

Jefferson County Circuit Court
Case Files - Civil

Box 41 Folder 32

December 1838

Rankin, Charles S., adm.

Bryant, Eve, adm.

Bryant, David

vs.

Calwallader, Isaac, adm.

Horine, George

Tucker, Thomas

Vaughn, Samuel L., et al

Foreclosure

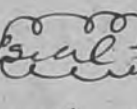
Debt \$244.75; 175 arpents on Sandy
Creek; other defendants Emily Vaughn,
Mary A. Horine, Harriet M. Horine, Ann M.
Horine

State of Missouri

Jefferson County

} December term 1838

To the Jefferson Circuit Court the petition of Charles S. Rankin and Ene Bryant administrators of all and singular the goods, Chattel, rights and Credits which were of David Bryant to be administered, represents that George Horne in his lifetime at the County aforesaid on the twenty second day of May in the year Eighteen hundred and twenty eight made and of Mortgage sealed with his seal which is now here to the Court shown and is in the words and figures following to wit, This and made and entered into this twenty second day of May in the year of our Lord one thousand eight hundred and twenty eight by and between George Horne of the first part and David Bryant of the second part witnesses, that the said George Horne for and in consideration of the sum of two hundred and forty four dollars $244^{\frac{75}{100}}$ hath this day sold and conveyed granted bargained and released unto the said David Bryant all that certain tract or parcel of land situated on the waters of Sandy Creek containing by estimation one hundred and seventy five acres more or less, being the same tract conveyed to the said George Horne by David Bryant by and under date of the tenth day of June in the year Eighteen hundred and sixteen as will more fully appear reference to the Records office of St Louis County book F page one hundred and nine and following. To have and to hold the same together with all and singular the privileges and appurtenances thereto be-
=longing unto him the said D Bryant and to his heirs and assigns forever In trust nevertheless for the use and trust hereafter mentioned
that is to say that Whereas the said George Horne party of the first part ac-
=knowleges himself justly indebted to David Bryant in the sum of two hundred and forty four dollars $244^{\frac{75}{100}}$ with interest thereon from the date hereof at the rate of ten per cent per annum until paid now therefore if the said George Horne shall well and truly pay satisfy unto the said David Bryant the said sum of two hundred and forty four dollars $244^{\frac{75}{100}}$ with interest thereof as aforesaid on or before the first day of September next then this deed to be void and of no effect null and void but if the said George Horne shall fail or neglect to pay satisfy same as above Covenanted

then the said David Bryant, thirty days notice thereof being first given by
setting up three advertisements in the most public places of the County of Jefferson
shall and may expose at sale the above described tract of land and appur-
tenances to public sale to the highest bidder to pay and satisfy the trusts
aforesaid, and he his heirs and executors shall pay over all surplus after sal-
-esaying the debt aforesaid to the said David Bryant together with interest
thereon as aforesaid and all costs and charges incurred by the execution of
said trust, to the said George Horne his heirs or assigns In witness
whereof I the said George Horne and David Bryant interchangeably
set our hands and seals at the County of Jefferson the day and year
aforesaid, George Horne  done in presence of us B Johnston
Andrew Thompson, 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 said David Bryant deceased
was granted to the petitioners by the Jefferson County Court, - the petitioners
further state that after the making of the said deed of mortgage the
said George Horne died intestate leaving Emily Horne who hath since
intermarried with Samuel S Vaughan, Mary A. Harshall, and Amos
M Horne his children and heirs at law, and that afterwards to wit on
the 29th day of April in the year eighteen hundred and thirty
five administration of all and singular the goods chattels, rights, and credits
which were of the said George Horne was granted to Isaac Badwalladen
by the Jefferson County Court, And the said petitioners further say that said
George Horne in his lifetime did not pay the said sum of money together
with the interest thereon, or any part thereof in said mortgage and men-
-tioned, either to the said David Bryant in his lifetime or to the said
petitioners, or either of them since the death of said David, nor did
the said Isaac Badwalladen administrator as aforesaid pay the same
together with the interest thereon or any part thereof either to the said
David in his lifetime or to the petitioners or either of them since the
death of said David, but to pay the same hath hitherto neglected and
refused, And the said petitioners further say that the said mortgaged
premises in the said deed mentioned are now occupied by Thos. Tucker

Wherefore your petitioners pray that the said ^{Thomas Tucker} Samuel S Vaughan and
Emily Vaughan, Mary A. Harrell M., and Ann M. Horne and
the said Isaac Cadwallader administrators as aforesaid 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 the equity of redemption in the premises in said
mortgage and secured 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 the 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

Ever Bryant
C. S. Rankin
Adminr of the Estate of
David Bryant

State of Missouri
County of Jefferson } ss

Personally appeared before the undersigned
Clerk of the Circuit Court within & for the County aforesaid
Charles S Rankin and made oath that Samuel S Vaughan and
Emily Vaughan Mary A. Harrell M., and Ann M. Horne mentioned
in the foregoing petition are not residents of the State of Missouri
to the best of his knowledge and belief
Sworn to before me
Dec^r 13th 1838
John J. Mathews Clerk

C. S. Rankin

Nov 1 288

Prigant & Sons

my { Station

attracted & send them

1889 year

288

Office Dec 13 1888

At the West

Mc

Copy

State of Missouri }
Jefferson County } December Term 1838.

To the Jefferson County Circuit Court the
petition of Charles I. Rankin and Eve Bryant admin-
istrators of all and singular, the goods, chattels, rights &
credits which were of David Bryant to be administered
represents that George Morine in his lifetime, at the
County aforesaid on the twenty second day of May
in the year eighteen hundred and twenty eight, made
a deed of Mortgage, sealed with his seal, which is
now here to the Court shewn, and is in the words and
figures following to wit, - This deed made and entered into
this twenty second day of May, in the year of our Lord
one thousand eight hundred and twenty eight, by and between
George Morine of the first part and David Bryant of the second
part Witnesseth, that the said George Morine for and in
consideration of the sum of two hundred and forty four
dollars $\frac{75}{100}$ hath this day sold and conveyed, granted
bargained and released unto the said David Bryant, all
that certain tract or parcel of Land, situated in the Waters
of Sandy Creek containing by estimation one hundred
and seventy five acres, more or less being the same
tract convey to the said George Morine by David Bryant
by deed under date of the tenth day of June in the year
eighteen hundred and sixteen as will more fully appear
reference to the records Office of St. Louis County book
page one hundred and nine and following, To have
and to hold the same together with all and singular the
privileges and appurtenances thereunto belonging unto
him the said David Bryant and to his heirs and assigns
forever. In Trust nevertheless for the use and trust hereafter
mentioned, that is to say, that whereas the said George
Morine party of the first part acknowledges himself
justly indebted to David Bryant in the sum of two

hundred and forty four dollars $\frac{75}{100}$ with interest thereon
from the date hereof at the rate of ten per cent per annum
until paid, now therefore if the said George Horne, shall
well and truly pay, satisfy unto the said David Bryant
the said sum of two hundred and forty four dollars $\frac{75}{100}$
with interest thereof as aforesaid, on or before the first
day of September next then this deed to be void but
if the said George Horne shall fail or neglect to pay satisfy
same as above covenanted, then the said David Bryant
thirty days notice thereof being first given by setting up three
advertisements in the most public places of the County of Jef-
ferson, shall and may expose at sale the above described
land and appurtenances to public sale to the highest bidder
to pay and satisfy the trust aforesaid, and he his heirs exec-
utors, shall pay over all surplus after satisfying the debt
aforesaid to the said David Bryant together with interest
thereon as aforesaid and all costs and charges incurred by
the execution of the said trust to the said George Horne
his heirs or assigns. In Witness whereof the said George Horne
and David Bryant interchangeably set our hands and
seals at the County of Jefferson the day and year aforesaid
George Horne  done in presence of us B. Johnston
Andrew Thompson." 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 and chattels, rights and credits which were of said
David Bryant deceased was granted to the petitioners by the
Jefferson County Court, the petitioners further state that
after the making of the said deed of Mortgage the said
George Horne died intestate leaving Emily Horne who hath
since intermarried with Samuel L. Vaughan, Mary &
Harriet M. and Ann M. Horne his children and heirs
at Law, and that afterwards to wit on the 27th of April in
the year eighteen hundred and thirty five administration

of all and singular the goods, chattels, rights and credits which were of the said George Morine was granted to Isaac Cadwallader by the Jefferson County Court, And the said petitioners further say that said George Morine in his lifetime did not pay the said sum of money together with the interest thereon or any part thereof in said mortgage deed, mentioned, either to the said David Bryant in his lifetime, or to the said petitioners or either of them since the death of said David nor did the said Isaac Cadwallader administrator as aforesaid pay the same together with the interest thereon or any part thereof either to the said David in his lifetime or to the petitioners or either of them since the death of said David, but to pay the same hath hitherto refused, and the said petitioners further say that the said mortgaged premises in the said deed mentioned are now occupied by Tho Tucker, wherefore your petitioners pray, that the said Tho Tucker, Samuel L Vaughan and Emily Vaughan, Mary A. Harriet Morine and Anne M Morine, and the said Isaac Cadwallader, administrators as aforesaid 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 the 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 her into Court, the letters of Administration granted to them as aforesaid, whereby it sufficiently appears that they are the 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

Love Bryant
L O Rankin

Adm^r of the Estate of
Attest W. W. Pathe, Clerk, David Bryant

County of Jefferson Vol
The State of Missouri

To the Sheriff of Jefferson County Greeting
We Command you that you summon ^{Samuel L. Vaughan & Emily Vaughan, Mary A. Harriet M.}
^{Wm. Tucker, and Isaac Cadwallader} ^{children of George Harriet} 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 then and there to answer the petition of Eve
Bryant and Charles W. Rankin administrators
of the Estate of David Bryant deceased, for a fore-
closure of Mortgage, a copy of which petition and
Mortgage is hereto attached and have you then
show this writ.

Witness John V. Mathews Clerk
of our Circuit Court at Office in the
Town of Wexleraville. January the
15th in the year AD 1839.

W. S. Mathew, Clerk

I Execute this write By Reading the within
write & declaration in the presence and hearing of
Thomas Tucker and Isaac Cacerwallacer 14th day of Febru
ary 1839 Saml L Vaughan ^{Emily Vaughan his wife} Mary of Horne Harriet of Horne
Ann of Horne with some in Jay Baliwick

John Hammond Sheriff

You Jeff Davis Court
April Term 1839.

Baywatch Series
3/1/8

27
Dunsmuir

Florinei Danet et al

Mr. J. C. Lee.

Maia Bachmanni

Dear Dr. Deane

Edw. J. Howard,
Harriet, W. M. Thorne

Shuttle, Strine-

Waco February 23 1857

Wm. H. H. H.

In Jefferson county Circuit Court, December Term 1833.

Charles S. Rankin and Eve Bryant,
Administrators of David Bryant dec'd.

Isaac Cadwallader, Administrator of George
Horine, Thomas Tucker, and Samuel L.
Vaughan and Emily Vaughn his wife, Mary
A., Harriet M., and Ann M. Horine.

Foreclosure of
Mortgage and
order of publi-
cation.

NOW at this day come the said petitioners and present their petition herein stating that the said George Horine, deceased, during his life time, to wit: on the 22d day of May, 1828, made a deed of mortgage (to secure the payment to the said David Bryant, of the sum of two hundred and forty four dollars, seventy five cents,) of a certain tract of land situated in the county of Jefferson, on the waters of Sandy creek, containing by estimation one hundred and seventy five arpens; being the same tract conveyed to the said George Horine by David Bryant, by deed dated the tenth June, 1816, in trust nevertheless that if the said George Horine, shall well and truly pay the said sum of two hundred and forty four dollars and seventy five cents (\$244 75) to the said David Bryant, on or before the 1st day of September next, ensuing, then the said deed to be void. The petitioners further state, that the said George Horine hath since died intestate and failed to pay during his life, the said sum of money, nor hath it been paid since his decease, or any part thereof: that he left the said Emily, who hath since intermarried with the said S. L. Vaughan, Mary A., Harriet M., and Ann M. Horine, as his children and heirs at law: that since his decease, letters of administration on his estate have been granted the said Isaac Cadwallader, and the said Thomas Tucker is now residing on the land. The petitioners further state, that since the date of said mortgage deed, the said David Bryant died intestate, and that letters of administration on his estate were granted the petitioners by the County Court of Jefferson county, bearing date the 6th of October, 1838. They therefore pray that the parties aforesaid be made defendants to this bill, and summoned to answer the same, and that judgment may be rendered for the debt aforesaid: that the equity of redemption may be foreclosed, and the said mortgaged premises sold to satisfy the amount due the petitioners as administrators as aforesaid: and they further state that the said heirs of said George Horine, deceased, are now residents of this state. It is therefore considered and adjudged by the Court here, that publication of this order be made in some newspaper printed in the city of Saint Louis, for four weeks successively, the last insertion thereof to be four weeks before the next April Term of this Court, notifying the said Samuel Vaughan and Emily his wife, Mary A., Harriet M., and Ann M. Horine, that unless they be and appear on or before the third day of said next term of this Court 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,
jan 11 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 afore-

said, *George Knapp*

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

four weeks, successively, the first insertion being on the *third* 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.

J. P.

No 90 - January 12

" 91 - " 19

" 92 - " 26

" 93 February 2

George Knapp

Printer's Fee, *7.50*

Affidavit, *.25*

Dollars 7.75

Bryants & Adams
for
Hedwallader

Filed April 8th 1839
W. Mathews Clk