

hood days at Mason and Dixon. His early education was secured in the public schools of Washington county, Md. Later he entered Pennsylvania College at Gettysburg, from which he was graduated with the degree of A. B., in 1885, and in 1888 the degree of A. M. was conferred upon him by the same institution. The year following his graduation he taught school in his native county. In 1887 he entered Jefferson Medical College, from which he was graduated in 1889, and he then located in Greencastle where he has since resided. His professional success began in the first half year of his practice. In the epidemic of la grippe that swept the country in the fall and winter of 1889-90, his results were so brilliant that a large and lucrative practice was attracted to him, and he has held it ever since. While he has always been a general practitioner, from the beginning his natural bent seemed in the line of obstetrics as a specialty. In 1902 he associated with him Dr. E. W. Palmer.

On June 12, 1889, Dr. McLaughlin married Ella Keiffer, daughter of the late Samuel Keiffer, of near Hagerstown, Md. Their home has been blessed with two sons: Charles Keiffer, born in 1902; and William Perry, born in 1904. In 1898 Dr. McLaughlin erected a beautiful home on South Carlisle street, where the many friends of the family are cordially welcomed. Fraternally the Doctor is a Mason, and professionally he belongs to the American Medical Association and the Franklin County Medical Society. He and his wife are active members of the Reformed Church.

GEORGE SKELLY, a prominent and successful farmer of Guilford township, Franklin county, is pleasantly located on the new Franklin and Falling Spring road, five miles southwest of Chambersburg. He was

born in Cumberland county, near the Franklin county line, and is a son of George and Lydia (Cramner) Skelly.

(I) ALEXANDER SKELLY, the grandfather, came of a good old Scotch-Irish family.

(II) GEORGE SKELLY, the father, was born in Cumberland county, as was his wife, but they died in Franklin county. He was a farmer by occupation. In politics he was a Republican, and in religion a Lutheran. The family born to himself and wife was as follows:

1. MARY married Jacob R. Troxler.
2. REBECCA was the second wife of Jacob R. Troxler.
3. WILLIAM is deceased.
4. PETER is deceased.
5. ELIZABETH married Peter Cramner and is a widow, in Kansas.
6. LYDIA is deceased.
7. GEORGE (III).
8. JOHN died in Missouri.
9. CATHERINE married John Gelwicks.
10. JACOB is deceased.
11. SAMUEL is deceased.

(III) GEORGE SKELLY remained upon the farm until 1862, when he enlisted in the 158th Pennsylvania Infantry under Col. McKibbon, of Chambersburg, and he served in the southern campaign, being out nearly a year, when, his term expiring, he was honorably discharged and returned to his home, to take up again the peaceful occupation of farming. On Dec. 17, 1863, he was married to Elizabeth Shull, of Guilford township, born near New Franklin, a daughter of George and Anna (Nicholas) Shull, of the same locality. Five children have been born of this marriage, namely:

1. ANNA married Thomas Wisterman, of Ohio, and has two children: Elizabeth and Blanche.
2. GEORGE is a farmer, living at Jack-

son Hall, Pa. He married Emma ——— of New Franklin, and has two children, Catherine and Shull.

3. MARY E. married Frank Hassler, of Guilford township, and has one child, Eva Helen.

4. EDWARD S., a farmer of Guilford township, married Nellie Wilkinson, and has one son, Lewis.

5. FRANK married Clara Shireman, of Ohio.

In politics our subject is a Democrat. He has long been a consistent member of the Lutheran Church, in which he has served as elder and deacon for thirty-five years. His farm is an excellent piece of property of seventy-seven acres, and he owns another of eighty-eight acres, both places well improved. At Jackson Hall, Pa., he has a highly cultivated little farm of thirty-six acres. Mr. Skelly has always taken an active part in the affairs of the township, has served two terms as school director, and at various times as member of the election board.

The early history of the Shull family, of which Mrs. Skelly is a member, begins as far as there is definite record with grandfather (I) Peter Shull, who lived in Chambersburg. He was a member of the old Shull family which emigrated to America about 1738, and its members became very early settlers of Franklin county, Pennsylvania.

(II) GEORGE SHULL, the father of Mrs. Skelly, was born in Chambersburg, Pa., July 25, 1806, and died Nov. 30, 1892. During a long and active life he became one of the prosperous farmers of Guilford township. His children were:

1. ELIZABETH, Mrs. Skelly, born April 21, 1834.
2. DANIEL, born Feb. 29, 1836.
3. BENJAMIN F., born May 31, 1839.

4. DAVID F., born Oct. 27, 1841.

5. SAMUEL P., born in 1844.

6. GEORGE A., of Chambersburg.

7. MAY E., born in 1850, married Rev. J. Milton Snyder, of Indiana county.

8. REBECCA, born in 1852, married Dr. Mathew Lantz, of Peters township.

Both Mr. and Mrs. Skelly stand very high in their neighborhood, being good Christian people and reliable friends. In their comfortable home they dispense a generous hospitality and welcome their many friends.

SAMUEL PHILLIPPY, a representative of one of the oldest families of the State, and a man widely known and highly respected, was born Feb. 27, 1833, on the old homestead in Antrim township, Franklin county, a son of Samuel and Catherine (Rauch) Phillippy, the latter a daughter of Henry Rauch.

(I) CHRISTIAN PHILLIPPY, grandfather of Samuel, married Barbara Reed, and their children were:

1. SAMUEL (II).
2. JOHN married (first) a Miss Spealman, by whom he had three children, Mary, John and William. His second wife was Fannie Culp, and they had Andrew and a daughter.

(II) SAMUEL PHILLIPPY had children as follows:

1. JONATHAN married Catherine Harbauch.
2. ELIZABETH married John Young.
3. MARY ANN married Christian Whitmore.
4. ISAAC married Catherine Schank.
5. CHRISTIAN married Uria P. Smith.
6. SAMUEL (III).
7. JACOB married Susan Leshner, daughter of Henry Leshner.
8. CATHERINE married Daniel Baker.

age, having about 400 acres in blue-grass. He feeds annually large numbers of cattle and hogs for the wholesale markets, and also deals quite extensively in stock. Connected with his stock business he has a pair of scales on his place for weighing stock, grain, etc. He is one of the enterprising, successful farmers and stockmen of the township. On the 14th of March, 1875, Mr. Sims was married to Miss Hattie P., a daughter of Robert and Nancy Cochran, of Boone county, but formerly of North Carolina. Mr. and Mrs. Sims have one child, Robert D., born September 5, 1876. Four are deceased, two in infancy and Jessie and Mannie, who also died at tender ages.

PETER C. SKELLY.

farmer. Mr. Skelly is a native of the old Keystone State, born in Cumberland county on the 5th of September, 1828. His father, George Skelly, was a farmer by occupation, and to this calling the son was brought up. His mother's maiden name was Lydia Cramer. In 1847 young Skelly came West to seek his fortune. He located near New London, in Ralls county, Missouri, where he worked the first year for \$60 for S. C. McCune, living there three years. He was then engaged in farming in Pike county for some three years. In 1853 he concluded to try his luck in the mines of California, and accordingly crossed the plains as wagon master and hunter for the company with Ed. Stockton and others, bound for the Pacific coast. They were five months on the plains, and experienced all the hardships and privations incident to overland travel in that early day. Arrived in California, Mr. Skelly had the courage to remain there until he made a success of mining. He worked for six long years deep down in the bowels of the earth, delving for gold, and in 1859 was prepared to return with no mean quality of the yellow dust for which he had so long and faithfully labored. Making a visit to his old home in Cumberland county, he met and renewed an early love whom he had left years before to seek his fortune in the great West. In short, he was married to Miss Elizabeth H. Weidler, a daughter of Capt. Reuben Weidler, of Pennsylvania. Mr. Skelly returned to Missouri and worked seven years for J. P. Clark as farmer, and in the year 1869 bought the farm on which he now resides and on which he has since lived. His place contains 160 acres of land and is well improved, including a good pasture, a meadow, a good orchard and small fruits, substantial fences and neat, comfortable build-

ings. Mr. and Mrs. Skelly have a family of four children: Ida C., wife of Edgar Elder; Lydia C., Ulysses G. and Martha E. They have lost two: one died in infancy and Linda Belle died in 1875, in her thirteenth year. Mrs. Skelly is a member of the M. E. Church. Mr. Skelly is a member of the I. O. O. F., Knights of Honor and of the National Horse Thief Society.

JOHN SKELLY,

who, like his brother, Peter C., whose sketch precedes this, is a thrifty farmer and worthy citizen of the eastern part of the county, was born in Cumberland county, Pennsylvania, October 5, 1836, but was principally reared in Franklin county, of that State, to which his parents removed in about 1845. Though working for himself after he reached his majority, he remained at home most of the time until 1862, when he enlisted in the army, becoming a member of Co. F, 158th Penn. Vol. Inf. He was discharged at the expiration of his term of enlistment in 1863, having during his service been in numerous skirmishes, though in no great battle. The succeeding winter, December 24, 1863, he was married to Miss Clementine, a daughter of Reuben and Catherine Weidler, and a sister to the wife of P. C. Skelly. Mr. Skelly, in February of the following year, removed to Missouri and located in Audrain county, where he has since been engaged in farming. He came to his present place in 1874. This farm contains 280 acres of land, most of which is in fine pasturage and good tame meadow. His improvements are such as might be expected of a farmer brought up in Pennsylvania — substantial, neat and comfortable. His family of children consists of four daughters and two sons, viz.: Mary Lizzie, James W., Frank S., Fannie E. and Maggie A. (twins) and Gertie. Mrs. S. is a member of the M. E. Church South.

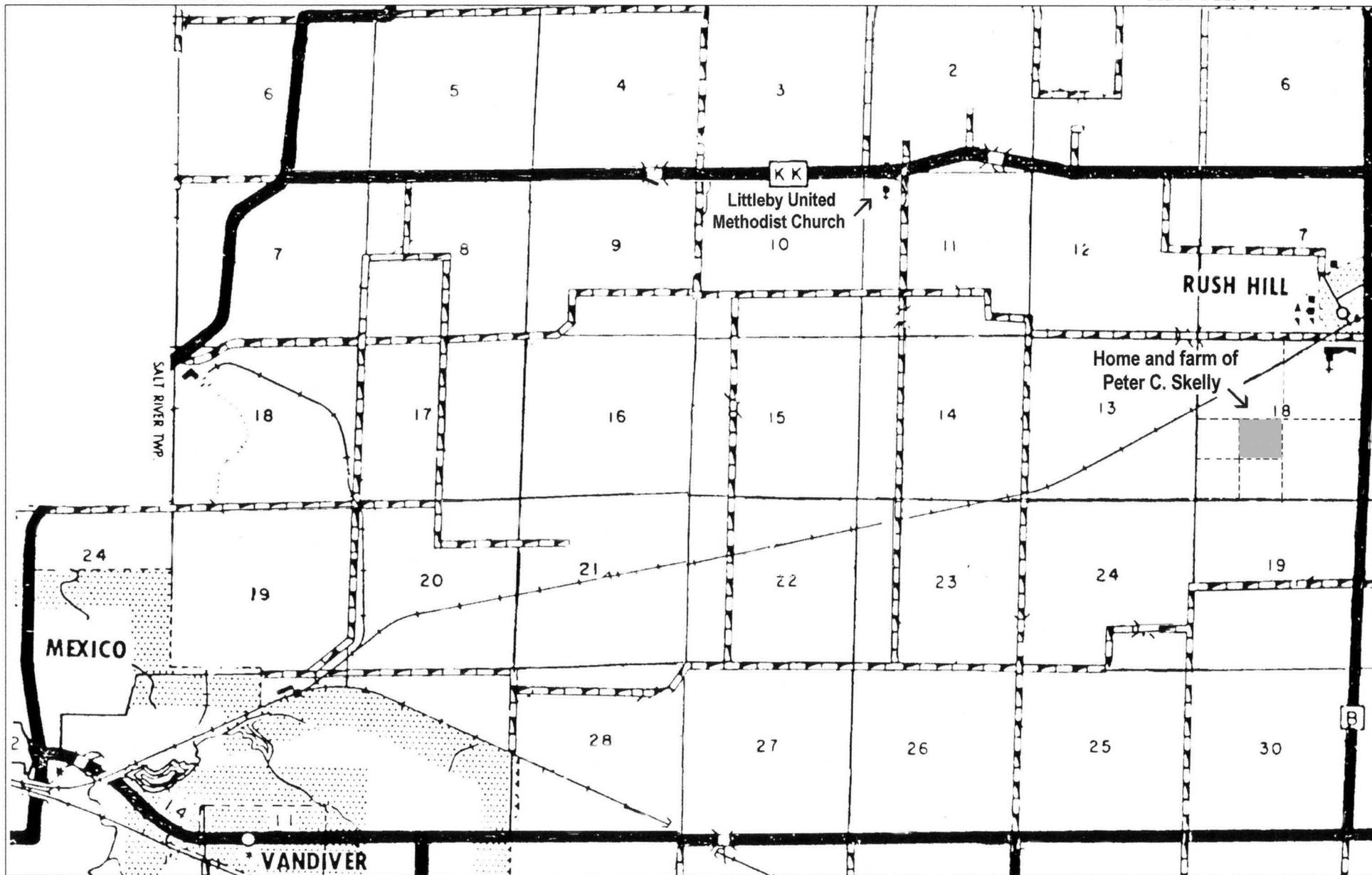
MILTON SMITH,

farmer and stock raiser. It was in 1879 that this venerable old gentleman, a worthy son and citizen of the Blue Grass State, came West and located in Audrain county. Notwithstanding he was then closely approaching the allotted age of three-score and ten, he had the spirit and courage which only the more brave-hearted of younger men possess, to quit a home of ease and comfort and cast his fortunes with the new land beyond the Mississippi, and commence the improvement of a home on Virgin soil. The year before the removal of his family

History of Audrain County, Missouri. St. Louis: National Historical Company, 1884.

R9W | R8W

R8W | R7W



Map of

Audrain County, Missouri (Partial)

Home and farm of Peter C. Skelly: Lot 2, SW 1/4, Section 18, Range 7W, Township 51N, approximately 160A.

Audrain County, MO, Deed Book 2, Page 45, 13 January 1869/13 February 1869. James and Belinda Doolin and Nancy Doolin, wife of James Doolin to Peter Skelly.

E. Emery, Printer and Blank Book Manufacturer, Paris, Ill.

REVENUE
STAMP
In the amount of
\$1.00
Deed.

Know all Men by these Presents, That *James Doolin and Nancy Doolin, wife of said James Doolin* of the County of *Audrain* in the State of *Missouri* have this day for and in consideration of the sum of *Two hundred and eighty* Dollars to the said *James Doolin and Belinda Doolin* in hand paid by *Peter C. Skelly* of the County of *Audrain* in the State of *Missouri* Granted, Bargained and Sold, and by these presents do Grant, Bargain and Sell unto the said *Peter C. Skelly*

the following described tracts or parcels of land, situate in the County of *Audrain* in the State of *Missouri*, that is to say, *the South half of Lot No. Two of the South West 1/4 of Section eighteen, Township fifty one, Range Seven West containing*

TO HAVE AND TO HOLD the premises hereby conveyed, with all the rights privileges and appurtenances thereto belonging or in anywise appertaining, unto the said *P. Skelly* his heirs and assigns, forever. *The said James Doolin and Belinda Doolin* hereby covenanting to and with the said *P. Skelly* his heirs and assigns, for himself, his heirs, executors and administrators, to warrant and defend the title to the premises hereby conveyed, against the claim of every person whatsoever.

In Witness Whereof, *we* have hereto subscribed *our* names, and affixed *our* seals this *13th* day of *January* 1869-

James Doolin
Nancy Doolin
Belinda Doolin
mark

XXXXXX
XXXXXX
XXXXXX
XXXXXX
XXXXXX
XXXXXX
XXXXXX

STATE OF MISSOURI,

BE IT REMEMBERED, That *Peter C. Skelly* who is personally known to the undersigned, a *Notary Public* within and for said County, to be the person whose name is subscribed to the foregoing Deed, as a party thereto, this day appeared before me, and acknowledged that he executed and delivered the same as his voluntary act and deed for the uses and purposes therein contained. Given under my hand and official seal this *13th* day of *January* 1869.

STATE OF MISSOURI,

BE IT REMEMBERED, That *James Doolin and Nancy Doolin his wife and Belinda Doolin* his wife, who are personally known to the undersigned, a *Notary Public* within and for said County, to be the persons whose names are subscribed to the foregoing Deed, as parties thereto, this day appeared before me, and acknowledged that they executed and delivered the same as their voluntary act and deed, for the uses and purposes therein contained. And the said *Nancy Doolin* being by me made acquainted with the contents of said Deed, acknowledged on an explanation apart from her said husband that she executed the same, and relinquishes her dower in the Real Estate therein mentioned, freely, and without compulsion or undue influence of her said husband. Given under my hand and official seal this *11th* day of *January* 1869.

William F. Harrison
By *Notary Public*

This Deed was filed for Record the *15th* day of *July* 1869, at the hour of *11* o'clock *A.M.*
John P. Clark Recorder.

Audrain County, MO, Deed Book 2, Page 46, 13 January 1869/13 February 1869. James and Nancy Doolin his wife and Hardaman Doolin and Sue Doolin his wife to Peter Skelly.

Civil War (Union) Enrollment Information
Office of Missouri Adjutant General, Jefferson City, MO.

PETER C. SKELLY

AGE: 37

5'6"

HAIR: Black

EYES: Gray

COMPLEXION: Dark

MARRIED

OCCUPATION: Farmer

RESIDENCE: Salt River Township

REMARKS: Old Organization

Shown on Audrain Co. Enrollment List 1865-66

On 24 January 1891 Elizabeth, widow of Peter C. Skelly, applied for a pension as the surviving widow of a Civil War Soldier. The pension was denied on the grounds that the soldier's service was not in a federal unit. Elizabeth's pension application is found later in this compilation.

CASES DETERMINED
IN THE
ST. LOUIS AND THE KANSAS CITY
COURTS OF APPEALS

OF THE STATE OF MISSOURI
FROM MARCH 13, 1888 TO MAY 8, 1888

VOL. XXX

COLUMBIA, MO.
E. W. STEPHENS, PUBLISHER
1888

SKELLY V. VEERKAMP.

49

538

ELIZABETH H. SKELLY, Respondent, v. W. E. VEER-
KAMP, Appellant.

Kansas City Court of Appeals, March 19, 1888.

1. ADMINISTRATION—GRANT OF LETTERS UNDER SECTIONS 7, 8, AND 9, REVISED STATUTES.—Under the statute relating to the granting of letters of administration (Rev. Stat., secs. 7, 8, and 9) the probate court has no authority to issue such letters to "some other person," within thirty days after the death of the deceased, without having received first written renunciations of the right to letters from such as are first entitled thereto. The right of the husband or wife to administer is their sole right, and, without their renunciation, cannot be divided with others.
2. ——— REVOCATION OF LETTERS IMPROPERLY GRANTED—CASE ADJUDGED.—The probate court has power and authority to revoke or cancel letters unwarrantably issued, as in this case; nor can there be any question of the authority to do this at a subsequent term. The appointment was at the least an irregularity, patent of record, and in such cases courts may set aside judgments or other proceedings at any time within three years.

APPEAL from Audrain Circuit Court, HON. E. M. HUGHES, Judge.

Affirmed.

The case is stated in the opinion.

W. H. KENNAN, for the appellant.

I. The affidavit or complaint of respondent does not comply with the requirements of the statute in such case made and provided, in form and language, or in substance. The affidavit or complaint of respondent does not contain any charge for removing an administrator known to the law or to the statutes of this state. Rev. Stat. 1879, sec. 27. The complaint or affidavit should be drawn in the exact words of the statute and

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On 24 June 1886 P. C. [Peter Cramer] Skelly, father-in-law of W. E. [William Egbert] Veerkamp, died intestate in Audrain County, Missouri. The Audrain County Probate Court in the May [July] 1886 term appointed W. E. Veerkamp to serve as administrator of the P. C. Skelly estate along with the widow Elizabeth H. Skelly

The widow took exception to the appointment of a co-administrator which had been made in error before the expiration of her widow's option to renounce. In the March 1887 term the Circuit Court set aside the appointment. W. E. Veerkamp appealed this set-aside to the Appellate Court of the State of Missouri. The Appellate Court ruled in favor of the widow.

It is not known if W. E. Veerkamp (who had read for the law) sought this appointment nor why he did not promptly acknowledge the error and resign. This appears completely out of character for him to have made it necessary for his mother-in-law to pursue the matter to the Circuit Court and for him to have carried it even further to the Appellate Court. He must have persisted at the insistence of his wife and possibly her siblings. W. E. Veerkamp's name is mistakenly given as "Edgar," rather than "Egbert" in the Appellate Court records.

According to Elizabeth Skelly's granddaughter, Fern (Veerkamp) VanBradt, Elizabeth Skelly was not fond of her son-in-law, W. E. Veerkamp, although generally he was considered a kind and honorable man. This law suit may well have been the basis for Elizabeth's dislike for him. Peter Skelly's estate was not large enough that his children were likely to have coveted it. It is more likely his children felt the widow may have needed guidance in the management and preservation of it to meet her future needs. *S. M.*

proven before an administrator can be removed. It should conform to the statute in form and language or in substance closely.

II. It is settled law that probate courts possess a certain original jurisdiction as regards matters of administration. Yet that jurisdiction can only be exercised in the manner prescribed by the statute. *Powers v. Blakey*, 16 Mo. 437. The court found specially that there was a mistake produced on the probate court and entered judgment removing appellant as co-administrator. The judgment or order of the probate court, appointing defendant (appellant) co-administrator of said estate, was made at the May term, 1886. The order, setting aside the order of appointment of said defendant, co-administrator of said estate, made at May term, 1886, was made at the March term, 1887, of the probate court. A court may, for irregularity or mistake, set aside a judgment rendered by it at any time during the term; but not after, unless the mistake appears of record. *Rankin v. Lawton*, 19 Mo. App. 574; *Nelson v. Ghiselin*, 17 Mo. App. 663.

FRY & MOSBY, for the respondent.

I. When a case is tried before the court without a jury and no objections are made to any of the evidence and no instructions asked or given, the judgment will be affirmed. *Reese v. Cook*, 17 Mo. App. 512; *Noland v. Brewster*, 17 Mo. App. 497; *Harrington v. Minor*, 80 Mo. 270.

II. The appointment of defendant as co-administrator with plaintiff was by mistake and through the fraud of defendant, and the court had authority to revoke the letters as to him when the mistake was discovered. *McCabe v. Lewis*, 76 Mo. 296; *In re estate of Huckstep*, 5 Mo. App. 582. Letters of administration may be revoked when "there was essential fraud, error, or mistake in the original decree and appointment." "A county probate court may, of its own motion, institute and carry on proceedings to revoke its irregular

decrees." Schouler on Executors, sec. 153; Rev. Stat., secs. 27, 43.

III. The probate court had no authority to appoint the defendant. Until the widow and children of age renounced their right to administer in writing, or had given their consent in writing, the court had no authority to appoint a stranger. There is no more authority to appoint a stranger along with the widow than to appoint him alone. Rev. Stat., secs. 7, 9; *Mullanphy v. St. Louis County Court*, 6 Mo. 563; Schouler on Executors, secs. 112, 113, 153, 154; *Stebbins v. Lathrop*, 21 Mass. 33. In *Cobb v. Newcomb*, 36 Mass. 336, held the widow cannot nominate another to the exclusion of next of kin.

IV. The court should have revoked the letters as to defendant under section 43, Revised Statutes, because he "failed to discharge his duties," and "acted so as to endanger his co-administrator," as was substantiated by the evidence.

ELLISON, J.—The following is that portion of the complaint necessary to notice, which was filed in the probate court, and upon which this proceeding was based: "Now, this day, comes Elizabeth Skelly, widow of the late P. C. Skelly, and files this, her motion, and says, that said P. C. Skelly died on the twenty-fourth day of June, 1886, leaving his wife, said Elizabeth Skelly, who was and is first entitled to administer on the estate of said P. C. Skelly, deceased, before any other person or persons; that within thirty days after the death of said P. C. Skelly, said Elizabeth Skelly, as the widow of said P. C. Skelly, applied for letters of administration on said estate, and asked to be appointed such administratrix; that on the — day of —, 1886, within thirty days after the death of said P. C. Skelly, the probate court of said county granted letters of administration to one Egbert Veerkamp, a stranger to said estate, along with the said Elizabeth Skelly, without the consent, and without and before said Elizabeth H. Skelly filed her renunciation in writing with the clerk