

Telferson County Circuit Court
Case Files - Civil
April 1863

Box 14 Folder 28

Daley, Edward

vs

Stoney, William

Foreclosure

Debt \$2,000; 720 acres in

S 26, 27, 34-740 R 6 E

Six Months after date of promise to
pay Summa Duty or order Three Shillings and
Sixpence. negotiable and payable without
discharge or discount. for value received
with interest from date at the rate of
Ten Per Cent per annum until paid. Dated
this third day of November Eighteen
Hundred and fifty Eight.

George Henry

George St. 11.

Filed April 21 1863

Elias F. H. May Clerk

Edward Daly Plaintiff
vs
William Stony Defendant of Jefferson County, Missouri

The plaintiff states that George Stony, on the 3^d day of November 1858 executed and delivered to the plaintiff his promissory note herewith filed, by which he promised to pay the plaintiff two thousand dollars, for value received, six months after date thereof, that for the purpose of securing the payment thereof, said Stony executed and delivered on the same day, to the plaintiff his mortgage deed, herewith filed; By which he conveyed to the plaintiff the following lands situate in Jefferson County Mo viz

The north half of the South West quarter of Section 26, Township 40, Range 6 East containing 80 acres. The North East quarter & South East quarter and East half of the South West quarter of Section 27 Township 40 Range 6 East, containing four hundred acres. And the North half of the North West quarter, the West half of the North East quarter, the North West quarter of the South East quarter and the South East quarter of the North West quarter of Section 34 Township forty, Range 6 East, containing 240 acres.

The said Mortgage Deed contained a condition substantially as follows viz

"Provided always and these presents are on this condition, that if the first party shall well and truly pay his certain promissory note bearing even date with this obligation and payable six months after date, given to the said.

party of the second part for the sum of two thousand dollars, lawful money as aforesaid, with interest at the rate of ten per cent per annum from date, according to the tenor of said note; then these presents shall become void and the estate hereby granted, shall cease and utterly determine "

The plaintiff further states that George Stony departed this life since the execution of said mortgage without paying any part of said debt and interest and left surviving him, his only known legitimate heir, William Stony the defendant - who, it is said, has administered upon his estate but of this plaintiff has no knowledge

Plaintiff states that all of said two thousand dollars & the interest thereon are still unpaid and due to plaintiff

He prays the Court for judgment for two thousand dollars and interest and for judgment of foreclosure of said mortgage and for a sale of the equity of redemption of said lands and for all further orders as may be necessary
J A Beal
Atty for D Daly

J A Beal states on oath that the foregoing petition and the matters therein as stated, he believes to be true
Subscribed & sworn to 3 J A Beal
before me April 21 1863 3
Chas J Honey Clerk 3

2222

Edward Dady

as

Wm Stoney

Set for foreclosure of Mort
gage.

Filed April 21, 1863

Wm J. Honey
Clerk

Lu. 21, 1831, 21, 65-

to per cent

County of Rockingham
for the use of the
of the same

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2 copies put	1.00
2 books sent	1.00
sent to copy	1.20
recd	.05
sent to copy	.15
order sent	.50
copy	.40
copy	.50
copy	.60
copy	.75
copy	1.00
copy	2.50
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copy	5.00
copy	1.50

Edward Daly

vs

William Story

} In the Circuit Court
of Jefferson County Mo

The plaintiff states that since the commencement of this suit he has ascertained that George Story deceased left on him or heirs in England whose names are unknown to plaintiff, that he left children by his second wife living in Missouri, besides William the defendant, he left a son named Joseph, ~~two~~ daughters of names of Hannah & Eliza and another child ^{name} unknown supposed to be a daughter under twenty one years of age at the present time.

The first wife of George Story is dead and plaintiff does not know whether the second wife of Story is alive.

Plaintiff prays the Court to make Joseph, Hannah & Eliza Story and the second wife of said Story — and the unknown children and heirs at law of George Story defendants to make order of Publication, notifying the said Joseph, Hannah & Eliza Story & the unknown children & heirs of George Story defendants of this commencement of this suit & for judgment against these defendants as prayed against William Story. And plaintiff states that he caused a writ to issue in the above cause to Newton Co Mo against William Story that there has been no return & owing to the state of the country he believes that process can not be served on said William. He further states that the residences of the other defendants are unknown, & that for that reason process cannot be served on them.

Plaintiff therefore begs order of publication

~~Subscribed & sworn to~~

J A Reel Atty

~~before me~~

Plaintiff

J A Reel Atty for Plaintiff states, on oath that the fore-
going petition & the matters therein as stated he believes
to be true

J A Reel

Subscribed & sworn to before me June 15th 1863

Elias J Honey Clerk

Edward Daly

Plaintiff

Petition for news suppression
& publication

Filed June 15th 1863

Elias J Honey
Clerk