLE

TO

JEFFERSON CIRCUIT COURT

May TERM, 1875.

John C. Leale

vs

Walter Ridgely

Shuff, & Leale

et al

original

Shuff & Leale 1050

James W. Graves

Att. Gen

Shannon & Francis

Co

I executed this writ at the County of Jefferson
in the State of Missouri this 14th day of April 1875
by leaving a true copy of the within writ and Petition as
sponsored me by the Clerk ~~and by~~ at the usual place
of abode of the within named ~~Walter~~ Walker, and delivering
true copies of the within Summons to the within named
Ellen Goff and Carrie Sterling, Rebecca Alice
and Mina Cole, and by leaving a true copy
of the within writ of Summons at the usual
place of abode of the within named William
and Catharine Koller with a white member of
the family over the age of fifteen years
the within named Janitha Ridgely
not found in my County

T. B. Wolf Shuff
By Wm. M. Shuff

Order of Publication.

In the Circuit Court of Jefferson county, State of Missouri, May term, 1875, Tuesday, May 11th, 1875.

Among other proceedings therein had, the following appears of record, viz.:

John C. Cole, Plaintiff,

vs.

Wm. H. Walker, James Walker —
Walker, Harriet Stewart and R. H.
Stewart her husband, Zoritha Ridgely,
Kilen Goff and D. D. Goff her husband,
Leonidas R. Walker, and Carrie, Wil-
liam, Sterling, Catharine, R. Beres,
Alice, and Nbn Cole, Defendants.

Order
of
Publication.

NOW came the plaintiff by his attorney, and upon proof in open court, it appears to the satisfaction of the court, that the defendants, James Walker and — Walker, cannot be summoned in this action, it is ordered by the court that publication be made, notifying them that action has been commenced against them by petition in the Circuit Court of Jefferson county, in the State of Missouri, the object and general nature of which, is to re-form a deed executed by William G. Walker to John C. Cole, dated May 7th, 1854, for the following described land, viz.: 45 acres, n $\frac{1}{2}$ lot 1 nw qr of section 7, township 39, range 5 east; 40 acres, the se qr of the ne qr of section 7, township 39, range 5 east; 40 acres, nw $\frac{1}{4}$ of the se qr of section 18, township 34, range 5 east, in Jefferson county, Missouri, and that unless they be and appear at the next term of this court, to be holden at the court house in Hillsboro, in the county of Jefferson, on the second Monday of September, 1875, and on or before the sixth day thereof, judgment will be rendered in accordance with the prayer of the petitioner. It is further ordered that a copy hereof be published in the JEFFERSON DEMOCRAT, a newspaper published in the county of Jefferson, for four weeks successively, the last insertion to be at least four weeks before the commencement of the next term of this court, and this cause is continued.

A true copy from the record.

Seal

In witness whereof, I have hereunto set my hand and affixed the seal of said circuit court, at office June 8th, 1875.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 17 day of Sept 1875, before the undersigned Clerk of the Circuit Court of Jefferson county, Mo. came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the JEFFERSON DEMOCRAT, a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 9 day of Aug 1875, and the last insertion on the 30 day of Sept 1875, as follows, to-wit:

In No. 27, July 9, 1875

In No 28, a 16, 187

In No 29 " " " " 28 . 1875

1875

Sworn to and subscribed before me, this

17 day of Sept. 1873.

Printer's Fee, \$11.73.)

Afterschool

Co. Clerk.

Received Payment,

John C. Cole Plaintiff - In the Circuit
against } Court of
Wm. H. Walker Et. als } Jefferson Co,
Defendants } Mo. Sept. Term 1875

Now at this day comes Carrie, William
Sterling, Catharine, Rebecca, Abiel & Anna
Cole Minors by their Guardian ad litem
John L. Thomas & Bro and all the
other Defendants served in the
above entitled cause and for
answer deny each and every
material allegation in Plaintiff
petition, Defendants further an-
swering, says that said cause
of action accrued more than
five or ten years before the
commencement of this suit
hence is barred by the Statute
of Limitations therefore Plaintiff
should not recover in this action

John L. Thomas & Bro
attys for Defendants
served and Guardian
ad litem for minors
Defendants

John C. Cole

vs

Wm. H. Walker & Co.,

Answer

Filed Aug. 14 1875.
L. J. Thos. Stone
Clerk