

November 1866

Brown, James S.

vs.

Mackey, James B.

Mackey, Edward

Barker, Stephen W.

Barker, John M, et al

Title

154 acres in S13T43R23E; other
defendants Zeno, Legend Barker,
James A., Wilson P., Elizabeth, Julia,
Amelia Euion, Elizabeth Coleman

James A. Brown, Plaintiff

²
James B. Mackey, Edward
Mockey, (a minor) Stephen
W. Barker, John M. Barker
Zuo Barker, LeGrand
Barker, James A. Guion
Wilson P. Guion, Elizabeth
Guion, Julia Guion, Amelia
Guion & Eliza Coleman,
Defendants

In the Jefferson
Circuit Court
Nov. Term 1866

Plaintiff states that in 1857 he being
desirous of the entering at the Land office of
the United States in St. Louis Mo. the
following lands in Jefferson County viz:
The N¹/₂ of N¹/₂ fl¹/₄ & N¹/₂ fl¹/₄ (South of N. S.
Survey 1897) & N¹/₂ of N¹/₂ fl¹/₄ of Section
13, Town, 43, Range 3. E. Containing
one hundred and fifty four ¹⁰⁰ acres, for
that purpose furnished one Zuo
Mackey with one hundred and
fifty four ¹⁰⁰ dollars: That said
Zuo Mackey proceeded to St. Louis but
instead of entering said land in the
name of Plaintiff he entered it in
the name of the legal representatives
of James Mackey: That said Zuo

2640
Mockey afterwards, to wit in 1852, informed Plaintiff that although he had entered said land in the name of the legal representatives of James Mackey yet he had full power & authority to convey the same and that thereupon said Geo Mockey did in 1852, convey said land to him by a good & sufficient deed which has been duly put upon record in the Recorder's office of said County. & that Plaintiff did immediately after the execution of said deed to him, take possession of said land & has had the adverse continued, actual possession thereof ever since claiming title thereto against all persons whomsoever.

Plaintiff further states that he has late discovered that his title to said premises is not perfect, on account of the want of authority in said Geo Mockey to convey the same & that the legal title is in some of the heirs of James Mockey. That he has rec'd quit claim deed from ~~Emily A. Mockey~~ Julia Coleman & her husband & Julia Bowler & her husband to said land - and the above named defendants are all the heirs & legal representatives of said James Mackey known to Plaintiff.

Plaintiff therefore avers that he is equitably
entitled to said land because he
furnished the purchase money as
above stated.

Plaintiff therefore prays the Court to
make an order divesting defendants
of any title they may have to said
land & to vest the same in Plaintiff
both in law & equity, & for other proper
relief.

Thomas & Ahlven -
Attys for Plaintiff

John L. Thomas makes oath & says
that he believes the above petition and
the matters therein stated are true
& that Eliza Coleman one of said
defendants is a now resident of Missouri.
Sworn to & subscribed
before me Aug 30th 1866 } John L. Thomas.
Samuel A. Reppy clk

2640
James D. Brown
for

James B. Mackay et al

Let subscription to H. Co. for
Ed. Mackay - to H. Jones
Co. for the Union - to
Montgomery Co. for
the Boston & order of
Publication to Edgester
near - at Lees Co.
for James B. Mackay
Mowen & others
attorneys

Filed August 31. 1866.
James B. Mackay et al
1,500 Union Co. 1866

100 1/2 50
cost of 100
100 1/2 50
200 1/2 50
50

James S. Brown, Plaintiff

vs

James B Mackey, Edward Mackey,
(a Minor), Stephen W Barker, John
M Barker, Zeno Barker, Legrand
Barker, James A Guion, Wilson
P. Guion, Elizabeth Guion, Julia
Guion, Amelia Guion, and
Elizabeth Coleman Defendants

In the Jefferson
Circuit Court

November
Term 1866.

Plaintiffs State

that in 1851 he being desirous of the entering at the
land office of the United States, in St Louis,
Mo the following lands in Jefferson County viz:
The $N\frac{1}{2}$ of $NE\frac{1}{4}$ and $NW\frac{1}{4}$ South of
U.S. Survey 1897) and $N\frac{1}{2}$ of $SW\frac{1}{4}$ of
Section 13 Township 43 Range 3 East con-
taining one hundred and fifty four acres,
for that purpose furnished one Zeno Mackey
with one hundred and fifty four dollars,
that said Zeno Mackey proceeded to St.
Louis, but insted of entering said land in
the name of Plaintiff he entered it in the
name of the legal representatives of James
Mackey; that said Zeno Mackey afterwards, to
wit in 1852, informed Plaintiff, that al-
though he had entered said land in the
name of the legal representatives of James Mackey,
yet he had full power and authority to convey the same, and
that thereupon said Zeno Mackey did in 1852 convey said

land to him by a good and sufficient deed, which has been duly put upon record in the Records office of said county and that he did immediately after the execution of said deed & him take possession of said land and has had the adverse continued and actual possession thereof ever since, claiming title thereto against all persons whomsoever. Plaintiff further States that he has lately discovered that his title to said premises is not perfect on account of the want of Authority in said Geo Mackey to convey the same, and that the legal title is in some of the heirs of James Mackey, that he has received quit claim deeds from Amelia Ann Coleman, and her husband, and Julia Bowler and her husband to said land, and the above named defendants are all the heirs and legal representatives of said James Mackey, known to Plaintiff. Plaintiff therefore avers that he is equitably entitled to said land because he furnished the purchase money as above stated. Plaintiff therefore prays the court to make an order divesting defendants of ~~all~~ any title they may have to said land and to vest the same in Plaintiff, both in law and equity, and for other proper relief

Thomas and Alvord
Attys for Plaintiff

John L. Thomas, makes oath and says that he believes the above petition and the matters as therein stated are true, and that Eliza

Coleman is a nonresident of the State of
Missouri; Sworn and
Subscribed before me Aug } John L Thomas
30th AD 1866.

Samuel A. Rippy clk

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

In Witness whereof I have hereunto
set my hand and affixed the seal
of said County Sep 12th 1866.

Samuel A. Rippy clk

James S. Brown, Plaintiff

vs

James B Mackey, Edward Mackey, (a
minor), Stephen Barker, John M.
Barker, Zeno Barker, Legrand
Barker, James A Guion, Wilson P.
Guion, Elizabeth Guion, Julia Guion,
Amelia Guion and Elizabeth Coleman,
Defendants

In the Jefferson
Circuit Court

November Term
1866

Plaintiff States that
in 1851, he being desirous of the entering at the land office of the United
States in St Louis, Mo. the following lands in Jefferson County:
The N. 1/2 of N. E. 1/4 and N. W. 1/4 (South of N. S. Survey 1897)
and N. 1/2 of S. W. 1/4 of Section 13 Township 43 of Range 3 East
containing one hundred and fifty four acres, for that pur-
pose furnished one Zeno Mackey with one hundred and fifty
four dollars; that said Zeno Mackey proceeded to St
Louis, but insted of entering said land in the name of Plain-
tiff, he entered it in the name of the legal representatives of
James Mackey; that said Zeno Mackey afterwards to wit in
1852, informed Plaintiff, that although he had entered said
land in the name of the legal representatives of James Mackey,
yet he had full power and authority to convey the same, and thereupon
said Zeno Mackey did in 1852, convey said land to him by a good
and sufficient deed, which has been duly put upon record in
the Records office of said county, and that he did immediately
after the execution of said deed to him take possession of said
premises, and has had the adverse continued actual possession
thereof ever since, claiming title thereto against all per-
sons whomsoever. Plaintiff States that he has lately

discovered that his title to said premises is not perfect on account of the want of authority in said Geo Mackey to convey the same and that the legal title is in some of the heirs of James Mackey, that he has received quit claim deeds from Amelia Ann Coleman and her husband, and Julia Bowler and her husband to said land, and the above named defendants are all the heirs and legal representatives of said James Mackey, known to plaintiff. Plaintiff therefore avers that he is equitably entitled to said land because he furnished the purchase money as above stated, Plaintiff therefore prays the Court to make an order divesting defendants of any title they may have to said lands, and to vest the same in plaintiff, both in law and equity, and for other proper relief.

Thomas C. Ahlrens

Attorney for Plaintiff

John L. Thomas makes oath and says that he believes the above petition and the matters as therein stated are true, and that Eliza Coleman one of said defendants is a nonresident of the State of Missouri
Sworn to and subscribed before me Aug 30th A.D. 1866 } John L. Thomas
Samuel H. Kippay Clerk }

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

Witness my hand and the seal of said Court Sept. 12th 1866

Samuel H. Kippay Clerk

The State of Missouri, } SS.

COUNTY OF JEFFERSON.

The State of Missouri bears

To the Sheriff of the County of ~~Jefferson~~ Greeting:

We command you, that you summon James B Mackey

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 ^{first} ~~second~~ Monday after the fourth
Monday of November next, then and there to answer unto

James S Brown

upon his original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, E. F. Honey, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this 18th

day of Sept A. D. 1866

Saml A Rippy
Clerk Circuit Court.



I R. Spradley Sheriff of Cass County in the State of
Missouri do hereby certify that I executed the within
petition and writ on the within named defendants.
Samuel B Mackey by delivering to him a full true and
perfect copy of each on the 24th day of September 1866
all done in Cass County Missouri
Due \$1.00 Paid

R. Spradley Sheriff of Cass Co Mo
By J. V. Jones - Deputy

TO JEFFERSON CIRCUIT COURT

November Term, 1866

James S. Brown

vs

James B. Mackey et al

For
J. B. Mackey

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri

Montgomery
To the Sheriff of the County of Jefferson Greeting:

We command you, that you summon Stephen M. Baker,
John M. Barker, Zeno Barker, and Legrand
Barker

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 ^{first} ~~second~~ Monday after the fourth
Monday of November next, then and there to answer unto

James S. Brown

upon his original petition, a copy whereof is herunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, *SA Rpp*
ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof herunto affixed, at office
in Hillsboro, this *Eighteen*
day of *September* A. D. 1866

Samuel A. Rpp
Clerk Circuit Court.

Executed the within the 2nd day of October 1860
 by delivering a copy of the within writ and
 the accompanying copy of petition to John
 M Barker and by leaving a copy of the within ^{writ}
 at the usual place of Geo Barker with a
 white member of his family over the age of
 15 years and by leaving a copy of the
 within ^{writ} at the usual place of a son
 of LeGrand Barker with a white member
 of his family over the age of 15 years
 and by leaving a copy of the within writ at
 the usual place of a son of Stephen M Barker
 with a white member of his family over the
 age of fifteen years. Done in Montg
 omery County Missouri

Wm M McCormack J. M. C. Mo
 By R. A. McCormack Depy Sh. M. C. Mo

TO JEFFERSON CIRCUIT COURT

November Term, 1860

James L. Brown

vs

James B. Mackay et al

Sum 2000

fees paid \$4.00

to 5 days of month and more

by self

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 James B. Mackay,
Edward Mackay (a minor), Stephen M. Barker, John M.
Barker, Geo. Barker, Legrand Barker, James A.
Guion, Wilson P. Guion, Elizabeth Guion, Julia Guion, Amelia Guion
& Elizabeth Coleman 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
the County of Jefferson, on the ~~second~~ ^{first} Monday after the fourth
day of November next, then and there to answer unto

James S. Brown

upon his original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Samuel A. Reppy
Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this Sixth
day of October A. D. 1866

Samuel A. Reppy,
Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

November 30, 1866

2640

James L. Brown

vs. { Summons

James B. Mackay

Edward Mackay (a minor)

Stephen W. Barker

John M. Barker

Gene Barker

LeGrand Barker

James A. Union

Wilson D. Union

Elizabeth Union Julia

Union Amelia Union and

Elizabeth Coleman

Original

Sept 8 1866
closed with
Lacey County
Sept 8 1866
closed to
monetary
Sept 8 1866
enclosed to
off of Elk Co
Lacey



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 *Edward Mackay,*

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~~ ^{first} after the fourth
Monday of November next, then and there to answer unto

James S. Brown,

upon his original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, *Samuel A. Reppy*
ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Sixth*

day of *October* A. D. 18*86*



Samuel A. Reppy

Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

November Term, 1866

James S. Brown
vs. }
summons
Edward Mackay

Copy Petition
& writ

State of Missouri,

SS.

County of Jefferson.

BE IT REMEMBERED, That on this 28th day of SeptemberA. D. Eighteen Hundred and Sixty-6, before me, the undersigned clerk ofthe Circuit Court of Jefferson county,
came Chas. A. Clark who by me being duly sworn, says that the annexed advertisementwas published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town
of Hillsboro, in said county, of which he is printer, for five times, the first insertion being on the 31st
day of August, 1866, and the last on the 28th day of September.1866, as follows, to-wit:

ORDER OF PUBLICATION.

In the Circuit Court of Jefferson county,
Missouri, Nov. term, A. D. 1866. In va-
cation, August 30th, 1866,
James S. Brown, plaintiff,
against

James B. Mackey, Edward Mackey, a mi-
nor, Stephen M. Barker, John M. Barker,
Zeno Barker, Legrand Barker, James A.
Guin, Wilson P. Guin, Elizabeth Guin,
Julia Guin, Amelia Guin and Eliza Cole-
man, defendants.

Now at this day comes said plaintiff, by
his attorney, and files his petition verified
by affidavit as the law directs, stating among
things that Eliza Coleman is a non-resi-
dent of the State of Missouri. Whereupon
it is ordered by the undersigned, Clerk of
said Court, that said Eliza Coleman be no-
tified of the commencement of this action,
the object and general nature of which is to
obtain a decree for the following described
tracts or parcels of land, situate and lying
in Jefferson county, Missouri, viz.: The N $\frac{1}{2}$
of N E $\frac{1}{4}$ and N W $\frac{1}{4}$ (south of survey
1897) and W $\frac{1}{4}$ of S W $\frac{1}{4}$ of section No.
13, Township 43, Range 3 East, containing
one hundred and fifty-four acres; and that
unless she be and appear before the Circuit
Court of said county on the first day of the
next term thereof, to be begun and held at
the court house in Hillsboro on the first Mon-
day in November next, and on or before the
sixth day of said term, plead to or answer the
petition of said plaintiff, the same will be
taken as confessed. And it is fur-
ther ordered that a copy hereof be pub-
lished in the Jefferson County Leader, a
newspaper printed and published in this
State, for four weeks successively, the last
insertion to be at least four weeks before
the next term of said court.

A true copy of the order. In testimony
whereof I have hereto set my hand,
[SEAL] and affixed the seal of said court, at
office, this 30th day of August, 1866.
SAM'L A. REPPY, Clerk Circuit Court

In No. 35, August 31, 1866In No. 36, September 7, 1866In No. 37, " 14, 1866In No. 38, " 21, 1866In No. 39, " 28, 1866In No. , 1866

Chas. A. Clark,

e this 28 day of September 1866

Samuel A. Reppy clerk

James S. Brown Plaintiff

James P. Mackay, Edward
Mackay, Stephen W. Parker
John H. Parker, Geo. Parker
LeGrand Parker James C.
Guion, Elizabeth Guion Julia
Guion Amelia Guion and
Ely L. Coleman Defs

In Jefferson
Circuit Court
November Term
1866

Ely L. Coleman one of said defen-
dants for answer to the petition of said
plaintiff says that as to the averment
in plaintiffs petition, that plaintiff
furnished one Geo Mackay the sum of
one hundred and fifty four dollars
for the purpose of entering the land
in plaintiffs petition mentioned,
she has no knowledge or information
sufficient to form a belief and asks
that the same if considered ma-
terial may be strictly proved.

And said deft further answering
avows that said land was not entered
by Geo Mackay with money of said
plaintiff.

Defendant admits that the
land in the petition mentioned was
entered or located by Geo Mackay in

the name of the legal representatives of James Mackay, but avers that said entry or location was made by virtue of a Certificate of relocation No 100 issued by proper and legal authority to the heirs and legal representatives of James Mackay and that the sole consideration of the entry aforesaid in plffs petition specified, was the Certificate of relocation aforesaid.

As to whether Geo Mackay pretended to have authority to convey the interest of the heirs of James Mackay in and to said land, deft has no knowledge or sufficient information to form a belief, and asks if the same be considered material that strict proof thereof be made,

And as to whether plff has received great damage deeds from Amelia Ann Coleman and her husband and Julia Fowler and her husband this deft has no knowledge or information sufficient to form a belief and requires strict proof thereof if deemed material.

Defendant avers that she is a daughter of said James Mackay decd. as such is one of his heirs

and that as to her rights and interests in said lands plaintiff has never had or held adverse possession.

Defendant admits the averment in plaintiffs petition mentioned that Geo Mackay never had any authority to convey the said land or any interest therein, except his own interest as as one of the heirs of James Mackay deceased, and denies that said plaintiff is entitled either legally or equitably to the relief prayed for as against this Defendant.

Defendant avers that as one of the heirs of James Mackay decd. she is entitled to one eighth part of the real estate in the petition mentioned and asks that plaintiff be required to render an account to her for her share of the rents and profits of said land from the date of his possession and that upon a final hearing that judgment be rendered in her favor therefor and costs, and that a decree be rendered in favor of Defendant for the possession of her interest in said lands and for other proper relief.

Jno Cornick
att'y

James D. Brown
against

Oliver Coleman et al

Answer of def

Filed Nov 7th 1866,
James D. Brown vs
Oliver Coleman et al

In Circuit Court
Jefferson County

James Brown

vs

James B Mackey

Edward Mackey

Stephen M Barker

John M Barker

Jeno Barker

LeGrand Barker &

others

The above Defendants
Stephen M Barker, John M Barker,
Jeno Barker and LeGrand Barker by George
& Van Allen their Attorneys, in Answer to
the Plaintiffs Petition, say that as to the
matters set forth in the first Count or
clause of said Petition they have no
knowledge or information thereof sufficient
to form a belief and Therefore Deny the
same

The above Defendants in further
answering say that at the time said
Plaintiff claims to have entered into
the possession of the premises and land claim-
ed in said Petition they was Minors and
not yet 21 years of age, and that ten years
have not elapsed since these Defendants

or either of them became twenty one years
of age

These Defendants in further Ans-
wering aver and state that the legal
Representatives of James Mackey & their
Heirs & assigns, are the legal and equitable
owners and seized in fee of said lands, and
therefore deny that said Plaintiff has any
title or interest legal or equitable except
such as he may have acquired by purchase
from Amelia Ann Coleman & her Husband
and Julia Booker & her Husband.

The Defendants in further answering
deny each and every allegation in said
Petition not heretofore admitted or
contradicted, and ask the Plaintiff
Petition be dismissed with Costs of said

Conger & Van Allen

Atty for above Defts
Petition

State of Missouri }
Jefferson County } ss. M. Conger, my
clerk sworn deposes and says that
the facts set forth in the foregoing
answer as set forth he believes to
be true - M. Conger

Sworn and Subscribed
before me this 9th day of
November, A. D. 1866

Samuel A. Rappley Clerk

Jimmis. S. B. B. B.
ap. 8.

Jimmis. B. M. M. M.

~~Deer Cohn~~
Cory. & ~~Cory~~
a. M. -

Answer

Filed Nov 9 1866.
Samuel A. P. P. P. elk

James S. Brown
agt

James B. MacKay

Edmund MacKay

Stephen W. Barker

John M. Barker

Lucia Barker

Leonard Barker

James A. Guion

Wilson P. Guion

Elizabeth Guion

Julia Guion

Amelia Guion and

Elizabeth Coleman

The above named. Defs. Elizabeth Coleman by C. C. C. v. Van. Alen her attys in answer to Plaintiffs Petition and say as to the matters set forth in the first & second or. Clause of said Petition she has no knowledge or information thereof sufficient to form a belief. Therefore she denies the same.

The Defendant further answering says that the legal representatives of James MacKay or their heirs or assigns are the legal and equitable owners and seized in fee of said lands and therefore deny that said Plaintiff has any title or interest legal or equitable except such as he

may him. Acquired by purchase of
Amelia Ann. Coleman and her husband
and Julia Boone and her husband
The Defendant in further answering says
Each and Every allegation in Said Petic-
ion heretofore admitted or Contested
and Pray the Court do mfg. Diffs.
Sust. with costs

Nov. 9th 1866

Conger. & Van Allen
attys for Elizabeth
Coleman

State of Missouri
Jefferson County.

Moses Conger being
duly sworn. Says. The facts set forth
in the foregoing answer as set forth
he believes to be true

M. Conger

Sworn and Subscribed
Before me. This 9 day of
November. A. D. 1866

Samuel A. Rippey Clerk

James. d. B. Brown

1870

James. B. Blue Boy

James

George. d. Van. Old
at the. for the

St. Louis, Mo. 9th 1866.
James. d. B. Brown

James S. Brown, Plaintiff
vs.

James B. Mackey Edward
Mackey (a minor) Stephen
H. Barker John M. Barker.
Zeno Barker James A. Guinn
Wilson P. Guinn Elizabeth
Guinn Julia Guinn Amelia
Guinn Elizabeth Coleman
Defendants

In the Jefferson
Circuit Court
Nov. Term 1866.

Plaintiff states that in 1851 he being desirous
of the entering at the land office of the United
States in St. Louis Mo the following lands in
Jefferson County viz. the N. 1/2 of the W. E. 1/4 &
N. 1/2 of S. 1/4 (South of U. S. Survey, 1897) & N. 1/2 of S.
W. 1/4 of Section 13 in Town 43. Range 3. E. Containing
one hundred and fifty four acres. for that
purpose furnished one Zeno Mackey with one
hundred and fifty four dollars that said
Zeno Mackey proceeded to St. Louis but in-
stead of entering said land in the name
of Plaintiff he entered it in the name of
the legal representatives of James Mackey
that said Zeno Mackey afterwards to wit in
1852 informed Plaintiff that although he
has entered said land in the name of
the legal representatives of James Mackey
yet he has full power and authority to
convey the same and that thereupon said

Geno Mackay did in 1852 convey said land to him by a good and sufficient Deed which has been duly put on record in the Recorder's office of said County & that Plaintiff did immediately after the execution of said deed to him take possession of said land and has had the adverse continued actual possession thereof ever since claiming title thereto against all persons whomsoever.

Plaintiff further states that he has late discovered that his title to said premises is not perfect, on account of the want of authority in said Geno Mackay to convey the same and that the legal title is in some of the heirs of James Mackay that he has received quit claim deeds from Amelia Ann Coleman and her husband and Julia Bowles and her husband to said lands and the above named Defendants are all the heirs and legal representatives of said James Mackay known to Plaintiff.

Plaintiff therefore avers that he is equitably entitled to said land because he furnished the purchase money as above stated.

Plaintiff therefore prays the court to make an order divesting Defendant of any title they may have to said lands & to vest the same in Plaintiff, both in law and equity.

and for other proper relief

Thomas F. Ahlous

Atty for Plaintiff

John L. Thomas makes oath and says that
he believes the above petition and the matters
as there in stated are true and that Eliza
Coleman one of said defendants is a
nonresident of Missouri

Sworn to and subscribed } John L. Thomas
before me Aug 30th 1866.

Samuel A. Peppy Clerk.

A true copy of the original Petition on
file in my office

In Witness Where of I have here
unto set my hand and affixed
the seal of said Court.

Elas J. Honey Clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

To the Sheriff of the County of Jefferson---Greeting:

We command you, that you summon *Edward Mackay, James A. Guion, Wilson P. Guion, Elizabeth Guion, Julia Guion and Amanda Guion*

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 ^{sixth} ~~second~~ Monday after the fourth Monday of *March* next, then and there to answer unto *James S. Brown*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court, with the seal thereof herunto affixed, at office in Hillsboro, this *Thirteenth* day of *February* A. D. 18*67*

Elias F. Honey

Clerk Circuit Court.

14

TO JEFFERSON CIRCUIT COURT

May 2nd, 1867

James A. Brown
at 12 Duane Street

Edward Mackay

James A. Brown

John J. Brown

Elizabeth A. Brown

Amelia Brown

Leaving + \$5.00

I executed this writ in the County of St. Louis on the 19th day of February 1867. by delivering a copy of the writ and petition as furnished by the clerk to James A. Brown

And further I executed this writ in the County of St. Louis on the 20th day of February 1867. by delivering a copy of the writ as furnished by the clerk Wilson J. Brown

I executed this writ in the County of St. Louis on the 20th day of February 1867. by delivering a copy of the writ as furnished by the clerk to Elizabeth Brown,

and further I executed this writ in St. Louis County on the 20th day of February 1867. by leaving a copy of the writ as furnished by clerk at the usual place of abode of Amelia Brown. with a white ^{person} of her family and over the age of fifteen years, Edward Mackay cannot be found in my Court

Dr 21.00
or E 50
mileage 60
\$ 5.10 paid

John McNeil Shiff
E. Alcan

And further the clerk has not in the County of St. Louis on the 18th day of March 1867 by doing a copy of the writ as furnished by the clerk at the usual place of abode of Edward Mackay with a white person over the age of fifteen years a minute of the

John McNeil Shiff
By Court Clerk

Free \$ 1.00

James S. Brown, Plff.

vs
James B. Mackay,
Edward Mackay
S. W. Barker, & others Defts.

In the Circuit Court of
Jefferson County,
Missouri

Now at this day,
Comes Edward Mackay, an infant by Jos.
J. Williams his Guardian ad Litem heretofore
appointed by this Court and for answer to the
petition of the Plaintiff says that he has no
knowledge or information sufficient to form a
belief as to whether Plaintiff furnished Zeno
Mackay with one hundred and fifty four
Dollars or any other sum of money in the year
1851 for the purpose of entering for Plaintiff
the Lands mentioned in his petition or not.

I miles that said Land was entered by
said Zeno Mackay with money of Plaintiff,
and says that the same was located in the
name & for the use of the Legal Representatives
of James Mackay, by virtue of a certificate
of relocation No. 100 issued to the heirs & Legal
Representatives of James Mackay, that the
consideration of the entry of said Lands was
the certificate of relocation aforesaid, said
Edward further answering by his said Guard-
-ian ad Litem says that if said Zeno pretended
to have any authority to convey the interest of
the heirs of James Mackay in & to said Land
to Plaintiff & especially the interest of this
Defendant or his father or those under whom
this Defendant claims title to said Land, then this
Defendant by his said Guardian says that said

Zeno had no right or authority to make any
Such conveyance and if said Zeno made a
Deed to Plaintiff pretending to convey the right of
this Defendant, or those under whom he claims
title to said Land then said conveyance did not
in Law or Equity pass the title of this Defendant
but this Defendant had no knowledge or information sufficient to
or those under whom he claims said Land
form a belief as to whether said Zeno ever made
any such deed or not. This Defendant by his said Guardian
says that he is a Grand Grand Son of said
James Mackay Deceased being the only son
and heir at Law of George A. Mackay who
departed this life some two or three years ago
and is entitled by heirship to the one eighth
part of said Lands and to one eighth part of
the value of the rents & profits of said Lands
during the time Plaintiff has been in the possession
of the same.

Denies that Plaintiff is entitled to the
Relief prayed and Denies that said Plaintiff
has held said Lands or that he now holds
said Lands adversely to this Defendant.

Defendant by his said Guardian further
States that he has no knowledge or information
sufficient to form a belief as to whether any of
the heirs of said James Mackay have executed
Deeds of their interest in said Land to Plaintiff
or not, and also says that if said Plaintiff
received a Deed from Zeno Mackay pretending
to convey the interest of this Defendant or those
under whom he claims said Lands or paid
said Zeno any consideration for such a convey-
ance that Plaintiff had no reason to believe

that said Geno had any right to convey the interest of the heirs of said James Mackay in & to said Sands & that Plaintiff received said Deed if in fact any such conveyance was made by said Geno to Plaintiff or if said Geno represented that he had the right to sell the interest of said heirs of James Mackay with notice that the title of said Sands was in the heirs of James Mackay.

Defendant further says by his said Guardian that if Plaintiff ever had any right of action against this Defendant for said Sands that his said pretended claim is barred by the Statute of Limitations.

Defendant therefore in consideration of the premises prays the Court to order & decree that Plaintiff render an account to Defendant for the one eighth part of the rents & profits of said Sands during the time Plaintiff has been in the possession thereof. & that the Court will also decree & adjudge that the ~~plaintiff~~ said Defendant have possession of his said one eighth part of said Sands, and that the Court will grant said Defendant such other relief as may be just & proper.

Edward Mackay by
Jos. J. Williams his
Guardian ad Litem

James D. Brown

James H. Moore
and others

Andrew J. Edwards
Charles H. Taylor
by J. H. Williams
Guardian ad litem

Filed Oct 1st 1887
J. H. Jones Clerk
By A. J. Moore atty

James S. Brown

Plaintiff

vs

James B. Mackey Edward
Mackey (minor) Stephen M.

Barker John M. Barker

Zeno Barker Legrand

Barker James A. Guion

Wilson P. Guion, Elizabeth

Guion Julia Guion

Amelia Guion

Eliza Coleman

Defendants

Now at this day comes
the plaintiff by his attorney and
showeth to the court ^{that} heretofore to wit
at the Nov. Term A.D., 1867 of
the Circuit Court, of the County
of Jefferson the above entitled
cause being submitted to the
Court for trial and a decree
was rendered in favor of the Plaintiff
for the land described in the petition
in the above entitled cause against
the defendants therein, and
also for his costs of suit but
the clerk by omission failed
to enter up judgment against
the defendants & in favor of
Plaintiff for costs of suit

Therefore in consideration of the
premises the plaintiff asks
the court to render up judg-
ment *nunc pro tunc* for
said costs in favor of said
Plaintiff

John L Thomas
Atty for Plaintiff

James S. Brown
218.
Jan 13. Monday
Et al

Petition to have
judgment for costs
entered up

filed Nov 18th 1888,
S. A. Honey Ck
and amended

James S. Brown

is

Fee Bill

James B Mackay et al

S. A. Reppy clerk, 5 copies per c 75¢ \$3.75

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3 answers 75

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