

Jefferson County Circuit Court
Case Files - Civil
May 1844

Box

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Folder

62

Waters, George

vs

Wines, John

Wines, John H.

Wines, Phoebe

Petition to foreclose on mortgage

Debt on notes of \$56.32, \$100, \$50.66;

120 acres in 524742124E

Dollars 56³³/₂.

On or before the twentieth day
of August next we or either of us promise to
pay to George W. Weston or to the order of fifty
five dollars and thirty three cents with ten per cent
interest per annum until paid without deduction
or discount for value received

Witness our hands and seals the 24th day
of October Eighteen hundred and forty two

John W. West

John W. West

John Winer
John H Winer
to Geo. A. W. Watney
\$56.32
due 20th Aug 1843

\$100.00

Sulphur Springs

Aug. 1. 1842

One day after date we or either of us jointly and severally promise to pay to G. C. Palmer or bearer one hundred dollars without discount or deduction for value received with interest at the rate of ten per centum per annum until paid.

John Winer

John H. Winer

\$50.66

Sulphur Springs

Aug. 1. 1842

One day after date we or either of us jointly and severally promise to pay to G. C. Palmer or bearer fifty dollars and sixty six cents without discount or deduction for value received with interest at the rate of ten per centum per annum until paid.

John Winer

John H. Winer

John H. Davis

\$150.00

Aug 1. 1842

Per 11. 13 \$1.75 1/2

May 11. 13 \$1.75 1/2

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To the Honorable the Circuit Court of Jefferson County.

The petition of George W Waters, respectfully represents that on the twenty fourth day of October in the year of our Lord One thousand eight hundred and forty two John Wines and Phoebe Wines his wife and John H Wines made executed and delivered to your petitioner a certain Mortgage of Real Estate which said Mortgage is in substance as follows that is to say. "This Indenture made and entered into this 24th twenty fourth day of October in the year of our Lord One thousand eight hundred and forty two by and between John Wines and Phoebe Wines his wife and John H Wines, all of the County of Jefferson and State of Missouri parties of the first part, and George W Waters party of the second part all of the County of Jefferson and State of Missouri—Witnesseth that said parties of the first part for and in consideration of the sum of two hundred and seventeen dollars and fifty cents to them in hand paid by the said party of the second part, the receipt of which 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 all those three certain pieces parcels or tracts of Land situate lying and being in the County of Jefferson & State of Missouri to wit: The North East quarter of South East quarter of section number twenty four in Township number forty two of Range number four East containing forty acres, which was conveyed by John Rogers to John H and Harris D Wines by deed bearing date the seventh day of September Eighteen hundred and forty one and recorded in the Office of Recorder of Jefferson County in Book this page 25 & following; also the South East quarter of the North East quarter of section twenty four in Township forty two north of Range four East—^{of North East quarter} containing forty acres, and the North West quarter of same section Township and Range containing forty acres—

which were also conveyed to John H and Harris D Winer by William Rogers by deed also bearing date the seventh day of September in the year of our Lord one thousand eight hundred and forty one, and Recorded in the Office of the Recorder of Jefferson County in Book # page 260 following To have and to hold the above described pieces parcels or tracts of Land or all our right, title, interest and claim in the same to him the said George W Waters his heirs or assigns forever. Nevertheless upon the following condition to wit, that whereas the said John Winer and John H Winer are jointly indebted to the said G W Waters as administrator of Galmon C Palmer late of the County of Jefferson aforesaid deceased in three several notes of hand the first for the sum of one hundred dollars due one day after date & dated January the first 1842 the second of the same date for the sum of fifty dollars and sixty six cents due one day after date in favor of Galmon C Palmer, and the third note of even tenor and date with this Instrument payable on the 20th day of August 1843. for the sum of fifty six dollars and thirty two cents. Together with the interest on each at the rate of ten per cent per Annum. Now if the said parties of the first part or either of them shall pay or cause to be paid to the said George W Waters his heirs executors or administrators the above three notes of hand together with the interest that may accrue thereon in manner in each of said notes specified on or before the twentieth day of August in the year Eighteen hundred and forty three then and in that case this deed and every thing contained therein shall cease and be void, and if the said notes or either of them should not be paid together with the interest thereon at the time specified then the above lands to be sold according to law, and the proceeds arising from the sale

then the above lands to be sold according to law, and the proceeds arising from the sale of said lands, first to be applied to the payment of the said notes, and the balance if any to be paid the said parties of the first part.

In testimony whereof the said John H. Winer, John Winer & Phoebe Winer his wife parties of the first part have hereunto set their hands and affixed their seals the day and year first above written." (signed) " John Winer [Seal]

Phoebe Winer [Seal]

John H. Winer [Seal]"

Which said mortgage was on the twentyfourth day of October A.D. 1842 duly acknowledged before Benjamin Johnston a Justice of the peace of said County of Jefferson & Recorded on the 26th day of October 1842 in the Office of the Recorder of Jefferson County in Book # pages 240 & 241. — and your petitioner further states that the said three several notes of hand in said mortgage mentioned and each of them and the interest thereon remain due & unpaid. Wherefore he prays that Judgment may be rendered therefor together with interest, and that the Equity of Redemption of said Lands be foreclosed and the mortgaged property sold to satisfy the amount due & your petitioner will ever pray. &c

P. Cole
atty for plaintiff

In the District Court
May Term 1844

George W. Water

vs
John W. Wines, Shroder Wines
& John H. Wines

This is a petition to foreclose
a Mortgage.

Let judgment issue

Filed April 24, 1844

Wm. Wheatley, Clerk

To the Honorable the Circuit Court of the County of Jefferson.

The Petition of George W Waters Respectfully represents that on the twenty fourth day of October in the year of our Lord One thousand eight hundred and forty two ~~and~~ John Wines and Phoebe Wines his wife and John B Wines made executed and delivered to your petitioner a certain Mortgage of Real Estate, which said Mortgage is in substance as follows, that is to say This Indenture made and entered into this 24th of twenty fourth day of October in the year of our Lord One thousand eight hundred and forty two by and between John Wines and Phoebe Wines his wife and John B Wines all of the County of Jefferson and State of Missouri parties of the first part, and George W Waters party of the second part all of the County of Jefferson and State of Missouri Witneseth that said parties of the first part for and in consideration of the sum of two hundred and seventeen dollars and fifty cents to them in hand paid by the said party of the second part the receipt of which 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 all those three certain pieces parcels or tracts of Land situate lying and being in the County of Jefferson & State of Missouri to wit. The North East quarter of South East quarter of section number twenty four in Township number forty two, of Range number four East containing forty acres ~~containing forty acres~~, which was conveyed by John Rogers to John B and Harris D Wines by deed bearing date the seventh day of September Eighteen hundred and forty one, and recorded in the Office of Recorder of Jefferson County in Book ~~the~~ page 258 following also the South East quarter of the north East quarter of section twenty four in Township forty two north of Range

of North East quarter
four East containing forty acres, and the North West quarter
of same section Township and Range containing forty acres
which were also conveyed to said John H and Harris D
Winer by William Rogers by deed also bearing date the
seventh day of September in the year of our Lord one thousand
eight hundred and forty one, and recorded in the Office
of the Recorder of Jefferson County in Book R # page 268 following
To have and to hold the above described pieces, parcels, or
tracts of Land or all our right, title, interest and claim
in the same to him the said George W Waters, his heirs
or assigns forever. Nevertheless upon the following conditions
to wit. That whereas the said John Winer and John H
Winer are jointly indebted to the said G W Waters as
administrator of Galmon C Palmer late of the County
of Jefferson aforesaid deceased in three several notes of
hand. the first for the sum of one hundred dollars due
one day after date & dated January the first 1842. the second
of the same date for the sum of fifty dollars and sixty six
cents due one day after date in favor of Galmon C Palmer
and the third note of even tenor and date with this
Instrument payable on the 20th day of August 1843. for the
sum of fifty six dollars and thirty two cents. Together with
the interest on each at the rate of ten per cent per annum
Now if the said parties of the first part or either of them
shall pay or cause to be paid to the said George W Waters
his heirs, executors or administrators the above three notes
of hand together with the interest that may accrue thereon
in manner in each of said notes specified on or before the
twentieth day of August in the year Eighteen hundred and
forty three. then and in that case this deed and every
thing contained therein shall cease and be void, and
if the said notes or either of them ^{should} ~~shall~~ not be paid —
together with the interest thereon at the time specified

of said Lands first to be applied to the payment of the said notes and the balance if any to be paid the said parties of the first part. In Testimony whereof the said John Winer, John Winer & Phebe Winer his wife parties of the first part have hereunto set their hands and affixed their seals the day and year first above written

(Signed " John Winer (Seal)

Phebe Winer (Seal)

John H Winer (Seal)

Which said mortgage was on the twenty fourth day of October A D 1842 duly acknowledged before Benjamin Johnston a Justice of the peace of said County of Jefferson & Recorded on the 26th day of October 1842 in the Office of the Recorder of Jefferson County in Book II^d pages 2400 2401

And your petitioner further states that the said three several notes of hand in said mortgage mentioned and each of them and the interest thereon remain due & unpaid Wherefore he prays that Judgment may be rendered therefor together with interest, and that the Equity of Redemption of said Lands be foreclosed and the mortgaged property sold to satisfy the amount due & your petitioner will ever pray &c.

P Cole. atty
for plaintiff.

I Executed the within summons on John
 Winer and Phoebe Winer reading it in their hear-
 ing on the 4th day of May 1844
 also on Jm. H. Winer by Reading it in his Hearing
 on the 4th day of May 1844 M. Moss Shiff
 Shiff per A.B. McGreevy
 13.00 Depy

In the Circuit Court
 May Term 1844

George W. Waters

vs J. Winer

John Winer.
 John H. Winer &
 Phoebe Winer

filed May 27th 1844
 J. H. McGreevy Clerk

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to Summon John Wiener
Phoebe Wiener and John H Wiener if they
be found in your County that they be and
appear.

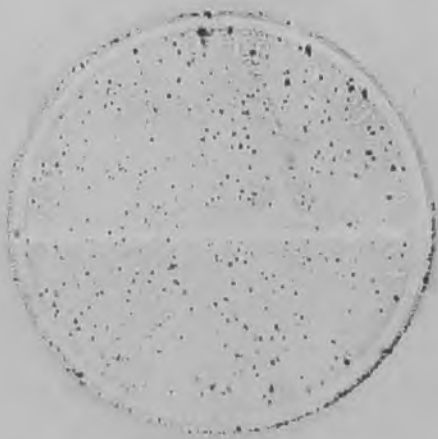
before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro
within and for the County of Jefferson, on the ~~fourth~~ ^{fourth} Monday
of May — next, then and there to answer unto the
complaint of George W Waters, plaintiff in an
action to foreclose a mortgage (a copy of which
is hereto attached).

~~to the damage of said plaintiff~~

~~dollars.~~

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Hillsboro this twenty fourth day
of April, in the year of our Lord eighteen
hundred and forty four.



John S. Mathews Clerk.

Indigent for Plaintiff May 30th 1844. Debt \$1200⁷⁸
Deductions \$40.48. & equity of redemption foreclose
Book & page 494.

Wm. Wheatley. Clerk