

Jefferson County Circuit Court
Case Files - CIVIL
MAY 1872

Box

29 Folder 59

Blackner, L. R.

vs

Motherhead, Elizabeth

Motherhead, Evaline

Motherhead, Isaac

Motherhead, Sylvester, et al

Petition to establish
lost deed.

Lucy, Willis F. Motherhead; (minors)

Willis F Motherhead, deceased;

T40-R4E-S32; 80 acres;

L. R. Blackmer Plaintiff

vs
Elizabeth Mothershead,
Eveline Mothershead
Isaac Mothershead
Sylvester Mothershead
Lucy Mothershead, Miller
J. Mothershead

Defendants

In the Jefferson County Circuit
Court, May Term 1872.

Plaintiff states that Miller
J. Mothershead, the late husband
of Elizabeth Mothershead one of
said defendants and the father
of the other defendants who
are minors under the age of
twenty one years, and Harvey
Moley and wife and Joseph A.
Stapp and wife died on the
day of 1871 and delivered
to Plaintiff a duly acknowl-
edged conveyance to him the following
real estate situated in Jefferson County
Missouri viz: The East half of the
South West qtr. of Section Thirty Two
Township Forty Range Four East
containing eighty acres, but that
before said deed was recorded it

was lost or destroyed so that the same cannot be found now so as to be placed on record. Plaintiff states that said Harvey Whaley and wife and Joseph A. Stafford and wife on the 6th day of March 1872 executed and acknowledged and delivered to Plaintiff another deed for their interest in said real estate but Willis F. Mothershead having died in the meantime did not join in such deed. Plaintiff states that defendants are the widow and only heir of said Willis F. Mothershead deceased. He states that his title to said property is not perfect as said Willis F. Mothershead did before the execution of said deed own one third interest in said land but as the deed is not on record and is lost Plaintiff has no evidence of his title.

Plaintiff therefore prays the Court to establish by the decree of the Court the execution acknowledgment and delivery of said deed and that the same has been lost or destroyed.

and that a copy of such deed
be recorded in the Recorder's office
of said County and for other
relief.

John L. Thomas & Bro
Attys for Plaintiff.

L. R. Blackmer

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Elizabeth Mothershead
et al

Petition to establish
lost deed

Filed April 23 1871
Wm S Boyce cl
By Catherine DeM

L R Blackmer Plaintiff

vs

Elizabeth Mothershead, Evaline Mothershead,
Isaac Mothershead, Sylvester Mothershead
Lucy Mothershead, Willis F Mothershead. Defendants.

In the Jefferson
County Circuit Court
May Term 1872,

Plaintiff states that

Willis F Mothershead, the late husband of Elizabeth Mothershead one of said Defendants and the father of the other defendants who are minors under the age of twenty one years, and Harvey Wholey and wife and Joseph N Stafford and wife did on the day of 1871 execute and deliver to plaintiff a deed duly acknowledged conveying to him the following real estate situated in Jefferson County Michigan viz: The East half of the South west q^r of Section Thirty Two Township Forty Range Four East containing eighty acres, but that before said deed was recorded it was lost or destroyed so that the same cannot be found now so as to be placed on record. Plaintiff states that said Harvey Wholey and wife and Joseph N Stafford and wife on the 6th day of March 1872 executed and acknowledged and delivered to plaintiff another deed for their interest in said real estate but Willis F Mothershead having died in the meantime did not join in such deed. Plaintiff states that Defendants are the Widow and only heirs of said Willis F Mothershead deceased. He states that his title to said property is not perfect as said Willis F Mothershead died before the execution of said deed owning one third interest in said land but as the deed is not on record and is lost plaintiff has

no evidence of his title. Plaintiff therefore prays
the court to establish by the decree of the court
the execution acknowledgment and delivery of
said deed and that the same has been lost or
destroyed and that a copy of such decree
be recorded in the Recorder's office of said
County and for other relief.

John L. Thomas & Pro.
Atty for Plaintiff

A true copy of the original petition,

Witness W. S. Boyce clerk of said Circuit
Court with the seal thereof hereunto affixed
this 23rd day of April 1872,

W. S. Boyce Clerk
By C. M. Quinn Dep.

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon

Elizabeth Mothershead
Eveline Mothershead, Isaac Mothershead
Sylvester Mothershead, Lucy Mothershead
+ William G. Mothershead

if ~~he~~ be found in your County, that ~~he~~ be and appear before the Honorable Judge of
our Circuit Court, on the first day of the next term thereof, to be begun and held at the
town of Hillsboro, within and for the County of Jefferson, on the *second*
~~Monday after the fourth~~ Monday of *May* next, then and there
to answer unto

J. R. Blackmer

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

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *28th*

day of *April* A. D. 18*92*.

W. S. Boyce

Clerk Circuit Court.

By

Chas. Morris

Deputy.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

May TERM, 1872.

J. P. MacKinnon

vs
Elizabeth Mothershead
and others

John Williams
Sheriff fee 5.50

(original)

April 25-72

I served the within writ in Jefferson County Mo on the 25th day of April 1872 on Elizabeth Mothershead by delivering to her a copy of the writ and petition as furnished me by the clerk. and I further executed this writ on the same day and year on Eveline Mothershead and Isaac Mothershead Sylvester's mother head and Lucy Mothershead by delivering to each of them a copy of this writ. and the within named Willis F. Mothershead ~~was~~ not being found in my county

John Williams

Sheriff
By M. W. H. Deputy.

L. R. Blackmar Plaintiff
against
Elizabeth Mothershead
Evaline Mothershead
Isaac Mothershead
Sylvester Mothershead
Lucy Mothershead &
Willis D. Mothershead Defendants

In The Jefferson
County
Circuit
Court Sept.
Term 1872

Plaintiff for amended petition
states that Willis D. Mothershead, the
late husband of Elizabeth Mothershead
one of said defendants and the
father of the other Defendants
who are minors under the age of
twenty one years, and Harvey Whaley
and wife and Joseph N. Stafford and
wife on the day of 1871 executed
and delivered to Plaintiff a deed
duly acknowledged conveying to him
the following real estate situate in
Jefferson County Missouri viz. the
East half of the South West
qr. of Section Thirty Two, Township
Forty N. of Range Four East
of the 5th P. M. containing Eighty
acres, but that before said deed
was recorded it was lost or destroyed
so that the same cannot be found

now so as to be placed on record, Plaintiff states that said Harvey Thaley and Wife, and Joseph R. Stafford and Wife on the 6th day of March 1872 executed and acknowledged and delivered to Plaintiff, another deed for their interest in said real Estate, but Willis D. Mothershead having died in the meantime, did not join in such deed, Plaintiff states that Defendants are the widow and only heirs of said Willis D. Mothershead deceased, Plaintiff further states that said Defendants ~~Eugene~~ Mothershead, Isaac Mothershead, Sylvester Mothershead, Lucy Mothershead and Willis D. Mothershead are minors under the age of twenty one years and prays the court to appoint a Guardian ad litem ~~to defend~~ for them to defend this suit.

Plaintiff states that his title to said property is not perfect as said Willis D. Mothershead did before the execution of said deed own an undivided half ^{interest} of said land but as the deed is not on record and is lost, Plaintiff has no evidence

of title,

Plaintiff therefore prays the court to establish by decree of the court the execution acknowledgement and delivering of said deed and that the same has been lost or destroyed and that a copy of such decree be recorded in the Recorder's office of said county and for other relief

John L. Thomas & Bro.
Atty for Plaintiff

L. R. Blackmer
against
Elizabeth Motherhead
Et al,

Amended Petition

Filed June 24th 1872
W S Boyce Cl.
By C M Monroe Depy.

L. R. Blackmar, Plaintiff

Against

Elizabeth Mothershead
Evaline Mothershead
Isaac Mothershead
Sylvester Mothershead
Lucy Mothershead &
Willis F. Mothershead, Defendants.

In the Circuit
Court of Jef-
ferson County
Missouri,
September Term
1872

Now at this day come Evaline Mothershead, Isaac Mothershead, Sylvester Mothershead, Lucy Mothershead, and Willis F. Mothershead, minors under the age of twenty one years, by Abner Green, their Guardian ad litem, appointed by the Court to defend for them, - and for Answer to the petition of Plaintiff, state that they have no knowledge, or information sufficient to form a belief, of whether their Father, the said Willis F. Mothershead, decd., in his life time, in the year 1871, or at any time, executed and delivered to the Plaintiff a Deed, conveying to him, the Land described in Plaintiff's petition, containing Eighty acres, or not, and therefore require proof of such allegation; nor whether, if such a Deed was executed & delivered, that the same was lost before being recorded, - nor have these Defendants any knowledge or

information sufficient to form a belief, of whether the said Barney Whaley Thife, and Joseph H. Stafford & wife, on the 6th of March 1872, made and delivered to Plaintiff a Deed for their interest in said Land, or whether they had any interest, or not; nor whether Plaintiff has any legal or equitable right to a decree of this Court, divesting these Defendants of their interest in the Land described in his Petition, as the heirs of said Willis F. Motherhead; - and therefore proof of such allegations is required. These Defendants, therefore, by their Guardian aforesaid, ask that their interests in the Land aforesaid, as the children and heirs of said Willis F. Motherhead, may be protected, and that no decree be made divesting them of said interests in said Land, and establishing the Plaintiffs right thereto, except upon strict proof warranting the same.

Eveline Motherhead
Isaac Motherhead
Sylvester Motherhead
Lucy Motherhead and
Willis F. Motherhead,
By Abner Green, their Guardian ad litem,

In Circuit Court
Jeff. Co, Sept, Term 1872

L. R. Blackman
vs,

Elizabeth Mothershead
and others

Answer of the
Minors, By Guardian
ad litem,

At
Filed Aug 7th 1872
W. S. Boyce
Clerk

No. 3468

Jefferson Circuit Court.

May Term, 1872

L R Blackmer

vs.

Elizabeth Mothershead
and others

Judgment, - - \$

Date 18

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Thomas A. Br.
Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.