

Jefferson County Circuit Court
Case Files - Civil
November 1855, No. 34

Folder 1 of 2

Box 8 Folder 44

Allen, Thomas

vs.

Palmer, Maria
Dunn, William
King, Almedia
King, John B.

Ejectment

Survey 2020, 640 acres on Merrimack
River; #200 damages; depositions; deeds;
survey maps; Supreme Court; see also
Thomas Allen vs. Thomas Moss, Alexander Hensley,
November 1855 and Thomas Allen vs. Thomas
Moss, Frank Coons, Mary Coons, December 1859,
No. 5

**ALL OVERSIZED
DOCUMENTS FOR THIS
CASE ARE LOCATED IN:**

Oversized Box: 1

Folder: 6

Number of Items: 4

In the Jefferson Circuit Court.

November Term 1858,

Thomas Allen Petff.

against

Maria Palmer & William Dunn Defendants

Plaintiff states that on the sixth day of February in the year of our Lord one thousand eight hundred and fifty five, he was entitled to the possession of a tract of land situated in Jefferson County Missouri, bordering upon the Meramec River at the mouth of Pomme Creek, it being Survey No 2020, confirmed to Hardy Ware's representatives containing six hundred and forty acres and being so entitled to the possession of the premises above described the said defendants afterwards, to wit, on the day and year above stated entered upon said premises particularly the southern half thereof and unlawfully withheld from the plaintiff the possession thereof to the damage of said plaintiff of two hundred dollars & he prays judgment for possession and for his damages and costs. Plaintiff says that Maria Palmer claims to be the owner of said land and that William Dunn is in the actual occupancy of the premises, Plaintiff claims possession of the premises by virtue of the following records and deeds, 1st By virtue of a confirmation and patent certificate herewith filed, 2nd By a survey under authority of the United States a copy of which is herewith filed, 3^d By deed of Hardy Ware the original claimant to Wm Clark & John Brinley, the original herewith filed, 4th By deed of John Brinley to Wm Russell for one undivided half of said tract, the original herewith filed, 5th By deed Wm Russell to L Lovering for an undivided half of the tract - which deed is of record in the recorder's office of Jefferson County Book 6 page 223. 6th By deed of Lovering's admt to Thomas Allen for one half of said tract which is of record in same office in Book II page 510.

7th By deed of Thomas Allen to W^m Ripell Recorded in
same office Book K page 192. 8th By deed of W^m Clark
by his Ex^r to W^m Ripell. Recorded in same office Book
T page 512. 9th By deed of W^m Ripell to Thomas Allen
recorded in same office Book M page 478.9-

W^m Ripell atty for Plaintiff

W^m Ripell attorney for plaintiff makes oath and says
that the foregoing petition and the matters therein as
stated he believes to be true, W^m Ripell
Subscribed & sworn to Oct 29th 1855.
before Geo Wallis Justice of the Peace
(Endorsed) Filed Nov 2nd 1855, Tho C Fletcher Clk

I hereby certify that the foregoing is a true
copy of the original petition and affidavit on file
in my office,

Witness my hand and official
seal at office Nov 2nd 1855.

Tho C Fletcher Clk
Circuit Court Jefferson Co.

In the Jefferson Circuit Court,
November Term 1855.

Thomas Allen Plaintiff

against

Maria Palmer & William Dunn Defendants.

Plaintiff states, that on the ~~ninth~~ day of February in the year of our Lord one thousand eight hundred and fifty five, he was entitled to the possession of a tract of land situate in Jefferson County Missouri bordering upon the Merrimack River at the mouth of Pomme Creek it being survey No 2020 confirmed to Hardy Ware's representatives containing six hundred and forty acres, and being so entitled to the possession of the premises above described the said defendants afterwards, to wit, on the day and year above stated entered upon said premises particularly the southern half thereof and unlawfully withheld from the plaintiff the possession thereof to the damage of the said plaintiff of two hundred dollars and he prays judgment for possession and for his damage and costs.

Plaintiff says that Maria Palmer claims to be the owner of said land and that William Dunn is in the actual occupancy of the premises. Plaintiff claims possession of the premises, by virtue of the following records and deeds, 1st By virtue of a Confirmation and Patent Certificate herewith filed, 2nd By a survey under authority of the United States a copy of which is herewith filed, 3rd By deed of Hardy Ware the original claimant to W^m Clark & John Brinley, the original herewith filed, 4th By deed of John Brinley to W^m Russell for one undivided half of said tract the original herewith filed, 5th By deed W^m Russell to L Lovering for an undivided half of the tract which deed is of record in the recorder's office of Jefferson County Book 6 page 223, 6th By deed of Lovering's adm^r to Thomas Allen for one half of said tract which is of record in same office in Book II page 510. 7th By deed of Thomas Allen to W^m Russell recorded in same office Book K page 192, 8th By deed of W^m Clark by his Ex^r to W^m Russell recorded in

same office Book II page 512, 9th By deed of Wm
Rupell to Thomas Allen recorded in same office Book
III page 478, 9.

Mr Trippell atty for Plaintiff
Mr Trippell attorney for Plaintiff, makes oath and
says that the foregoing petition and the matters therein as
stated he believes to be true, Mr Trippell
Subscribed & sworn to Oct 29 1855
before G W Wallis Justice of the Peace

I certify that the foregoing is a true copy of the
original petition and affidavit on file in my office
in said cause,

Witness my hand and official seal
Oct. 2nd 1855.

Thos C Hatcher Clerk
Circuit Court Jefferson Co Mo

In the Jefferson Circuit Court.

November Term 1855

Thomas Allen Petff
against

Maria Palmer & William Dunn Adts

Plaintiff states that on the sixth day of November, in the year of our Lord one thousand eight hundred and fifty five, he was entitled to the possession of a tract of land situated in Jefferson County Missouri, bordering upon the Merrimac river at the mouth of Pomme Creek it being Survey No 2020 confirmed to Hardy Ware's representatives containing six hundred and forty acres and being so entitled to the possession of the premises above described the said defendants afterwards, to wit, on the day and year above stated entered upon said premises particularly the southern half thereof and unlawfully withheld from the plaintiff the possession thereof to the day the said plaintiff of two hundred dollars and he judgment for possession and for his damages and costs.

Plaintiff says that Maria Palmer claims to be the owner of said land and that William Dunn is in the actual occupancy of the premises. Plaintiff claims possession of the premises, Plaintiff claims possession of the by virtue of the following records and deeds, 1st By virtue of a confirmation and patent certificate herewith filed 2nd By a survey under authority of the United States a copy of which is herewith filed, 3^d By deed of Hardy Ware the original claimant to W^m Clark & John Brinley the original herewith filed, 4th By deed of John Brinley to W^m Russell for one undivided half of said tract, the original herewith filed, 5th By deed W^m Russell to L. Lovering for an undivided half of the tract, which deed is of record in the recorder's office of Jefferson County Book 6 page 223. 6th By deed of Lovering

admr to Thomas Allen for one half of said Tract which is
of record in same office in Book II page 510 - 7th By
deed of Thomas Allen to W^m Russell, Recorded in same
office Book II page 192, 8th By deed of W^m Clark to
his Ex^m to W^m Russell Recorded in same office Book II
page 512, 9th By deed of W^m Russell to Thomas Allen
recorded in same office Book III page 478 - 9.

M Drisell atty for Plaintiff

M Drisell attorney for Plaintiff makes oath and
says that the foregoing petition and the matters therein
as stated he believes to be true, M Drisell
subscribed & sworn to Oct 29 1855,
before J W Wallis Justice of the Peace
(endorsed) filed Nov 2nd 1855. Tho L Hatcher clk.

I certify that the foregoing is a true copy of
the original petition and affidavit on file in my o
in said cause.

Witness my hand and official seal at
Office this 2nd Nov 1855

Tho L Hatcher clk
Circuit Court Jefferson Co

COUNTY OF JEFFERSON, SS.

The State of Missouri.

Saint Louis
To the Sheriff of the County of ~~Jefferson~~ -- Greeting:

We command you, that you summon *Maria Palmer*

----- if she be
found in your County, that she 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 fourth Monday of *November 1853*
~~next~~, then and there to answer unto *Thomas Allen*

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

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this *second*
day of *November* A. D. 1853

Thos C Fletcher

CLERK CIRCUIT COURT.

Executed this writ in the County
of St Louis Jan 10th 1855 By leaving
a copy of the writ and petition at
usual place of abode of Maria
Palmer with a white person
of the age of fifteen years and
a member of the family
for \$100

James Caldwell Shiff
By James K. Meigs

No. 34

Jefferson Lincoln Lewis

Nov Term 1855

Thomas Allen

vs
Sumner

Maria Palmer

Committed to St Louis Co

COUNTY OF JEFFERSON, SS

The State of

To the Sheriff of the County, ss

We command you, that you summon William Dean

_____ 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 fourth Monday of November 1855
~~next~~, then and there to answer unto Thomas Allen

_____ upon his original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this second
day of November A. D. 1855.

Thos C Fletcher

CLERK CIRCUIT COURT.

No. 34

Circuit Court

Nov Term 1855.

Thomas Allen
vs
William Dunn

Sherriff's fee

Sherriff's fee on return 50cts

and in my County this the 12th
of June 1855
Sherriff



COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of ^{Saint Louis} ~~Jefferson~~ - Greeting:

We command you, that you summon Maria Palmer

----- if she be
found in your County, that she 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 fourth Monday of November 1855
~~next~~, then and there to answer unto Thomas Allen

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

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Second
day of November A. D. 1855.

Thos C Fletcher

CLERK CIRCUIT COURT.

Thomas Allen
or
William Allen

Copy petition and writ for debt

a true copy of the writ
attest this 24th day of
Oct

In the Jefferson Circuit Court
November Term 1855-

Thomas Allen Pltff

against-

Maria Palmer &
William Dunn Dfts

Plaintiff states that on the sixth day of February in the year of our Lord one thousand eight hundred and fifty five he was entitled to the possession of a tract of land situate in Jefferson County Missouri bordering upon the Meramec river at the mouth of Pomer Creek it being survey No 2020 comprised to Horley Weaver representation containing six hundred and forty acres and being so entitled to the possession of the premises above described the said defendants afterwards to wit on the day and year above stated entered upon said premises particularly the southern half thereof and unlawfully withheld from the plaintiff the possession thereof to the damage of the said plaintiff of two hundred dollars and he prays judgment for possession and for his damages and costs

Plaintiff says that Maria Palmer claims ~~that~~ to be the owner of said land and that William Dunn is in the actual occupancy of the premises.

Plaintiff claims possession of the premises by virtue of the following records and deeds

1st By virtue of a comprisation and patent certificate herewith filed

2^d By a survey under authority of the United States a copy of which is herewith filed.

3^d By Deed of Harshy Ware the original claimant to Mrs Clark & John Brinley. The original herewith filed.

4th By Deed of John Brinley to Mrs Russell for one undivided half of said tract. The original herewith filed

5th By Deed Mrs Russell to S Lovering for an undivided half of the tract. Which Deed is of record in the recorder's office of Jefferson County Book 6 page 223

6th By Deed of Lovering, donee to Thomas Allen for one half of said tract which is of record in same office in Book I page 510

7th By Deed of Thomas Allen to Mrs Russell Recorded in same office Book K page 192

8th By deed of Mrs Clark by her exor to Mrs Russell Recorded in same office Book I page 512

9th By Deed of Mrs Russell to Thomas Allen recorded in same office Book M page 478.9.

M Frippell atty
for plaintiff

M Frippell attorney for plaintiff makes oath and says that the foregoing petition and the matters therein as stated he believes to be true, subscribed & sworn to by M Frippell

Oct 29 - 1855 before G. M. Wallis Justice of the peace

Thomas Allen

General -

Maria Palmer &

Benjamin

Let. pursoys you to
the staff of 94 80 for
Benjamin & a counter-
part to the staff of
it down to for the
Palmer

At Fairpole
etc

Filed Nov 2nd 1855

4 copies

to Mr. & Mrs. Allen

4 cents

Book

2 copies

to each

State of Missouri } In the Circuit Court for the County of Jefferson,
November Term, A.D. 1853.

Thomas Allen, Plaintiff,

against

Maria Palmer & William Dunn, Defendants

Defendants, for answer to the petition filed in the above entitled cause, say, that the plaintiff was not, on the sixth day of February, eighteen hundred and fifty five, entitled to the possession of the tract of land described in his said petition. Defendants admit that they were on that day, in the possession of half of the tract described; but they deny that such possession was unlawful. Defendants admit, that the Defendant Palmer (whose name is Thea Maria Palmer) does claim to be the legal owner of the land so possessed - and defendants say, that the plaintiff is not the owner thereof, or of any part thereof, and that he is not entitled to recover the possession of it, or any damages for the possession of defendants.

As to the documents and deeds exhibited by plaintiff, to wit; the deed from Hardy Jones to Wm Clark & John Brimley, the deed from John Brimley to Wm Russell, the deed of Wm Russell to Lorenzo, the deed of Lorenzo's admr to Thomas Allen, the deed of Thomas Allen to Wm Russell, the deed of Wm Clark by his Exr to Wm Russell, and the deed from Wm Russell to Thomas Allen, these defendants know nothing, and have not about them, sufficient knowledge or information, to form a belief, and, therefore, require strict and legal proof of all of them.

Witness My hand,
Attest.

State of Missouri }
 Jefferson County } This day, personally appeared before me, Thomas
 Mays, who made oath, that the foregoing answer, and the facts
 as therein stated, he believes to be true. Thos Mays
 sworn to and Subscribed before
 me. Nov 27th 1855

Thos C Fletcher clk
 Jr of Honey sept

In the Jefferson County Circuit Court
 November Term 1855

Thomas Allan

" 3

John Maria Salmer &

William Dunn

Answer of defendants

Filed Nov 27th 1855
 Thos C Fletcher
 CLK

W. D. Williams, Jr.

County of Jefferson, set.

THE STATE OF MISSOURI.

To any Judge or Justice of the Peace or other Judicial Officer

of the State of Illinois, Greeting:

We, reposing special trust and confidence in your integrity and circumspection, do authorize and require you, that you cause to come before you, such person or persons as shall be named to you by Maria Palmer, her

Attorney or Agent, and him or them examine upon his, her or their corporal oath, (to be by you administered,) touching their knowledge of any thing that may relate to a certain matter of controversy, now pending in our Circuit Court, for the County of Jefferson, wherein Thomas Allen is

plaintiff,

and Maria Palmer and William Dunn are defendants,

on the part of the Defendants; and having so reduced the said depositions so taken by you, as aforesaid, in writing, you are required to send the same, together with this commission, enclosed under your seal, to our said Circuit Court, with all convenient speed.

Witness, John S. Mathews, Clerk of our said Circuit Court, at Kilbuck this fifteenth day of December in the year of our Lord one thousand eight hundred and fifty five.

John S. Mathews

Clerk C. C.

1840

James Allen
as
Francis Palmer
William Brown

Admiral on Part of
Robert and

James Allen

Thomas Allen, Plaintiff
against
James Salmer and
William Brown. Defendants.
In the Circuit Court
for the County of Jefferson State of Missouri.

To the above named Plaintiff - Thomas Allen -

You are hereby notified, that depositions of witnesses, to be read in evidence in the above entitled cause, on the part of the Defendant will be taken at the Office of the Clerk of the Circuit Court for the County of Jo. Davis, State of Missouri, and in the town of Bolivar

~~in the County of~~ the County with
day of January and State of Missouri 1856, between the hours of eight o'clock in the forenoon, and ~~six~~ o'clock in the afternoon, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, till complete.

Wm. L. Williams
Att. for Defendants

Thomas Allen

vs
E

Maria Palmer Foster

—
notice to take definitions
—

original to return to Clerk

Executed this notice in the County of St. Louis
the 31st day of December 1855 by delivering
a copy of the same to Thomas Allen

per 50.

Turner Maddox Sheriff
by Charles Tucker deputy

Depositions of Witnesses produced, were
read and examined, at the Office of the Clerk
of the Circuit Court for the County of
Idaho, State of Illinois, and in the
Town of Galena, before me John G. Potts
a Justice of the Peace in and for said County;
in a certain Cause now pending in the
Circuit Court for the County of Jefferson,
State of Missouri, between Thomas Allen
Plaintiff, and Maria Palmer and
William Dunn Defendants, on the part
of the Defendants.

John G. Potts of Galena aforesaid, being duly
notified and summoned on the part of the
Defendants, but failing to appear because
of sickness, ^{by the agreement of both said defendants, counsel} this examination is adjourned
until the eighth day of February, at the above
place and between the same ~~parties~~ ^{persons} mentioned
in the Annexed notice.

John G. Potts J.P.

Pursuant to the adjournment as above stated
on the eighth day of February, in the year
Eighteen Hundred and fifty six, between the
hours of Eight O'clock in the forenoon and six
O'clock in the afternoon, at the Office of the
Clerk of the Circuit Court, of the County
of Idaho, State of Illinois, in the
Town of Galena, I met, and the above

above mentioned Louisa J Bolton, summoned on
the part of the defendants, being still confined
to her bed, and failing to appear because of
sickness, I adjourn this examination & the
taking of her depositions, by and with the assent
and agreement of Charles S. Hempstead Attorney
for Plaintiff & R. H. Jackson & B. B. Howes
Attorneys for Defs., till Thursday the fourteenth
day of February A. D. 1856, then to be continued
at the same place, and between the same
hours, mentioned in the annexed notice.
John G. Potts J P

Pursuant to the adjournment as above, stated
on the fourteenth day of February in the year
One Thousand Eight Hundred and Fifty Six
between the hours of Eight o'clock in the forenoon
and Six o'clock in the afternoon at the office of the
Clerk of the Superior Court. Mrs Louisa J
Bolton appeared as a witness on the part the Defendants
deposed and said

Interrogatory 1st Do you the parties to this suit, Thomas Allen
being ^{the} Plaintiff and Maria Palmer and William
Lunn Defendants

Answer }

I do not
Int 2nd When have you lived since you were
grown

Answer I have lived within 3 Miles of the
Mouth of the Merimack River, formerly the
Territory of Louisiana now the State of Missouri
a short time somewhere about the year 1809
& 1810

Int 3rd Did you ever know a Man by the name
of James Smil

Answer Yes

Int 4th Where did you know him and what knowledge
of him

Answer I knew him in the Territory of
Louisiana now State of Missouri, he became
my husband

Int 5th Where is he now

Answer He is dead

Int 6th Where did he die

Answer He died at the Post of Vincennes Indiana
he died some time after the war of 1812
about Thirty One years ago

Int 7th Did you ever live in the Territory of Louisiana
now State of Missouri near the Mouth of Merimack
River with your husband James Smil

Answer I did for a short time

Int 8 Did you ever know a Man named John
Brundley

Answer I did know a Man called John
Brundley and lived close by

Int 9 Where did you know him and what means
have you of knowing him, and when

Answer I knew him near the Smilt place which
is not far from the mouth of the Merrimack
River, he lived there somewhere about
Thirty Years ago,

Int 10 Did you ever know a Man named Hardy
Ware

Answer I have saw a man known by the name
of Hardy Ware, saw him talking with my
husband

Int 11 Where did you know and what means
have you of knowing him, and when

Answer He lived near the Smilt place spoken of
about Forty Years ago or somewhere about
Forty Years ago

Int 12 Do you that Hardy Ware had any property

of any sort if you what sort of property do you know him to have had

Answer He lived on the place at the Mouth of the Merrimack River, heard him say he sold it to his husband James Smil, heard him say to James Smil, he wanted the place back again. I heard my husband say he would not take any Money for it, the land was on the South Side of the Merrimack River Contained Six or Seven hundred Acres, somewhere about that amount

Int 13 If you know and can you state what John Prudley did with the land referred to

Answer In a Conversation between Prudley and Ware and my husband I understood he sold it to Ware, and Ware sold it to my husband

Int 14 Did you ever hear a Conversation between Hardy Ware and Prudley and Smil or any or either of them on the Subject of that land

Answer My husband stated he would not sell the land upon any Condition

Int 15 Who was then in possession of the land -
Answer My husband was in possession

Int 16 When was your husband in possession of the land

Answer About Fifty years ago, he was in possession of it

Int 17 On what part of the land did your husband live

Answer He lived on the Smirl place near the Mouth of the Merrimack River - Thomas Rogers a brother in law to James Smirl lived on it for him - George Smirl attended at the Ferry - as to attending at the ferry so I have heard my husband say

Int 18 How long did James Smirl occupy it
Answer I cannot say

Int 19 Do you know if your husband James Smirl making any improvements on the land as described near the mouth of the Merrimack River

Answer He built a Cabin on it for the man that attended the ferry

Int 20

Did you ever hear any Conversation between
Bridget Ware, and your husband James,
Smil as to Stealing the Land or the execution
of any Deed

Answer

I never heard anything about
it - all my husband's papers, also my own
were destroyed by fire

Cross examination by Plaintiff's Counsel

Int 1

When were you married to James Smil

Answer

Somewhere about Forty Seven or Eight years
ago

Int 2

Where did you reside at the time
you were married

Answer

At my Father's place near Herculaneum in
Missouri

Int 3

How long after that did you
and your husband James Smil reside at
Vincennes, Indiana, and how long did
you reside there

Answer

Some two years after we
were married we removed to Louisville Kentucky,
where we resided Seven or Eight years

and then removed to Vincennes, Indiana where we resided some Seven or Eight Years at which place my husband James, Smil died

Int 4th

After you left Vincennes, where did you reside and how long

Answer

After leaving Vincennes, I moved to Vandalia Illinois, where I resided about One year then removed to St Louis Missouri where I resided about a Year keeping Boarding House, then removed to Jefferson County Missouri near where my Father resided about Three Miles - from which place I removed to the Upper Mississippi Mines, then back to St Louis again and from thence returned to the Upper Mississippi Mines where I have since resided

Int 5th

How long did you and your husband reside on the place called the Smil place near the mouth of Merumack River and at what time

Answer

Shortly after we were married we resided there for a few months and then removed to Louisville Kentucky my husband nor myself never resided on the place afterwards

Int 6^r

Whether from the long time the transaction, had taken place to which you are testifying to and the present state of your bodily health - your memory as to those old transactions, is not indistinct and Confused

Answer

It is

Re-examination in Chief

Int 1

As to the location of what you have spoken of as the Small place, the Conversation you heard, between Hardy Ware, John Brundley and your deceased husband ^{at the} land you have spoken of near the mouth of the Merrimack River are you or are you not positive in your statement

Answer

I am positive

Cross examination Resumed

Int 1

Have you any interest direct or indirect in the result of this suit

Answer

I have not any

Int 2^d

Is Thomas Mox one of the Defendants of this

that your Son in Law and have you not
Conveyed all your interest in the land in
dispute to him

Answer He is my son in law and I have conveyed to
him all my interest

Louisa J. Bolton

I John C. Potts a Justice of the Peace in and
for the County of St. Charles and State of Illinois
do hereby certify that Louisa J. Bolton the
deponent whose place of residence is Galena
County of St. Charles and State of Illinois was by
me duly sworn to testify the whole truth of her
Knowledge touching the matter in Controversy in
the Cause aforesaid and that deponent was examined
and her examination reduced to writing and
subscribed by said deponent in my presence on the
fourteenth day of February A.D. Eighteen Hundred
and fifty Six between the hours of Eight o'clock
in the forenoon and Six o'clock in the afternoon at the
Office of the Clerk of St. Charles Circuit Court in the Town
of Galena in the County of St. Charles and State of Illinois
Given and Certified the fourteenth day of
February A.D. 1856
John C. Potts D.C.

I John G. Potts Justice of the Peace in and
for the County of Jo Daviess and State of Illinois
do certify that in pursuance of the Annexed
Commission and Notice came before me at the
office of the Clerk of the Circuit Court of Jo Daviess
County, State of Illinois, between the hours of
Eight o'clock in the forenoon and Six o'clock in the
afternoon in the County and State last aforesaid
Louisa J. Potters who was then by me ~~examined~~
shown and examined and such examination
reduced to writing and subscribed by her in
my presence, and the said deposition is now
herewith returned

Given at the Office of the Clerk of the
Circuit Court of Jo Daviess County State of
Illinois on the fourteenth day of February A.D. 1856
John G. Potts J.P.

STATE OF ILLINOIS, } ss.
JO DAVIESS COUNTY.

I, RICHARD SEAL, Clerk of the County Court, in and for said County, do here-
by certify that John G. Potts Esq. whose name ap-
pears subscribed to the foregoing and annexed instrument is now and was at the
time of subscribing the same, an acting Justice of the peace in and for said Coun-
ty, regularly commissioned and qualified, and that as such Justice, full faith and
credit is due to all his official acts And that I am well acquainted with his hand
writing, and verily believe his name subscribed thereto to be genuine. And fur-
ther that the annexed said instrument is executed in due form, according to the
Laws of the State of Illinois.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court at Galena, this
28th day of February 1856

ATTEST,

Richard Seal Clerk.

Re: Per mail opened Jan
filed April 1st 1856.
Chas to Wm. L. L. L.

Charles Allen, Plaintiff
 vs
 Maria Palmer
 To the above named Plaintiff.

In the Circuit
 of Jefferson County - State of Missouri.
 Court

You are hereby notified that depositions of witnesses, to be read in evidence in the above entitled
 cause, on the part of the defendant _____ will be taken at the
 Foster Dorris', near Howard's farm, at the forks of the road, south of the
 house upon the Mesquite river in _____
 in the County of Jefferson _____ and State of Missouri _____ on
 the seventeenth _____ day of May _____ 1856 between the hours of eight
 o'clock in the forenoon, and six o'clock in the afternoon, and that the taking of said depositions,
 if not completed on that day, will be continued, from day to day, at the same place, and between the
 same hours, till completed.

John A. McHenry
 atty. for defendant.

Thomas Allen
by J. Justice
Thomas &
Charles Maria Colver

Executed this Notice in the County of St. Louis
on the 8th day of May 1856. by leaving a copy of the
same at the usual place of abode of Thomas Allen
with a white person of his family over the age of
fifteen years.

H. J. 50

James Maddox, Sheriff
By J. S. Wilkins,
Deputy

Depositions of witnesses taken in pursuance of the notice herewith annexed on the seventeenth day of May Eighteen hundred and fifty-six at the widow Bonuss, near Warner's tavern, at the forks of the road South of the lower ferry on the Merimac River, in Jefferson County state of Missouri between the hours of eight O'Clock in the forenoon, and six O'Clock in the afternoon on said day - To be read as evidence, in a suit pending and to be determined in the Jefferson Circuit Court state of Missouri - Wherein Thomas Allen is plaintiff and — Dunn and Maria Palmer are defendants to be read on the part of the defendants —

Elizabeth M. E. Miller being of lawful age and first duly sworn deposes that and swears — That she came to Jefferson County state of Missouri in Spanish times she supposes about the year of our Lord Eighteen hundred and one, that she was acquainted with James C. Smith and with John Brindley, that said Brindley was her uncle, and that said Brindley claimed to own a tract of land lying and being on the Merimac River on the South side of the

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said Menomac River and his improvement
and house that he lived in on said land
he claimed was about one half mile from
the mouth of a Creek Called "River Pommé"
which empties or mouths into said River the
Minnac; that after she came to Jefferson Coun-
ty she heard her said uncle John Brindley
say that he had sold his said claim to
said land whereon he lived as above stated
to said James C. Smith but does not recollect
the precise time when she heard him so
state. Some short distance below the mouth
of said Creek Called "River Pommé" not ex-
ceeding one hundred yards and perhaps
much less than one hundred yards below,
this deponent does not recollect; said James
C. Smith kept a ferry across the said Minn-
mac River, after she heard her uncle
John Brindley say he had sold out his claim
to said James C. Smith from the south side
of said Menomac River and put up a house
and after the purchase as above said a house
near the mouth of said "River Pommé" on the
East side of said stream say not exceeding
two hundred yards from the mouth of said
"River Pommé". I do not recollect how long
Mr. Smith kept said ferry after starting of the
same and after building said house, perhaps,
not more than one season, perhaps longer.

I do not now recollect. My uncle John Brindley's claim to this land was called the Hardy Ware claim and his improvement and house in which he lived on said land was on the East side of the "River Pomme" and is about two hundred yards west of the public road as it now runs to the said Menomac River at the mouth of said "River Pomme" to my best recollection.

Crop examined by plaintiff's attorney. The time I heard my uncle John Brindley say he had sold to James C. Smith was after he had bought said tract of land from said Hardy Ware and that my uncle John Brindley bought both before and after he sold said land to said Smith had lived in Wisconsin Territory. At the time I heard my uncle say he had sold to said Smith he did not specify any particular tract of land but merely said he had sold to Smith and he wished he had not done so.

And further this deponent saith not.

Elizabeth ^{her} x M^cMillan
mark

State of Wisconsin
County of Jefferson } Sct.

I Benjamin Johnston a justice of the Peace in and for the County and State aforesaid

do hereby certify that the above and foregoing deposition of Elizabeth M. C. Miller was taken before me and in my presence, on the seventeenth day of May Eighteen hundred and fifty-six at the house of the widow Borings near Warner's tavern at the forks of the road south of the Covered Ferry on the Mississippi River in Jefferson County state of Illinois between the hours of eight O'Clock in the forenoon, and six O'Clock in the afternoon on said day according to the notice hereto annexed and I do further certify that said deposition was by me first duly sworn, before testifying to the same as it is now written and subscribed to by her, to testify to the truth, the whole truth and nothing but the truth in giving her evidence contained in the above deposition, and that she signed the same in my presence, and that the attorneys of the respective parties were present and superintended the taking of the same and that said deposition was written out in my presence -

I have written my hand this seventeenth day of May Eighteen hundred and fifty-six

J. H. Johnson Justice
of the peace

Filed May 30 1856
H. C. McEwen
Clerk

County of Jefferson, sct.

THE STATE OF MISSOURI,

To any Judge or Justice of the Peace or other Judicial Officer

of the State of *Illinoise*, Greeting:

We, reposing special trust and confidence in your integrity and circumspection, do authorize and require you, that you cause to come before you, such person or persons as shall be named to you by *Thomas Allen his* —

Attorney or Agent, and him or them examine upon his, her or their corporal oath, (to be by you administered,) touching their knowledge of any thing that may relate to a certain matter of controversy, now pending in our Circuit Court, for the County of Jefferson, wherein *Thomas Allen is* —

plaintiff,

and *Maria Palmer and William Dunn are* —

defendant,

on the part of the *plaintiff*; and having so reduced the said depositions so taken by you, as aforesaid, in writing, you are required to send the same, together with this commission, enclosed under your seal, to our said Circuit Court, with all convenient speed.

Thos C Fletcher

Witness, *JOHN S. MATHEWS*, Clerk of our said Circuit Court, at *Hillsboro* this *eighteenth* day of *September* in the year of our Lord one thousand eight hundred and *fifty six*

Thos C Fletcher

Clerk C. C.

By *Elias Honey sept*

Thomas Allen

against

Thomas Mop

& Alex Hensley

Thomas Allen

against

Maria Palmer &

Wm Dunn

In the Jefferson Circuit Court

In the Jefferson Circuit Court

To the above named defendants

You are hereby notified that I shall attend between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of the eleventh day of October next at the office of the Clerk of the Circuit Court in the City of Salina To Davis County State of Missouri for the purpose of taking deposition of witnesses to be used in evidence in behalf of the plaintiff in the above entitled cause at which time and place you can attend if you think proper.

Sept 16th 1856

Respectfully

M. F. Fells atty
for plaintiff

Thomas Allen

against -

Thomas Allen

&

Thomas Allen

against

Marie Palmer

John to be served

by copy

Deposition of Charles. J. Hempstead
a witness produced. sworn and ex-
amined, at the office of the Clerk of
the Circuit Court, in the City of Galena,
Jefferson County State of Illinois. Be-
tween the hours of eight o'clock, in
the forenoon, and six o'clock in the
afternoon, on the eleventh day of
October 1856. Before me, a Notary
Public of said City of Galena, in a
certain cause, now pending, in the
Circuit Court, for the County of Jeff-
erson, in the State of Wisconsin, where-
in, Thomas Allen, is plaintiff, and
Maria Palmer, and William Dunn,
are defendants; on the part of the
plaintiff

Charles. J. Hempstead of
lawful age, being produced, sworn
and examined, on the part of the plain-
tiff, deposes, and says, that the paper
now presented to him by the plaintiff, being
a deed executed by Alexander Mc Hain
former Sheriff of ^{the County of} St Louis ~~County~~, in the
~~State~~ then Territory of Louisiana, and
which deed is herewith annexed, and
marked "A", with initials "C. J. H." is the
same, deed which deponent attested
as one of the subscribing witnesses thereto
by writing his name, as "C. J. Hempstead"
that the other subscribing witness pro. C.

Sullivan is now deceased, and has been deceased for upwards of twenty years.

Deponent further saith that he was, personally, well acquainted with the said Alexander M. Thair, and has seen him write, frequently, and that the signature of said Alexander M. Thair, to said Sheriff's deed is genuine.

And deponent further saith that he knows of no other matter or thing, that would be of benefit to said plaintiff.

Chas. S. Hempstead

I, William, C. Postwick, a Notary Public of the City of Galena, in the County of Jo Daviess, and State of Illinois do hereby certify, that Charles S. Hempstead, the deponent, whose place of residence is the City of Galena, in the State of Illinois, was by me, examined, to testify the whole truth of his knowledge touching the matter in controversy, in the cause aforesaid; that deponent was examined, and his examination reduced to writing, in my presence, and, in my presence, subscribed by said deponent, on the seventeenth day of October in the year

eighteen hundred and fifty six. Be-
tween the hours of eight O'clock, in
the forenoon, and six O'clock, in the
afternoon, at the office of the Clerk of
the Circuit Court, in the City of Galena,
Jo Davis County, State of Illinois.

On Testimony whereof I have
hereto set my signature, and
seal Notarial, this eleventh
day of October A.D. 1856.

W^m C. J. Smith Notary

Commission for
expirations 3rd Dec^r

Paid by ref. W. C. J. Smith Com



James Allen
No 1 of Livingston
James Colburn &
William Brown

Shen

Rec'd in a Mail opened &
delivered by the Post 17th 1856
Jas C. McTear Clerk
By J. J. J. J. J.

Sheriff's deed

N^o 34. Nov 7. 55.

Circuit Court for Jefferson Co. October Term 1856.

Thomas Allen

vs

Maria Palmer M^{rs} - Dunn

Motion to suppress deposition.

Respectfully Attorney comes and files the following objections to the deposition of Charles S. Hempstead filed in the above entitled cause, on the 17th October 1856 - for which, the Court is asked to suppress said deposition -

First - There was no legal notice served on the defendants or either of them ~~at~~ of time and place of taking said deposition -

Second There was no notice of any kind whatever served on the defendants or either of them, ^{or otherwise given as the law directly} for the taking of said deposition -

Third. That said deposition is insufficient to prove the fact sought to be proved thereby -

Pipkin Williams att^y for D.

Thomas Allen

"

Maria Palmer &
Mrs. Allen

Letter to Joseph H. H. H.
of A. S. J. H. H. H. H. H.
received notice to

Filed Nov 26 1856
The C. H. H. H. H.
C. H. H. H. H.

COUNTY OF JEFFERSON.

The State of Missouri,

To Ben Schuster. He H. Heyl

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County of Howard, ~~on the~~ forthwith
at Stillwater, then and there to testify, and the doer to say in a
certain matter of controversy, now pending in our said Court, wherein

Thos Allen is Plaintiff and
Theresa de Palmer Defendant on the part

of self

and herein you are so sworn to do.

Witness, ~~THOMAS J. HONEY~~
THOMAS J. FLETCHER, Clerk of our said Court

with the said thereof hereto appeared, at office this

29 day of May A. D. 1853

Thos J Honey

Clerk.

May 29 1857

Allen

Palmer.

for each.

13 Johnston

John W. Story

Sherriff fees \$1.00

I executed the within writ at the
County of Jefferson on the 29 day
of May 1857 on Benjamin Johnston
and Thomas W. Floyd by reading the
same within their presence and hearing

Oscar Dover
Dye Sheriff

Thos Allen

57

Lucy Palmer et al

Plaintiff now, then
the court to set aside the now verb
in this cause and minutes the
same on the docket for the following
reason

The plaintiff could not reasonably
expect that a trial would be insisted
upon until the case of Allen would be
decided by the supreme court, and his
attorney having been absent during the
four first days of the term could not
make preparations as he might and
would have done if he had supposed
a trial would have been demanded, at
this time.

M. Tripell
att'y for Allen

Allen

27

Balance of

Motion to set
aside now and

Filed June 1st 1857
Oliver J. Honey etc

State of Missouri } In the Circuit Court for the
County of Jefferson
May Term A.D. 1857.

Jos Allen

Thea Maria Palmer et al

} Supplemental answer
filed by leave of Court

And for further answer
Defendants say that the right of action of
the plaintiffs if any be ever had accrued more than
twenty years next preceding the Commencement
of this suit and is barred by limitation. And for
further answer Defendants say that the plaintiffs
right of action if any be ever had accrued more
than ten years next preceding the Commencement
of this suit. And for further answer the
Defendants say that they are purchasers under
the heirs and representatives of James C Smith
for a valuable consideration without any
notice of any wrong done from said Smith by
himself or by any Judicial sale for a full
fair and valuable consideration and claim
the benefit of such purchase against any
title which plaintiffs may assert under said
Smith.

John B King atty
for Defendants

John B King for Defendants reads over and says
that he believes the above ^{answer} ~~petition~~ to the matters
therein as stated are true
Swerne and subscribed
before me June 20 1857
Elias H Carey clk

John B King

South Jefferson Circuit Court
At Cary, Va. 1857.
Thomas Allen

Thomas Allen

Mr. Mann Detroit

Supplemental answers
of Wapenants

Filed June 1 "1857
Elin & Henry etc

Shackling Parole

Thos Allen

Lucy Palmer et al

In Superior Court
County of ... 1887

Be it remembered that at
the May term of said Court then came the
plaintiff and voluntarily says that he will
not further prosecute this Cause and on
Monday the 7th day of said term he
pleaded his motion without affidavit to
set aside said return which motion
is in word & figures as follows to wit (here
copy same) The motion being submitted
the Court set aside the return said on
condition that plaintiff pay ^{all} the Costs &
Except the Costs necessary to put the case to issue &
Except such Costs for which judgments may have been rendered if any
~~which is not otherwise provided for by judgment if any~~ which
opinion the Defendants object and except
and tender here their Bill of exceptions
which they say may be ~~re~~ paid sealed &
made part of the Record which is
done

John A Stone

(Seal)

Allen
no 3 Bill acceptance
Palmer

Redd June 1882
Oliver May 24th

Thos Allen
against
Wing & wife }

Plaintiff moves the
court to amend the petition in
this cause by striking out of the petition
the phrase of the title of plaintiff set out
in said petition,

M. Fairpell atty
for plaintiff.

Allen

5

Henry & wife

Motion

Old Deer 18th 1865

Dean & Henry Alt

Declarant's name given

Thomas Allen }
vs } In the circuit Court
King vs Allen }

The plaintiff states that Maria Palmer has departed this life & that Almecia E of King & John B King & Thomas Mess ~~claim~~ claim the land or the possession thereof under Mrs Palmer.
Plaintiff prays the Court to substitute these persons defendants and to allow plaintiff to file interrogatories
Davis & Peal atty for

John Allen

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Palmer & Deane

Notice to subscribers

Albion & Ed King
Geo D King &
Thomas Green

and publication of King

Ala June 8th 1863

Chas Henry

Dear

Enclosed June 8th
1863 Book no 4 page
560.

Thomas Allen }
res } In the Circuit Court of
Wm Durie & others } Jefferson County Mo

The petition of Thomas Allen states that on the 19th day of July 1843, Thomas Moss & wife conveyed to John B King the South half of United States Survey No 2020, originally confirmed to Hardy Wares Legal Representatives, that the deed acknowledged the sum of \$200 ⁰⁰/₁₀₀ as the consideration paid by said King to Thomas Moss & wife. Plaintiff states that said King did not pay to Thomas Moss & wife said sum of \$200, or any part thereof, that the object of the conveyance was in consequence of a contract between said Moss & wife with said King to the effect that said King undertook to recover the title of said land for Thomas Moss & wife and was to render his legal services, to said Moss & wife which said King was to have one half of the whole Survey 2020 if recovered by said Moss & wife & that the one half of said Survey (being South half) was conveyed to said King with the view of securing the fulfillment of the contract with Thomas Moss.

Plaintiff further states that on the 20th day of May 1846, John B King voluntarily & without any money consideration conveyed to his mother in Law Maria Manal Palmer the South half of said Survey, 2020. Plaintiff further states the deed states

and states that the consideration ~~was~~ \$700. and that the same was paid to John B King. Plaintiff charges that no part of the consideration mentioned in said deed from John B King wife to this mother in law Mrs Palmer was paid but that the conveyance was voluntary without a consideration being paid.

Plaintiff further states that on the 24 day of November 1855, he commenced suit against Thra Maria Palmer & ~~her~~ tenant McDaniel for in the circuit court of this County for recovery of said South half of Survey 2020, that while said suit was still pending in said Court Thra Maria Palmer, conveyed by deed of 25 of March 1856 voluntarily without any money being paid, to Almendra E J King wife of John B King the South half of Survey No 2020. that a consideration of \$1300. is specified as having been paid but that no money was actually paid by the wife of King or any one else to said Palmer as the purchase money of said land so conveyed.

Plaintiff further charges that said King did not fulfil his undertaking with Thomas Moss only under the legal services he promised said Moss in and about the recovery of title of Survey 2020, that when Thomas Moss made the contract with said King in or about 1843 concerning the title of said land, he said King was informed that William Russell set up claim to said Survey under title claimed

from Henry Mares Legal Representative, and it was understood between King & Mares, that the services of said King were to be to continue against the title set up to said Survey 2020 by William Russell, that ~~after said~~ Russell claimed the title to said land, and it was known by said King that it was, against Russell's claim to said land he undertook to render legal services. That said King called upon said Russell to endeavor to compromise and that he requested said Russell to exhibit his title that said Russell did exhibit to said King his title by which said King was informed of the deeds and conveyances to said Russell & the title of those who conveyed to said Russell.

Plamoff further states that he is the legal owner of the Survey 2020 and was, on the 25th day of March 1856 entitled to the possession of the following described premises situate in Jefferson County to wit The South half of section 16 Survey 2020, in Township 42. Range 6 East containing 320 acres of land that being so entitled then to the defendants Mrs. Dyer and Thia Maria Palmer, afterwards to wit on the 2^d day of 1858 entered into such premises and unlawfully withheld from the plaintiff the possession thereof to the damage of plaintiff, that afterwards Thia Maria Palmer departed this life and that Almira E. J. King & John B. King claim the right to said land under Thia Maria Palmer, that said

Duren was only a tenant on the land and did not claim any right to the title of said land, that Mrs King and John B King claim the title to said land and the possession thereof that Thomas Moss is in the actual possession claiming ^{right} title thereto either for himself or for himself & Mrs King & John B King. That Thomas Moss has taken possession since the removal of said Duren from said land and since the death of Mrs Palmer by permission of Mrs King.

Plaintiffs pray this Court to make John B King ~~& his wife~~ answer the following interrogatories viz
1st At the time John B King made a contract with Thomas Moss to render legal services for recovery of the title of Survey 2020 what title did you understand that you were to contend against?

2^d Did you understand that Mrs Russell set up and claimed title to Survey 2020 and that it was to contest that title set up by Russell that you ~~under~~ took for Thomas Moss?

3 Was not the actual consideration of the conveyance from Thomas Moss to you legal services to be rendered by you about recovery of title of Survey 2020? Was not the money consideration specified in said and only formal? Did you actually pay said sum of \$200 to Thomas Moss?

4 On conveying the South half of Survey 2020 by you to Mrs Palmer, was the sum

\$ 700 actually paid by Mrs Palmer to you?
was not the conveyance from you to Mrs
Palmer voluntary and without Mrs Palmer
paying any money to you.

5 Did not you and Mrs Palmer live
together and frequently converse about
the nature of the title of Survey 2020?
Did you not speak to Mrs Palmer how
you obtained the conveyance from Thomas
Hess, did you not tell Mrs Palmer
that you got the conveyance from Hess
in consideration of legal services to be and
aid by you for recovery of the title? If
so state the nature of the information ~~you~~
imparted to Mrs Palmer and how often you
spoke of the subject, if alone and when
in presence of Mrs King

6 ^{the} was the consideration of \$ 1300 speci-
fied in deed from Mrs Palmer to Mrs King
^{paid by Mrs King to Mrs Palmer, was the deed}
voluntarily given to her daughter Mrs King
and was the sum specified in said deed nomi-
nally put in said deed?

7 Did you ever call on Mr Russell about
the title he set up to Survey 2020. If so
state whether he set up title to said land
and what was the title he set up and how
derived to Paul Russell? if so state
the time & place & the statements he made
to you.

The plaintiff prays the Court to make
King also answer the above interrogatories.

The plaintiffs that John B King & Mrs Almada & J
King & Thomas Hess ~~have~~ ^{have} the com-
encement of this suit extend into the poss

ession of the South half of Survey 2020
in the County aforesaid, that they now unlawfully
withhold from the plaintiff the possession
thereof to his damage \$ (blank Dollars)

Plaintiff prays ~~the Court~~ to introduce John
B King & Almendra E J King his wife and Thomas
Moss defendants to make said John B King
answer the interrogatories put to him in this
petition and also to make Mrs King an-
swer said interrogatories separately and for judg-
ment for recovery of the possession of the
premises and for damages for the unlawful
withholding the same from the plaintiff ~~and~~
and for costs and proper relief and rendition of
Judgment and for all other proper relief

J A Beal

Atty for Thomas Allen

J A Beal Atty for Thomas Allen
states on oath that the foregoing petition and
the matters therein as stated he believes
to be true

Subscribed & sworn
to before me this

9th day of June
1863

Elias J Honey
Clerk

J A Beal

Geo. Allen
188

Kingston

Amended Edition

West June 9th 1863

Allen & Hoonen
Bell-

copy put 156
costs 30

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

Louise J. Ballou

GREETING :

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
10th day of June 1863 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 *Thomas Allen vs*
Plaintiff and *pro Dr Alexander & King* are Defendant on the
part of *Plaintiff* 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

10th day of *May* A.D. 1863

Elias F. Honey
Clerk.

TO JEFFERSON CIRCUIT COURT.

June Term, 1863

Thomas Allen

vs
Mo B + A. J. King

For plaintiff
Louisa J. Bolton

Sheriff Fee 30

I executed the within writ on process of
Bolton by reading the same in due process
and hearing this the 28 day of May 1863

J. B. Drew Sheriff
by J. S. Mays Depy

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI

To

vs. J. Schuster

GREETING :

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

10th day of *December* *1863* 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

Thomas Allen

Plaintiff and

James A. Hering

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

19th day of *Jan* A. D. 186 *3*

Elias F. Honey

Clerk

TO JEFFERSON CIRCUIT COURT.

December Term, 1863

Thomas Allen

vs
John B & A J King

for debt

G I Johnston

J B Donahy \$100.50

I, Spectator this writ for G. I. Johnston by
Receiving the same in his presence and hearing
this 14th day of December 1863

Jerome B. Donahy Sheriff

Thomas Allen, Plaintiff

vs

Abredia E. J. King, Thomas Mass,
and Moses his
wife, Defendants

Now at this day comes Thomas Mass
and Eliza Mass, his wife, two of said
defendants, and for answer for themselves,
alone state that it is not true as is in the petition
of Plaintiff alleged, that Plaintiff is the legal
owner of the South half of United States Survey
No. 2020 or that he was entitled to the possession
thereof on the 25th March 1845 or at any other
time or that defendants or any of them on the
day and year last aforesaid or at any other
time unlawfully entered into said premises
and withhold from Plaintiff the possession
thereof to his damage in any way whatever.

These defendants, viz Thomas Mass and
Eliza Mass his wife, for further answer to the
amended petition of Plaintiff, state that on the 19th
day of April 1843, they conveyed by deed of that
date the aforesaid land to John B. King: that
the deed acknowledged the sum of two hundred
dollars as the consideration for said conveyance,
but they deny that King ever paid them one cent
for said land; on the contrary he said King
undertook, in consideration of said conveyance
to clear the title by legal proceedings at his expense
to the whole of said survey containing in all
640 acres, the northern half of which the Defendants
still retained: that it was expressly understood

at the time of said conveyance between these dependants and the said King that said King should defend all actions brought or to be brought by any person or persons upon titles then existing. & should employ at his expense all necessary counsel for such defense. and that these stipulations on the part of King were the only consideration for said conveyance. These dependants further state that on the 20th day of May 1846 the said John B. King without any money consideration voluntarily conveyed the South half of said survey to Thea Maria Palmer, who was his mother in law & ^{who} well knew what the consideration was for the conveyance from Thomas Mann & wife to said King.

Dependants further state that in 1855 Thomas Allen commenced suits in the Jefferson Circuit Court against Thomas Mann & wife for the Northern half of said survey and against Maria Palmer for the Southern half of said survey, upon title papers that existed on the 19th day of April 1843: that the said John B. King and Mrs. Palmer instead of employing at their expense Attorneys, to defend both suits, they abandoned both and these dependants were compelled to defend them or else lose their land and that did employ several attorneys who appeared in the case against Mrs. Palmer as well as in the case against these dependants and that said suits are still pending in said Court undetermined.

These dependants further state that ^{on} the Commencer

ment of said suits in 1855 Mrs. Palmer conveyed said south half of said survey to A. E. J. King her daughter and wife of said John B. King without any consideration whatever being paid by Mrs. King, but that Mrs. A. E. J. King who is a defendant herein took said conveyance from Mrs. Palmer with full knowledge of all the facts with regard to the title of the said John B. King & Mrs. Palmer. This last conveyance by Mrs. Palmer to Mrs. King is dated March 25-1856. These defendants aver that the ~~defendants therefore pray the Court~~ consideration of the aforesaid conveyance has utterly failed.

Defendants therefore pray the Court to set aside the conveyance from ~~J. B. King~~ Thomas Moss wife to J. B. King under date April 19/1843, - from J. B. King to Maria Palmer under date May 20th 1846 and from Mrs. Palmer to A. E. J. King under date 25th March 1856 and to vest the title of the south half of said survey in law & equity in these defendants.

J. S. King & Thomas
for Thomas Moss wife.

John L. Thomas makes oath & says that he believes the above answer and the matters therein as stated are true.
Sworn to & subscribed } John L. Thomas
before me April 23 1864 }
Elias J. Hooley Clerk



Thomson album

28 of King's Hall

Answer of Thomson

from Quaker

Dated April 23rd 1864

Wm J. Hoarey
Clerk

Thomas Allen

^{vs}
A.E. J. King, & John B. King
& John B. King

A.E. J. King, comes for answer
to the petition of Plaintiff, says that it is not
true as is in said petition alleged that Plff
is the legal owner of Survey 20 20 or more
on the 25th day of March 1856 entitled to the
possession thereof or any part thereof or
that defendants at any time unlawfully
entered into the possession of the S half of
said survey & wrongfully withheld the
same from Plaintiff. Defendants says they
are the legal owners of said land & in
possession rightfully.

A.E. J. King
By J. B. King her atty
J. B. King Pro se

J. B. King makes oath & says that
he believes the above petition & the
matters as therein stated are true.
Sworn to & subscribed
Before me June 10th
1864

John B. King

John L. Thomas

Notary Pub. Jeff. Co. Mo.

Thomas Allen

3

A. E. J. King & Son

Answers of Mrs.
King. Mr. King.

Chiles died 11th 1864
to Dr. Hovey & Co.

In the Circuit Court of
Jefferson County Mo.
The separate answer of Almada E. J. King, wife of
John B. King to a petition and interrogatories thereto annexed,
filed by one Thomas Allen; against this respondent & others
in the Jefferson Circuit Court state of Missouri.

This respondent states, she knows nothing of the
matters and things set up and stated in the foregoing
plaintiff's petition, of her own knowledge; as these things
occurred if they did ever take place, before her intermar-
riage with the said John B. King. But will state these,
as having occurred since her intermarriage with said King.

That her mother said Thea Maria Palmer paid to said
King, the consideration mentioned in said deed, seven
hundred dollars for said land on the said Merriamack,
when said King deeded it to her. The manner of the pay-
ment will be formally stated by the said John B. King
in his response herein, and by this respondent subsequently
in this her response.

This respondent further states, that the consideration
mentioned, of thirteen hundred dollars, mentioned in
said deed of conveyance from said Palmer to this
respondent was advanced to said Thea Maria Palmer,
from time to time, by this respondent; before said deed
of conveyance was made and executed. The manner
and cause of doing thus, will be stated hereafter by this
respondent in this her response, and by the said John B. King
in his response, made to said petition and interrogatories.

1

As to the first interrogatory herein exhibited by plaintiff — This respondent answers thereto, and states she knows nothing of her own knowledge of the matters and things therein stated except as follows — That after she became acquainted with said John B King, she understood from him and others, that he owned a tract of land on the Merrimack River, which he got from said Thomas Moss & wife for legal services unto them rendered.

2

As to the second interrogatory herein exhibited — This respondent answers and states, she knows nothing about said William Russell being in any way interested or connected with said land, before the institution of said suit by said Thomas Allen against her said mother, Thea Maria Palmer, that she now has any recollection of, and that she can answer thereto definitely.

3

As to the third interrogatory herein — This respondent states she has always understood, since her acquaintance began with said John B King, from him and others; that he obtained title to said land, in consideration of legal services, rendered by him to said Thomas Moss & wife.

4

As to the fourth interrogatory herein — This respondent answers and states. In consideration of conveying the south half of survey 2020 by her husband John B King, to her mother Thea Maria Palmer; the said Palmer paid to the said King, seven hundred dollars, by paying off debts which were pressing said King for payment, by execution; ^{as this respondent understood from said Palmer and King}

The principal debt which was pressing said King was a debt owing by him to one John Staeker as well as this respondent now recollects. One Saylor and Mas on atty's at law in st. Louis had the collection of it, for the benefit of said Staeker as she this respondent ^{from her mother and the said King} understood at the time. The said land was purchased by said Palmer, that it might thereafter be of value to her only child this respondent and her grand children; — the children of this respondent, by her said husband John B King. The seven hundred dollars which the said Palmer paid off said King's debt, or debts, to the creditor of said King was a gift from this respondent to her said Mother previous to this respondent's intermarriage with said John B King; as a means of supporting her aged and widowed mother, that she might not fall upon said King for her entire support. Which said seven hundred dollars paid to said King as aforesaid, was when said payment was made, and had been loaned out by said Palmer, at ten per cent per annum to one W. H. Dorsett of St. Louis County Missouri: for which she was drawing said ten per cent at the time when she purchased said land as aforesaid, to pay said King's debts pressing him by execution. This respondent cannot now tell, from the lapse of time, the exact amount of the Staeker debt, but thinks it was for six or seven hundred dollars, or perhaps more, but from her best recollection it took the seven hundred dollars

to pay it to said Taylor and Mason.

5 As to the fifth interrogatory herein — This respondent states that at the time her said mother purchased said land from said King her said mother did not, and had not been living with said King and this respondent. This respondent and her said husband were boarding at said time, and had been ever since their intermarriage, and continued so to board some years after said purchase by said Palmer, before her said mother commenced living with said King and this respondent. To the best of this respondent's recollection, and had no frequent conversations about the title of survey 2020. The manner said King obtained the title of said land from Thomas Moss Wife had been communicated to my said mother by said King before she purchased it; that he obtained the title from Moss Wife in consideration of legal services, rendered by him, for the recovery of title papers which could not be found before he was employed; from one Hardy Ware to one John Brindley and from said Brindley to one James C. Smith, the father in law of said Moss and the father of said Moss Wife for said land; they being as those title papers demonstrated Hardy Ware's legal representatives, for whose benefit the confirmation ensued and was made for said land. I have

heard said King impart this information to my mother once, before she purchased said land from him I think, and in his conversation relative to the same, he said King, always represented to my mother that his title, and the title from whom, and whence he derived his, was good and incontrovertible for said land.

As to the sixth interrogatory herein — This respondent states that she had from time to time advanced to her mother for her support the full amount of thirteen hundred dollars, the consideration expressed in said deed for said land conveyed by her said mother to her this respondent. Which money this respondent had made from time to time by teaching school after receiving this respondent's education in the City of Philadelphia. This respondent's father having died when she was a child, and her said mother remaining afterwards a widow, and this respondent being as above stated her only child from whom she could expect any relief by the way of support when age and infirmity were pressing upon her and this respondent as above stated having supplied her said mother with the means of support in consideration thereof she conveyed this land in said deed to this respondent a short time previous to her death so that it might remain for the sole and exclusive benefit of this respondent

and this respondent's children by the said John
B King, and the said land be under the control
and management of this respondent thereafter. The
thirteen hundred dollars mentioned in said deed
of conveyance being the amount this respondent
had advanced from time to time to her aged and
infirm mother for her support

7 As to the seventh interrogatory herein — This
respondent knows nothing of any conversation
ever had between the said Wm Russell
and her said husband relative to the title
of said land. And, having fully answered
^{denying the plaintiff's right to said land, calls for full proof and}
prays to be hence dismissed with her costs
XC — Almaden E. J. King

State of Kentucky
Greenup County 30th.

Personally appeared before me the undersigned
the Clerk of the County Court for the County
and state aforesaid the above named Almaden
E. J. King who is the wife of John B King
and personally known to me, and made oath
that the matters and things set forth and stated
in this her above response, are true so far as stated
from her own knowledge; and so far as stated
from the information of others she believes them
to be true —

Given under my hand, and the Seal of

Said County Court, at Greensburg, this 25th day November 1863.

William Corum Clerk

To Elias H. Honey Clerk of the Circuit Court of
Jefferson County - Hillsboro Missouri

Thomas Allen
as ³ Response to interrogatories
Amador E. J. King

Recd per Board
June 18th 1863

Filed June 11th 1864
E. H. Honey C. C. K.