

Jefferson County Circuit Court
Case file Civil
November 1864

Box

15

Folder

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Herrington Stephen B

CS

Herrington, Hannah J.

Herrington, John E.

Title

One half of unspecified acreage
in Survey 932; \$254 damages
for removal of timber

Stephen B. Herrington, Plff
vs
Wm. J. H. Herrington, & Defts
John E. Herrington

In the Circuit
Court of Jefferson
County November 9, 1864

Plaintiff says that that Elias
B. Herrington the husband of the
Defendant did about the year
1860, become the purchaser of the
following Real Estate situated in
the aforesaid County of Jefferson and
State of Missouri: To wit, part of
Survey No. 932 Township Forty-
one Range Five East Containing

acres more or less
that said Elias bought said Real
Estate from one J. C. Fletcher and
executed to said Fletcher his promissory
for the sum of Two hundred and
Fifty-four Dollars - payable
after date that said
Fletcher afterwards assigned said
note to one Josiah Craft that
before said note was due said Elias
B. Herrington verbally agreed with
plaintiff that if he (the plaintiff)
would pay to said Craft one half
the amount of said note that
plaintiff should have one half
of said Land - plaintiff says

that in pursuance of the agreement
aforesaid with said Elias Herrington
the Plaintiff ~~on~~ ^{was} about the Year
1861 paid to the said ^{Elias} ~~defendant~~ the
sum of one hundred and twenty
seven dollars being one half of
the aforesaid Note (which note was
given by said Elias to secure the
purchase money of said land)
that soon after the payment of
the purchase money as aforesaid
the Plaintiff entered upon and
took possession of one half of
the land aforesaid and with the consent
of the said Elias that he built a house
~~thereon~~ and made other realizable and
lasting improvements thereon to
the value of about Three hundred
and Fifty Dollars that said Fletcher
executed a deed of said land to said
Elias about the Year 18 ^{that}
that it was always understood ^{and agreed} between
Plaintiff & ~~Defendant~~ said Elias that
Plaintiff should have one half of
the said Land ^{notwithstanding the payment by Plaintiff of one half of the}
^{purchase money of said land} but that ^{he was} ~~he~~ ^{refused to make him a}
^{deed} about the month of July 1863 without
executing a deed to Plaintiff for his
half of the Land ^{and} ^{although} ^{often requested}
^{to do so} he made a will giving the said
Land to his wife the said John E
Herrington a minor heir of said
Elias B Herrington the Defendant

the Plaintiff prays the Court
to make a decree divesting said
Defendants ~~of their title to the land~~
~~and restoring the title to~~ of Title to
one half of the aforesaid Real
Estate and to vest ^{the} Title thereof
in plaintiff - Plaintiff further
further says that he has been
Damaged by the Defendants in
withholding the Title to the said
Land in the sum of Two hundred
and Fifty Dollars and Plaintiff
further ~~says~~ says that since the
purchase as aforesaid by the plaintiff
the Defendant Hannah J. Herrington
has caused to be cut down and converted
to her own use about fifty-Cords of
wood on said land whereby plaintiff
has sustained Damage in the sum of
Two hundred & Fifty Dollars for both
of which sums plaintiff asks judgment
the plaintiff says further that John
E. Herrington one of the Defendants is
a minor under the age of Twenty one years
wherefore plaintiff prays that a Guar-
dian ad litem be appointed to answer
this petition and make defence to this
action in behalf of said minor and
for such other relief as may be just &
proper in the premises

~~John E. Herrington~~ Williams

Att'y. for plaintiff

John E. Herrington agent for the

Plaintiff on oath says the
matters and things as stated
in the foregoing petition he believes
to be true and correct

signed

S. J. Herrington

Sworn to and
subscribed before me
this 11th of October 1864
Elias J. Hooley Clerk

off 2 109
copy 60
cost 50
total 109
inc 20
standards 55

A. B. Herrington
W. J. Herrington &
J. E. Herrington

For Vith to Land &c

(original)

Deled Oct 11th 1864
Elias J. Hooley
Clerk

Clerk let process issue
Green William
for self

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

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

We command you, that you summon *Nannah J. Herrington*
and John E. Herrington

if they be found in your County, that they
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 November next, then and there to answer unto
Stephen B. Herrington

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 *Twelfth*
day of *October* A. D. 18*64*

Elias F. Honey,

Clerk Circuit Court.



No 13. 2/1864

TO JEFFERSON CIRCUIT COURT

November 23rd 1864

Steph. B. Herrington

vs. } Summons

Rebecca J. Herrington

John E. Herrington

J. B. Doney \$2.00

I, Executed this writ at the County of Jefferson State of Missouri on the 13th day of October 1864 on Hannah J. Herrington by Delivering to her A true copy of this writ and annexed petition also on John E. Herrington on the same day by Delivering to him A true copy of this writ as furnished me by the Clerk

Jerome B. Doney Sheriff