

September 1870

McLernack, Margaret

vs

McLernack, James William

Debt

\$26.75 note assigned by James R. Withington
and Robert Taylor, \$167.30 account assigned
by Peter McLernack, \$56.07 judgment from
California assigned by William Frazier,
\$278 Jdg+ for plaintiff, all from 1857,
real estate attached

Margaret McCormack Plaintiff } In the Circuit Court of Jefferson
against } County Missouri
James W. McCormack defendant

Plaintiff states that the defendant by his promissory note herewith filed dated March 2nd 1855 promised to pay Withington & Paylor (a firm composed of James R. Withington & Robert Paylor) or order twenty six dollars and seventy five cents one day after date for value received. Plaintiff says that said Withington and Paylor on the 16th day of May 1857 assigned by endorsement and delivered said note to Plaintiff which note and the interest thereon is now due plaintiff, and for which she asks judgment.

Plaintiff states that the defendant owed Peter McCormack Executor of the Estate of James McCormack Decd, the sum of one hundred and sixty seven dollars and thirty cents a balance for land bought of him - Plaintiff says that said Peter McCormack Executor as aforesaid on the 16th day of December 1855 assigned in writing for value received said account for said sum of \$167.30 balance due as aforesaid to the Plaintiff which account and assignment are herewith filed. Plaintiff therefore asks judgment for one hundred and sixty seven dollars & thirty cents and the interest thereon.

Plaintiff further states that on the 12th day of March 1855 one William Frazer recovered judgment before John W. Gilbert a Justice of the peace in & for common law Township in El Dorado County in the State of California against the Defendant for the sum of thirty six dollars & thirty one cents and for four dollars and fifty five cent interest and for costs taxed at \$8.31 - making the total amount for which said judgment was duly given and rendered by said Justice in favor of said William Frazer against this Defendant of forty nine dollars and seventeen cents. Plaintiff states that said judgment, interest and costs amounting to \$56.07 was on the 26th day of May 1857 by endorsement on a certified transcript thereof assigned for value received to Plaintiff by the said William Frazer by his agent and Attorney Thomas C. Fletcher.

Plaintiff therefore asks Judgment states that said Judgment interest
& costs amounting to \$56.07 is now due the Plaintiff and for which
and the interest she asks Judgment A copy of said Transcript
& assignment is herewith filed,

Plaintiff further states that on the third day of
December 1857 the Circuit Court of Jefferson County by
order entered of Record in the proceedings of said Court in Book No.
4 page 126, entered Judgment against said James W. McCormack
and in favor of Plaintiff on the above Counts after a full hearing
and trial of the same for the sum of Two hundred & seventy
eight Dollars and costs, which Judgment
with the interest thereon remains wholly due and unpaid and
the Plaintiff therefore asks Judgment for the sum of
Two hundred and seventy eight Dollars
with interest

Plaintiff further states that she has paid
taxes on lands of the defendant lying in the County of
Jefferson and State of Missouri for the years
amounting in the aggregate to
dollars the plaintiff

having no agent or attorney here to attend to paying taxes
for him Plaintiff therefore asks Judgment for the
sum of
Dollars
the amt of taxes paid as aforesaid,

Margaret McCormack
by Abner Green Attorney

State of Missouri
County of Jefferson
Margaret McCormack being duly
sworn in her oath says that the matters

and things set forth in the above and foregoing
petition are true and correct, and that the
Defendant James M. McCormack is a non-
resident of the State of Missouri
Sworn to and subscribed before
me July 8th 1870
R. M. Mullin
Clerk Jeff. Co. Court

James M. McCormack
Margaret McCormack

And Principal & int, - \$ 370.22

Margaret M. Loomis
or
James H. M. Loomis

Order of the
Sovereigns

Exiled July, 1870
C. J. Henry

STATE OF MISSOURI,
COUNTY OF JEFFERSON.

The State of Missouri to the Sheriff of Jefferson County, Greeting :

WE COMMAND YOU to attach

by all and singular *his* lands and tenements, goods, chattels, rights, moneys, credits, evidences of debt, and effects, or so much thereof as shall be sufficient to satisfy the sum of *Two Hundred & 00* *Seventy Eight* dollars and _____ cents, with interest and costs of suit, in whose possession soever the same may be found in your county, and that you summon the said

James M. McCormack
that *he* be and appear before our Circuit Court of the county of Jefferson, on the first day of the next term thereof, to be holden at the Court House in Hillsboro, in said county of Jefferson, on the *5th* day of *September* next, then and there to answer the petition of *Margaret*

McCormack
wherein *she* ask judgment for *Two Hundred & 00* *Seventy Eight* dollars and _____ cents, and that you also summon _____

and all other persons that you shall find in the possession of goods, money or effects of the defendant, not actually seized by you, and all debtors of the defendant, and such other persons as the plaintiff or his attorney shall direct, as garnishees, to be and appear before our said court, at the time and place aforesaid, then and there to answer such allegations and interrogatories as may be exhibited against them; and have you then and there this writ.

IN TESTIMONY WHEREOF, the undersigned, Clerk of the said Jefferson Circuit Court, has hereto signed his name and affixed the seal of said Court, at office, this *19th* day of

July 18*90*.

Elias Henry Clerk.
By S. H. [Signature] D. C.

This writ of attachment came to hand on July the 19th a^d 1870 and
 I executed the same on the same day by serving and attaching the
 following Real Estate as the property of the Defendant James
 W Mc Cormac situated in Jefferson County Missouri to wit
 Lot No 2 of W. S. Survey No. 1885 in Township 40 Range 6 East, as last shown
 and planted in the tax book for the year 1869. on file in the County Clerk's office of
 Jefferson County Mo containing 570 acres

Frederick Scheriff
 By Fred Vollmar
 Deputy

fee \$ 2.75

and sub vol 6 page 141
 Defendant " " 240
 James McCormac " " 321

James McCormac

Margaret McCormac

Defet. Term, 186.

Jefferson Circuit Court.

TO

2828

Maryann Milomack	} In the Circuit Court of Jefferson County Mo 19 th day of July 1870
Plaintiffs	
against	
James W. Milomack	

Be it known that the above named Plaintiffs on the 19th day of July 1869 filed there petition in the Clerk's office of the Circuit Court of Jefferson County Mo. and caused an Attachment to issue there in against the above named Defendant and which writ came unto my hands on ~~the 19th day of July~~ as Sheriff of said County on the same day and I did on said 19th day of July 1869 levy the said Attachment writ on the following described Real Estate situate in Jefferson County Mo. as the Property of the above named Defendant James W. Milomack, to: Wit. Lot No. 2 of U. S. Survey No. 18,85 in Township 40 Range 6. East as laid down and plotted on the Tax Book for the year 1869 in file in the County Clerk's Office of Jefferson County Mo. containing 570 Acres ~~where~~ said suit is for the sum of \$ 4,94 Dollars and Seventy Cts and is made returnable to the September term 1870

Witness my hand this 19th day
of July 1870

Fred Luchtemayer Sheriff
By Fred Vollmark Deputy

Margaret M. Bennett
as
James M. M. Bennett

Wm. J. Bennett
J. J. Bennett

STATE OF MISSOURI, County of Jefferson.

Be It Remembered, That on this 24th day of September 1870, before the undersigned Clerk of the Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for four weeks, the first insertion being on the 13th day of July, 1870, and the last insertion on the second day of September 1870, as follows, to-wit:

Order of Publication.

IN vacation, in the Circuit Court of Jefferson County, Missouri, July 12th, 1870—
Order of Publication.

Margaret McCormack, vs. James W. McCormack.

Now, at this day, comes the plaintiff, and files in the office of the undersigned Clerk of the Circuit Court of said county, her petition, verified by affidavit, stating among other things that the above named defendant is a non-resident of the State of Missouri. Whereupon, it is ordered by the undersigned Clerk, in vacation, that publication be made, notifying him that an action has been commenced against him in said Circuit Court, based upon a note and account for the sum of two hundred and seventy-eight dollars; and also the taxes for certain years on the property of the above named defendant, for the sum of dollars; and that his property is about to be attached; and unless he be and appear before our said Circuit Court, to be holden at the Court House, in the town of Hillsboro, Jefferson county, Missouri, on the first Monday of September, 1870, and on or before the fifth day of said term, answer or demur to said petition, the same will be taken as confessed, and judgment rendered accordingly, and his property sold to pay said sum of two hundred and seventy-eight dollars, and the taxes. It is further ordered that a copy hereof be published in the Jefferson Democrat, a newspaper, printed and published in the county of Jefferson, Missouri, for four weeks successively, the last insertion to be at least four weeks before the first day of the said next term.

A true copy from the record:

[SEAL.] Witness my hand and the seal of said Court, at office, this 12th day of July, A.

D., 1870.

E. F. HONEY, Clerk.
By Lewis H. Alford, Deputy.

In No. 24, July 13, 1870.
In No. 25, 22, 1870.
In No. 26, 24, 1870.
In No. 27, 22, 1870.
In No. 28, 1870.
In No. 29, 1870.

me this 24 day of September 1870.

J. Ed. Walker Notary Public
Office. Mo.
Received Payment.

STATE OF MISSOURI, County of Jefferson.

We do hereby certify, That on this 24th day of September 1876, before the undersigned Clerk of the Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, which he is printer, for seven weeks, the first insertion being on the 13th day of September, 1876, and the last insertion on the second day of October, 1876.

Given under my hand and the seal of said Court, at Jefferson, Mo., this 24th day of September, 1876.
 J. G. Wilson, Declared to be a Justice of the Peace in and for said County of Jefferson, State of Missouri.
 The following programme of exercises will be presented at the Morses Mill Literary Society, on Saturday evening, August 27th.
 B. Manheimer & Co.
 Ladies, we keep the best of coffee.
 ELIEL F. DONNELL,
 JOHN M. BAILEY,
 MARK C. JENNINGS,
 Township Committee.
 County Convention, and transacting such other business as may come before the meeting.

In No. 24,	July 15, 1876.
In No. 25,	" 22, 1876.
In No. 26,	" 29, 1876.
In No. 27,	September 2, 1876.
In No. ,	, 187 .

Sworn to and subscribed before me this 24th day of September 1876.

Printer's Fee,

Received Payment.

J. Ed. Walker Attorney Public
 J. H. Co. Mo

Margt. McCormack
vs
Jas W McCormack



Filed Sept 24/870
E. F. Kearney clk