

Jefferson County Circuit Court

Box 10 Folder 33

Case Files - Civil

October 1858, No. #16

McClain, Peter P.

vs

Pinson, Nathan F.

Pinson, Mary Jane

Foreclosure

Debt \$250 on 2 notes; 280 acres
in 531, 32 + 39 ABE

\$100 ⁰⁰/₁₀₀ Twelve Months after date I
promise to pay Peter J. McWilliam the
sum of one hundred dollars with
six percent interest from date until
paid for value received this 6th day
August 1856

Wm H. P.
McWilliam

150 ⁰⁰/₁₀₀ Two years after date for value
Received I will pay Peter J. McWilliam
the sum of one hundred and fifty dollars
with six percent interest from date
until paid this 6th day of August
1856

Wm H. P.
McWilliam

This Mortgage Deed Made and
entered into this ~~Sixth~~ day of
~~August~~ in the year of Our Lord
Eighteen hundred and fifty six
between Nathan J. Pinson and
Mary Ann his wife of the party
of the first part and Peter J. McClain
in of the second party both of the
County of Jefferson and State of Misso-
ouri Witnesses

That for and in consideration of the
Sum of six hundred and sixty two
dollars to them in hand paid the receipt
Whereof is hereby acknowledged the
first party has bargained and sold
and by these presents does bargain
and sell unto the second party his
heirs and assigns the following descri-
bed parcel of land lying and being
situate in Jefferson County and State
of Missouri (to wit) the North East
quarter of the North East quarter of Sec thirty
one and the North west quarter of the North
West quarter and the North west quarter of
the South west quarter and so half of the
South west quarter Section thirty two and
the south west of the North west of Section thirty
two and and the South East of the North
East quarter of Section thirty one in Towns-
hip thirty nine Range Six East contain-
ing two hundred and Eighty Acres
To have and to hold the same with

all and singular the rights privileges
and appurtenances thereunto belong-
-ing unto the only proper use and
 behoof of him the second party
his heirs and assigns forever
nevertheless that when as the said
Nathan F Pinson has this day executed
to the said Peter T. McClain four promis-
sory notes as follows - Viz - One note for
one hundred dollars payable in one year
and one note for one hundred and fifty
dollars payable in two years and one
note for two hundred dollars payable
in three years and one note for two
hundred and twelve dollars in four
years from date said notes bearing
equal date with this deed now if
the said Nathan F Pinson shall
well and truly pay or cause to be
paid said notes as they severally
become due with interest at the
rate of six percent per annum then
in that case this indenture to be
void other wise to remain in full
force and virtue In witness
whereof the said first party
have hereunto set their hands
and seals

N. F. Pinson *(Seal)*
Mary Ann Pinson *(Seal)*
her X

State of Missouri
County of Jefferson } Be it remembered that on
this ~~6th~~ day of ~~August~~ ^{August} Eighteen Hundred and
fifty ~~seven~~ ^{seven} before me the undersigned Justice
of the Peace personally came Nathan F. Pinson
and Mary Ann Pinson who are personally known
to me to be the same persons whose names are
subscribed to the foregoing instrument of writ-
ing as having executed the same and acknowledged
the same to be their act deed hands and seals
for the purposes therein mentioned the the
said Mary Ann being by me first made
acquainted with the contents thereof and
examined separate and apart from her said
husband acknowledged and declared on such
examination that she executed the same
and Relinquished her dower in the lands
and tenements therein mentioned freely
voluntarily and without the compulsion
or undue influence of her said husband.
Taken and certified This Eleventh day of
February Eighteen Hundred and fifty seven
D. B. B. Byrd J. P.

State of Missouri
County of Jefferson } I the undersigned Recorder
in and for said County Certify that the foregoing
deed of Mortgage was filed for Record in
my office June 27th 1857 and is truly Re-
corded in Book "N" pages 626 & 627
Witness my hand and official Seal
at St. Louis this 27th day of June 1857
Elias H. Honey Recorder

1857

Filed June 27 1857

Oliver H. H. H. H.

Recorder

\$1.00

Peter J. M. Clain Plaintiff

Against

Nathan F. Pinson &

Mary Jane Pinson Defendants,

In the Jefferson County
Circuit Court -

October Term 1858.

Plaintiff states that the defendant Nathan F. Pinson on the 6th day of August 1856 executed to plaintiff four notes whereby he promised to pay plaintiff six hundred and sixty two dollars as follows. First note for one hundred dollars twelve months after date, second note for one hundred and fifty dollars two years after date - third note for two hundred dollars three years after date, fourth note for two hundred and twelve dollars four years after date, all bearing interest from date at six per cent per annum, and that on said day the defendant and his wife said Mary Ann for the purpose of securing the payment of said notes executed and delivered to plaintiff a Mortgage and which is herewith filed conveying to plaintiff a tract of land situated in said county of Jefferson known in said mortgage and by the following description to wit: the North East quarter of the North East quarter of section 31. and the North West quarter of the North West, the North West quarter of the South West quarter, South

half of the South West quarter section 32,
and the South West quarter of the North
West quarter of section 32, and the South
East quarter of the North East quarter of
section 31 Township 39 Range Six East
containing two hundred and eighty acres,
upon the following conditions to wit, that
said Prison has on said 6th day of August
1856 executed to plaintiff said four promissory
notes payable in one two three and four years
from said date with six per cent interest,
now if said Prison shall well and truly pay
or cause to be paid said notes as they severally
become due with interest then said mortgage
and to be void otherwise to remain in full
force and virtue Plaintiff avers that said
defendant has failed to perform the said
conditions on his part and that the said
first two ~~first~~ ^{herein filed} notes for the sum of two hundred
and fifty dollars and all interest thereon
remain unpaid. Wherefore he prays
that judgment may be rendered for the
said sum and all interest and that the
equity of redemption of the 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
and discharge the judgment rendered
and for other proper relief

Pipkin & Hagan attys
for the plaintiff

Philip Pipkin Attorney for the above named
plaintiff on oath states that the foregoing
petition and the matter therein as stated
he believes to be true & that said defendant is
a non resident of the state of Indiana P. Pipkin
Sworn and subscribed to
before me this 9th day of
August A D 1858

John L. J. Edwards Clerk
of the Circuit Court Term Co Mo

rd
McLean
Pineau

Dated Aug 13th 1858
Geo & Henry Clark

order out.	50
Copy	50
and more	50
	<u>150</u>
Net.	1.00
gross	1.50
and to y	1.20
debt.	1.00
and	1.00

\$6.20

Peter P. McClain Plaintiff } In the Jefferson
 Against } County Circuit Court.
 Nathan D. Pinson and } October Term 1858
 Mary Jane Pinson Defendants }

Plaintiff States That The defendant Nathan D. Pinson on the 6th day of August 1856 executed to plaintiff four notes whereby he promised to pay plaintiff Six hundred and sixty two dollars, as follows: First Note for One hundred dollars, twelve months after date, Second note for one hundred and fifty dollars two years after date, third note for two hundred dollars three years after date, fourth note for Two hundred and twelve dollars, four years after date, all bearing interest from date at Six per cent. per annum, And that on said day the defendant and his wife said Mary Ann, for the purpose of Securing the payment of said notes, executed and delivered to plaintiff a mortgage deed, which is herewith filed, conveying to plaintiff a tract of land Situated in said County of Jefferson known in said Mortgage deed by the following description to wit: The North East quarter, of the North East quarter of Section 31, and the North West quarter of the North West, the North West quarter of the South West quarter, South half of the South West quarter, Section 32, and the South West quarter of the North West quarter of Section 32, and the South East quarter of the Northeast quarter of Section 31. Township 39. range Six East, containing Two hundred and Eighty acres, upon the following Conditions to wit:

Exempt of foreclosure Oct 30th 1858
 Book No 4. Page 207.

That said Pinson has on said 6th day of August 1856 executed to plaintiff said four promissory notes, payable in One, two, three and four years from said date with Six per cent. interest. Now, if said Pinson, shall well and truly pay or cause to be paid said notes as they severally become due, with interest, then said Mortgage deed to be void, otherwise to remain in full force and virtue. Plaintiff avers that said defendant has failed to perform the said Conditions on his part and that the said first two notes herewith filed for the sum of two hundred and fifty dollars and all Interest due thereon remain unpaid, Wherefore, he prays that Judgment may be rendered for the said sum and all interest, and that the equity of redemption of the 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 and discharge the Judgment rendered and for other proper relief

Pipkin & Hagan attys
for the Plaintiff

Philip Pipkin attorney ^{above named} for the plaintiff on oath States, that the foregoing petition and the matters ~~as~~ therein as stated he believes to be true & that said defendant is a nonresident of the State of Miss-
ouri

P. Pipkin

Sworn and subscribed to before me this 9th day

of August A.D 1858. John D. J Edwards
Clerk of the Circuit Court.
Don Co. Mo.

Endorsed,

"Filed Aug. 13th 1858. Elias J Honey Clerk"

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
Sept. 11th 1858

Elias J. Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Mary Jane Pinson

----- if she be
found in your County, that she do 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 October
next, then and there to answer unto Peter P. McClair

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

Elias D. Honey
Witness, THO. E. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eleventh
day of September A. D. 1858

Elias D. Honey

CLERK CIRCUIT COURT.

I executed the within writ at the County of Jefferson
State of Missouri on the fourteenth of September 1858 by
reading it within the presence and hearing of Mary Ann
Pinson also by delivering her A copy of the same as furnished
me by the clerk of the court

Oscar Dovel Sheriff
of Jefferson Co Missouri

No 16
1340
Circuit Court

October Term 1858

John P. McClain
vs E. Cunningham

Mary Anne Pinson

Sheriff fee \$1.00²⁵

Attest Sept. 18 1858

Oliver H. Hovey

\$28.07⁵⁷

Judgt Oct. 30th 1858
Book No 4 page 207

I, James Lindsay, Publisher of the "Ironton Furnace," a weekly Newspaper printed in the Town of Ironton, Missouri, do hereby certify that the annexed Advertisement has been published in said newspaper four consecutive weeks, in numbers 33, 34, 35 and 36, Volume one commencing 27 August 27, 1858 and ending September 17, 1858
 Printer's Fee, \$ 6.00 Recd ~~Received payment~~ James Lindsay

STATE OF MISSOURI, }
 COUNTY OF IRON. } SS.

Personally appeared before the undersigned, John Stove, Printer of said paper, who being duly sworn, on oath declares that the above statement of the manner and time of publishing the annexed advertisement, is true.

James Lindsay
By John Stove

Sworn and subscribed to before me this
Nineteenth day of October 1858
John H. Edwards
 Clerk of the Circuit Court
 of Iron County Mo.

STATE OF MISSOURI, }
 COUNTY OF JEFFERSON, } SS.

In the Circuit Court in Vacation,
 August 13th, 1858.

Peter P. McClain, Plaintiff,
 vs.
 Nathan F. Pinson and Mary
 Jane Pinson, Defendants. Order
 of
 Publication.

THE said plaintiff having this day filed in the office of the Clerk of the Circuit Court of Jefferson County, his petition duly verified by affidavit, stating that said defendants are non-residents of this State, it is ordered by the undersigned Clerk, that said defendants be notified, by publication, of the commencement of this suit, the object and general nature of which is to obtain a judgment on two promissory notes executed by defendant, to said plaintiff for two hundred and fifty dollars, dated the 6th day of August, 1856, and to foreclose the equity of redemption of said defendants in and to the following described mortgaged property, to wit: The north-east $\frac{1}{4}$ of the north-east $\frac{1}{4}$ of Sec 31, and the north-west $\frac{1}{4}$ of the north-west $\frac{1}{4}$, the north-west $\frac{1}{4}$ of the south-west $\frac{1}{4}$, south $\frac{1}{2}$ of the south-west $\frac{1}{4}$ of Section 32, and the south-west $\frac{1}{4}$ of the north-west $\frac{1}{4}$ of Section 32, and the south-east quarter of the north-east $\frac{1}{4}$ of Section 31, Township 39, range 6 east, containing two hundred and eighty acres, and to have the same sold to satisfy the said mortgaged debt, with interest and costs, and unless they be and appear on the first day of the next term of said Court to be begun and held at Hillsboro in said County, on the fourth Monday of October next, and answer the said petition the same will be taken as confessed against them. And it is further ordered, that a copy of this order be published in the Ironton Furnace newspaper for four weeks successively, the last insertion to be at least four weeks before said next term.

Attest.

ELIAS F. HONEY, Clerk.
 Pipkin & Hagan Attys. for plff. ag27-4t

James Kennedy

1830

James Kennedy
Aged 86
Born 1744
Died 1830

James Kennedy

James Kennedy
Born 1744
Died 1830

James Kennedy

McLain
P. 1000

James Kennedy