

Jefferson County Circuit Court
Case File - civil

December 1838, No. 22

Box

4

Folder 22

Rankin, Charles S., adm.

Bryant, Eve, adm.

Bryant, David

V.S.

Perry, John adm

Smith, John B.

Smith, William

Maupin, Charles W.

Foreclosure

Debt #200; $\frac{1}{3}$ interest in 80
acres in S18T41N125E

London 19th May 1832
I permit the party to send James Bryant
~~for~~ or ~~Burns~~ the sum of two hundred —
pounds on or before the ~~fifteenth~~ day
of November and ~~thirteen~~ and twenty
three together with ten per cent interest —
per annum

Wm. Smith

£200.00

May 30 - 1882

C. By Goods on the within \$34.83.

D. W. York

Int 219 89 40

1356

100

1000

100

100

100

100

100

100

100

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100

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100

100

J. B. Smith
Vol.
\$200—

on the above the sum of \$200

This Indenture made and entered into
this nineteenth day of May in the year of our
Lord one thousand eight hundred and
thirty two by and between John B. Smith
and Ann B. Smith his wife of the first
part and David Boyant of the second
part all of the County of Jefferson in
the State of Missouri. - Witneeth
that the said parties of the first part for and
in Consideration of the sum of Ten dollars
to them in hand paid the receipt whereof
is hereby acknowledged, have granted,
bargained and sold and by these presents
do grant, bargain and sell unto the said
party of the second part his heirs and assigns
forever, the one undivided third part of
a certain Tract or parcel of Land, situate
in said County of Jefferson, it being the
north west part of the fractional quar-
ter of section number eighteen, Township
forty one, north of Range five, east of the
fifth principal meridian, containing
eighty acres of Land and undivided as
aforesaid - To have and to hold the
above bargained premises to the said
party of the second part his heirs and
assigns forever - Provided always and
these presents are upon this express condi-
-tion, that if the said John B. Smith of
the first part, pay to the said party of

150
of the second part, the just and full
sum of Two hundred dollars on or before
the eighteenth — day of ~~November~~ 1833
according to the condition of a certain
promissory note bearing equal date
herewith, executed by the said John B.
Smith to the said party of the second
part, then then presents and the said
promissory note shall cease deter-
mine and be null and void: But
in case of the non payment of the said
sum of Two hundred dollars, or any
part thereof ~~when~~ the same shall become
due and payable, or any interest which
may thereafter accrue thereon, then
and in every such case, it shall and
may be lawful for the said party of
the second part, his heirs executors, admin-
istrators or assigns, and the said ~~party~~
^{part} ~~of the first part~~, doth hereby empower, and
authorize the said party of the second
part his heirs ~~etc~~ to grant bargain
and sell the said premises with the
appurtenances at public vendue,
by giving thirty — days notice in writing
at four of the most public places in
said County of Jefferson, and on such
sale to make and execute to the pur-
chaser, his or her heirs and assigns
forever a good and sufficient Deed

in fee simple, rendering the over plus money
if any there be to the said John B. Smith
his heirs, execs, admors or assigns, after deduc-
-ting the costs and charges of such vendue
and sale as aforesaid -

In witness whereof the said parties of
the first part have hereunto set their
hands and affixed their seals, the day
and year first above written -

Signed sealed and
delivered in
presence of

J. B. Smith

John B. Smith

Wm Bready

Ann B. Smith

Ann B. Smith

Matthew Thomas

her & mark.

State of Missouri
County of Jefferson

Be it remembered that on this 19
day of May in the year eighteen hundred
and thirty two, before me a Justice of
the peace, within and for the County
aforesaid, personally came John B.
Smith and Ann B. Smith, both personally
known to me, to be the persons whose
names are subscribed to the foregoing

instrument of writing as having executed
the same, and severally acknowledged
the same to be their act and deed for
the purposes therein mentioned - And
the said Ann B Smith being by me
joint made acquainted with the contents
thereof, and examined separate and
apart from her husband, acknowledged
and declared, that she executed said
deed, and relinquishes her Dower in
the said Land therein mentioned, volun-
tarily, freely and without compulsion
or undue influence of her said
husband -

Taken and certified the day and
year aforesaid. before me a Justice
of the peace John Stewart JPs

State of Mississippi
County of Jefferson

I do hereby certify that the within Deed
is truly recorded in my office in Record Book C page 405
and following this 12 day of November 1833

Chauncey Smith Recorder

Ann B Smith
I wife
to E B Good Smith
David Bryant

Filed for Record
to 12 Nov 1833
C. Smith Clerk

Record 95
Certificate 25
Tax 62 1/2
\$1.82 1/2

Record Office Nov 10 1833
Wm. A. H. C. H.

State of Missouri
County of Jefferson } December term 1838

To the Jefferson Circuit

Court the petition of Charles S Rankin and Eve Bryant administrators of all and singular the goods chattels rights and credits which were of David Bryant, deceased, represents that John B Smith in his lifetime, and Ann B Smith his wife on the nineteenth day of May in the year eighteen hundred and thirty two at the County aforesaid made a deed of Mortgage sealed with their seals, which is now here to the Court shewn and is in the words following to wit. This Indenture made and entered into this nineteenth day of May in the year of our Lord one thousand eight hundred and thirty two by and between John B Smith and Ann B Smith his wife of the first part and David Bryant of the second part all of the County of Jefferson and state of Missouri witnesses, that the said parties of the first part for and in consideration of the sum of ten dollars to them in hand paid the receipt whereof is hereby acknowledged, have granted bargained and sold and by these presents, do grant bargain and sell unto the said party of the second part his heirs and assigns forever, the one undivided third part of a certain tract or parcel of land, situate in said County of Jefferson it being the north west part of the fractional quarter of Section Number eighteen Township forty one north of Range five east of the fifth principal meridian containing eighty acres of land and undivided as aforesaid, To have and to hold the above bargained premises to the said party of the second part his heirs and assigns forever. Provided always, and these presents are upon this express condition that if the said John B Smith of the first part pay to the said party of the second part the just and full sum of two hundred dollars on or before the eighteenth day of November 1833 according to the condition of a certain promissory note bearing equal date herewith executed by the said John B Smith to the said party of the second part then these presents and the said promissory note shall cease determine and be null and void, but in case of the non payment of the said sum of two hundred dollars or any part thereof when the same shall become due and payable or any interest which may thereafter accrue thereon, then and in every such case it shall and may be lawful for the said party of the second part his heirs Executors administrators or assigns, and the said party of the first

part doth hereby empower and authorize the said party of the second
part his heirs &c to grant bargain and sell the said premises with the
appurtenances at public vendue by giving thirty days notice in
writing at four of the most public places in said County of Jefferson
and on such sale to make and execute to the purchaser his or her
heirs and assigns forever a good and sufficient deed in fee simple, render-
ing the surplus money if any there be to the said John B Smith his
heirs execs admors or assigns after deducting the costs and charges of
such vendue and sale as aforesaid In Witness whereof the said parties of
the first part have hereunto set their hands and affixed their seals the day
and year first above written. J B Smith *Seal* Ann B + Smith *Seal*
Signed sealed and delivered in presence of Wm Brady ^{sworn} Alather Thomas
And the said petitioners further state that after the making the said
deed of Mortgage the said David Bryant died intestate and that afterwards
to wit on the 6th day of October in the year eighteen hundred
and thirty four administration of all and singular the good chattel
rights and credits which of the said David Bryant was granted to
the said petitioners by the Jefferson County Court. And the said petitioners
further say that after the making of the said Mortgage and
the said John B Smith died intestate and that afterwards to wit on
the twenty fourth day of April in the year eighteen hundred
and thirty seven administration of all and singular the good
chattel rights and credits of the said John B Smith, was granted
to John Perry by the Jefferson County Court, And the said petitioners
further say that the said John B Smith in his lifetime did not
pay the said sum of money together with the interest thereon or
any part thereof in said deed mentioned, either to said David in his
lifetime, or to the said petitioners or either of them since the death
of said David, nor did the said John Perry administer or pay
pay the same or any part thereof to said David in his lifetime nor
hath he paid the same or any part thereof to the said petitioners or
either of them, but to pay the same hath he hitherto neglected &
refused, the petitioners further say that the said John B Smith
and having William Smith his only child and him at law
the said petitioners further say that said mortgaged premises in the
said deed mentioned are now occupied by Charles W Manpin

Wherefore your petitioner prays
that said John Perry administrator as aforesaid and said William
& Charles W. Manning
Smith be made defendants to this petition and may be summoned to answer
the same, and the said petitioner prays ^{Judgment for the debt aforesaid} that the equity of redemption
in the premises in said mortgage and described may be foreclosed
and the said mortgaged premises sold to satisfy the amount due to
the petitioners as administrators as aforesaid, And the petitioners bring
here into court the letters of administration granted to them as
aforesaid whereby it sufficiently appears that they are administrators
of the good Chittels rights and credits of the said David Bryant
deceased in manner aforesaid the date whereof is the day and
year in that behalf before mentioned, And the petitioners will
ever pray &c

✓ Eve Bryant
A. S. Rankin Admors
of the Estate of D. Bryant

State of Missouri }
County of Jefferson } SS

Personally appeared before the under-
signed John S. Mathews, Clerk of the Circuit Court
Charles S. Rankin and made oath that William Smith
mentioned in the foregoing petition is a non resident of
the State of Missouri to the best of his knowledge and
belief

A. S. Rankin

Sworn to Decr 13th 1838
before me John S. Mathews C. R. }

No 22

289

Paym^t & due

or

{ Outland

Sum^t & due there

289

John Dees 13th 1838

J. M. Hayes

W. H.

(Copy)

State of Missouri }
County of Jefferson } December Term 1838.

To the Jefferson Circuit Court
the petition of Charles H. Rankin and Eve Bryant administrators of all and singular the goods, chattels, rights and credits, which were of David Bryant, deceased, represents that John B. Smith in his lifetime, and John B. Smith his wife, on the nineteenth day of May in the year eighteen hundred and thirty two at the County aforesaid, made a deed of mortgage, sealed with their seals which is now here to the Court shown, and is in the following words, to wit, "This Indenture made and entered into this nineteenth day of May in the year of our Lord one thousand eight hundred and thirty two, by and between John B. Smith and Ann B. Smith his wife of the first part and David Bryant of the second part all of the County of Jefferson and State of Missouri Witnesses, that the said parties of the first part for and in consideration of the sum of ten dollars to them in hand paid the receipt whereof is hereby acknowledged, have granted bargained and sold and by these presents do grant bargain and sell unto the said party of the second part his heirs and assigns forever the one undivided third part of a certain tract or parcel of Land, situate in said County of Jefferson, it being the North West part of the fractional quarter of section number eighteen, Township forty one of Range number five East of the fifth principal Meridian, containing eighty acres of Land and undivided, as aforesaid, To have and to hold the above bargained premises to the said party of the second part his heirs and assigns forever. Provided always and these presents are upon this express condition that if the said John B. Smith of the first part pay to the said party of the second part the just and full sum of two hundred dollars on or

before the eighteenth day of November 1833. according to the condition of a certain promissory note bearing equal date herewith executed by the said John B. Smith to the said party of the second part then there presents and the said promissory note shall cease determine and be null and void, but in case of the non payment of the said sum of two hundred dollars or any part thereof when the same shall become due and payable, or any interest which may thereafter accrue thereon, then and in every such case, it shall and may be lawful for the said party of the second part his heirs executors administrators or assigns and the said party of the first part doth hereby empower and authorize the said party of the second part his heirs or to grant bargain and sell the said premises with the appurtenances at public Vendue by giving thirty days notice in writing at four of the most public places in said County of Jefferson and on such sale to make and execute to the purchaser his or her heirs and assigns forever a good and sufficient deed in fee simple, rendering the ~~overplus~~ money if any there be to the said John B. Smith his heirs or assigns after deducting the costs and charges of such vendue and sale as aforesaid.

We Witness whereof the said parties of the first part have hereunto set their hands and affixed their seals the day and year first above written J. B. Smith  ^{heir} Am. B. Smith 
signed sealed and delivered in presence of Wm. Brady, Matthew Thomas, and the said petitioners further state that after the making the said Deed of Mortgage the said David Bryant died intestate, and that afterwards to wit on the sixth day of October in the year Eighteen hundred and thirty four administration of all and singular the goods chattels rights and credits which were of the said David Bryant was granted to the said petitioners by the Jefferson County Court, and the said petitioners further say that after the making the said mortgage deed the said John B. Smith died intestate and that afterwards to wit on the twenty fourth day of April in the year eighteen

hundred and thirty seven, administration of all and singular the goods, chattels, rights, and credits, of the said John B Smith, was granted to John Perry by the Jefferson County Court, and the said petitioners further say, that the said John B Smith in his lifetime did not pay the said sum of money together with the interest thereon or any part thereof in said deed mentioned either to said David in his lifetime or to the said petitioners or either of them since nor did the said John Perry administrator as aforesaid pay the same or any part thereof to said David in his lifetime nor hath he paid the same or any part thereof to the said petitioners or either of them, but to pay the same hath hitherto neglected and refused. The petitioners further say that the said John B Smith died leaving William Smith his only child and heir at Law, The said petitioners further say that said mortgaged premises in the said deed mentioned are now occupied by Charles W Mcapin. Wherefore the petitioners pray that said John Perry administrator as aforesaid and said William Smith & Charles W Mcapin be made defendants to this petition, and may be summoned to answer the same, and the said petitioners pray judgment for the debt aforesaid, that equity of redemption in the premises in said mortgage deed described may be foreclosed and the said mortgaged premises sold to satisfy the amount due to the petitioners as administrators as aforesaid, And the petitioners bring here into Court the letters of Administration granted to them as aforesaid whereby it sufficiently appears that they are administrators of the goods Chattels rights and credits of the said David Bryant deceased in manner aforesaid. The date whereof is the day and year in that behalf before mentioned, and the petitioners will ever pray &c

Ove Bryant
C J Rankin Adams
of the Estate of D Bryant

A True Copy
attest. M. S. Mathews. Clerk

County of Jefferson Sec. The W

The State of Missouri
To the Sheriff of Jefferson County - Greeting

We command you that you summon Charles W. Maupin, and John Perry (administrator of John B. Smith late of Jefferson County deceased,) if they be found in your bailiwick, that they be and appear before the Judge of our Circuit Court at a Court to be held at the Town of Hercules in and for said County on the second Monday of April next, and on the third day of said term, then and there to answer the petition of Eve Bryant and Charles V. Rankin administrators of the Estate of David Bryant deceased, for a foreclosure of Mortgage, a copy of which petition and Mortgage is hereto attached, and have you then there this writ

Witness John V. Weather's Clerk
of our said Circuit Court at Office
in the Town of Merculaneum the
17th day of January, A. D. 1839.

No. 1. Steadman, Clerk

I executed this write on Charles W. Manspin
By Reading the same in his presence & Hearing on the 15th
day of February 1834 John Perry a clerk of John B. Smith William
Smith not present in my Parish John Hammond Sheriff
February the 20th 1834

Dr. Hoffmeister
April Decr 1839

Polyanthus chinensis

21 } Hermann

When I very much of

1838 Smith, and

Charles W. Chapman

Alcedo

Structure of the cordage

Filed July 23 1839

W. Matthews
1876

County of Jefferson. To
The State of Missouri. To the Sheriff of
the County of Washington. Greeting;

You are hereby commanded to summon
John Perry, Administrator of John B. Smith late
of Jefferson County deceased, William Smith & Charles
W. McLaughlin, if they be found in your County, that they be
and appear before the Judge of our Circuit Court at a Court to
be held at the Town of Herculaneum in and for said County on the
second Monday of April next, and on the third day of said
Term then and there to answer the petition of Eve Bryant
and Charles Rankin administrators of the estate of
David Bryant deceased ^{for a foreclosure of mortgage}, a copy of which petition and
Mortgage is hereto attached and have you then & there
this writ.

Witness John T. Mathews Clerk of our
said Circuit Court at office in Herculaneum
January 24th 1839
Jno T. Mathews Clerk

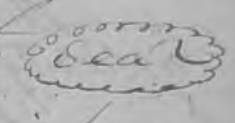
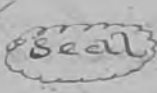
(Copy)

State of Missouri

County of Jefferson } December Term 1838.

To the Jefferson Circuit Court. The petition of
Charles Rankin and Eve Bryant administrators of all and
singular the goods, chattels, rights, and credits, which were of
David Bryant deceased, represents that John B. Smith in his
lifetime, and Ann B. Smith his wife on the nineteenth day of
May in the year eighteen hundred and thirty two at the County
aforesaid, made a deed of mortgage sealed with their seals
which is now here to the Court shown and is in the following
words to wit: "This Indenture made and entered into this nine-
teenth day of May in the year of our Lord one thousand eight
hundred and thirty two, by and between John B. Smith and
Ann B. Smith his wife of the first part and David Bryant

of the second part all of the County of Jefferson and State of Missouri. Witnesseth, that the said parties of the first part for and in consideration of the sum of ten dollars to them in hand paid the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant bargain and sell unto the said party of the second part his heirs and assigns for ever, the one undivided third part of a certain tract or parcel of Land situate in said County of Jefferson it being the North West part of the fractional quarter of section number eighteen, Township forty one of Range number five East of the fifth principal Meridian, containing eighty acres of Land and undivided as aforesaid. To Have and to hold the above bargained premises to the said party of the second part his heirs and assigns for ever. Provided always and these presents are upon this express condition that if the said John B. Smith of the first part pay to the said party of the second part the just and full sum of two hundred dollars on or before the eighteenth day of November 1833. according to the conditions of a certain promissory note bearing equal date herewith executed by the said John B. Smith to the said party of the second part, then these presents and the said promissory note, shall cease determine and be null and void, but in case of the non payment of the said sum of two hundred dollars or any part thereof, when the same shall become due and payable or any interest which may thereafter accrue thereon, then and in every such case, it shall and may be lawful for the said party of the second part his heirs, executors administrators or assigns, and the said party of the first part doth hereby empower and authorize the said party of the second part his heirs or assigns to grant bargain and sell the said premises with the appurtenances at public vendue by giving thirty days notice in writing at four of the most public places in said County of Jefferson and on such sale to make and execute to the purchaser his or her heirs or assigns forever a good and sufficient deed in fee simple, rendering the overplus money if any

to the said John B. Smith, his heirs &c. admr. or assigns, after deducting the costs and charges of such vendue and sale as aforesaid. W. H. Hines & one of the said parties of the first part have herunto set their hands and affixed their seals the day and year first above written, John B. Smith  John B. Smith  signed sealed and delivered in presence of William Brady, Matthew Thomas, And the said petitioners further state that after the making the said Deed of Mortgage the said David Bryant died intestate, and that afterwards to wit on the sixth day of October in the year eighteen hundred and thirty four administration of all and singular the goods, chattels, rights and credits which were of the said David Bryant were granted to the said petitioners by the Jefferson County Court, and the said petitioners further say that after the making the said mortgage deed, the said John B. Smith died intestate, and that afterwards to wit on the twenty fourth day of April in the year eighteen hundred and thirty seven administration of all and singular the goods, chattels, rights, and credits, of the said John B. Smith was granted to John Perry by the Jefferson County Court, and the said petitioners further say that the said John B. Smith in his lifetime did not pay the said sum of money together with the interest thereon or any part thereof in said Deed mentioned either to said David Bryant in his lifetime or to the said petitioners or either of them since, nor did the said John Perry administrator as aforesaid pay the same or any part thereof to said David in his lifetime, nor hath he paid the same or any part thereof to the said petitioners, or either of them but to pay the same hath hitherto neglected and refused the petitioners further say that the said John B. Smith died leaving William Smith his only child and heir at law. The said petitioners further say that said mortgaged premises in the said Deed mentioned are now occupied by Charles W. Beaupin, wherefore your petitioners pray that said John Perry administrator as aforesaid

and said William Smith and Charles W. McLaughlin
 be made defendants to this bill, and may be summoned
 to answer the same, and the said petitioners pray judg-
 ment for the debt aforesaid that the equity of redemption
 in the premises in said mortgage deed described may be
 foreclosed, and the said mortgaged premises sold to sat-
 isfy the amount due to the petitioners as administrators
 as aforesaid. And the petitioners bring here into court
 the letters of Administration granted to them as
 aforesaid whereby it sufficiently appears that they
 are administrators of the goods, chattels, rights, and
 credits of the said David Bryant deceased in
 manner aforesaid. The date whereof is the day
 and year in that behalf before mentioned, and
 the petitioners will ever pray &c

Eve Bryant

Chas Rankin Adams

of the Estate of David Bryant

A True copy attest

No. S. Weather, Clerk C.C.

Served by reading the within declaration of
 Symonds in the hearing of John Perry in
 Washington County on the 14th day of Feb
 1839. William Smith & Charles W. McLaughlin not
 found in Washington County. H. Winkboro Shiff
 Feb 14th 1839. Of Washington County

Dr. J. H. Lewis Clerk
 Office Clerk 1839
 Wm. Smith & Co.
 of Wm. Smith & Co.
 of Wm. Smith & Co.
 of Wm. Smith & Co.
 of Wm. Smith & Co.
 of Wm. Smith & Co.
 of Wm. Smith & Co.

1 Service - 1.00
 2. Fees - 1.00
 \$2.00

H. Winkboro Shiff
 Feb 22 1839
 Wm. Smith

In Jefferson Circuit Court, December Term, 1838.

Charles S. Rankin and Eve Bryant,
Administrator of David Bryant,

vs

John Perry, Administrator of John
B. Smith, deceased, William
Smith and Charles W. Maupin.)

Foreclosure of Mort-
gage and order of
publication.

AND now at this day comes the said petitioners and present their petition herein stating, that a certain John B. Smith, late of the county of Jefferson, and Ann B. Smith, his wife, on the 19th day of May, in the year 1832, executed a deed of mortgage to David Bryant of the one undivided third part of a certain piece, parcel, or tract of land, situate in the county of Jefferson, to wit., the N. W. part of the fractional quarter of section No. 18, in Township 41, N. of Range 5, E. of the principal meridian, containing eighty acres, to secure to the said Bryant the payment of the sum of two hundred dollars, and upon condition that if the said sum of money was well and truly paid on or before the 18th day of November, 1833, the mortgage to be void. And the said petitioners state, that after making the aforesaid mortgage, the said John B. Smith died intestate, without having paid the aforesaid sum of money, and that letters of administration on his estate have been granted by the County Court of Jefferson county to John Perry, bearing date the 24th day of April, 1837. That the said John B. Smith left but one known heir, William Smith, who is not a resident of this state, and that a certain Charles W. Maupin resides on the above described land. And the said petitioners further state, that the said David Bryant hath since died intestate and that letters of administration on his estate have been granted by the County Court of the county of Jefferson, to said petitioners, bearing date the 6th day of October, 1837. And praying that the said John Perry, administrator as aforesaid, said William Smith and Charles W. Maupin be made defendants to this bill, and that judgment for the debt aforesaid, may be rendered, that the equity of redemption in the said premises in the mortgaged deed described may be foreclosed, and the same sold to satisfy the amount due the petitioners as administrators as aforesaid.

It is therefore considered and adjudged by the Court here, that publication of this order be made in some newspaper printed in Saint Louis, for four weeks, the last insertion thereof to be at least four weeks before the next term of this court, to be held on the Second Monday in April next, notifying the said William Smith that unless he be and appear on or before the third day of next term aforesaid and shew cause to the contrary, the bill of the petitioners will be taken as confessed and the prayer thereof granted accordingly.

A true copy of the order.

Attest,
janll 4w

JOHN S. MATHEWS, Clerk.

STATE OF MISSOURI }
COUNTY OF ST. LOUIS,

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Truaph* who being duly sworn, deposeth and saith, that the annexed advertisement was published in the *Missouri Republican*, the newspaper of which he is printer, for *seven* weeks, successively, the first insertion being on the *twelfth* day of *January* 18 *39* and the last insertion on the *second* day of *February* 18 *39*.

Sworn to and subscribed before me, this
4th day of *March* 18 *39*.

Wm. H. J. P.

Printer's Fee, *7.50*
Affidavit, *1.25*

Settled 7.75

in 90 January 12
" *91* " *19*
" *92* " *26*
" *93 February 2*
George Truaph

Byants & Son
vs
Smiths heirs

Filed April 8th / 39
Matthews Clk