

Jefferson County Circuit Court  
Case file civil

Box

12 Folder 9

December 1859 No 50

Blake, James N

vs

Maupin, Richard J

Injunction

Enjoin sale of yoke of oxen and  
wagon mortgaged to plaintiff

Know all Men by These presents That Whereas  
James H. Blake of Jefferson County have become  
my Security to Leander Hensley for the Sum of Sixty  
five dollars, and has executed a Joint note, <sup>with</sup> myself  
to Said Hensley for said amount, payable nine months  
after Date & dated July 6<sup>th</sup> 1858. I have in order to Secure  
and keep harmless my said Security - James H. Blake  
I do hereby grant bargain, sell, convey and deliver to  
the said James H. Blake my gore of oxen (one a  
brown with white face the other black & white together  
with my Wagon - for him said Blake to have hold  
and to keep the same until said debt be fully paid  
and after the full payment of said debt by me then the  
above described property, to be released and belong to me -

In Testimony Whereof I have hereunto set my hand  
and Seal this 25<sup>th</sup> day of February A.D. 1858  
Rich<sup>d</sup> J. Maupin  
Mark

State of Illinois  
Jefferson County  
Be it remembered That on  
this 25<sup>th</sup> day of February in the year of our Lord  
one thousand eight hundred and fifty eight before  
me the undersigned County Court Justice of Jefferson  
County appeared Richard J. Maupin - personally known  
to me to be the same person whose name is  
Subscribed to the foregoing Instrument of Writing - and  
acknowledged the same to be his act & deed for  
the purposes therein mentioned  
Taken & acknowledged the  
day & Year aforesaid  
J. J. Johnston County  
Court Justice

Rich. P. Mayhew  
Mortgage to  
James H. Blake

Filed Dec 20<sup>th</sup> 1858  
Elias J. Mooney  
Recorder,

75<sup>¢</sup> Paid

State of Missouri, }  
County of Jefferson. } p. 1  
I, the undersigned Clerk of the Circuit  
Court, and Ex officio Recorder, in and for said County,  
do hereby certify that the foregoing instrument of writing  
was filed for Record in my office, December 20<sup>th</sup> 1858,  
and is truly Recorded in Book P. page 104.

In Testimony Whereof, I hereto set  
my hand and affix the seal of said  
Court, at office, in Hillsboro, the date  
last aforesaid.

Elias J. Mooney Recorder

James N. Blake, Plaintiff }  
Against }  
Richard J. Maupin - defendant.

} In the Circuit Court  
} Jefferson County,

Plaintiff states that the Defendant on the 6<sup>th</sup> day of February 1858, executed his promissory Note, to Leander Hewley, for the sum of sixty five dollars, payable nine months after the date thereof, and that the Plaintiff at the same time signed said Note at Defendant's request as his security; and that on the 25<sup>th</sup> day of February 1858, the Defendant, for the purpose of indemnifying and securing the Plaintiff upon his liability on said promissory note, in case he should be compelled to pay it, executed and delivered to Plaintiff a Mortgage Deed, or obligation in writing (which is herewith filed) whereby he transferred, sold & conveyed to Plaintiff the following personal property, to wit, one Yoke of Oxen, (one, a Brown with a white face, and the other, a black & white,) and a wagon, upon the condition that Plaintiff should have and hold the possession of said property until said debt to said Fleming Hewley of \$65.00, should be fully paid by the Defendant, and then the same to be released in favor of Defendant,

Said property was not however actually delivered to Plaintiff, but was left in the possession of the Defendant,

Plaintiff avers that the Defendant

neglected and failed to pay said prom-  
issory Note to said Hensley, <sup>or his assignee</sup> where the same  
became due and payable, and that the  
Plaintiff was sued on the same before  
Joel Hensley Esq, a Justice of the Peace  
of Jefferson County Missouri, and judg-  
ment rendered, against <sup>him</sup> for sixty five  
dollars and 65 cents <sup>in favor of Henry Hensley Assignee of Leander Hensley</sup> and he was there-  
by compelled to pay said Judgment and  
Costs, <sup>on the 4<sup>th</sup> of May 1839,</sup> amounting in all to about <sup>seventy</sup> ~~eighty~~  
three dollars. Plaintiff therefore asks  
that Judgment may be rendered a-  
gainst the Defendant for <sup>seventy three</sup> ~~eighty~~ dollars  
(the amount of said Judgment and Costs)  
and that the Equity of redemption of  
the said Defendant in and to said mort-  
gaged property may be foreclosed, and  
that the same or so much as may be  
necessary, may be sold to pay off and  
discharge the Judgment <sup>here</sup> rendered, and  
for other and proper relief.

Plaintiff further states that the De-  
fendant is insolvent, or at least has no  
property other than said mortgaged prop-  
erty, liable to the process of law, and that  
the Defendant is about to, and threatens  
to sell and dispose of said mortgaged prop-  
erty, and place it beyond the reach of  
Plaintiff, and thus render the Judgment  
he may obtain ineffectual. Plaintiff  
therefore asks that Defendant may be  
enjoined and restrained from selling, or  
disposing of, removing said property  
out of this County, until this suit may  
be determined.

J. Abner Green  
3 Atty, for plff.

James N. Blake, plaintiff, makes oath  
and says the above petition, and the  
matters therein as stated, he believes to  
be true.

Sworn to & Subscribed before me

this 3<sup>d</sup> day of May 1859

A. J. Healey, C. C. Co. Ct.

James N. Blake

Amendment to the above petition  
made by leave of the Court.

The plaintiff further states that he  
claims the right to the possession of the  
Property described in this petition, to  
wit, one Hoke of oxen, (as above described)  
and one wagon, with which to satis-  
fy and pay the debt secured by said  
Mortgage Deed, <sup>to wit, \$73 dollars</sup> interest, and costs, and  
for which judgment is prayed.

Abner Green  
Atty. for Plaintiff

James N. Blake, plaintiff, makes  
oath and says this amendment to the above  
petition, and the matters therein as stated  
he believes to be true.

James N. Blake

Sworn to before me

this 6<sup>th</sup> 1859

Elus J. Healey, C. C.

In Circuit Court  
Jefferson County

James D. Beaka

vs,

Richard J. Murphy

petition

for summary judgment

presented for

file

Filed May 14 1837.

Geo J. Moorey  
debt

|               |     |
|---------------|-----|
| Copy Recd     | 25¢ |
| 1 certificate | 50  |
| Amalgam       | 120 |
| books         | 20  |
| 1/4           | 25  |
| 1/4           | 50  |
| 1/4           | 15  |

|           |
|-----------|
| 3 55      |
| 2 10 over |
| 5 35      |

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon *Richard J. Maurer*

----- if - he - be  
found in your County, that - he - 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 Second Monday after the  
next, then and there to answer unto *James A. Blake*

-----  
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 Fifth  
day of May A. D. 1859

*Elias J. Honey*

CLERK CIRCUIT COURT.

Served the within writ on Richard J. McQuinn at the County  
of Jefferson on the Eleventh day of May 1859 by deliver-  
ing to him a true copy thereof. and of the annexed pe-  
tition as furnished by the clerk.

Ascar Danner Sheriff  
by J. C. Danner Deputy

No 50

To Jefferson Circuit Court

June Term 1859

James S. Blake  
vs  
Dummon

Richard J. McQuinn

Shriffs Fee \$1.00

Filed May 20th 1859

Chas. S. Hooley Clerk

Received by J. C. Danner  
Deputy Sheriff  
May 20 1859

State of Missouri }  
County of Jefferson }  
James N. Blake }  
vs, }  
Richard J. Mainin }

In the Circuit  
Court of Jefferson  
County

James N. Blake the  
Plaintiff in the above Cause, being duly  
sworn, on his oath states, that he is law-  
fully entitled to the possession of the prop-  
erty claimed in his petition in said Cause,  
to wit, one yoke of oxen, (one, a brown  
with a white face, and the other a black  
and white,) and also a wagon, - That  
said property is wrongfully detained  
by the defendant Richard J. Mainin, -  
That ~~said property~~ <sup>the actual</sup> ~~is of the value of~~  
thereof is, seventy dollars, - That the same  
has not been seized under any process,  
execution or attachment against the prop-  
erty of the plaintiff, - and that the plain-  
tiff will be in danger of losing his said  
property, unless it be taken out of the  
possession of the defendant, or other-  
wise secured.

James N. Blake

Sworn to before me  
June 8th 1859

Elias J. Honeycutt

John Vincent Court  
Jefferson County  
James H. Blake  
18,  
Richard J. Thompson  
Affidavit

Filed June 8th 1859  
Chas J Honey

State of Missouri }  
County of Jefferson } In the Circuit Court  
June 8th 1859

James N. Blake

Richard J. Maupin

} Action for the recovery of  
personal property

Now at this day comes  
said plaintiff and files his petition and affidavit  
as required by law for the possession of the herein  
after described personal property. Wherefore it  
is ordered by the Court: that the said defendant  
deliver the property specified in said petition  
to wit: One yoke of Oxen (one a Brown with a  
white face and the other a black & white) and  
a wagon to the Sheriff of said County, and  
that the Sheriff if the same be not delivered  
to him, that he take it from the defendant  
and deliver the same to the Plaintiff

In Testimony whereof, I  
hereby set my hand and af-  
fix the Seal of said Court.

at Office June 8th 1859  
Elias J. Hoovey Clerk

I Executed the within writ in the County of  
 Jefferson State of Missouri on the 18<sup>th</sup> day of  
 June 1859 by Taken within Described Wagon  
 and Delivered it to James A Blake and the  
 within Described goats of Deer at James  
 in my County

Wm Danner Sheriff  
 by J. L. Ramey Deputy

Volunteer Court  
 Deer Deer 1859

James A Blake

as order for order of Property

Richard J. McQuinn

Sheriff fees \$100

Sold Oct 24<sup>th</sup> 1859  
 Elias S. Honey  
 Clerk

Blake  
 as  
 McQuinn