

Jefferson County Circuit Court
Case Files - Civil
March 1876

Box

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Folder 25

Dorsey, Alexander

vs

Mitchell, Susan

Mitchell, Leander

Mitchell, Catharine

Mitchell, Willis A

et al

Title

23 acres in S23 T 40 R 4 E; other
defendants Frances S. Mitchell, Paulina
& Aaron Cole, Ann & Aquila Owens,
Margaret & Milton Cane

Alexander Dorsey, Plaintiff

vs

Susan Mitchell,
Lander Mitchell,
Catharine Mitchell,
Willis A. Mitchell,
Frances S. Mitchell,
Paulina Cole, &
Aaron Cole her Husband
Ann Owens &
Aquila Owens, Her Husband
Margaret Cane &
Milton Cane, Her Husband,

In the Circuit Court
of Jefferson County Missouri
Plaintiff states that on or about the
day of 187

Alfred Mitchell being then the
Legal owner of a tract of Land
in Jefferson County Missouri
described as follows, To wit, a
Tract of Twenty three acres descri-
bed as follows beginning at the
Quarter section corner on the East
Side of Section 23 in Township 40
Range 4 East thence South
along the East line of said
Section 8 chains to a rock
from which a black oak 8 inches

in diameter bears, North 69° & W. 5
links distant, thence South 60° & W. 22
chains & 70 links to a Rock thence
North 14 chains & 50 links to the
North bank of Cotter's Creek, then
down said Creek with the meander-
ings thereof 15 chains thence East
to the place of beginning and on
that day said Alfred Mitchell
sold said Land to Plaintiff for
one Hundred Dollars, and
received payment thereof in full
from Plaintiff and put him in
possession of it agreeing at
the time with Plaintiff to make
him a good and sufficient Deed
of conveyance therefor in a few
days but suddenly died in the
month of July 1874 without making
said Deed, that Plaintiff being
in the possession given him
by said Mitchell has made
valuable & lasting improvements
on said Land relying on his said
purchase of it & on said promise
of said Mitchell to make him said
Deed such as this he built thereon
a dwelling House worth \$75.00
& built fencing thereon & other

improvements worth \$50⁰⁰ so
that it would operate as a
bond on him if he should
now fail to get his title to said
land perfected, plaintiff says
that Susan Mitchell is the widow
of said Alfred Mitchell and the other
defendants are his heirs at law
in whom said land is vested in
law that is Alexander & Frances
S. Mitchell are & Paulina Cole
& Ann Owens & Margaret Cane
are his children, Aaron Cole being
being the husband of said Paulina,
Aquila Owens being the husband of
said Ann, & Milton Cane being the
husband of said Margaret, & Willis A.
Mitchell being a grand son of said
Alfred Mitchell and sole heir of Willis
Mitchell a son of said Alfred and
said Catharine Catharine being
the widow of said Willis who survived
his said father, - Plaintiff prays
the Court to decree that the legal
title of said land be divested from
defendants and vested in plaintiff
and that the Court will grant other
proper relief, —

Joseph J. Williams, Attorney for Plaintiff
Joseph J. Williams Attorney for The

Plaintiff says on oath
that Defendants Ann &
Aquila Owens and Margaret
and Milton Kane are
non residents of the State
of Missouri

Sworn to and
Subscribed before
me March 15th
1876

Joseph J. Williams
Attorney for Plaintiff

Alexander Doney

vs.

Alexander Mitchell

et al

Order recd. as to
Ann & Aquila Owens
Margaret & Milton Kane
&

Madeline & Harriet
Kane are in L. Kane
and Co. that in letter
son Co,

Filed Mar. 15th 1876.

L. H. Johnson

Clerk

ORDER OF PUBLICATION.

State of Missouri,

SS.

County of Jefferson

In the

Circuit

Court of

said County, May

Term, 1876.

Alexander Dorsey

Susan Mitchell, Leander Mitchell, Catharine Mitchell
 Willis A Mitchell, Francis S Mitchell, Pauline Cook, Aaron
 Cole, Ann Owens, Aquilla Owens, Margaret Cane & Milton Cane,

Plaintiff

Defendant.

At this day come the Plaintiff herein by his Attorney,* before
 the undersigned Clerk of the Circuit Court for
 the County aforesaid, in vacation, and files his
 petition and affidavit, stating, among other things
 that the above named defendants Ann Owens
 Aquilla Owens, Margaret Owens and Milton
 Owens are non-residents of the State of
 Missouri,

Whereupon it is ordered by the Clerk that said Defendant be notified by
 publication, that Plaintiff has commenced a suit against them in this Court, the object
 and general nature of which is to obtain a decree
 divesting defendants of all title they may have
 in and to the following described real estate situated
 in said County & State to-wit: A tract of twenty
 three acres described as beginning at the quarter
 section corner on the East side of Section 23 in
 Township 40 Range 4 East, thence South along
 the East line of said section 8 chains to a rock
 from which a black oak 8 inches in diameter
 bears North 69° W. 5 links distant, thence
 South 60° W. 22 chains & 70 links to a rock
 thence North 14 chains & 50 links to the North
 bank of Cottons Creek, then down said Creek
 with the meanderings thereof 15 chains, thence
 East to the place of beginning, and to

* IF IN TERM TIME, proceed as follows: "And it appearing to the satisfaction of this Court that the defendant.....cannot be summoned in this action";

IF IN VACATION, proceed thus: "Before the undersigned Clerk of said Court, in vacation, and files his petition and affidavit, stating, among other things, that the above named defendant.....is," (giving the facts which authorize a publication.)

+ "COURT," if in term time; "CLERK," if in vacation.)

next the title hereof in plaintiff.

and that unless the said *Ann Owens, Aquilla Owens,*
Margaret Cane & Milton Cane
shall be and appear at this Court at the next term thereof, to be begun and holden
at the Court House in the town of *Hillsboro*, in said County, on the
second mon-day of *May* next, and, on or before the sixth day of said
term, answer or plead to the petition in said cause, the same will be taken as confessed, and judg-
ment will be rendered accordingly.

And it is further Ordered that a copy hereof be published according to law in the
Jefferson Democrat a newspaper published
in the County of *Jefferson* in said State,

STATE OF MISSOURI,

County of *Jefferson* } ss.

I,

C. Tho. Norine

Clerk of the

Circuit

Court of

Jefferson

County aforesaid, hereby certify that the above is a true copy of the original

Order of Publication, in the cause therein named, as the same appears in my office.

WITNESS my hand as Clerk, and the seal of said Court. Done at office

in *Hillsboro*, this *15th*

day of *March*, 187*6*

C. Tho. Norine

Clerk.

Order of Publication.

(Wag. Stat., Page 1008, Sec. 13-15.)

Larley vs. *Mitchell et al*

To the Publisher of the

Please publish the within for four successive
weeks, the last insertion to be, at least, four
weeks before the

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Clerk.