

June 1864

Foster, Chappell &

vs

Cook, Allen

Debt

Debt \$280 paid to defendant as partial
payment for 160 acres, for which deed
was set aside and vested in Newton
Mathews; 4 lots in DeSo to attached

Chapel L. Foster, Plaintiff, }
 Against }
 Allen Cook, - Defendant, }
 In the Circuit Court }
 of Jefferson County, Missouri, }

The Plaintiff states that on the 31st day of September 1860, the Defendant executed and delivered to Plaintiff a Deed of that date, which is herewith filed, for the following described Tracts of Land situate in Jefferson County, Missouri, To wit: The North half of Lot No. Two, of the South West quarter of Section No. Thirty one, in Township No. Forty, of Range No. Four East, containing acres and $\frac{43}{100}$ of an acre, - also the South half of Lot No. one, of the South West quarter of Section No. Thirty one, in Township No. Forty of Range No. Four East, containing Forty acres, - also, the South West quarter, and the North East quarter of the South West quarter of Section No. Thirty one, in Township No. Forty, of Range No. Four East, containing eighty acres, - also, a Tract of Three acres and $\frac{43}{100}$ of an acre, which was conveyed to Whitaker A. Mothershead, by Sampson S. Wiley, by deed of the 4th day of October 1841, & recorded in the Recorder's Office of Jefferson County aforesaid in Book 7, page 35, and to which reference may be had for a particular description. That the purchase money for said several Tracts of Land was Eleven hundred and twenty five dollars - two hundred and eighty dollars of which was paid by Plaintiff to the Defendant, - as follows, 135 dollars when the Deed was made and 80 dollars on 19th Oct^r 1861 and the balance of 75 dollars, on ~~the 29th Nov^r~~ ^{the 29th Nov^r} 1860

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1 ¹⁸⁶² ~~afterwards~~, Plaintiff further states that afterwards Newton Mathews brought suit against Plaintiff and Defendant for the Lands herein before described, in the Circuit Court of Jefferson County, Missouri, and at the December Term 1863 of said Court, recovered Judgment against this Plaintiff and the Defendant, for the Land aforesaid, and obtained a decree, setting aside the Deed aforesaid, executed by Defendant to Plaintiff, and divesting Plaintiff of any title to said Lands, and vesting the title of the same in the said Newton Mathews, Plaintiff states that by the force and effect of said Judgment & decree Plaintiff was dispossessed of said Land, and the said Newton Mathews put in possession of the same, - a Copy of the record and proceedings of said suit are herewith filed, -

Plaintiff states that Defendant had Notice of the Judgment and ^{decree} eviction aforesaid and that ^{having such notice, it was by law} ~~the duty of~~ Defendant ^{to pay Plaintiff} ~~the amount paid~~ by him of ~~the~~ purchase aforesaid, to wit, the sum of two hundred and eighty dollars, with six per cent interest thereon, which Defendant ^{has} failed to pay, and for which Plaintiff asks Judgment. Abner Green
Attorney for Plaintiff

Chapel L. Foster, Plaintiff, makes oath and says the above petition and the matters therein as stated he believes to be true.

Known to and Subscribed

C. L. Foster

before me Jan 28 1864

Elias J. Honey Clerk



In the Circuit Court
of Jefferson County
Charles L. Foster
vs
William Hook
Petition, to recover
purchase money, on
Execution
Let attachment
issue,
J. Moore
for plaintiff

Filed Jan'y 28th 1864
Geo J. Mooney
Clerk

W. J. Handley, Clerk

Chapel L. Foster, plaintiff } Attachment
against } in a Civil action,
Allen Cook, - defendant }

State of Missouri }
County of Jefferson }

Chapel L. Foster, the plaintiff in the
above entitled Cause, being duly sworn,
on his oath states that he has a just
demand against Allen Cook, the Defenda-
ant therein, now due; and the amount
which this affiant, the plaintiff, be-
lieves he ought to recover, after allow-
ing all just credits and set-offs is,
two hundred and eighty dollars and the
interest thereon, - and that this Affiant
has good reason to believe, and does
believe, that the Defendant, is not
a resident of the State of Missouri,
Sworn to and subscribed
before me Jan'y 28th
1864

Elias & Honey Clerk



Chapfield, ^{to} Starter

^{18'} Allen Cook

W. H. Hildreth

Medbury 28th 1864

Geo J. Hovey
Clerk

Chapel L. Foster, plaintiff } Attachment
Against } in a Civil action,
Allen Cook, - defendant }

We, Chapel L. Foster, as principal,
and Larkin D Collins, Silas Johnson
as securities, acknowledge ourselves to be
indebted to the State of Missouri, in the
sum of five hundred and sixty dollars,
for the payment whereof, we bind our-
selves, our heirs, executors and administra-
tors.

The Condition of the above obligation
is, that whereas, the said Chapel L. Foster
as plaintiff is about to commence a
suit by attachment, in the Circuit Court
of Jefferson County, Missouri, against the
said Allen Cook, defendant, returnable to
the next Term thereof, wherein the sum
sworn to is Two hundred and eighty dollars,
Now, if the said Plaintiff shall prosecute
his action without delay, and with effect,
refund all sums of money that may be
adjudged to be refunded to the defendant,
or found to have been received by the plain-
tiff and not justly due to him; and pay
all damages that may accrue to any
defendant, or garnishee, by reason of
the attachment, or any process or pro-
ceeding in the suit, or by reason of any
judgment or process thereon, then this

obligation is to be void, otherwise to
remain in full force.

Witness our hands and seals
this 28th day of January 1863,

C. B. Foster Seal

Larkin D. Collins Seal

Silas^{his}mark Johnson Seal

Chapdel. Foster
23,
Allen Cook
Bond
in attachment

Recd Jan'y 28th 1864
and approved by me
Chas. J. Hooley
clerk

County of Jefferson St
The State of Missouri
To the Sheriff of the County of Jefferson
Greeting:

We command you to attach
Allen Cook, by all and singular his
lands and tenements, goods Chattles
rights, moneys, credits, evidences of debt
and effects, or so much thereof as shall
be sufficient to satisfy the sum of
Two hundred and Eighty ———
dollars and costs and interest in whose
possession soever the same may be found
in your County. And that you summon
the said Allen Cook that he be and ap-
pear before our Circuit Court of the County
of Jefferson on the first day of the next
term thereof, to be begun and held at the
Court House in Hillsboro in said County,
on the Second Monday after the Fourth
Monday in May next, then and there
to answer the petition of Chapel S Porter
a copy whereof is hereto annexed; And
that you summon all persons that
you shall find in the possession of goods
money or effects, of the defendant, not
actually seized by you and all debtors
of the defendant, and such other per

sons, as the plaintiff or his attorney
may direct as garnishees, to be and
appear before our said Court, at the
time and place aforesaid then and
there to answer such allegations and
interrogatories as may be exhibited
against them. And have you there
and there this writ

In Testimony whereof I
Elias J. Hooley, Clerk of
said Court have hereunto
set my hand and affixed
the Seal of said Court at
office this Twenty Eighth
day of January A D 1864
Elias J. Hooley
Clerk

To Jefferson Lewis bound
June Term 1864

2487

Shapell & Foster
vs 3 Attachment

Allen book

W. B. Dwyer 11/18/50

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This writ came to hand January 27th 1864 and I did
on the same day Levy it upon & Attach all the
right title claim and Interest of Allen book
of in and to the following Described Real Estate
Lying and being in Jefferson County Missouri
To wit, Lots, Nos, 1, 2, 23 and 24 in Block 14 in the
Town of Desoto.

Jerome B. Dwyer Sheriff

STATE OF MISSOURI, }
County of Franklin. } S S

PERSONALLY appeared before me, the undersigned Justice of the Peace for and within the county aforesaid, **JAS. G. MAGANN**, who, being duly sworn according to law, on his oath says that he is the Publisher of the **Franklin County News**, a newspaper printed and published in the town of Washington, county aforesaid that the notice of *Order of Publication* hereto annexed, was published in said paper.

That the 1st publication was on *Sept. 8* 186*5* in Volume *3* No *12*
2d " " " *15* 186*5* " *3* No *13*
3d " " " *22* 186*5* " *3* No *14*
4th " " " *29* 186*5* " *3* No *15*
5th " " " *Oct 6* 186*5* " *3* No *16*
6th " " " 186..... " No.....
7th " " " 186..... " No.....
8th " " " 186..... " No.....

and that the copy attached is a true copy of said publication.

In the circuit court of Jefferson county,
Mo., May Term, 1865.

Chappel L. Foster, Plff. }
vs. } Renewed
Allen Cook, Defendant. } Order of
Publication,

Now again at this day comes said plaintiff by his attorney, and it appearing to the satisfaction of the court that the order of publication heretofore made in this cause has not been complied with. It is therefore ordered by the court that the same be renewed notifying him that an attachment in the circuit court of Jefferson county Missouri, for the sum of Two hundred and eighty dollars, founded upon a breach of warranting in a certain deed of conveyance of land dated September 21, A. D. 1860, and recorded in the recorder's office of said county in Book "R" page 29—that his property has been attached, and unless he be and appear on the first day of the next term of said court on the second Monday in November next and on or before the fifth day thereof and answer or demur to the said petition, judgment will be rendered against him and his property sold to satisfy the same, and it is further ordered that a copy hereof be published in the Franklin County News, a newspaper printed and published in this State for four weeks successively, the last insertion to be at least four weeks before said next term.

A true copy of the order.

In testimony whereof I have hereto set my hand and affixed the seal of said court this 31st day of August, 1865.

SEP8-4t SAMUEL A. REPPY,
Clerk Circuit Court.



SWORN and subscribed to before me this *7th*
day of *October* 186*5*

John H. Ellis

Received, for publishing the annexed notice *5*
times in the News, \$*10.00*

Stafford & Magann

C. S. Hunter

and

Allen Cook

Order Publication

Filed Oct 19 1865

Saml. A. May Jr & Co