

Jefferson County Circuit Court
Case Files - Civil
September 1874, NO. 1

Wolf, Marcus A., adm.
Garber, Charles H.

vs

Donnelly, Eugene J.

Enforce Vendor's Lien

Debt \$1,075; 155 acres in
53 + 39 1/4 E

Box 33 Folder 15

Marcus A. Wolff
Administrator of the
Estate of Charles H.
Garber Deceased
Plaintiff

Action to en-
force Vendor's
Lien.

vs
Eugene J. Donnelly, Defendant

In the Jefferson Circuit Court.
September Term 1874.

Plaintiff states that Charles H. Garber in his lifetime, on or about the 17th day of June 1872 was seized and possessed in fee simple of one undivided half of the following real estate situated in Jefferson County Missouri viz: Lot No. ~~three~~ of the North East 1/4 of Section No. Three, Township No. Thirty nine N. of Range No. four East & extending fifteen acres heretofore sold off the east end thereof to Nathan Lawson: Also the west half of lots No. four and five of the North East 1/4 of Section three in Township thirty nine N. of Range four East containing in all one hundred and fifty five acres and 95 hundredths of an acre and being so seized and possessed thereof

he sold the same to Defendant for the
sum of Five thousand dollars and
on the day and year aforesaid re-
cited and delivered to Defendant
a deed for one undivided ^{half} thereof:
that Defendant at the time said land
was conveyed to him by said Gacher
paid to said Gacher the sum
of one thousand dollars in cash,
and assumed a deed of trust which
was then on said land of \$1100 and
agreed to pay one half of the debts
owing by Gacher and ^{amounting to} ~~Trass~~ ¹⁷²⁵ and
promised to pay said Gacher the
sum of one thousand ^{one hundred} and seventy
five dollars in one year from
that date, all of which are recited
in said deed recited by the said
Gacher to said Defendant as aforesaid
a copy of which is herewith filed,
and prayed to be taken as a part
of this petition, the original being
in possession of defendant.

Plaintiff states that Defendant on
the 22nd day of January 1874 paid
\$100 on said sum of one thousand
one hundred and seventy five
dollars and that the balance

said sum of \$1175 and the interest ~~thereon~~ thereon are due and payable.
Plaintiff states that since the
decease of said and the said Gader
deported this life ~~and~~ interest
in the County of St. Louis, State of
Missouri and that Marcus
A. Wolff has been by the Probate
Court of said County of St. Louis
duly appointed Administrator of
the Estate of said Gader and that
he has given bond qualified and
is now acting as such.

~~Wherefore~~ Plaintiff states that the
Estate of said Gader is entitled to
a lien as vendor of said land for
the balance of the unpaid purchase
money as is hereinbefore set out.

Wherefore Plaintiff asks judgment
for the balance of the said sum of \$1175
after crediting the same with \$100 paid
January 22 1874, together with interest
thereon from the 17th day of June 1872.
and that the lien which said Estate
is entitled to on said land be estab-
lished and that said land be sold
to pay the judgment rendered herein
and for such other and further

which as he has said ~~that~~ Administrator
may be entitled to.

John L. Hudson & Bro
With W. B. Thompson
Attys for Plaintiff.

Messrs & Messrs Admin
W. C. W. Gardner & Co

2
Eugene J. Damich

Petition to enforce
Vendor's Lien,

Filed May 9 1874
W. S. B. & Co (clerk)
By O. H. Adams
Supt

Marcus A Moly administrator
of the Estate of Charles H Garber
deceased plaintiff

} action to
enforce vendors
lien.

^{vs}
Eugene J Donnelly defendant,

In the Jefferson Circuit Court,
September Term 1874

Plaintiff states that Charles H Garber in his lifetime, to wit, on the 17th day of June 1872 was seized and possessed in fee simple of one undivided half of the following real estate situated in Jefferson County (Missouri) viz: Lot No three of the North East qr of Section No three, Township No thirty nine N of Range No four east excepting fifteen acres heretofore sold off the East end thereof to Nathan Slawson, Also the west half of Lots No four and five of the North East qr of Section three in Township thirty nine N. of Range four East containing in all one hundred and fifty five acres and 75 hundredths of an acre, and being so seized and possessed thereof he sold the same to defendant for the sum of Five thousand dollars and on the day and year aforesaid executed and delivered to defendant a deed ~~executed~~ for one undivided half thereof, that defendant at the time said land was conveyed

to him by said Garber paid to said Garber the sum of one thousand dollars in cash and assumed a deed of trust which was then an said land of \$1000 and agreed to pay one half of the debts owing by Garber & Grass amounting to \$1725 and promised to pay said Garber the sum of one thousand one hundred and seventy five dollars in one year from that date, all of which was recited in said deed executed by the said Garber to defendant as aforesaid a copy of which is herewith filed and prayed to be taken as a part of this petition, the original being in possession of defendant, Plaintiff states that defendant on the 22nd day of January 1874 paid \$100 on said sum of one thousand one hundred and seventy five dollars and that the balance, of said sum of \$1175 and the interest thereon are still due plaintiff. Plaintiff states that since the execution of said deed the said Garber departed this life intestate in the County of St. Louis State of Missouri, and that Marcus A. Hall has been by the Probate Court of said County of St. Louis duly appointed administrator of the Estate of said Garber and that he has given bond, qualified and is now acting as such,

Plaintiff states that the Estate of said Garber is entitled to a lien as vendor of said land for the balance of the unpaid purchase money as hereinbefore set out,

Wherefore plaintiff asks judgment for the balance of the said sum of \$1175 after crediting the same with ~~one hundred~~ \$100 paid January 22 1874 together with interest thereon from the 17th day of June 1872 and that the lien which said Estate is entitled to on said land be established and that said land be sold to pay the judgment rendered herein and for such other and further relief as he as said Administrator may be entitled to.

John L. Thomas & Bro.
with W. B. Thompson

Attys for Plaintiff

A true copy of the original petition.

Witness my hand and the seal of
said Circuit Court May 9th 1874

W. S. Boyce Clerk.
By O. H. Horne Deput

Marcus A. Half Administrator
of the Estate of Charles A. Garber
deceased — plaintiff.

vs
Eugene J. Donnelly defendant } Action to
In the Jefferson Circuit Court } Enforce
September Term 1874. } Vendor's Lien.

Plaintiff states that Charles A. Garber in his life-
time lived; on the 17th day of June 1872 was seized
and possessed in fee simple of one undivided half
of the following Real Estate situated in Jefferson
County (Missouri viz: Lot No. Three of the North
East gr. of Section No Three, Township Thirty-
nine N. of Range No. Four East excepting
fifteen acres heretofore sold off the East
end thereof to Nathan Lawson, also the
West half of Lots No. Four and Five of
the North East gr. of Section Three in Town-
ship Thirty-nine N. of Range Four East
Containing in all one hundred and fifty
five acres and 95 hundredths of an
acre, and being so seized and possessed
thereof he sold the same to defendant
for the sum of Five Thousand dollars
and on the day and year aforesaid executed
and delivered to defendant a deed for one
undivided half thereof, that defendant
at the time said land was conveyed to him
by said Garber paid said Garber the sum

of one thousand dollars in cash and assumed
a deed of Trust which was then on said land
of \$1100, and agreed to pay one half of the
debts owing by Garber & Graft amounting
to \$1725 and promised to pay said Garber
the sum of one thousand one hundred and
seventy five dollars in one year from date
all of which was recited in said deed, ex-
ecuted by the said Garber to defendant
as aforesaid, a copy of which ~~as a part~~
~~of this petition~~ is herewith filed and prayed
to be taken as a part of this petition, the original
being in possession of defendant. Plaintiff
states that defendant on the 22nd day of Jan-
uary 1874 paid \$100. on said sum of one
thousand one hundred and seventy five
dollars and that the balance of said
sum of \$1175 and the interest thereon are
still due plaintiff. Plaintiff states that
since the execution of said deed the said Garber
departed this life intestate in the county of
St. Louis State of Missouri and that Marcus A
Holtz has been by the Probate Court of said
County of St. Louis duly appointed Administrator
of the Estate of said Garber and that he has
given bond, qualified and is now acting
as such.

Plaintiff states that the Estate of said
Garber is entitled to a lien as vendor of said

land for the balance of the unpaid purchase money as hereinbefore set out,

Wherefore Plaintiff asks judgment for the balance of the said sum of \$1175, after crediting the same with \$100, paid January 22nd 1874 together with interest thereon from the 17th day of June 1872 and that the lien which said Estate is entitled to on said land be established and that said land be sold to pay the judgment rendered herein & award such other and further relief as he as said administrator may be entitled to,

John S. Thomas & Bro.
with W. B. Thompson

attys for Plaintiff

A true copy of the original petition,

Witness my hand and the seal of
said Circuit Court August 12th 1874,

W. S. Bryce Clerk

By C. H. Horine Depy

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 *Eugene J. Donnelly*

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 ~~second~~ *second* Monday after the fourth Monday of *September* next, then and there to answer unto *Marcus A. Wolf* administrator of the estate of *Charles A. Garber Dec'd*

upon *his* 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 affixed, at office in Hillsboro this *9th* day of *May* A. D. 1874

W. S. Boyce Clerk Circuit Court.

By *C. H. Horne* Deputy.

281.307 Nov 1 3887

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

Sept TERM, 1874.

Marcus A Wolf
admr. Est. Gardner

vs

Eugene J Donnelly

original

I return the within summons not served the defendant
Eugene J Donnelly not found in my county.
Sept 14th 1874

J. B. Mose
Shuff

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

Eugene J. Dannelly

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 *second* Monday after the fourth Monday of *September* next, then and there to answer unto *Marcus A. Wolf* administrator of the Estate of *Charles H. Garber* De *Et*

upon *his* 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 affixed, at office in Hillsboro this *9th* day of *May* A. D. 1874

W. S. Boyce

Clerk Circuit Court.

By

Chas. Horne

Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept TERM, 1874.

Wm. Adams Gardner

De
Lannely

Copy

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

The State of Missouri,

mississippi
TO THE SHERIFF OF THE COUNTY OF ~~JEFFERSON~~ --- GREETING:

We command you, that you summon *Eugene J. Donnelly*

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 *second* ~~Monday after the fourth~~ Monday of *September* next, then and there to answer unto

Marcus A. Wolf administrator of the Estate of Charles M. Garber deceased.

upon *his* 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 affixed, at office in Hillsboro this *12th* day of *August* A. D. *1874*.

W. S. Boyce Clerk Circuit Court.

By *C. Ho. Horine* Deputy.

Executed the within writs in Mississippi County Mo, by
delivering a true copy, as furnished by the Clerk,
of the within Petition and Summons, to the within
named Eugene F. Donnelly. August 21st 1874;

Wm. P. Jarant. Sheriff
Mop. Co. Mo

Fee \$1⁰⁰ Paid

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RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept.

TERM, 1874.

Marcus A. Wolf
adms Est. Gardner

vs

Eugene F. Donnelly

original

~~74257.00~~

74257.

67

Garbers Adm^r.

Samuelly.

Bryce cl^r.

files 10 30 copies per. 2.25 150 2.20
dockets 15c order 20 cont. 20

60 6.65

Indst. Jan'y 12 75 75

Amb. \$ 125.70

Sept 5 1875

Home cl^r.

Jan'y 5 1875

Default 30 sub 35 rent 30 judg. 50
issues joined 50 dock judg. 10
fee bill 10 cash 25 Sat. 25

\$ 1.50

60

50 2.60

T.B. Moss monest.

.50

Wm P Swank Mff mcs, Co. 400 pff

1.00

10 75