

Jefferson County Circuit Court
Case Files - Civil
November 1857, No. 30

Box 9 Folder 26

Donnell, Eliel

v.

McMullen, Thomas L.
McMullen, Eddy

Foreclosure

Debt \$200; 60 acres in S24T39R4E;
Judgment of Foreclosure Book No. 4
page 199.

Dear Sweetest Friends Adon-stake Thomas &
Mary to the care of Eliza I must pass Henry &
Thomas for value received negotiable and pay-
able without defalcation Or discount This 21
Day of August 1834 Thomas & the Partners

the m. a. l.
No. m. a. l. l. e. n
No
m. a. l. l. e. n

Eluel Daniel Plff }
vs } In the circuit court
Thomas L Mc Mullin } of Jefferson County
& Eddy Mc Mullen his wife } Missouri

Plaintiff states that Defendant on the 21st day of August 1835 executed to plaintiff a note, (hitherto filed) whereby he promised to pay plaintiff two hundred dollars twelve months after the date thereof and that on the day and year last aforesaid the Defendant for the purpose of securing the payment of his note aforesaid executed and delivered to plaintiff a mortgage deed, (which is hitherto filed) conveying to plaintiff a tract of land situated in said county of Jefferson. Borne in said mortgage deed by the following description, to wit: the west half of the N E quarter of section 24 in township 39 N of Range 4 E containing sixty acres, upon the following conditions, to wit; Now if the said Thomas L Mc Mullin, his heirs executors or administrators shall well and truly pay the sum of money specified in said note and every part thereof when said note shall become due and payable according to the true tenor, meaning and effect thereof, then this conveyance and all the estate hereby conveyed shall be void, otherwise the same shall remain in full force and effect. Plaintiff avers that defendant has failed to perform the said conditions on his part and that the said sum of two hundred dollars and all interest due thereon remain unpaid. Wherefore he prays that judgment may be rendered for the debt and all interests and that the equity of redemption of said Defendant

in and to said tract of land may be
foreclosed and that the same or so much
thereof as may be necessary be sold to pay off
& discharge the judgment rendered and for
other proper relief.

J. Hagan
Atty for D^{ff}

W Williams for plaintiff makes oath
says the above petition and the matters
therein as stated he believes to be true.

Sworn to and subscribed
before me Oct 21st 1857
Elias J. Honey clk

W J Williams

To the Jefferson Circuit
Court Nov. Term 1837.

Edw. Donnell

vs
Thomas & McMillin

At Summers view

Filed Oct. 21st 1837

Oliver & Moorey cts

2 Copies Paid	70
2 Copies of -	100
Printed copy	120
all 21-204-100	387
16/10/100	10
	3
	31

Eliel Donnell Plff.

Thomas Lth Mc Mullen &
Edy. Mc Mullen his wife

In the Circuit Court
of Jefferson County
Missouri

Plaintiff States that defendant, on the 21st day of August 1855 executed to plaintiff a Note, (herewith filed) whereby he promised to pay plaintiff two hundred dollars twelve months after the date thereof, and that on the day and year last aforesaid the Defendant, for the purpose of securing the payment, of his note aforesaid executed and delivered to plaintiff, a mortgage deed (which is herewith filed) conveying to plaintiff a tract of land, situate in said County of Jefferson, known in said Mortgage deed by the following description to wit: The West half of the S. E. quarter of Section 34, in Township 39 N. of range 4 East, containing sixty acres, upon the following conditions, to wit: Now if the said Thomas Lth Mc Mullen, his heirs executors or administrators shall well and truly pay the sum of money specified in said note and every part thereof, when said note shall become due and payable, according to the true tenor meaning and effect thereof, then this conveyance, and all the estate hereby conveyed shall be void, otherwise the same shall remain in full force and effect;

Plaintiff avers, that defendant has failed to perform the said conditions on his part, and that the said sum of two hundred dollars, and all interest due thereon remain unpaid, wherefore he prays that judgment, may be rendered for the debt, and all interest, and that the equity of redemption of said defendants, in and to said tract of land may be foreclosed, and that the

same, or so much thereof as may be necessary be
sold to pay off & discharge the judgment
rendered and for other proper relief
J. Hagan, Atty for Plff

W. Williams for Plaintiff makes oath.
says the above petition and the matters therein
as stated he believes to be true

Sworn to and subscribed
before me Oct 21st 1857 } W. J. Williams
Elias J. Honey Clk

Endorsed

"Filed Oct. 21st 1857. Elias J. Honey Clk

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
October 21st A D 1857
Elias J. Honey Clk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Thomas L W Muller
and Edy M Muller his wife

----- 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 November
next, then and there to answer unto Eliel Dorrrell

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

Elias J Honey

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this twenty second
day of October A. D. 1857

Elias J Honey

CLERK CIRCUIT COURT.

I Executed the within writ at the county of Jefferson on
the 28th day of October 1857 by delivering to Thomas L
McMullin a true copy of the within writ and the annexed
petition and also on the same day on Edy McMullin the
wife of Thomas L McMullin by reading the within writ
in her presence and hearing

Augustine Wiley Sheriff

Page 30

Jefferson Circuit Court

November Term 1857

1662

Eliel Donnell

vs } Summoned

Thomas L McMullin

Edy McMullin

Sheriff's fees \$2.00

Judgt of foreclosure Oct

29th 1858. Book No 4

Page 199- \$226.20

Elief Donnell, pff.
Against
Thomas, L. McMullin
deft.

In the Circuit
Court, Jefferson
County,

Defendant for answer
admits he executed the Note de-
scribed in plaintiffs petition and
the same is yet due plaintiff. But
he states that the plaintiff, between
the first of January 1856, and the time
of the commencement of this suit, on
several days & times, unlawfully en-
tered upon the land described in
the plaintiffs petition and belong-
ing to Defendant and then there-
wrongfully
cut down and destroyed a great
number of trees standing and grow-
ing upon said land, of the value
of twenty five dollars, and for
which Defendant claims double
damages. Defendant therefore claims
that Plaintiff is justly indebted to
in the sum of fifty dollars, for the
injuries done the land as aforesaid,
and he asks that said sum be offset
against that amount of plaintiffs
demand.

Abner Green
Atty for Deft.

Thomas L. McMullin defendant,
make oath and says the above
Answer and the matter therein as stated
he believes to be true.

Subscribed me

Nov. 24th 1857 / Elias F. Honey, clk

J. L. McCallister

Mr. Edmund Smith
Jefferson County
Gaule Donald
Esq.,
Wm. S. McMichael

Depts
Answer

Filed. Nov. 24th 1857
Geo. J. Hendry
Clerk

Eluel Donnell
vs
Thomas L McMillen }

The plaintiff moves the court
to strike out defendants answer for these reasons
viz

1 Because it is no defence to the
petition of foreclosure

2^a It attempts to make the plaintiff liable
as a trespasser for the pretended cutting & destroy-
ing timber. That defendant cannot make offset
of damages for double damage

3 Donnell as mortgagee can not be charged
as trespasser for entering on the mortgaged
premises

Prayer for plaintiff

Chil Denzel

les

Thos McShuckin

notions to the
cut answer

March 28th 1857
Elias J. Hensley
Chil

Sustained

and Donnell,

vs.

Thomas L. McMullin

In Circuit Court

Jefferson County

Defendant states that the plaintiff between the 1st of January 1856 and the commencement of this suit, entered upon the land of Defendant described in said petition, and cut down and destroyed a number of trees standing & growing thereon of the value of ~~the value of~~ ^{twenty five} dollars. The Defendant therefore claims that the amount thereof should be deducted from the amount due on said note the balance of which he admits is due plaintiff, after deducting the value of the timber he took from the Defendants land.

J. L. McMullin

~~Attorney for~~

A Green
Atty for Deft,

makes oath and says the above Answer and the matters therein as stated he believes to be true.

~~Atty for~~

Sworn to Subscribed
before me April 29th
A D 1858

J. L. McMullin

Elias J. Honey club

In Civ Court
Jefferson County
vs.
Edw. Donnell
vs.
Thos. J. McNeill
Answer

Subscribed 1st 1857
Chas. J. Hooley
Clerk

COUNTY OF JEFFERSON.

The State of Missouri,

To *Wm. Williams Esq. Butler*

Greeting:

You are hereby commanded, that taking aside all manner of
excuse and delay, you appear before me *herein* Court for the
County aforesaid, on the *29th* day of *April* next
at *St. Louis*, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, between
Eliz. Demmitt in *Shirley* and
Wm. Williams his wife *Defendant*, in the said
of *Wm.* and hereby you are in no wise to fail.

Witness,

Eliz. Demmitt

Shirley of our said Court

with the said thereof hereto affixed, at office this

19 day of *March* A. D. *1858*

Eliz. Demmitt

Clerk.

I Executed the within writ on Willis Williams
on the 31st day of March and on Edward Butler
on the 14th day of April 1858 by reading in their
presence and hearing
Augustine Wiley Sheriff

To Concord Court
April term 1858

Chas Davenport

vs
Thos & M^c Mullen

for \$75

Willis Williams

Edward Butler 14/11

Sheriff fees \$1.00

COUNTY OF JEFFERSON.

The State of Missouri,

To

George Henry. Henry Hoven or Hoven

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the 29th day of April 1858 at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein

Eliz Durand is

Plaintiff and

vs. J. A. Wacker and J. Dependents on the part

of Defend

and herein you are to appear

Witness, THOMAS C. JEFFERSON,

Clk of our said Court

Durand

with the said Hoven or Hoven aforesaid, at office this

9th day of April A. D. 1858

Geo. J. Henry

Clerk.

I Executed the within writ on Henry Glover on
Glover on the 19th and on George Fleming on the
21st day of April 1858 By reading in their presance
and hearing

George Wiley

To be paid to

April term 1858

Eli D. Bennett

Mr. D. W. H. H. H. H.

for debt.

George Fleming & Co.

Henry Glover & Co.

Glover.

5 Mays fees \$1.00

COUNTY OF JEFFERSON.

The State of Missouri,

To

Greeting:

James M. McKlen

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the first day of May next at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Chas. D. Howell is

Plaintiff and

The J. W. McAllen and Dependants on the part

of

and herein you are in no wise to fail.

Witness,

Chas. D. Howell

Deft of our said Court

with the Seal thereof hereto affixed, at office this

29th day of April

A. D. 1858

Chas. D. Howell

Clerk.

I Executed the within writ at the
Court of Jefferson on the 29th day of
April 1858 by Reading the same
in the Presence and hearing of
James M. Mullon

Augustine Wiley
Sheriff
By J. C. Parnes Dep^t Sher

Eliz Darnell

vs
Mrs L. M. Mullon

for debt

James M. Mullon
Sheriff Feb 50

COUNTY OF JEFFERSON.

The State of Missouri,

To *Wells Williams Edward Butler*

Greeting:

You are hereby commanded, that acting aside all manner of excuse and delay, you appear before our *Circuit* Court for the County aforesaid, on the 28th day of October next at St. Louis, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Edw. Larnell

Plaintiff and

Wm. & W. Cullen

Defendant on the part

of Plaintiff

and hereby you are in no wise to fail.

Witness, ~~THOMAS~~ *E. FLETCHER*

Clerk of our said Court

with the Seal thereof hereto affixed, at office this

day of *Decr* 185

Chas. S. Hovey
Clerk.

In Circuit Court

Oct Term 1858

Chas. Drayton

vs
Thos L. Willkullen

for Pay

Willis J. Williams

Edw. Butler

Sheriff fees - 7.00

1013

I executed the within *Spa* at the county of
Jefferson State of Missouri by reading the same
within the presence and hearing of Willis J. Williams
& Edward Butler on the 6th day of October AD 1858
Oscar Dover Sheriff.