

Jefferson County Circuit Court
Case Files - Civil
December 1837

Box 3 Folder 50

Cook, Henry

vs.

Labearne, Theodore
Labearne, Eliza A.
Hammond, Margaret E.
Hammond, Abner, et al

Title

500 acres on Sandy Creek on bond
assigned to plaintiff by George Hammond;
other defendants William Hammond, Thomas
Waters

Know all men by these presents that I
Thomas Waters of the County of Franklin
and State of Kentucky do hereby and firmly
bind unto George Hammond of the County
of Jefferson and Territory of Missouri in the
just and full sum of Two Thousand Dollars
~~United~~ States Currency which payment will
~~and~~ truly to be made I bind myself my
heirs executors administrators and assigns -

The Condition of the above obligation
is such, if the above bound Thomas
Waters shall so soon he receives a patent
for a certain tract of land lying on the
Waters of Landy and County and Territory aforesaid
Containing six hundred and forty acres of
Land, make to the said George Hammond
a just full and complete title to five
hundred acres of the said Tract then this
obligation to be paid else to remain in
full force and effect - Given under my
hand and seal this sixteenth day of April
One thousand eight hundred and
nineteen -

Thomas ^{his} Waters ^{mark} Seal

In presence of
J. Hendley

J. J. Watkins

J. J. Watkins

Territory of Missouri &
 County of Jefferson &
 Be it remembered that on this 16th day of April in the year of
 our Lord 1819, personally came Thomas
 & Waters, before me a Justice of the Peace in & for the County aforesaid
 and acknowledged the within Bond to be his voluntary act
 and deed for the purpose therein mentioned. —
 Given under my hand the day & year above written
 J. J. McCallister J. C.

Walter
 to W. B. B. B.
 Hammer & Co.

I assign the within
 Bond to Henry Booth
 August 22 1822
 J. Hammer & Co.

Recd J. J. McCallister
 Jan - 30
 Aug 20
 Recd 43
 81.13

Received of George Hammer Two hundred
 and fifty Dollars for the within mentioned
 tract of land
 Hercules 16th Apr 1819
 Test
 Christⁿ Cation
 Elisha Ellis
 his
 Thomas & Waters
 Mark

Territory of Missouri & B
 County of Jefferson &
 I do hereby certify that this Instrument
 of Writing is duly Recorded in Book A page 81 - Given under
 my hand this 17th of April 1819
 J. J. McCallister
 Recording

State of Missouri }
Jefferson County } North Judicial Circuit
December Term 1837

To the honorable the Judge of the Jefferson County Circuit Court in Chancery sitting: your Orator Henry Cook would respectfully represent, that on the 16th day of April in the year 1819 a certain Thomas Waters executed a bond on writing obligating to and with a certain George Hammond, by which said writing, which is made part hereof marked, A, the said Waters obliged himself by his Executors administrators and assigns in the penalty of two thousand dollars whenever and so soon as he should receive a patent for a certain tract of land lying on the waters of Sandy in the County of Jefferson Territory, now State of Missouri, containing 640 acres, to make to the said George Hammond a just full and complete title to five hundred acres of the said tract of land. afterwards on the 22nd of August in the year 1822 the said George Hammond by endorsement on said bond signed with his hand assigned said bond to your Orator; which said bond was also duly acknowledged by said Waters before a justice of peace and recorded in Jefferson County records office book A page 81 that the said Hammond, & Eliza his wife previous to said assignment ~~to wit~~ on the 2nd of March 1820 did sign seal and deliver to your Orator a deed of conveyance for said five hundred acres of land, which was duly acknowledged and recorded in said records office on the 21st of April 1821 book A page 146 and made part hereof marked B, your Orator then obtained possession of said land & has ever since retained the same

1 B, 4 Your Orator alleges that said Hammond did pay

to said Waters two hundred and fifty dollars the full consideration of said land on the 16th of April 1889 which said Waters did acknowledge by receipt signed by his hand & endorsed on said bond, that said Waters did after the execution of said bond, obtain from the United States a patent for said 140 acres of land, at what time your Orator is unable to say, not having the proper papers, that said Waters has wholly failed & refused to make to said Hammond ^{or to your orator} a title to land in compliance of said bond at any time whatever although he often requested so to do that said Hammond departed this life in the year 1836 leaving Eliza who has intermarried with Theodore Seabearne, Margaret E. Abner & William Hammond his children & heirs at law, that said Thomas Waters is a non resident of the State of Missouri

In tender consideration whereof and in as much as your Orator is, residing at law and amenable only in your honorable Court where matters of this kind are properly reviewed, your Orator prays that said Thomas Waters and the said Eliza & her husband & heirs be Subscribed Margaret E. Abner and William Hammond

Children and heirs at law of the said George Hammond may be made defendants to this bill, that they be compelled upon their corporal oaths to make true and perfect answers to the allegations of this bill, as fully as if herein again repeated by way of Special interrogatory. And in the end your Orator prays your honor to decree that said Waters to ^{make} your Orator a title to said 500 acres of land by good & sufficient deed in compliance of said bond

on that said Waters he decreed to make the title to the said
him of George Hammond & that they be decreed to release
to your Orator, as may seem equitable, your Orator
prays for such other and further relief to which in
equity he may be entitled, and he will ever pray &
Givens for comp^{ts}

State of Missouri }
County of Jefferson } I do hereby certify that on
this 17th day of December in the year 1837 personally
appeared before me the Clerk of the Circuit Court in
and for said County, Henry Cook and made oath
that Thomas Waters a defendant in the foregoing
bill is a non resident of the State of Missouri
Subscribed and
Sworn to before me
the date above

Henry Cook

John, S. Mathews, Clerk
of Circuit Court Jefferson County

Henry Cook

as { Will Chauncy
The Waters & others

Filed Decr 13th 1837

J. Matthews Clk.

State of Missouri Jefferson County Circuit
Court The answer of John S. Matthews
(appointed by said Court guardian ad litem,
to Margaret R. Abner & William Hammon

infant heirs of George Hammond
are) to a bill in Chancery exhibited in said
Court, wherein Henry Cook is complainant
and Theodore Lebeaux and Eliza his wife
Margaret R. Abner & William Hammon
& Thomas Waters are defendants - the said John S. Matthews

guardian as aforesaid, answers and says
that he knows nothing of the allegations in
the complainant's bill contained, and requires
proof thereof - and having answered prays to
be hence dismissed with his cost &c

John S. Matthews

J. S. Matthews

Business edition

as

{ Shuman

Strong boots

Picaudy 5/14/83

J. S. Matthews

Book

State of Missouri, County of Jefferson, set—Jefferson
County Circuit Court (sitting as a Court of
Chancery).—December Term, 1837.

Henry Cook, vs.

To opesora Labaudine and Eliza A. his wife, } Bill in
Margaret E. Abner and William Hammond, }
(heirs and legal representatives of George } (Chancery.
Hammond, deceased,) and Thomas Waters.)

AND now at this day comes the said complainant and
files his original bill, stating therein that on the six-
teenth day of April, in the year eighteen hundred and
nineteen, a certain Thomas Waters, the defendant, exe-
cuted his bond to George Hammond, in the penalty of one
thousand dollars, conditioned to convey to said Hammond,
by full and complete title, five hundred acres of land out
of a tract of six hundred and forty acres in the county of
Jefferson, state of Missouri, so soon as he should obtain
a patent therefor. That said George Hammond, on the
twenty second day of August, eighteen hundred and
twenty-two, assigned said bond to the complainant;
that said Hammond and his wife Eliza, on the second day
of March, eighteen hundred and twenty, executed and
delivered to the complainant a deed for the same, which
was duly recorded in the Jefferson county Recorder's
Office. That the complainant then obtained and has since
retained the possession of said land, that said Hammond
had paid to said Waters, the purchase money of said land,
that said Waters had obtained a patent for said land, and
had failed to make a deed, either to said Hammond or to
the complainant. That said Hammond had departed this
life, leaving the defendants with the exception of the said
Thomas Waters, his heirs and legal representatives,
and that said Waters is a non resident of the state of Mis-
souri, and praying that the said Waters be decreed to
make a deed of said land to the complainant, or to the
heirs of said Hammond, and they be decreed to release to
the complainant. And on motion it is ordered that said
Thomas Waters be notified that suit has been commenced
against him, as above, and that unless he appear and an-
swer the bill of the complainant on or before the third
day of the next term of this court to be holden at Heren-
clanum, on the second Monday of April next, the same
will be taken for confessed against him; and that a copy
of this order be published in some newspaper printed in
this state for eight weeks successively, the last insertion
to be at least four weeks before the commencement of the
next term of this court.

A true copy from the record. Attest,

Jan 6-38-w

JOHN S. MATTHEWS, Clerk.
Jefferson County Circuit Court.

COUNTY OF ST. LOUIS.

Personally appeared the undersigned, a Justice of the Peace, within and for the county aforesaid, *Wm Greenleaf*, who being duly sworn, depose and saith, that the annexed advertisement was published in the Missouri Republican, the newspaper of which he is printer, for *six* — weeks, successively, the first insertion being on the *20th* day of *January*, 1838, and the last insertion on the *29th* day of *January*, 1838,—as follows, to wit: In No. *39*, *January* *20* ; in No. *40* —, *January* *27* ; in No. *41*, *February* *3* ; in No. *42*, *February* *10* ; in No. *43*, *February* *17* ; in No. *44*, *February* *24* ; in No. *45*, *February* *24* ; in No. *46*, *February* *24* ; in No. *47*, *February* *24* ; in No. *48*, *February* *24* ; in No. *49*, *February* *24* ; in No. *50*, *February* *24* ; in No. *51*, *February* *24* ; in No. *52*, *February* *24* ; in No. *53*, *February* *24* ; in No. *54*, *February* *24* ; in No. *55*, *February* *24* ; in No. *56*, *February* *24* ; in No. *57*, *February* *24* ; in No. *58*, *February* *24* ; in No. *59*, *February* *24* ; in No. *60*, *February* *24* ; in No. *61*, *February* *24* ; in No. *62*, *February* *24* ; in No. *63*, *February* *24* ; in No. *64*, *February* *24* ; in No. *65*, *February* *24* ; in No. *66*, *February* *24* ; in No. *67*, *February* *24* ; in No. *68*, *February* *24* ; in No. *69*, *February* *24* ; in No. *70*, *February* *24* ; in No. *71*, *February* *24* ; in No. *72*, *February* *24* ; in No. *73*, *February* *24* ; in No. *74*, *February* *24* ; in No. *75*, *February* *24* ; in No. *76*, *February* *24* ; in No. *77*, *February* *24* ; in No. *78*, *February* *24* ; in No. *79*, *February* *24* ; in No. *80*, *February* *24* ; in No. *81*, *February* *24* ; in No. *82*, *February* *24* ; in No. *83*, *February* *24* ; in No. *84*, *February* *24* ; in No. *85*, *February* *24* ; in No. *86*, *February* *24* ; in No. *87*, *February* *24* ; in No. *88*, *February* *24* ; in No. *89*, *February* *24* ; in No. *90*, *February* *24* ; in No. *91*, *February* *24* ; in No. *92*, *February* *24* ; in No. *93*, *February* *24* ; in No. *94*, *February* *24* ; in No. *95*, *February* *24* ; in No. *96*, *February* *24* ; in No. *97*, *February* *24* ; in No. *98*, *February* *24* ; in No. *99*, *February* *24* ; in No. *100*, *February* *24* ; in No. *101*, *February* *24* ; in No. *102*, *February* *24* ; in No. *103*, *February* *24* ; in No. *104*, *February* *24* ; in No. *105*, *February* *24* ; in No. *106*, *February* *24* ; in No. *107*, *February* *24* ; in No. *108*, *February* *24* ; in No. *109*, *February* *24* ; in No. *110*, *February* *24* ; in No. *111*, *February* *24* ; in No. *112*, *February* *24* ; in No. *113*, *February* *24* ; in No. *114*, *February* *24* ; in No. *115*, *February* *24* ; in No. *116*, *February* *24* ; in No. *117*, *February* *24* ; in No. *118*, *February* *24* ; in No. *119*, *February* *24* ; in No. *120*, *February* *24* ; in No. *121*, *February* *24* ; in No. *122*, *February* *24* ; in No. *123*, *February* *24* ; in No. *124*, *February* *24* ; in No. *125*, *February* *24* ; in No. *126*, *February* *24* ; in No. *127*, *February* *24* ; in No. *128*, *February* *24* ; in No. *129*, *February* *24* ; in No. *130*, *February* *24* ; in No. *131*, *February* *24* ; in No. *132*, *February* *24* ; in No. *133*, *February* *24* ; in No. *134*, *February* *24* ; in No. *135*, *February* *24* ; in No. *136*, *February* *24* ; in No. *137*, *February* *24* ; in No. *138*, *February* *24* ; in No. *139*, *February* *24* ; in No. *140*, *February* *24* ; in No. *141*, *February* *24* ; in No. *142*, *February* *24* ; in No. *143*, *February* *24* ; in No. *144*, *February* *24* ; in No. *145*, *February* *24* ; in No. *146*, *February* *24* ; in No. *147*, *February* *24* ; in No. *148*, *February* *24* ; in No. *149*, *February* *24* ; in No. *150*, *February* *24* ; in No. *151*, *February* *24* ; in No. *152*, *February* *24* ; in No. *153*, *February* *24* ; in No. *154*, *February* *24* ; in No. *155*, *February* *24* ; in No. *156*, *February* *24* ; in No. *157*, *February* *24* ; in No. *158*, *February* *24* ; in No. *159*, *February* *24* ; in No. *160*, *February* *24* ; in No. *161*, *February* *24* ; in No. *162*, *February* *24* ; in No. *163*, *February* *24* ; in No. *164*, *February* *24* ; in No. *165*, *February* *24* ; in No. *166*, *February* *24* ; in No. *167*, *February* *24* ; in No. *168*, *February* *24* ; in No. *169*, *February* *24* ; in No. *170*, *February* *24* ; in No. *171*, *February* *24* ; in No. *172*, *February* *24* ; in No. *173*, *February* *24* ; in No. *174*, *February* *24* ; in No. *175*, *February* *24* ; in No. *176*, *February* *24* ; in No. *177*, *February* *24* ; in No. *178*, *February* *24* ; in No. *179*, *February* *24* ; in No. *180*, *February* *24* ; in No. *181*, *February* *24* ; in No. *1*

Sworn to and Subscribed before me, this

4th day of Aug - 183

183

Atkins

J. P.

Quinta fe 11. 1887
Alfredus. 25

10.75

Filed Aug 7th 1838

M. Mathews

clerk

Henry Cook
Hemel Hempstead

1838

Jan 10

Depto. Republican Office

For an order of Court 3s 6m death

April 25 1839

Rs 2

£ 10.75

Very much
H. J. Mansfield

Dr. Chambers & Knapp

COUNTY OF JEFFERSON, SCT.
THE STATE OF MISSOURI,

To the Sheriff of

You are hereby commanded to summon

County, - GREETING:

Henry Stebbins

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the eleventh day of December, at the town of Herculaneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Henry Cook is plaintiff, and Messrs. Ladeaux & others are defendant, on the part of the

Witness, Henry P. BATES,

Clerk of our said Circuit Court, at the town of Her-

culaneum, this fourth day of September in the year of our Lord one thousand eight hundred and thirty nine

Matthews

CLERK, C. C.

I Excused this write on Henry
Metts By Reading the same in
his presence & Hearing on the 30th
day of September 1839

John Hammond a ship

Jefferson Circuit Court
December Term 1839

Henry Cook }
J. G. Lawrence }
& others } supra

Writ for Polk
Henry Metts

filed Oct 21 1839
W. J. Weather
Clerk

Henry Cook
or
J. L. Loomis & al

Be it remembered
that the
said clerk

Now at this day the above case
came on for hearing and the said
defendants being ^{to compel bill} joined to appear
and file their answer in person
of the order of the court. And the
said bill having entered in the
court being and remaining in
full force, it is therefore considered
advised and decreed by the court
that all the right title interest and
claim in and to five hundred acres
of Land being the same in said case
plaintiff's bill of complaint ~~and~~ ^{part of a part of} ~~the~~
thereof being ~~the same~~ ^{part of a part of} ~~the~~ ^{part of a part of} ~~the~~
Water being on ~~the same~~ ^{part of a part of} ~~the~~ ^{part of a part of} ~~the~~
be directed out of and from said defen-
dants and that the same be in full
in said complaint. and that
said complaint have and receive
of said defendants his costs and
charges in this behalf expended
and that he have the same

H. South

2
Linton of - al

Paula de rre

Price Dec 19 1839

Wm. J. Matthews
1839

State of Missouri 3
County of Jefferson 3

This day personally appeared before me the undersigned Justice of the peace within and for the State and County aforesaid, Henry Stett, who I swear that some time in the year of 1818 or nineteen, He said Stett was in ~~consideration~~ consideration with Thomas Staters, (the person to whom a tract of land was confirmed, on Sandy Creek Jefferson County) said Staters stated he had disposed of said tract of land, as follows, he had given to Benjamin Williams one hundred acres and to Rebecca Agle, forty acres, and the balance to George Hammond, for which he had received payment in full from said Hammond,

Given and certified
the day and year aforesaid

Henry ^{his} Stett
mark

Austin Shelton Justice of the Peace

Deposition of
H. Watts

Given Dec 10th 1831

Wm. A. Theobald
J. H. K.