

Jefferson County Circuit Court
Case Files - Civil

Box 26 Folder 42

September 1870, No. 6

Burtous, Reuben
Hyser, Byron
R. Burtous + Co.

^{vs.}
Bennett, E. P.

Mechanics Lien

Debt \$46.23 for lumber and nails
for 1 1/2-story frame house in S3T39R4E

Ep

Dec Soto. June 18th 1869

E. P. Bennett

1869	made with P. Bennett & Co	
June 7	To 24 lbs nails	168
"	" 713 feet Lumber @ 24	1711
"	" 84 "	210
"	" 128 " " @ 30	384
15	" 10 lbs nails 70 1 3/4 M Shingles ¹⁰⁰⁰	1120
16	" 220 ft Lumber @ 24	528
"	" 152 " " " 30	456
"	" 9 lbs nails	65
18	" 21 ft Lumber 57 28 th 85	136
"	" 4 lbs nails	30

4808

By ball on stone after paying for

Rule & pencils

Balance due

185
4623

Ruben Burrows &
 Byron Kyeer } In the Circuit Court
 agt. } of Jefferson County
 E. P. Bennett. } Mo.
 Deft.

State of Missouri -
 County of Jefferson ss.

The above named
 plaintiffs, Ruben Burrows and Byron
 Kyeer, partners doing business as such
 at De Soto in said County, under the
 firm name of R. Burrows & Co. com-
 plain of the above named defendant,
 E. P. Bennett, and allege that on and
 between the first and the eighteenth
 days of June A.D. 1869, at the request
 of the said defendant they furnished
 to him lumber, nails and other ma-
 terials to the value of forty eight dollars
 and eight cents (\$48⁰⁸/₁₀₀) to be used in
 the construction of defendant's
 certain store and a half frame house
 situated on lot number three (3)
 of the Northwest quarter of Section number
 three (3) Township number thirty nine, Range four East in said
 county, which said defendant agreed
 to pay to plaintiffs within thirty days
 from the date of the accruing of

said indebtedness. And that said
lumber, nails and other materials
were used by defendant in the con-
struction of his said building.

That saving and excepting the
amount of one dollar and eighty
five cents ($\$1.85/100$) the defendant has
neglected and refused to pay said
sum although repeatedly ^{requested} by plaintiffs
to do so, and that he is now finally
indebted to plaintiffs for the unpaid
balance thereof, amounting to
forty six dollars and twenty three cents
($\$46.23/100$) - as more particularly appears
from the account hereto annexed.

Plaintiffs further state that on
or about the 15th day of December 1869.
and within the period of six months
from the date of the accruing of said
indebtedness, they, as original con-
tractors as aforesaid, did file with
the clerk of said County a first and
true account of the demand due
them; after all first credits had been
given, as a lien upon said build-
ing, together with a correct de-
scription of said property, and

the name of the owner thereof -
which account and statement
were duly verified by the oath of
one of said plaintiffs -

And plaintiffs further state that
less than ninety days have elapsed
since the filing of said lien -

Wherefore plaintiffs ask judg-
ment against defendant in
the sum of forty six dollars and
twenty two cents (\$46.²²/₁₀₀) together with
interest thereon from the 18th day
of July 1869. and the costs herein -

A. M. Tyler
Plffs Atty.

Circuit-Court
Law County, Mo.

John Bennett

on Replevin

vs John Bennett

John Bennett
Def.

Plaintiff

Budget for 24th 1870
 1868 198 46 $\frac{28}{100}$ 446 90

Money due, \$100 10
 left over account, 100 30
 mid, 100 30 10 default 35
 budget 100 30 10 35
 190

Money due, 40 10 10 5
 budget 10 10
 20

John Bennett for 1870
 100
 115

1,15

Judgment Sept 17 1870 Vol 6 p 198,
Order correcting error " " p 306

De soto June 18 1869

C. B. Bennett,

In account with R Burroughs & Co

1869 June 7 " 24 lbs nails 168

June 7 1869	" 713 feet Lumber, @ \$24	\$17.01
	8 " "	2.10
	128 " "	\$30 3.48
" 15	" 10 ⁰ Nails 71 ¹ / ₂ doz Sleighs 10.53	11.20
" 16	220 ft Lumber, @ \$24	5.28
"	152 " " @ \$30	4.56
"	9 ⁰⁰ Nails	65
" 18	21 ft Lumber 51 28 do 85	130
"	4 ⁰⁰ Nails	30
		<u>\$48.08</u>

By Bal on State after paying for Riles

& Pencil.

But Due

185
\$46.23

A true Copy of Original as per Receipt
Attest L. H. Alfred J. B

Reuben Burrows &

By and by son, Attest J. H. Burrows

& R Bennett, Deft. County J. B

State of Mississippi

County of Jefferson the above named
Reuben Burrows and
By and by son partners during

business as such, at D^o S^o in said
County, under the firm name of R
Burrows and C. Complain^t of the
above, named Defendant C. P. Bennett
alleged that on and between the first and
Eighteenth days of June, A D 1869 at
the request of said Defendant, the
furnished him lumber nails, and
other materials to the value of \$48.08
to be used in the construction of defendants
Certain Store and a hay frame
house situated on lot No 3 of the
North West quarter of Section
No 3, Township 39 Range 4 East
in said County which sum the said Defendants
agreed to pay Plaintiff within thirty days
from the date, of the accruing of such
indebtedness and that said lumber nails
and other material were used by defendant
in the construction of his said building
that summing and excepting the amount
of \$1.83 the defendant has neglected
and refused to pay and sum all the
repeatedly requested to do so and that his
now justly indebted to plaintiff for the
unpaid balance sum of amounting
to \$46.²³ as more particularly appears from
the account hereundered Plaintiff

Further State that on or about the 15 day of
December 1869 and on the 15th day of
January, from the date of the issuing
of said indictment they as original but
victims as a friend and ally with the
help of said County a just and
true account of the demand due
them, after all just credits had been given
as above said Building together with
a correct description of said Property and
the name of the owner, thereof, which account
and Statement was duly verified by oath of
of said Plaintiff and plaintiff
for the State. That less than thirty
days have elapsed since the filing of said
Levi Whumpson, Plaintiff as No judgment against
Defendant, and the sum of Forty Six dollars
and twenty three cents, 46²³ together with interest thereon
from date, the 18th day of July 1869. and the costs herein
A. M. Tyler.

Pliff ally

A true copy of the Original Return

Attest Elias D. Kennedy clerk

By L. Hallford Deputy

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 *E. D. Bennette*

if he be found in your County, that he be and appear before the Honorable
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 *First* ~~Monday after the fourth Monday~~
of *September* next, then and there to answer unto

A. Burrows & Co.

upon *this* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

LS

Witness, **ELIAS F. HONEY**, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed,
at office in Hillsboro, this *Fourth*
day of *June* A. D. 18*70*

Elias F. Honey Clerk Circuit Court.

By *Lewis W. Ayres* Deputy.

2890

RETURNA BLE

TO

JEFFERSON CIRCUIT COURT.

Sept Term, 1878
H. D. D. D. D.

Plaintiff

AGAINST

C. J. D. D. D.

Defendant

5163
1.75
5388

Costs

Md 13 once additional costs,
motion to correct error 20 } 95
ruling 5 }
under

A. S. D. 681-8. 110
to 0. 767 12

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

R Bennett

if he be found in your County, that he be and appear before the Honorable
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 *First* Monday after the fourth Monday
of *Sept.* next, then and there to answer unto

R Durruss & Co

upon *this* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, **ELLAS F. HONEY**, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed.

at office in Hillsboro, this *Ten*

day of *June* A. D. 18*70*

E F Honey Clerk Circuit Court.

By *Lewis H. Buford* Deputy.

266

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept Term, 1870

Wm. D. Bennett

Plaintiff

AGAINST

E. P. Bennette

Defendant

Sept 18 1870

Barth B. Bennett

Agent

46.23

Big

Served this 18th day
of August

The within was served on the 18th day of Aug a 2 1870 at Jff Co Mo
by delivering a True copy of the within writ and Petition as
furnished to me by the Clerk of the Circuit Court, to the
within named Defendant E. P. Bennette

fees 1.00

Ed Luckenyer
Sherriff

by Ed Willmar
Deputy

R. Bunnoughs & Co, Plaintiffs
 E. B. Bennett, Defendant

Now at this day comes
 John H. Thomas, atty for the Plaintiffs
 in the above entitled Cause and states
 to this Court that at last term of this
 Court he asked and obtained judgment
 in favor of Plaintiffs against defend-
 ant in the said Cause to enforce
 a ~~lien~~ mechanic's lien on the ~~house~~
 lot in the original petition awarded
 for the sum of \$46.23. but that
 the Clerk through mistake failed
 to enter judgment to enforce the
 said lien. He therefore asks
 this Court to enter an order "nunc
 pro tunc" to enforce said lien for
 said amount in accordance
 with the prayer of said petition.

sworn to & subscribed

John H. Thomas
 Atty for Plaintiffs

John H. Thomas makes oath & says that
 he believes the above petition & the matters
 therein stated are true
 sworn to & subscribed before
 me March 24 1876
 Notary Public for C. H. Thomas DEPT



R. Bruner Her

to

E. A. Bennett

motion to have
an order made
pro linc. ex linc.

Order made 29th 1871

and Bayce & Co