

Jefferson County Circuit Court
Case E:16- Civil

Box 18 Folder 76

May 1867, #25

McNulty, Martha A.

vs

Allred, James

Unlawful detainer

House and lot in DeSoto;

\$50 damages

Martha A. McNulty, - Plaintiff } In the Circuit Court
Against } of Jefferson County
James Albred, - Defendant } Missouri, - May Term
1867.

The Plaintiff states that, some two years ago, her late husband, Edward C. McNulty, bought of one Fairchild a House and Lot, in the Town of Desoto, in Jefferson County Missouri, and described as the South Half of the West fractional half of Block, number, Eighteen, in said Town of Desoto, as the same is laid off on the Plat of said Town, now on file in the Recorder's Office of said County. That said Fairchild had bought said Lot of Land of Louis J. Rankin, (who has the legal title to the same,) and that said Fairchild held a title bond executed by said Rankin for said Lot, and which Bond he assigned to said Edward C. McNulty, at the time he sold said Lot of land. That said McNulty paid Fairchild about two thousand and fifty dollars for said House & Lot, and assumed to pay the amount, - about fifty dollars, which Fairchild then owed Rankin for said Premises, - Plaintiff states that said Fairchild had taken possession of said Lot, under his purchase, and built a Dwelling House thereon, and made other valuable and lasting improvements on said Premises, - and that upon his selling the same to said McNulty, he took possession of and occupied said Premises, up to the time of his death, some time in the winter of 1867. That during the time he so occupied said Premises, McNulty offered to pay Rankin the balance of the purchase money for said Lot, and receive a deed, but that Rankin neglected to make the Deed during the life of McNulty. Plaintiff

states that the Estate of said McNulty is able to pay the balance of said Purchase Money to L. J. Rankin, and obtain a deed for said Premises; but, that whether it be paid or not, - or, in case the interest of McNulty's estate in and to said Premises, be sold by order of the Court, in either event, that she, as the lawful widow of said Edward C. McNulty, is entitled to dower in said Premises, of one third of the same to hold during her natural life, against every person except the said L. J. Rankin, - Plaintiff therefore states that she, as such widow, is entitled to the possession of said Premises, and to enjoy the rents and profits of the same until dower is assigned her, as against the Defendant, Plaintiff states that soon after the death of her husband, said Edward C. McNulty, the Defendant, without leave and wrongfully by dis- seizure took possession of said House & Lot, and now wrongfully, without any authority of law, ~~withholds~~ ^{after demand made, in writing} from Plaintiff the possession of the same, Plaintiff therefore asks judgment for the recovery of the possession of said Premises from the Defendant, and damages for the unlawful detention thereof from Plaintiff in the sum of fifty dollars, - and also, judgment for the monthly rents and profits of said Premises, from the time the same were demanded by Plaintiff until possession thereof be delivered to her, and which she avers is Ten dollars per month.

J. Green,
Attorney for Plaintiff

Of the Circuit Court
Jefferson County

Martha A. McRae

vs.
James A. Broad

Petition

for a writ of habeas corpus
and
for a writ of
certiorari

for the
purpose of
removing the
same to the
Circuit Court

Filed April 22, 1867

J. H. Money
Clerk

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

James Allred

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 sixth Monday after the
fourth Monday of March 1867 ~~next~~, then and there to answer unto

Martha B. Menutty

upon *her* original petition, a copy whereof is hereunto annexed and
accompanies 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

12th day of *April* A.D. 1867

Elias F. Honey
Clerk Circuit Court.



2182
2503

JEFFERSON CIRCUIT COURT.

May Term, 1867

Maria A. McNulty

vs
James Allred

James Allred

Assigned

John Williams Sheriff
for \$1.00

346

I Executed the Within Writ in the County of Jefferson
State of Missouri on James Allred on the 16th Day
of April 1867 By Delivering to him above copy of
the Within Writ and Petition as furnished by
the Clerk

John Williams Sheriff
By R. G. Whitehead Deput

We, Sullivan Grazier, administrator of the Estate
of Edward C. McNulty deceased, as principal and
Abner Green and John L. Thomas, as securities,
acknowledge ourselves indebted to James
Albrea in the sum of Two hundred dollars, to
be void upon the following Condition;

Whereas, the said Sullivan Grazier as such Ad-
ministrator has instituted suit in the Circuit
Court of Jefferson County Missouri; against James
Albrea, returnable to the November Term 1867 thereof,
and claims ^{the right to the} the possession of certain ^{personal} property
described in the affidavit to his petition, valued
at Ninety dollars & fifty Cents, - Now, if said Plain-
tiff shall prosecute said Action with effect, and
without delay, return such of said property as
may be delivered to him by the sheriff, if return
thereof be adjudged, and in default of such de-
livery (if so adjudged) that he will pay the as-
sessed value of said property, and all such
damages for the taking & detention thereof, (if so
adjudged) as may be awarded by the Court
and pay all costs that may be adjudged
against him, - Then this Bond shall be null
and void, otherwise to remain in full force

As witness our hands & seals this 27th day of
April 1867, Sullivan Grazier, Adm (Seal)

Abner Green

John L. Thomas (Seal)

(Seal)

2503

E. C. M. Muelky

by

William M. Muelky
Stam. J. Muelky

to

Jan. Muelky

Bond in

Replevin

Martha A. Mc Nutty Plaintiff } In the Circuit Court
Against } Jefferson County
James Allred Defendant } Missouri
May Term
1867

The defendant in answer to the petition of the plaintiff in the above entitled action admits that Edward C. McNutty bought the house and lot mentioned in said petition of one Fanchild located as mentioned in the petition of the plaintiff but denies that the said McNutty paid to said Fanchild the consideration mentioned in said petition to wit: the sum of two hundred ^{and fifty} dollars for his interest in said property.

Defendant also denies that said McNutty the late husband of said plaintiff occupied said premises up to the time of his death in the winter of 1867.

The defendant further answering says that on or about the fifteenth day of December A.D. 1866 for a valuable consideration the said Edward C. McNutty sold assigned transferred and set over all his right title interest claim and demand in and to said Contract for the land mentioned in said petition to this defendant and directed and empowered the parties in whom the legal title of said property vested to make a deed of the same to this defendant upon his complying with the conditions of said Contract.

And the defendant further states that upon the assignment of said Contract

to him as aforesaid he immediately took possession of said property and has had possession of the same ever since and now occupies the same ~~and~~ that he did in pursuance of the requirements of said Contract pay the said Rankin the amount called for upon the face of the same after the assignment of said Contract to him and before the commencement of this action and that he is entitled to receive a deed from said Rankin for said land -

The defendant denies that the widow of said McTutty has any interest claim or demand in said property, that he is the legal owner and holder of the same and ~~that~~ he is not wrongfully in possession of said property but is the rightful & lawful owner of the same -

Wherefore the defendant demands judgment against the defendant for the costs & disbursements of this action

Isaac Leonard

Atty for Defendant

Frederick Lewis
 Jefferson County

Martha C. M. Smith

apt

James H. M. Ward

West

Chas. W. W.

Wm. E. W.

Sept 5th

Red May 6th 1867
 Edwin J. Honey Clark

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motion	Sept. 30			35
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making each				30
4 13	110	20	50	60
Indert 20	30			30

John Williams Sheriff

dear Sept.

also

\$ 1, 00
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 \$ 1, 20