

Jefferson College Circuit Court
Case file civil

April 1865

Box

15 Folder

69

Burgess, Thomas

VS

Ballaine, Francis

Appeal

Defendant appealed from JP William
Mockbee on \$121.60 note; 3 yoke of
oxen and 2 wagons attached



Thomas Burgep } Bond in Attachment
 is }
 Frank Baleen } Suit Before Mr. Mockbee J^d

We Thomas Burgep as Principal and A B Hensley as Security owe and stand indebted to the State of Missouri in the sum of Two hundred and forty Three dollars upon the condition that the Plaintiff in the above entitled cause Thomas Burgep shall prosecute his action without delay and with effect refund all sums of money that may be adjudged to be refunded to the defendant F Baleen or found to have been received by the Plaintiff and not justly due him and pay all damages and costs that may accrue to any defendant a guarantee by reason of the attachment or any process or proceeding in the suit or by reason of any judgment or process thereon Thomas ^{his} Burgep
 Approve this 2 day of March 1865
 Mr Mockbee J^d

A B Hensley
 Mark

The Stat of Missouri To the Constable of the Township
of Joachim in the County of Jefferson. greeting
you are hereby commanded to attach Frances
Bulcan by all and singular his goods chattels
Money effects and credits or so much thereof as
shall be sufficient to satisfy the sum of \$121 ⁰⁰/₁₀₀
with interest and costs of suit in whose hands
or possession the same may be found in your
County so that he be and appear before me Wm
Mockbee a Justice of the peace within and
for the said Township and County at my
office in said Township on the 22 day of April 1865
to answer the Complaint of Thomas Burgef and
that you summon the said F Bulcan to
appear before me the said Justice at the time
and place aforesaid to answer the action
of the Plaintiff and also that you summon
as garnishees all such person found in your
County as may be directed by the plaintiff
or his agent to appear before the said Justice
at the time and place aforesaid to answer such
interrogatories as the Justice may propound and
have you then and there this Writ
Witness my hand this Wm Mockbee
2 day of March 1865 J P

I executed the within writ on the 2nd day of March 1866, in Joachim Township Jefferson County Missouri, by seizing and attaching as the property of the defendant, Francis Ballaine, three yoke of oxen and two wagons, - and by summoning the said Francis Ballaine, the defendant, on the day and at the Township & County aforesaid to appear before said Justice at the office of said Justice ^{in said Township} on the 22nd day of April 1866 to answer the said action of the Plaintiff, Thomas Banger.

Thos. J. Menley
constable

Filed April 27th 1866
C. J. Menley Clerk

constable fees

two fees \$4.00

of Ballaine

of Banger

of Ashmont

274
The State of New York ss. ~~of~~ County of Hamilton
of Hamilton Township in the County aforesaid
I, John W. Hensley, Clerk of the County, do hereby
command you to appear before me at the Court of Sessions
to be held at the County of Hamilton on the 22nd day of
February 1865 at my office in Hamilton Township
in the County of Hamilton ~~to~~ make a return
of the land of John W. Hensley, deceased, in
the County of Hamilton, between Thomas
Burger Plaintiff and James
Baker Defendant and have your share
and that the writ
shall be my signature this 5th day of Feb 1865
John W. Hensley

Summer
Or
July

~~July~~ ~~Cycle~~

~~July~~ ~~Shelton~~

~~July~~ ~~Hawking~~ ~~For~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

~~July~~ ~~Shelton~~

Subp
58 on
Joseph Willmer
M Whitehead
Elego Burgep
Jus fees 35

Filed April 27 1865
E F Honey Ct

I have to exhibit the within bill by reading
in the present and term of the within name
the Whitehead & Burgep & Joseph Willmer
in the County of Worcester in the County of
1 day of April 1865 that the within constable

The State of Arkansas to J. M. Henning
Shanton Jarrow & Joseph H. H. H. H. H.
You are hereby commanded to be and appear
personally before me Wm. H. H. H. H.
Judge of the Peace within and for Jackson
Township in the County of Jefferson on the
22 day of Feb 1865 at 10 o'clock of that day
at my office in the Township and County
afore said to testify on the trial of a case
between Thomas Burgess Plaintiff
and Thomas Beland Defendant in
behalf of the Plaintiff
and hereof fail not at your peril
Witness my signature this 5 day of Feb
1865 Wm. H. H. H.

I executed the within Subpoena
by making the same in the present
and hearing of J. W. Hardy.
J. Davis R. H. H. H. H.

Made April 27 1865
E. H. H. H. H.

Subscribed
J. W. Hardy
J. H. H. H.
J. H. H. H.
J. H. H. H.

The State of Missouri vs The Smith and
Stetson Brethren You are hereby commanded
to be and appear personally before me at the
one of the justice of the peace within and for Jackson
County in the County of Jefferson on the 22 day of
April 1865 at ten o'clock of that day at my office in the
township and County aforesaid to testify on the trial
of a case wherein Thomas Burgess Plaintiff and
Thomas Betam is defendant in behalf of
defendant and here of fail not at your peril
Witness my signature this 14 day of Feb 1865
J. D. Coe Clerk J D

Subp
Hon-
G. M. Mutt
S. Richardson
Just fees 35
Cans fees 35

Filed April 27 1865
E. J. Honey etc

I tested this Act in the ~~township~~
Township of Graham this 14 day
of Apr 1865 by reading the
same to the within named
G. M. Mutt & Richardson
Jas J. Conditale

Thomas Burgess, } Before William
vs, } Mockbee, a Justice
Francis Ballaine } of the peace,

To Francis Ballaine, the above
named defendant,

You are hereby Notified to produce and
have at the trial of the above Cause, on
the 20th day of April 1865, at Peverly,
before said Justice, - a certain Deed,
made by George Sherkin & wife, to
Sarah Stidolph Ballaine (your wife)
dated the 1st day of September 1864,
~~and~~ also, a Deed from Thomas O.
Smith & Wife, to Sarah ^{or Mary} Stidolph
Ballaine, dated the 3rd day of March
1863, - which said Deeds are in your
possession or under your control,

April 20th 1865 - } Thomas Burgess

I served the within Notice in Joachim
Township in Jefferson County Mo, on Francis
Ballaine, by delivering to him a copy of the
same, on the 21st day of April 1865-

Thos J Mensley
Constable

Wm. Burgess
vs,
H. B. Ballaine

Notice

Filed April 23rd 1865
D. J. Horney Clerk

Thomas Burgess } Before
L. Ballaine } Wm Mockhee
Justice of the peace
State of Missouri
County of Jefferson } ss

This day personally appeared before me Wm Mockhee a Justice of the peace within & for the County of Jefferson aforesaid, Thomas Burgess, and says that the plaintiff Thomas Burgess has a just demand against L. Ballaine the Defendant (on a note promissory note) and that the amount which the affiant believes plaintiff ought to recover after allowing all just credits and set-offs is \$121⁶⁰/₁₀₀ (Exclusive of interest now due, and that he has just reason to believe and does believe - That the Defendant has fraudulently concealed removed or disposed of his property or effects so as to hinder or delay his Creditors & - That the Defendant has fraudulently conveyed or assigned his property or effects so as to hinder or delay his Creditors & - That the Defendant is about fraudulently to conceal remove or dispose of his

property or effects so as to hinder or
delay his Creditors —
and further this Affiant sayeth
not —

Signed }
Sworn to and } Thomas X Burgess
Subscribed before } mark
me April 22nd 1865 }
Wm Mackbee JP



Wm. Parker

H. Ball in

Agitation
Answers

Ad. Apr. 27 1865
E. J. Hooley Clerk

Thomas Burger Plaintiff

vs
Francis Ballaine Defendant

Civil Action

attachment before

Wm Mockbee J.P.



Now at this day comes said Defendant and after being duly sworn for a plea in abatement to the affidavit this day filed by Plaintiff in this behalf states that it is not true as in said affidavit alleged that "he has fraudulently concealed, removed or disposed of his property or effects so as to hinder or delay his creditors, or that he has fraudulently conveyed or assigned his property or effects so as to hinder or delay his creditors or that he is about fraudulently to conceal, remove or dispose of his property or effects so as to hinder or delay his creditors."

Sworn to and subscribed before

me April 22nd 1865

Wm Mockbee J.P.

} F. Ballaine

Thomas Burgess

2

J. Ballin -

Attachment.

Plea in Attachment.

Judged April 27 1865
G. J. Horney Clerk

Thomas Burges }
against } ss
France Bullain



This affiant F Bullain states that the application for an appeal by F Bullain plaintiff in the above entitled cause is not made for vexation or delay but because this affiant believes that the appellant is injured by the judgment of the Justice

Subscribed & sworn
to before me this 22^{dy}
of Sep 1865
Wm Mockbee J P

F Bullain

We Francis Ballaine as principal and James C. Pauer as security acknowledge ourselves to be indebted to Thomas Burger in the sum of three hundred dollars for the payment of which we bind ourselves, our heirs, our executors and administrators upon this condition: Whereas the said Francis Ballaine has appealed to the Circuit ^{Court} from the judgment of Mr Mockbe a Justice of the Peace in a certain cause between said Thomas Burger Plaintiff and Francis Ballaine Defendant: Now if the appellant shall prosecute his appeal with effect and without delay, and if on a trial anew in the appellate Court the judgment of the Justice shall be affirmed or should the appeal be dismissed and the appellant shall pay such judgment of said Justice and shall pay the judgment of the Circuit Court together with all costs and damages then this bond shall be void.

F. Ballaine
J. C. Pauer

The Burg of
as
of Palestine

Band for appeal

pled April 27 "1865
E. J. Hovey etc

Thomas Burgep, Attachment Suite
against } Plaintiff filed March 2nd 1865 for
Frances Ballain Suite Ballaine on a Not Executed to him
by Defendant for \$121 ⁰⁰/₁₀₀ due eight day after date and dated
August 9th 1864 and directed writ issued which is done and
and delivered to J. F. Hensley constable made returnable the
22nd of Apr 1865 my regular law day Wm Mockbee J. P.

Subp ordered by Plaintiff for Thornton Jarvis & Co
Hensley Fredrick How Joseph Vollme & H. Huber
M Whitehead & Elyo Burgep this 5 day of Apr
1865 direct to J. F. Hensley constable W. Mockbee J. P.
a jury summon ordered by Plaintiff this 5 day of Apr 1865
Subp ordered by defendant for H. M. McNutt & Hector
Rickerson this 14 day of Apr 1865 W. Mockbee J. P.
Apr 22nd 1865 the ~~Plaintiff~~ of attachment returned by
seizing and attaching as the property of the defendant
Frances Ballain three yoke of Oxen and Two Wagon
and summoning the said Frances Ballain the defendant
on the day and at the Township & County aforesaid to appear
before said Justice at his office in said Township on the 22nd
day of Apr 1865 to answer the said action of the Plaintiff
Thomas Burgep the subp ^{issued in this case} returned executed as the
law direct and the following jury returned
to A. Craft John Buran H. A. Spaulder J. B.
Craft now at this day comes said Defendant and
after being duly sworn for a plea in abatement to the
affidavit this day filed by Plaintiff in the ~~which~~ States that it is not
true as is said affidavit allegin that he has fraudulently
conceal removed or disposed of his property or effects
so as to hinder or delay his creditor - or that he has
fraudulently conveyed or assigned his property or
effects so as to hinder or delay his creditor
or that he is about ~~to~~ fraudulently to conceal remove

or dispose of his property or effects so as to hinder or
 delay his creditors and the following jury being returned
 and sitting to geth and the evidence being produced
 and the jury returning the return with a verdict
 we the jury find the issue for the Plaintiff & A
 Craft foreman whereupon the Plaintiff makes proof
 of his demand and it is there fore considered
 by the Justices that Plaintiff has judgment for
 debt interest and cost of Suit debt ^{with} \$127⁰⁰ interest ~~\$540~~

Thereupon defendant tenders his affidavit and appeal
 Bond of Three Hundred Dollars of him self & J C Power as
 securities and prayed an appeal to the circuit Court from
 said judgment which being denied sufficient it is ordered
 that the appeal as prayed be allowed defendant

debt
 interest
 Justice fees \$121⁰⁰
 540
 Constable fee \$675
 615

Wm Mockbee J. D

Jury fees 300 Payable Plaintiff
 Witness fees 1000 Witness Thornton Jarvis J. M. Henry
 & H. Huber & William M. Whitehead Elyo Burgess John
 Burgess Elias Burgess Sceltin Nicholson & M. Mc Nutt
 The State of Missouri County of Jefferson } 83 Thomas Burgess
 Frank Ballain

I W Mockbee a Justice of the peace within and for the Township of
 Joachim in the County aforesaid hereby certify that the above
 and foregoing is a full true and complete transcript of all the entries
 made in my docket relating to said case of Thomas Burgess
 Plaintiff against Frank Ballain defendant and that
 such transcript is accompanied by all the papers filed in
 with the Justice relating to such suit
 Given under my hand this 25th day of Apr 1865
 Wm Mockbee J. D

Henry W. Dodd
June 18/60 —

10
65

Thompson of
St. George
W
St. Pauline

Filed April 27th 1865
E. J. Henry Clerk

Thomas Emmons.

no.

Amos Ballantine

2187

State of Missouri } Indictment
Against } December Term
Nathaniel Bunzel } 4th 1860
Free Bill

4076
204
441
204
091

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

*L. H. Huber, Monroe Whitehead
Elijah Burgess & Eli Burgess*

GREETING :

You are hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *seventeenth* of *May* at *Hillsboro*, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Thomas Burgess*

Plaintiff and *Francis Ballaine*

Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, *Samuel A. Repley* ~~ELIAS F. HONEY~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

Eighth day of *May* A. D. 1865

Samuel A. Repley
Clerk.

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To *Thomas Parry & M. Henneley, Frederick Howe
Joseph Valline,*

GREETING:

You are hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, on the *seventeenth of May* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Plaintiff and *Thomas Burgess
Francis Valline*

Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, *Samuel A. Reilly*
~~THAS T. HONER~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this
Eight day of *May* A. D. 1865

Samuel A. Reilly
Clerk.

SUBPOENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865

Thomas Burgess

vs

Francis Ballaine

witnesses for Plff.

Thornton Jarvis

J. M. Hensley not in State
Frederick Howe and
Joseph Vollme

Sheriff fees 1.45

THE JEFFERSON CIRCUIT COURT

I see unless this is paid in full
to me on the 10th day of May 1865

Wm. H. Hensley
J. M. Hensley
J. M. Hensley

Thomas Burgess, }
vs. } In the Circuit Court of
Francis Ballaine } Jefferson County Missouri

The Plaintiff moves the Court to
dismiss the appeal filed in the above Cause,
for the following reasons;

- 1 - Because the Bond filed for appeal is
not approved by the Justice of the Peace,
and has no date, to show that it was
filed in the time required by law,
- 2 - There is no sufficient legal Recognizance
for appeal filed in said Cause,
- 3 - The Recognizance is not sufficient in
law, not being approved, or dated,

} A Green, J. F. Williams
} Attys. for Plaintiff

Thomas Dargatzis

Co,

Francis, Dargatzis

Proctor

To witness a deed

Deed May 5 1865
Dargatzis
Clerk

THE STATE OF MISSOURI,

COUNTY OF JEFFERSON.

To

Thomas J. Henckley

GREETING :

You are hereby Commanded, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, ~~on the~~ *seventeenth day of May* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *J. Ballantine*

Plaintiff and

Thomas Burgess

Defendant on the part of *Defendant* and herein you are in no wise to fail.

WITNESS, *Samuel J. Henckley* ~~ELIAS F. HONEY~~, Clerk of our said Court,

with the Seal thereof hereto affixed, at office, this

11th day of *May* A. D. 1865 -

Samuel J. Henckley
Clerk.

SUBPENA

TO JEFFERSON CIRCUIT COURT.

May Term, 1865
T. Ballaine
vs
Thos. Burgers
for Debt
Thos. J. Henchley X

Shrimp Fees 78-

Ennis & Cheever, Stationers and Printers, 10 Olive-st, St. Louis.

I enclose this & pa in letter
re the hearing the same to the clerk
in the way of May 1865 -
to the clerk
My dear Mr. McKim

Burgess

"Baltimore"

His exact instructions to the lawyer that the real substance
of the crime ~~for the day~~ is the "last the defendant asks
the time of the commencement of his such fraudulent
concealment, concealment or disposition of his property or
efforts to do so his due delay his creditors"
"or that the defendant has fraudulently concealed or
~~concealed~~ or assigned his property or efforts
do not hinder or delay his creditors" "or that
the defendant has about fraudulently to
conceal himself or disguise of his property or
efforts do not hinder or delay his creditors,

It is not necessary for the plaintiff to prove that
the defen^{dant} had fraudulently concealed
removal or disposition of, or that he had conveyed
or assigned, or that he ~~was~~ was about to convey
conceal removal or disposition of all of his property
by any act or to hinder or delay
his creditors, but if they prove that he had
fraudulently concealed removal or disposition
of, or that he was about to conceal remove
or disposition, or that he had conveyed
or assigned any part of his property and
effected ~~to do~~ to with the intent to hinder or
delay his creditors ~~in paying~~ they will
suffice for the jury.

The Jury are further instructed that
the stream where the Defendant res-
ides, being a Mountain, is by law
exempt from sale under execu-
tion, for Defendants assets, if the
Jury believe from the evidence
it is not worth more than
\$1000;

Burgess }
 (or }
Baillain }

1 The Court instructs the jury that a married man has a right to settle on his wife any property he pleases, provided the property so settled is a reasonable provision for her when compared with his other property and provided he is not at the time of such settlement in embarrassed circumstances & has sufficient property to pay his then existing creditors & that he did ^{not} intend fraudulently to convey or conceal his property to hinder & delay his creditors & if the jury so find they will find the issues for defendant

Burgess

3

Baelin

Introduction

2. That if the jury believe from the evidence that at the time the lands were bought & placed in the name of Defendant's wife, Defendant was not in England and on emancipation & that Defendant did not intend to place his property beyond the reach of his creditors, ~~then the jury will find the same for Defendant.~~ ~~and that he did not intend to fraudulently to conceal, remove or assign~~ ~~an assignor of his property~~ So as to hinder or delay his creditors then the jury will find for the Defendants

Thomas Burgess }
or
J Ballain }

The plaintiff moves the Court
to set aside the verdict of the jury and
in the above cause & grant plaintiff
a new Trial for the following
Reasons viz,

1st The verdict is against the Law
and against the ~~the~~ instructions of
the Court

2nd The verdict is against the evidence
and the weight of evidence

3rd the Court improperly permitted the
Defendant ^{to introduce} improper and irrelevant
Evidence

4th The Court improperly allowed the
Defendant to prove the declarations
made between the Defendant and his
(Defendants) wife as to the reasons motives
of the Defendant in causing the seed from
Thomas O. Smith & wife and George Geherke
and wife to be made to his (Defendants) wife

5th because the evidence aforesaid was

Calculated to and did mislead the jury

Green & Williams
Attys for plaintiff

Wm. Purdes
v
J. Ballain

Motion for a
new trial

Green & Williams

Atty for Pelt

Filed May 19 1865
Samuel W. O'Brien

This Deed made on the third day of March
Eighteen hundred and sixty five, by and be-
tween Thomas A. Smith and Caroline E his
wife of the County of Jefferson State of Miss-
ouri parties of the first part, and Mary
Stidolph Ballaine of said County and
State party of the second part, Witnesseth:
That the said parties of the first part, in con-
sideration of Two Hundred and fifty Dollars
to them paid by the said party of the second
part, the receipt of which is hereby acknowledged
does by these presents Grant, Bargain and Sell
convey and Confirm unto the said party of the
second part: The following described Real
Estate Situate lying and being in the County
and State aforesaid, To wit: The S. W. quarter
of S E quarter Section Twenty Eight, Town-
ship Forty one Range 5 E containing 40
acres, and North half of the N E, q. of N W q.
Section 33. Township 41 Range 5 East con-
taining 20 acres; To Have and To Hold
the same with all the rights immunities, priv-
ileges and appurtenances hereunto belonging
unto the said party of the second part and
her heirs and assigns forever, the said Thomas
A. Smith and Caroline E his wife, hereby coven-
anting that they and their heirs executors
and administrators, shall and will Warrant
and Defend the title to the said premises

unto the said party of the second part her
heirs and assigns forever against the lawful
claims and demands of all persons whom
soever. In Witness whereof the said parties
of the first part have hereunto set their hands
and seals the day and year first above written
Signed sealed and acknowledged
in presence of the } Thomas ^{his} O. Smith 
undersigned } Caroline E. Smith 
Elias S. Hooney.

State of Missouri } &
County of Jefferson } Be it remembered that on
this Fourteenth day of March eighteen hundred
and sixty five before me the undersigned came
Thomas O. Smith and Caroline E. his wife who
are personally known to me to be the same per-
sons whose names are subscribed to the foregoing
instrument of writing as parties thereto and sev-
erally acknowledged the same to be their act
and deed for the purposes therein mentioned
She the said Caroline E. being by me first
made acquainted with the contents of the fore-
going instrument of writing, on an examina-
tion separate and apart from her said hus-
band, acknowledged that she executed the
same freely voluntarily and without compulsion
or undue influence of her husband and relin-

granted her dower in the Real Estate therein
mentioned



In Testimony whereof I hereto set
my hand and affix the seal of said
Court at Office in Hillsboro the day
and year last aforesaid

Elias J. Honey Clerk

50¢ U. S. Rev. Stamp cancelled

Filed and Recorded March 15th 1865

Elias J. Honey Recorder

State of Missouri }
County of Jefferson } I, the undersigned Clerk
of the Circuit Court and Ex officio Recorder in and
for said County hereby certify that the foregoing
is a full and true copy of the deed of conveyance
therein mentioned with the certificate of acknowl-
edgment thereto and the date of filing and Re-
cording of the same as fully as the same remains
and appears of record in my office in book
"A." page 221.

Witness my hand and official seal
this 21st day of April A D 1865

Elias J. Honey
Recorder



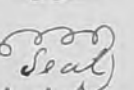
Mr. A. Smith
To Henry West
Henry A. Wallace

Filed May 19th 1865
~~Sumner & Co. per clerk~~
Dec. 8. 1850 paid by
Mrs. Burgess



This Deed made and entered into this first day of September Eighteen hundred and sixty four by and between George Sherke and Johanna his wife of the City of St Louis, County of St Louis and State of Missouri party of the first part and Mrs Sarah Stidolph Ballaine of Jefferson County and State of Missouri party of the second part Witnesseth That the said party of the first part in consideration of Three hundred and Seventy five Dollars to them paid by the said party of the second part: the receipt of which is hereby acknowledged do by these presents Grant Bargain and Sell, convey and confirm unto the said party of the second part: the following described tracts or parcels of land situated in the County of Jefferson in the State of Missouri, To wit: The North fractional half of the South East fractional quarter of Section number Twenty two in Township number Forty one of Range number five East containing Forty nine acres and Twenty five hundredths of an acre; And also the North East quarter of the South West quarter of Section number Twenty Two in Township number forty one of range number five East; containing forty acres; To Have and To Hold the same together with all the rights immunities privileges and ap-

performances to the same belonging, unto the
said party of the second part, and to her heirs
and assigns forever, the said George Geherke
and Johanna his wife hereby covenanting
that they, their heirs executors and administrators
shall and will Warrant and Defend the title
to the premises to the said party of the second
part and to her heirs and assigns forever a-
gainst the lawful claims of all persons whom
soever In Witness Whereof the said party of
the first part have hereunto set their hands
and seals the day and year first above written
Executed in presence of {
Levi Block,

George Geherke 
Johanna Gufoka 

State of Missouri }
County of St Louis } Not remembered, that on
this Thirtieth day of December A D Eighteen
hundred and Sixty four, before me the under
signed a Notary Public in and for the County
aforesaid, came George Geherke and Johanna
his wife who are both personally known to me
to be the same persons whose names are sub-
scribed to the foregoing instrument of writing
as parties thereto and they acknowledged the
same to be their act and deed, for the purposes
therein mentioned. She the said Johanna

being by me first made acquainted with the
contents of said instrument upon an ex-
amination apart from her husband ack-
nowledged that she executed the same and
relinquished her dower in the real Estate there
in mentioned freely and without compulsion
or undue influence of her said husband,



In Testimony whereof I have
hereunto set my hand and
Notarial Seal at office in the City
of St Louis the day and year last
aforesaid

Levi Block
Justice of the peace & Notary Public
of St Louis County Missouri

Filed and Recorded Jan'y 30th 1865

Elias D. Honey Recorder

State of Missouri }
County of Jefferson } I, the undersigned Clerk
of the Circuit Court and Ex officio Recorder in
and for said County do hereby certify that the
foregoing is a full and true copy of the deed
of conveyance therein mentioned, with the
certificate of acknowledgment thereto, and
the date of filing and recording of the same
as fully as the same remains and appears
on the Recording my office in Book. W.

page 119 following

In Testimony whereof I
have hereto set my hand and
affixed my official seal
at office this New Year's day
of April A.D. 1865

Elias J. Hovey

Recorder



George Behncke wife

To & copy Deed

Sarah L. Bellair

Filed May 19th 1865.
Samuel R. R. p. y. clerk

Fee, 1.50 paid by S. Burgess

We Francis Ballaine as principal and James C
Pomer as security acknowledge ourselves to be
indebted to Thomas Burgess in the sum of
Three hundred dollars for the payment of
which we bind ourselves our heirs and execu-
tors and administrators upon this condition
Whereas the said Francis Ballaine has appealed
to the Circuit Court from the judgement of
Mr. Chockee a justice of the peace in a
certain cause between said Thomas
Burgess Plaintiff and Francis Ballaine
Defendant Now if the appellant shall ^{prosecute} ~~prosecute~~
his appeal with effect and with out delay
and if on a Trial anew in the appeal late
Court the judgement of the justice should be
affirmed or should appeal be dismissed
and the appellant shall pay such judgement
of said justice and shall pay the judgement
of the Circuit Court together with all
costs and damages then this bond shall be
void given under our hands this 19th day
of May A.D. 1865

F. Ballaine
Jas C. Pomer

Seal
Seal

No Burgetts

no

He Ballance

Grand for appeal

Approved

Wm. M. Mudge

Filed May 19 / 86

Samuel H. M. P. M.

W. M.

This deed made and entered into this fourth day of October Eighteen hundred and Sixty four by and between Jacob Cyle and Abalinda P Cyle his wife of Jefferson County Missouri party of the first part Sullivan Frasier of the same place party of the second part and Thornton Jarnis of said County and State party of third part Witnesseth that the said party of the first part in consideration of the debt and trust hereinafter mentioned and created and of the sum of one dollar to them paid by the said party of the second part the receipt of which is hereby acknowledged doth by these presents grant bargain and sell convey and confirm unto the said party of the second part all that piece or parcel of Land situated and lying in the County of Jefferson State of Missouri to wit the principal part of the South East quarter of the South East quarter of Section No Twenty two in Township No forty one Range four East and a small fraction supposed to be one acre in the ~~SW~~ ~~SE~~ ~~SW~~ ~~SE~~ corner of the ~~SW~~ ~~SE~~ ~~SW~~ ~~SE~~ quarter of the ~~SW~~ ~~SE~~ ~~SW~~ ~~SE~~ quarter of Section No 27 in Township and Range afore said containing in the party acres more or less also the South west quarter of the South west quarter of Section No twenty three Township 41 Range four East except so much thereof as was conveyed to Thomas C Fletcher per deed ~~to~~ of S J Blalock by Administration also the ~~SW~~ ~~SE~~ ~~SW~~ ~~SE~~ quarter of the ~~SW~~ ~~SE~~ ~~SW~~ ~~SE~~ quarter Section twenty six in Township 41 of Range 4 East to have and to hold the same with the appurtenances to the said party of the second part and

to his heirs executors administrators and assigns
forever

In trust however for the following purpose whereas
said Jacob Ogble is justly indebted to said
Jarnis and has executed and delivered him
his certain promissory note for the sum of
thirty five dollars bearing ten percent interest
per annum from date and ~~to~~ bearing even date
here with payable twelve months after date
now if said note shall be well and truly paid
when due with all interest thereon then this
deed shall be void and the property herein
before conveyed shall be released at the
cost of the said party of the first part
but if default ~~was~~ be made in the paym-
ent of said note as any part thereof when
due and payable then

this deed shall remain in force and the said
party of the second part as in case of death
or absence from the State or other disabil-
ity then the acting Sheriff of Jefferson County
aforesaid may provide to sell the property here
inbefore described as any part thereof at pu-
blic vendue ~~at~~ to the highest bidder at the
Court house door in the said County of
Jefferson for cash first giving twenty
days ^{public} notice of the time terms and place of
said sale and of the property to be sold by
advertisement in some news paper printed
and published in the State as by six hand
bills put up in public places in said County
and upon such sale shall execute and
deliver a deed in fee simple of the property

Sold, to the purchaser as purchasers thereof
and receive the proceeds of said sale out
of which he shall pay first the cost and
and expenses of executing this trust in-
cluding compensation to the trustee for his
services and next whatever may be due and
unpaid on said note and the remainder
if any shall be paid to the said party
of the first part as his legal representative
and the said party of the second part co-
enant faithfully to perform and fulfill
the trust herein created in witnesses where-
of the said parties have hereunto set their
hands and seals the day and year first ab-
ove written

Executed in the presence of
Sullivan. Frasier } Jacob ^{his} + Cyle Seal
mark

State of Missouri }
County of Jefferson } SS Malinda P ^{her} + Cyle Seal
mark

Be it remembered that on this the fourth
day of October Eighteen hundred and sixty
four

before me the undersigned Justice of
the peace within and for Central Township and
County and State aforesaid came Jacob Cyle
and Malinda P Cyle his wife who are person-
ally known to me to be the same persons
whose names are subscribed to the forego-
ing instrument of writing as parties thereto and
generally acknowledge the same to be their
act and deed for the purposes therein men-
tioned and the said Malinda P Cyle
being by me first made acquainted with the
contents thereof as an examination

separate and apart from her husband
acknowledged that she executed the same
and relinquished her dower in the real es-
tate therein mentioned freely and without
compulsion as under influence of her
said husband given ~~by~~^{under} my hand
the day and year last above written

Sullivan Fray's Justice
of the peace



Jacob Ogles
Co. & Trust Deed
Thornlon Jarvis
Trustee

Filed Oct. 15th 1863.

Elias J. Honey
Recorder

Paid \$1.25

State of Missouri }
County of Jefferson } I the undersigned Clerk of the
Circuit Court and Ex officio Recorder in the afore-
said County Certify that the foregoing deed was on the
15th day of October A.D. 1864 filed for Record in my
Office and is duly recorded in Book II page
663 and following

Witness my hand and seal the day
and year last above written
Elias J. Honey Recorder