

Jefferson County Circuit Court
Case Files - Civil
June 1864

Box No.

15

File No. 48

Byrne, Patrick
vs

Frost, E. F. Admin

Hiltebrand, Silas, deceased

Foreclosure

Debt \$403; 150 acres in Survey

1999-412,44 R 3,4 E

24
This indenture Made this fifteenth day of
February A.D. 1861. Between Silas Helderbrand and
Sarah — his wife of the State of Missouri and
County of Jefferson of the one part and Patrick
Myron of the same State and County of the other part
Witnesseth — That the said Silas Helderbrand ^{my} for and
in consideration of the sum of ~~four hundred & thirty~~ ^{three} dollars
to them paid by the said Patrick Myron, the receipt
whereof is hereby acknowledged, hath granted, bargained
& sold, and by these presents doth grant bargain
sell, alien, and confirm unto the said Patrick
Myron and to his heirs and assigns forever all that
tract or parcel of land, situated in the County of
Jefferson and State of Missouri — to-wit one hun-
dred & fifty acres — described as follows beginning at
the South West Corner of the original Survey thence South
Seventy eight degrees East, containing one hundred &
fifty acres — being part of Survey No. 1999. Confirmed
to Abram Helderbrand, Township Forty two & forty three
Range 3 and 4 East —

To have and to hold the premises aforesaid, with all the
privileges and appurtenances thereunto belonging or in
any wise appertaining unto him the said Patrick
Myron his heirs and assigns forever — Provided always
that these presents are upon this express condition
— That if the said Silas Helderbrand, his heirs, Executors
or administrators shall pay to the said Patrick

-By his Executors, Administrators or assigns, the several sums of money—here mentioned and therein (toward) one note of hand in 8000 and signed as follows—
 Three months after date for Value received of promise to pay Patrick Hyman or order the sum of one hundred & fifty dollars, negotiable and payable without abatement or discount together with interest thereon at the rate of ten percent per annum from date until paid, given under my hand this 15th day of February A.D. 1861—
 Attest J. J. McMahon
 (Signed) Elias J. McMahon
 Justice of the Peace

Twenty four months after date, Value received of promise to pay Patrick Hyman or order the sum of two hundred & fifty-three dollars, negotiable and payable without abatement or discount, together with interest thereon at the rate of ten percent per annum, from date until paid—
 Given under my hand this fifteenth day of February A.D. 1861
 Attest J. J. McMahon
 (Signed) Elias J. McMahon
 Justice of the Peace

In Witness Whereof the said Justice of the Peace in said notes—
 Given from his office forth the present place do said

Jonah McMahon
 Patrick Hyman
 Seal

State of Wisconsin
 Jefferson County

Be it remembered that on this fifteenth day of February in the year of our Lord one thousand eight hundred and sixty one before me the undersigned Justice of the Peace of Jefferson County, appeared Elias McMahon & Sarah his wife both personally known to me, to be the same persons whose names are subscribed to the foregoing instrument of writing as parties thereto and personally acknowledged the same, to be their act and deed and seal for the purposes therein mentioned, the said Sarah—being by me first made acquainted with the contents thereof, of examining separate and apart from her husband and acknowledging that she signed the same and being with her answer in said lands freely, voluntarily and without compulsion or undue influence of her said husband—
 Attest & acknowledged
 The day & year aforesaid
 G. J. McMahon
 County Clerk
 Justice

to be the same persons

Mortgage

Wm. H. H. H.

Patent Mine

Filed July 20th 1861
Elias J. Honey

Recorder

809 Paid

State of Missouri
County of Jefferson & the undersigned Recorder
in and for said county do hereby certify that the
foregoing deed was filed for record at my office
July 20th 1861 and is duly Recorded in Book
R page 1830

Witness my hand and official
seal this last of aforesaid
Elias J. Honey Recorder

\$150

Twelve Months after Date, for Value Received I promise
to Patrick Byrne or order the Sum of one hundred
& fifty dollars, negotiable and payable without defalcation
or discount together with interest thereon at the rate of
ten percent per annum from date until paid —
Given under my hand this 15th day of February A.D.
1861. Attest G. J. Johnston Silas^{his} & Hetterbrand
Mark

\$253.00

Twenty four Months after Date Value Received. I promise
to pay Patrick Byrne or order the Sum of —
two hundred & fifty three dollars, negotiable and payable without
defalcation or discount, together with interest thereon
at the rate of ten percent per annum from date
until paid, Given under my hand this fifteenth
day of February A.D. 1861. Silas^{his} & Hetterbrand
Attest G. J. Johnston Mark

Patrick Byrne, Plaintiff, } In the Cir Court Court
Against } for the County of Jefferson
E. J. Frost, Admr. of the Estate of } State of Missouri
Silas Hellerbrand, deceased

Plaintiff states that the said Silas Hellerbrand, deceased, on the 15th day of February A.D. 1866, executed to plaintiff his two promissory notes, herewith filed, whereby ^{in one} of said notes he promised to pay to plaintiff one hundred and fifty dollars, twelve months after the date thereof, with ten per cent interest from the date till paid; and in the other said note, the said Hellerbrand promised, twenty four months ^{after} the date thereof to pay plaintiff the sum of two hundred and fifty three dollars, with ten per cent interest thereon from ~~the~~ date till paid; and that on the day and year last aforesaid, the said Silas Hellerbrand and Sarah Hellerbrand his wife, for the purpose of securing the payment of said notes, executed and delivered to the plaintiff a mortgage deed, which is herewith filed conveying to the plaintiff a tract of land situate in the said County of Jefferson, known in the said mortgage deed ~~as~~ by the following description to wit, All that tract or parcel of land situate in the County of Jefferson and State of Missouri, to wit one hundred and fifty acres, described as follows, beginning at the South West Corner of the original survey thence South seventy eight degrees East, containing one hundred and fifty acres, being part of survey No. 1999, ~~and~~ confirmed to Abraham Hellerbrand, in Township forty two and forty three Range 3 and 4 East, to have and to hold the premises aforesaid with all the privileges and appurtenances

thereto ⁱⁿ belonging or in any ~~any~~ wise appertaining unto him
the said Paluck Byrne, his heirs and assigns for ever
provid ~~however~~ always that these presents are upon this
express condition, that if the said Silas Hutterbrand, his heirs
executors and administrators shall pay the said Paluck Byrne
his executors, administrators or assigns the several sums of
Money in the notes in this petition described. Plaintiff avers
that ~~that~~ the said Silas Hutterbrand failed to perform
the said conditions on his part & that ~~that~~ the sum of four
hundred and three dollars, and the interest thereon from
the 15th of Feby, 1864, remain unpaid, wherefore he prays
that judgment be rendered against the said E. L. Grover
Adm of said Hutterbrand

for the debt and all the interest, and that ^{the} Equity of
redemption of the said Hutterbrand in & to the tract
of land may be foreclosed & that the same or so
much thereof as may be ~~necessary~~ necessary, be sold to pay
off and discharge the judgment rendered and for other
proper relief. J. C. Hendrickson
Attorney for Plaintiff

J. C. Hendrickson Atty for the plaintiff.
swears and says, the above petition and the
maker oath and says, he believes to be true
matters as therein stated. J. C. Hendrickson

Sworn to & Subscribed before
me this 25th Feb. 1864
Elias J. Hoovey

Clerk

Patrick Byrne

at

E. J. French & Son
at Philadelphia

Filed July 24th 1864
Chas J Honey etc

at 0	10
as chet	05
copy of the	75
C. H. H.	50
It is up to you	1.20
to do it	60
rules -	25
enough	10
app	25
subscribes	50
page	20
books -	25
books	

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *E. P. Frost Adm'r.*
of the Estate of Elias Hellerbrand
deceased

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 fourth
Monday of *May* next, then and there to answer unto
Patrick Byrne

upon *his* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twenty Sixth*
day of February A. D. 1864



Elias F. Honey
Clerk Circuit Court.

2241

TO JEFFERSON CIRCUIT COURT.

June 1st 1864

Patrick Byrne

vs. Summons

E. J. Frost, Admr

of the Estate of
Silas Kellerbrand

decd.

J. B. Doremus \$ 1,000
Lud. \$ 540.68
and sale of mortgaged
property.

10 per cent.

Chd.

I, Executed this writ at the county of Jefferson State of Missouri on the 1st day of June 1864 on E. J. Frost Admr of the Estate of Silas Kellerbrand decd. by delivering to him a true copy of this writ and annexed petition as furnished me by the clerk.

Jerome B. Doremus Sheriff

1278
28

Patrick Byrne

vs
E. F. Frost Adm^r of the
Estate of ~~Sam^l Herring~~
Sila, better brand, Dec'd

Now at this day comes the Defendant
in the above entitled Cause & for answer
to the Petition of the Plaintiff, states that he
believes the matters and things set forth
in said petition are true.

Sworn & subscribed
before me June 8th 1864

E. F. Frost - Adm^r

E. F. Honey clk

per J. E. Walker D. C.

Patrick Byrne

27.

Co. T. 1st Mass. Infantry
Rec'd

Shewer of Adam?

Shewer of Adam 10 1804

to 27 Honeywell

Pat Byrne

E J West Admr of
Silas Kellerbrand deed

Int at 10% — Suagt \$510.68
Honey Clerk

affd. 20¢ copy pet 75¢ cert Heal 52¢
mt copy \$1.20, Stamp 60¢, ans 25¢
app to ans 10¢, Subwp 25¢

Suagt 53¢ Docket 5¢ Jue Bill 5¢
Indexes 20¢, Dck lndgt

4 65

J. B. Dover Sheriff

Serve Summons 1/4 calls 30¢ // 130

~~137 63~~
516 63