

Tofferson County Circuit Court
Case Files - Civil

January 1873

Garvey, Elizabeth
Garvey, Stephen

vs

Cradick, John
Cradick, Philip
Cradick, Mary

Correct deed

80 acres in S17T42R3E

Box

30 Folder 32

Elizabeth Garvey &
Stephen Garvey her husband Plaintiffs
against
John Cradick, Philip Cradick
and Mary Cradick Defendants

In the Circuit Court of
Jefferson County Missouri
January Term 1873.

Plaintiffs state that on the 19th
day of December A.D. 1863, Elizabeth
Garvey then Elizabeth Cradick
purchased of Patrick Cradick the
following described real estate to wit:
The North East qr. of the South West qr. and
The North West qr. of the South East qr. of
Section Seventeen in Township Forty Two N.
of Range No Three East of the 5th Principal
Meridian containing 80 acres. for the price
and sum of Eight Hundred Dollars, which
said sum of money was paid to the said
Patrick Cradick at that time in full
consideration of said tract of land and the
said Patrick Cradick thereupon executed
and delivered a deed to Elizabeth Cradick
now Elizabeth Garvey one of the Plaintiffs
whereby he ^{intended and} attempted to convey to said Elizabeth
Cradick the Eighty acres of land above
described but by mistake in drawing
said deed, the land therein is described as "the
North East qr of the South West qr and The

South West qr of the South East qr of Section Seventeen in Township forty two of Range Three East containing eighty acres." Whereas it should have been the North East qr of the South West ~~qr~~ & the North West of the South East qr. of Section Seventeen in Township Forty two North Range Three East of the 5th Principal Meridian, Plaintiffs further states that the said Patrick Bradick has since died leaving as his heirs John Bradick, Mary Bradick, and Philip Bradick and Elizabeth Bradick This ~~Plaintiff~~ one of these Plaintiffs as his heirs at law.

Plaintiffs state that Elizabeth Bradick paid to the said Patrick Bradick the consideration money for said tract of land in full when said deed was made by the said Patrick Bradick, and that the mistake in the description of the land as above stated was not discovered until since the death of the said Patrick Bradick, and that she is unable to get a deed of correction from said heirs they being minors under the age of twenty one years. The Plaintiffs therefore ask the court to appoint a Guardian ad litem for the Defendants in this cause.

Plaintiffs further state that since said deed was executed ~~to~~ The Plaintiffs were married to each other,

Plaintiffs therefore pray the court to reform said deed made by Patrick Keradick to Elizabeth Keradick now Elizabeth Garvey, on the 17th day of December A.D. 1863 (which is here to the court shown) by correcting the mistake made therein as above set forth and by making it conform to the true intention of the parties to it and to divest Defendants of any right title or interest which they or either of them may have in said land by virtue of said mistake and to vest the same in Plaintiff Elizabeth Garvey & to grant such other and further relief as they may be entitled to.

John L. Thomas Bro.
Attys. for ~~the~~ Plaintiffs

Elizabeth Garvey &
Stephen Garvey
against
John Crockett Esq.

Clerk ~~James~~
To Sheriff of
Jeff Co. Mo

Filed Nov 19th 1872
H. S. Boyce & Co
Per Chas. H. H. Dep.

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 *John Cradick*

Philip Cradick and Mary Cradick

if they be found in your County, that they 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 *Second* Monday after the fourth Monday of *January* next, then and there to answer unto

Elizabeth Garvey and Stephen Garvey.

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

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *19th*

day of *November* A. D. 1872

W. S. Boyce Clerk Circuit Court.

By *Chas. Horine* Deputy.

Executed the within writ at the County of Jefferson
State of Missouri by delivering to the within ~~to~~ named
defendants John Cradick a copy of this writ and
annexed petition as furnished me by the clerk he being
first served, and further executed said writ by delivering
to the other defendants Philip Cradick and
Mary Cradick a true copy of the writ on the
21st day of December A.D. 1872

P. B. Moss Sheriff
By Thos. J. Jones Deputy

41.46.80-90

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RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

January TERM, 1873.

Elizabeth Gannery
vs
Stephen Gannery

John Cradick
Philip Cradick
Mary Cradick

Sheriff 113⁰⁰
original

original

Yours truly

Elizabeth Garvey &
her husband Stephen Garvey
Plaintiffs

Against
John, Philip and
Mary Craddick Defendants

In the Circuit Court
of Jefferson County
Missouri
May Term 1873

John Craddick, Philip
Craddick and Mary Craddick, ^{minor} defendants
herein, by their guardian ad litem, Thomas
H. McMullin, for answer to the petition of the
Plaintiffs herein, filed 19th November 1872. ~~for~~
~~their~~ ~~any~~ ~~said~~.

They admit that on the 19th day of December
AD 1863, Elizabeth Garvey, ^{one of} the plaintiffs herein,
then Elizabeth ~~Garvey~~ Craddick, purchased
of Patrick Craddick a certain tract of
land, situated in Jefferson County Missouri,
at and for the price and sum of Eight
Hundred Dollars, and that said purchase
money was fully paid, and that thereupon
Patrick Craddick executed and delivered
a deed to the said Elizabeth Craddick
now Elizabeth Garvey, one of the Plaintiffs
herein.

Admit that said deed described
the land as NE¹/₄ of SW¹/₄ and SW¹/₄ of SE¹/₄
of section 17 Township 42 of Range 3 East
containing 80 acres, but verily believe
that a mistake was made in the description

of the land in said deed, That the land intended to be conveyed thereby is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 17 Township 42 Range 3 East, in said Jeff. Co. mo. containing 80 acres. That the last described land was owned by the grantor in said deed, at and before the date thereof, and the first described land, was not then, and never had been owned by said Grantor.

Admit that Patrick Craddock has, since the execution of said deed, departed this life, leaving as his heirs John Craddock Mary Craddock and Philip Craddock, the defendants herein, ^{who are minors being under the age of 21 years} and Elizabeth Craddock, one of the Plaintiffs

Admit that said Elizabeth Craddock has ^{the execution of said deed} since, intermarried with Stephen Garvey the other Plaintiff herein.

~~As to the allegations in Plaintiffs petition, wherein they say the consideration was paid further the defendants herein each not.~~

John Craddock
Philip Craddock
& Mary Craddock

By Thomas H McMullin
their Guardian ad litem

Garry & Garry
vs

Craddick, Minors

Answer of Defts

Filed May 13th 1878

W S Boyce

clerk