

Jefferson County Circuit Court
Case Files - Civil

Box

7

Folder

63

November 1853, No. 12

Pipkin, Philip

vs

McDaniel, Middleton
McDaniel, Fanny
McDaniel, Eli
McDaniel, Elizabeth
et al

Title

Other defendants Margaret McDaniel,
Sarah McDaniel; 80 acres in S29T41R3E

27
To all to whom these presents
shall come - I James McColloch
Sheriff of Jefferson County State of
Missouri Send Greeting

Whereas on the sixth day of December
in the year of our Lord one thousand eight
hundred and forty eight a Judgement
was rendered in the circuit court of
Jefferson county in favor of Hardy

Keel and against Joseph McKee
for the sum of one hundred & fifty five
\$ 50.00 Dollars upon which Judgement
execution Issued from the clerks office
of the said Circuit court in favor of the
said Hardy Keel and against Joseph
McKee dated 2nd day of October - A D 1852
directed to the sheriff of the county of
Jefferson and to me the said sheriff delivered
A copy of which Execution is herunto annexed
and made a part of this deed by virtue
of which execution I the said Sheriff did on
the ~~ninth~~ 3rd day October A D 1852 levy
upon and seize all the right title claim
Interest Estate and property of the said
defendant Joseph McKee of in & to the
following described real Estate to wit
S $\frac{1}{4}$ W $\frac{1}{4}$ of S. W $\frac{1}{4}$ of Section (28) Township (41)
Range 3 East. Containing 40 Acres also the N E $\frac{1}{4}$
sec (29) Township 41 Range 3 East Containing
40 Acres the said Land lying in the County
of Jefferson State of Missouri And having
previously to the day of sale hereinafter
mentioned Given at least twenty days notice

of the time and place of sale and
of the Real Estate to be sold and where
situated as the law directs by Advertisements
put up in six of the most public places
in the county of Jefferson at least twenty
days previous to the day of sale a copy
of which Advertisements is herewith annexed
and made a part of this deed by virtue of said
Execution and Advertisement I did on
25th day of November A D (1852) eighteen
hundred and fifty two between the hours
of nine o'clock in the forenoon and five
in the afternoon of that said day agreeably
to the said Advertisements at the Court
House door in the Town of Hillsboro
during the sitting of ~~the~~ of the circuit
court of Jefferson County at its November
term A D 1852 expose to sale at public auction
to the highest bidder for ready money all
the right title claim Interest Estate and
property of the said Joseph McKee of in
and to the above described Real Estate
together with all the rights privileges
and appurtenances thereunto belonging, and
Philip Pipkin being ~~being~~ the last and
highest bidder for the said lots of land the
same was stricken off and sold to him
said Pipkin for and at the price of
~~Twenty~~ ^{our} ~~forty~~ two Dollars each, Now Therefore Know
ye that in consideration of the premises
and the Sum of forty two Dollars to me in
hand paid by the said Philip Pipkin the
receipt whereof is hereby acknowledged

and confessed and by virtue of the
authority in me by law vested

I James McColloch Sheriff as aforesaid
do hereby assign Transfer and convey unto
the said Philip Pipkin and to his heirs
heirs and assigns all the right title claim
Interest of the said Joseph M'Lee of in and
to the above real Estate that I might sell
as Sheriff aforesaid by virtue of the
aforesaid execution and Advertisement

To have and to hold the same to the
said Philip Pipkin his heirs & assigns forever
with all right privileges and appurtenances
thereunto belonging

In testimony whereof
I James McColloch Sheriff of the County
of Jefferson have hereunto set my hand
& seal at the County of Jefferson
this 25th day of November AD 1852

(Seal)

James McColloch Sheriff

State of Missouri

In the Circuit Court.

County of Jefferson

Be it remembered, that on this 27th day of November
AD Eighteen hundred and fifty two, in open court personally appeared
James McColloch Sheriff of Jefferson County, and acknowledged
the Execution of the foregoing instrument in writing to be his act
and deed for the purposes therein mentioned, which acknowledgment
is entered on the record of said Court of that day in Book

N^o 3 page 296. In testimony whereof I
hereby set my hand and affix the Seal of said
Court at office Nov 27th 1852,

Thos C Fletcher CLK Cir Ct

County of Jefferson Et

The State of Missouri

To the Sheriff of the County of Jefferson
Greeting — Whereas Hardy Keel

on the sixeth day of December in the
year of our Lord eighteen hundred
and forty eight at our ^{Circuit} Court hath
recovered against Joseph McKee the
sum of one hundred and fifty five ⁶⁰ /₁₀₀
Dollars for his Debt also the sum of
one Dollar and fifteen cents for his
Damages also his costs by him about his suit
in that behalf Expended These are
therefore to command you that of the goods
and chattels and Real Estate of the said
Joseph McKee you cause to be made the
said Debt Damages and costs and that
you have the same before the Judge of the
said Court on the 23rd day of November
next to satisfy the Debt Damages and costs
aforesaid and that you certify how you
execute this writ and have you then
there this writ — Witness Thomas C Fletcher

Clerk of our said circuit court at
Hillsboro this 20th day of October A D
eighteen hundred and fifty two

(copy)

Thos C Fletcher Clerk

C. S. B.

State of Missouri }
 County of Jefferson } I the undersigned
 Clerk of the Circuit Court and Ex officio
 recorder in and for said County do certify
 that the foregoing conveyance was filed
 for Record in my office on the 4th day
 of April AD 1853 and is duly recorded
 in Book L pages 354. 355 & 356

In witness whereof I hereunto
 set my hand and affix
 the Seal of So Court at office
 date aforesaid

Thos C Fletcher
 Recorder

For the use
 Sheriff's Deck
 to Johnson

"B"

296

Filed April 4th 1853

Thos C Fletcher

Recorder

Account 50

cert 50

record 1.25

paid

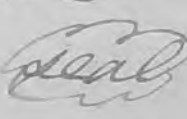
\$2.25 by P. P. H. H.

This Deed made and entered into
this twenty third day of April, in the year
eighteen hundred and fifty one, by and be-
tween Henry M^c Daniel, John M^c Daniel, Mary
M^c Daniel, Leonard Couch and Nancy Couch
his wife, parties of the First part, and Mid-
dleton M^c Daniel, party of the Second part,
Witnesseth, that the said Parties of the First
part, for and in consideration of the sum of
twenty dollars, to them in hand paid by the
said party of the Second part, the receipt
of which is hereby acknowledged, have bar-
gained, sold, and conveyed and by these pres-
ents, do bargain, sell, alien, and convey unto
the said party of the Second part, and to
his heirs and assigns forever, all the right
title, interest, and claim of the said Parties
of the First part, in and to, the following
described Tracts of Land, situate in the
County of Jefferson and State of Missouri,
To wit, the South West Quarter of the North
West ~~Quarter~~ of Section Twenty eight, in Town-
ship forty one of Range Three East, contain-
ing forty acres; also, the South East quarter
of the North East ~~Quarter~~ of Section twenty
nine, in Township forty one, of Range Three
East, containing forty acres. The interest of
said Parties of the First part, in and to the said
two Tracts of Land, which is hereby conveyed,
being the undivided four eleventh part of
the same, they being Heirs to Jefferson M^c.
Daniel, dec^d, who died possessed of the fee
simple ^{title} to said Tracts of Land. To have
and to hold the same unto the said party

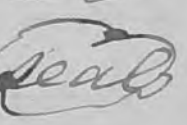
of the Second part, and to his heirs and assigns forever. — In testimony whereof, the said parties of the First part have hereunto set their hands and seals, the day and year first above written.

Henry ^{his} & McDaniel ^{mark} 

John M. Daniel 

Mary ^{her} & McDaniel ^{mark} 

Leonard ^{his} & Couch 

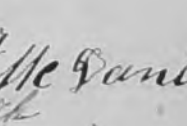
Nancy ^{her} & Couch ^{mark} 

State of Missouri }
County of Jefferson }

Be it remembered, that Henry McDaniel, John M. Daniel, Mary M. Daniel, Leonard & Couch, and Nancy Couch, his wife, who are personally known to the Undersigned, a Justice of the Peace, within and for said County, to be the persons, whose names are subscribed to the foregoing Deed, as parties thereto, this day appeared before me, and acknowledged that they executed and delivered the same, as their voluntary act and Deed, for the uses and purposes therein contained. And the said Nancy Couch, being by me made acquainted with the contents of said Deed, acknowledged on an examination apart from her said husband, that she executed the same, and relinquishes her right of dower in the real estate therein mentioned, freely, and without compulsion or undue influence of her said husband.

Given under my hand this 23
day of April

1851

Nancy ^{her} & McDaniel ^{mark} 
William McKay Justice of the Peace

State of Missouri }
County of Jefferson } p.
I Tho C. Fletcher Clerk
of the Circuit Court and Ex officio Recorder in &
for said County do Certify that the preceding con-
veyance was filed for and duly recorded in my
office in Book L page 532 following on the 8th
day of October 1853

Witness my hand and official
Seal at office date last aforesaid
Tho C. Fletcher Recorder
per C. F. Honey dep't

Off

Henry, John, & Mary
McDaniel, and
J. Louch & wife

To E. J. J. J. J.

Whittaker McDaniel

Filed Oct 6th 1833

Thos W. McDaniel

Records

Recording Paid by P. P. P.

Philip Tipton

vs

Middleton McDaniel
& Fanny, his wife,
Eli McDaniel, Elizabeth
McDaniel Margaret
McDaniel and Sarah
McDaniel

In the Circuit Court
of Jefferson County

Plaintiff states that one
Jeremiah Skaggs, by last
will and testament
devised to William and
S. G. W. Skaggs the follow-
ing described real estate
lying in Jefferson County

and State of Missouri, to wit, "The South West Quarter
of the North West Quarter of Section Twenty eight,
and the South East Quarter of the North East Quarter
of Section Twenty nine in Township forty one
Range three east containing Eighty acres -

That after the death of said Jeremiah Skaggs
said devisees entered into and took possession of
said land. That said William ~~and~~ Skaggs
sold and conveyed to one William Hilburn all
his interest in said real estate, by deed dated Sep-
tember the 14th 1841. That, after this one Middleton
McDaniel, one of the above named defendants,
negotiated bargained and traded with said
William Hilburn and said S. G. W. Skaggs for said
real estate, for which he was to give to each for
his undivided interest Seventy Dollars. At this
time said Middleton was largely indebted to different
individuals and for the purpose of defrauding his
creditors, on payment of said sum of seventy dollars
to said Hilburn & Skaggs he caused said land
to be conveyed to his minor son Jefferson
McDaniel by deed, copies of which are herewith
filed marked "A & B" and which are made

parts of this petition. Some time after this said
Jefferson M. Daniel said, and his father said
Middleton claimed and said he owned the whole
of said land and sold the same to Hestly
Pierce for the sum of three hundred dollars
whose deed to Pierce is herewith filed and is marked
"C" and is made a part of this petition. And
Pierce sold the same to Harvey McKee by deed
marked "D" herewith filed and made part of this
petition and Harvey sold the same to Joseph
McKee, but never executed a deed therefor to
said Joseph, so that on the day of
185 said Joseph McKee, in and by said second
transfer aforesaid and in consideration of the sum
of two hundred and seventy dollars to said Harvey
paid has the equitably and legally the owner
of said real estate above described.

Plaintiff further states, that on the 6th
day of December 1848 one Hardy Steele
recovered in the Jefferson County Circuit Court
a judgment against said Joseph McKee for
the sum of one hundred and fifty five
dollars and sixty cents, and on the 20th
day of October 1852 read out of the office
of said Circuit Court his execution on said
judgment against said McKee and the sheriff
of said County laid upon and signed as the
property of said Joseph McKee the above
described real estate and sold the same on
the day of November 1852 to plaintiff for
the sum of forty two dollars as will be seen by
reference to the deed of said sheriff herewith filed
marked "E" and is made a part of this petition.

Plaintiff further states, that in as much as said Middleton had conveyed the whole of said real estate to Peice after the death of his son Jefferson and as his children the brothers and sisters of said Jefferson were minors and could not be divested of the legal title, without a suit in equity, to said real estate, said Middleton made ~~to~~ to procure, as payment, ~~to~~ each one of his children as they came of age, by said Joseph McKee, the sum of Ten dollars, for said McKee, and, for each of their legal interest in said real estate, and accordingly on the 23^d day of April 1851. four of his children to wit. Henry McDaniel John McDaniel Mary McDaniel Leonard Couch and Nancy his wife formerly Nancy McDaniel executed to said Middleton their conveyance for their interest in said real estate which was is herewith filed marked "H" and is made a part of this petition. This conveyance was taken, as said Middleton himself informed me and as I verily believe in ~~the~~ his name for the express purpose of avoiding an execution against it, ~~in~~ ^{the land} said judgment in favor of said Hardy S. Keel, At all events, ~~as the same~~ ~~it may~~ the deed was executed and delivered to said Joseph McKee who deposited the same in the office of the Recorder of Jefferson County in March 1852 for record.

Plaintiff further states, that Eli McDaniel one of the above named defendants and a brother of said Jefferson conveyed ~~and~~ ~~his~~ his interest in said land to Nestley Peice this was while Peice owned the land. On what terms plaintiff cannot tell, but he believes and so states, that it was because

his father said Middleton was the real owner of the land where Diffusion lived, because he had so represented to Price & had received the sum of three hundred dollars, the full value for the land. That deed was never put on record and what has become of it plaintiff is unable to say.

Plaintiff believes and he so charges, that the land above described was bought by Middleton M. Daniel and paid for out of his own funds, that the deed was made to his son for the purpose of hiding and delaying and defrauding his said Middleton Creditors -

He further believes and so charges, that when he sold said land to Price he represented that he was the owner of the whole, as "in point of fact" he was.

Plaintiff therefore by virtue of his purchase at Sheriff's sale claims title to the whole of said land and prays the Court to compel the above named defendants to convey the same to plaintiff, or that the Court will do it for them.

If defendants deny plaintiff's right to the whole of said land by virtue of his said purchase and it should appear to the Court that the above named defendants Eli Elizabeth Mayant and Sarah or either of them as ~~co-defendants~~ ^{heirs} of said Diffusion has an interest in said land and own a part thereof, then plaintiff prays the Court for a division and partition of said premises according to the respective rights of the parties interested therein and for a sale

thereof if it shall appear that partition cannot be made without great prejudice to the owners -

If said real estate is held in joint tenancy by plaintiff as purchaser at Sheriff's sale and the accedents of said Jefferson & Daniel & Co. then said plaintiff is the owner of the share of said Middleton & Henry his wife, Eli, Henry, John Mary, Nancy and George her husband. Making twelfth parts. And Elizabeth, Margaret Sarah and
— Daniel each to one eleventh.

The last above named parties are infants. for whom plaintiff prays the Court to appoint a guardian ad litem for the purposes of this suit.

Plaintiff would further state, that, as said ~~Henry~~ ~~Joseph~~ ~~Chick~~ had ~~been~~ ^{sold} to said ~~Joseph~~ ~~Chick~~ said real estate and had not made to him a deed therefor, he has since conveyed the land to plaintiff as will be seen by reference to his and herewith filed map marked "G" and is made a part of this petition.

Plaintiff prays the Court as above prayed to appoint said defendants as litem to said land and to vest the same in him for the above reasons, and if it should not appear that he is entitled to the same prayed for, then he prays for a partition of said land according to the rights of the parties as above set forth and for such other and further relief as may be meet & proper. And the proof may warrant as in duty bound he will ever pray &c.

Philip Piptin

Philip Piptin makes oath and says that the foregoing petition and the matters therein as stated he believes to be true
sworn to & subscribed before me Oct 15th
1853. } Philip Piptin
This do I believe & certify C. C. H.

1179
Stephen Leitch Esq

Bookb. Journ 1853

Philip Spilius

ed.

Maddox M. Daniel
Lathrop

Petition

600

Filed Dec 15th 1853

Thos. C. Fletcher

clerk



Received for P. C. Fletcher
26. 1854 Bookb. 3 pages
369.

Philip Pipkin

^{vs}
Middleton M^cDaniel &
Danny his wife
Eli M^cDaniel
Elizabeth M^cDaniel
Margaret M^cDaniel
and Sarah M^cDaniel

In the Circuit Court
of Jefferson County

Plaintiff States that one
Jeremiah Skaggs, by last will
and testament, devised to William and S. G. W. Skaggs
the following described Real Estate, lying in Jefferson
County and State of Missouri, to wit. The South West
quarter of the North West quarter of Section twenty eight
and the South East quarter of the North East quarter
of Section twenty nine, in township forty one, Range three
east, containing Eighty acres; that after the death of
said Jeremiah Skaggs. Said devisees entered into and
took possession of said land. That said William Skaggs
sold and conveyed to one William Hillburn all his
interest in said real estate, by deed dated September
the 14th 1841. That after this one Middleton M^cDaniel
one of the above named defendants, negotiated, bar-
gained and traded with said William Hillburn
and said S. G. W. Skaggs for said real estate, for which
he was to give to each for his undivided interest, twenty
dollars. At this time said Middleton was largely
indebted to different individuals and for the pur-
pose of defrauding his creditors in payment of said
sum of twenty dollars to said Hillburn & Skaggs. he
caused said land to be conveyed to his minor son
Jefferson M^cDaniel, by deeds, copies of which are here-
with filed. Marked "A & B." and which are made
parts of this petition. Sometime after this said Jeffe-

person M^c Daniel, died and his father said Middleton claimed and said he owned the whole of said land and sold the same to Westly Pierce for the sum of three hundred dollars, whose deed to Pierce is herewith filed marked "C" and is made a part of this petition, and Pierce sold the same to Harvey M^c Kee by deed marked "D" herewith filed and made part of this petition and Harvey sold the same to Joseph M^c Kee but never executed a deed therefor to said Joseph so that on the day of 1835 said Joseph M^c Kee in

and by said several transfers aforesaid and in consideration of the sum of two hundred and seventy dollars to said Harvey paid was equitably and legally the owner of said Real Estate, above described

Plaintiff further states that on the 6th day of December 1848, one Hardy S Keel recovered in the Jefferson County Circuit Court a judgment against said Joseph M^c Kee for the sum of one hundred and fifty five dollars and sixty cents, and on the 20th day of October 1852. Sued out of the office of said Circuit Court his execution on said judgment against said M^c Kee and the Sheriff of said County levied upon and seized as the property of said Joseph M^c Kee, the above described real Estate and sold the same on the day of November 1852 to plaintiff for the sum of forty two dollars as will be seen by reference to the deed of said Sheriff herewith filed marked "E" & is made a part of this petition

Plaintiff further states that in as much as said Middleton, had conveyed the whole of said Real Estate to Pierce after the death of his son Jefferson, and as his children, the brothers and sisters of said Jefferson were minors and could not

be divested of the legal title without a Suit in Equity to said real estate, Said Middleton, undertook to procure in payment to each one of his children as they came of age, by said Joseph McKee, the sum of ten dollars, for said McKee, deeds for each of their legal interests in said real estate and accordingly on the 23^d day of April 1831, four of his children to wit; Henry M^cDaniel, John M^cDaniel, Mary M^cDaniel, Leonard Couch and Nancy his wife, formerly Nancy M^cDaniel executed to said Middleton their conveyance, for their interest in said real estate, which deed is herewith filed, marked "F" and is made a part of this petition. This conveyance was taken as said Middleton, himself informed me and as I verily believe in his name for the express purpose of avoiding an execution against it the land in said judgement in favor of said Hardy S. Keel. At all events the deed was executed and delivered to said Joseph McKee, who deposited the same in the office of the recorder of Jefferson County in March 1832, for record.

Plaintiff states that Eli M^cDaniel one of the above named defendants and a brother of said Jefferson conveyed his interest in said land to Westly Pierce, this was while Pierce owned the land on what terms plaintiff cannot tell, but he believes and so states that it was because his father said Middleton was the real owner of the land, when Jefferson died & because, he had so represented to Pierce & had received the sum of three hundred dollars the full value of the land, That deed never was put on record, and what has become of it plaintiff is unable to say.

Plaintiff believes and he so charges that the

land above described was bought by Middleton
McDaniel and paid for out of his own funds
that the deed was made to his son for the purpose
of hindering and delaying and defrauding his
said Middletons creditors. He further believes
and so charges, that when he sold said land to
Perice, he represented that he was the owner of the
whole as "in point of fact" he was.

Plaintiff therefore by virtue
of his purchase at Sheriffs Sale claims title to the
whole of said land and prays the Court to compel
the above named defendants to convey the same
to plaintiff or that the Court will do it for them
If defendants deny plaintiffs right to the whole
of said land by virtue of his said purchase and it
should appear to the Court that the above named
defendants Eli, Eliza, Elizabeth, Margaret and
Sarah or either of them as heirs of said Jefferson
has an interest in said land and own a part thereof,
then plaintiff prays the Court for a division and
partition of said premises, according to the
respective rights of the parties interested therein
and for a sale thereof if it shall appear that par-
tition cannot be made without great prejudice
to the owners. If said Real Estate is held in joint
tenancy by plaintiff as purchaser at Sheriffs Sale
and the decendants of said Jefferson McDaniel
deceased the said plaintiff is the owner of the shares
of said Middleton & Fanny his wife Eli, Henry
John, Mary Nancy and Couch her husband
making Seven Elevenths and Elizabeth, Marga-
rett Sarah and McDaniel each one
eleventh. The last above named parties are

infants for whom plaintiff prays the Court to appoint a guardian ad litem for the purposes of this suit.

Plaintiff would further state that said Harvey Mc Kee had sold said Joseph McKee said real estate, and had not made to him a deed therefor, he has since conveyed the land to plaintiff as will be seen by reference to his deed herewith filed marked "G" and is made a part of this petition - Plaintiff prays the Court as above prayed to divest said defendants of title to said land and to vest the same in him for the above reasons, and if it should not appear that he is entitled to the decree prayed for then he prays for a partition of said land according to the rights of the parties as above set forth, and for such other and further relief as may be meet & proper and the proof may warrant & as in duty bound he will ever pray &c

Philip Pipkin

Philip Pipkin makes oath and says that the foregoing petition and the matters therein as stated he believes to be true

Sworn to & Subscribed
before me Oct 13th 1853
Thos C Fletcher Clk

Philip Pipkin

A true copy of the original petition and affidavit on file in my office

In testimony whereof I hereto set my hand, and affix the seal of said Court at office this 17th day of October 1853.

Thos C Fletcher
Clerk

The within writ is returned without being served
A crowd of ^{official} business preventing me from serving the same
in time

G. B. Wade Sheriff of
Franklin County

~~Not shown to the court~~

Nov 12.

In the afternoon. At the Court.

Nov. Term 1853

Philip Josephine

vs } Summons

Middleton McDaniel wife
Ed. McDaniel, Elizabeth
McDaniel Margaret
McDaniel and
Sarah McDaniel

The State of Missouri

To the Sheriff of the County of Franklin "Greeting
We command you that you Summon, Middleton
M^cDaniel and Fanny his wife. Eli M^cDaniel
Elizabeth M^cDaniel, Margaret M^cDaniel and
Sarah M^cDaniel 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 begun and held in the town
of Hillsboro within and for the County of Jefferson
on the fourth Monday of November next then
and there to answer unto Philip Piskin upon
his original petition a copy whereof is hereto
annexed and have you there this writ,

Witness Thos Fletcher Clerk of
our said Circuit Court with the
Seal thereof hereto affixed at
office this 17th day of October
1853.

Thos C Fletcher CLK

Spiking
to
Mrs Daniel Stal

Aliso Viejo 8th Mar 1834

The State of Missouri
To the Sheriff of the County of Franklin "Greeting"
We command you that you summon Middleton
M^cDaniel and Fanny his wife, Eli M^cDaniel,
Elizabeth M^cDaniel, Margaret M^cDaniel and
Sarah M^cDaniel 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 begun and held at the town of Hillsboro
within and for the County of Jefferson on the fourth
Monday of November next. Then and there to answer
unto Philip Piskin upon his original petition a copy
whereof is hereto annexed and have you then there
this writ.



Witness Thos. Fletcher clerk of our
said Circuit Court with the Seal
thereof hereto affixed at office
this 17th day of October 1853.
Thos Fletcher clk

Epiphany

McDaniel chad

burns

Alia 10: 8th Mar 54

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of ^{Franklin} Jefferson--Greeting:

We command you, ^{as before you were commanded} that you summon Middleton McDaniel and Darry
his wife Eli McDaniel, Elizabeth McDaniel, Margaret McDaniel
and Sarah McDaniel if they be
found in your County, that they be and appear before the Hon.
Judge of our Circuit Court, on the first day of the next term thereof,
to be begun and held at the town of Hillsboro, within and for the
County of Jefferson, on the fourth Monday of May
next, then and there to answer unto Philip Pipkin

upon his original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighth
day of March A. D. 1854.

Tho Fletcher

CLERK CIRCUIT COURT.

No. 5
To Circuit Court Jefferson Co
May Term 1854.

Philip Tipton
vs ~~Summons~~
Middletown McDaniel
Fanny McDaniel
Eli McDaniel
Elizabeth McDaniel
Margaret McDaniel
Sarah McDaniel

Filed Mar 24th 1854
Wheeler & Co

per post 54

Served the within petition & writ in Franklin County Mo
March 16th 1854 upon the said Mid^{dletown} McDaniel by reading
to him both petition & writ and by giving to him an attes-
ted copy of the original petition & by giving the defendant
first served and upon the defendants Fanny, Eliza-
beth, Margaret & Sarah McDaniel by reading to them
both petition & writ the defendant Eli McDaniel is not
found in my County

Shff for \$5.50

G. J. Wade Shff
By R. Bay Wade & Shff