

Jefferson County Circuit Court
Case Files - Civil

Box No.

4

Folders No. 5

AUGUST 1838, No. 5

Lowe, Jesse

vs

Smith, Richard, Adm
Smith, Chauncey, dec.

Specific performance of contract

Plaintiff executed a bond on 24 Mar 1834
to Sandy Mays in the penalty of \$400 to
convey to Sandy Mays by Warranty Deed the
W $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of S13-T42N-R5E
from Chauncey Smith, assigned to plaintiff
by Mays

Now all Men by these presents, That I Chauncey Smith
of Mercaucunne County of Jefferson State of Mississippi can
hold and firmly bound unto Sandy Mays of the same
County and State in the first and full name of ~~Five~~
hundred dollars lawful Money to the payment of which
I do bind myself my heirs jointly and severally
firmly by these presents.

The condition of the above obligation
is such. That whereas the said Sandy Mays has this
day bargained and contracted to and with the said
Chauncey Smith for the purchase of the West half of the
North West quarter of Section Thirteen in Township
Forty two North of Range four East situated in said
County of Jefferson in consideration of which purchase the
said Sandy Mays has this day given to me the said
Chauncey Smith three separate Notes of hand for Fifty
dollars each the first payable in one year from the
fifteenth day of October next. the second in two years
from date and the third in three years from date and
all of them of even date with the bond and to bear
interest at the rate of ten per cent per annum from date.

Now therefore if the said Sandy Mays shall well and
truly pay said Notes at the times they respectively
become due. then and in that case I do obligate myself
under the aforesaid penalty to make to the said Sandy Mays
a good and sufficient deed of record for the aforesaid debt and
part of bond.

Given under my hand and seal this 10th of March 1834

Chauncey Smith Seal

I enclose the within Bond to Jesse
Low for value received of him
this the 9th of November 1497
Sandy May

Maury Smith
Bond to
Sandy May

~~As to the~~
~~I agree the worth~~
~~in bond of the value~~
~~received~~

filed Aug 6th 1839
H. H. Heath
clerk

State of Missouri County of Jefferson
August term 1838

To the honorable the Judge of the Jefferson County
Circuit Court in Chancery sitting, your Oration
Lepe Lorne, would represent - that Channery Smith
in his lifetime took the 22nd of March 1834
Signed Sealed and delivered his bond to Lemuel
Mays in the penalty of 400 dollars, Conditioned
to make to said Mays a good & sufficient
warranty deed to the West half of the North
West quarter of Section thirteen in township forty
two North of range five east situated in the
said County of Jefferson, provided said Mays
should well and truly pay to said Smith three
several notes of fifty dollars each bearing date
the same date with said bond - the first due
twelve months from the 15th of October succeeding
said date of said bond, the second in two, and
the third in three years from date with ten
per cent interest from date - Your Oration further
states that said Mays on the 9th of November
1837 for value received lawfully assigned said
bond to your Oration, - that said Channery departed
this life without having making a deed to said
land - that his brother Richard Smith, hath
obtained letters of administration upon his estate
that said three notes with the interest due thereon
the consideration for said land has been well
and truly paid to said Channery and to his said
administrator since his death

that said Channing left no legitimate children
that his father, mother brothers and ~~children~~^{Sisters}
are his heirs at law, & each entitled to an
equal share of said land, the names of whom
are totally unknown to your Orator and
cannot be inserted in this bill, except said
Richard the adm^r as aforesaid, that said
Richard is ~~a~~ not a resident of the state of
Massachusetts, that said Richard & his unknown
heirs, his heirs, reside in the state of
Connecticut, that said heirs & said adm^r
have failed since the death of said Channing
to make a deed in compliance of said bond
to said Mass, or to your Orator

In tender consideration of the premises your
Orator prays that said Richard in his character
of heir and adm^r and said unknown heirs be
made defendants ^{to this bill}; that they be compelled upon
their corporal Oath to answer the allegations
of this bill, your Orator prays your honor upon
a hearing to decree that a deed be made
for said land by said defendants in compliance
of said bond, your Orator prays for the
statute writ of Subpoena, and all other
relief to which in equity he may be entitled
and he will ever pray &c

Given, Solicitor for Compt

State of Missouri }
County of Jefferson } 58

Personally appeared before
the undersigned Clerk of the Circuit Court in
Jefferson County, Jesse Lowe, & being duly sworn
upon his oath & faith that the allegations of
the foregoing bill are true to the best of his
knowledge

Subscribed & sworn to
before me this 7th
day of August 1838

Jesse Lowe

John S. Mathews Clerk

No 5 391
Lepre Lane

as { Bill
C Smiths Hairs

Filed Aug 9th 1838
Matthew
C/12

In Jefferson county Circuit Court, December Term, 1838.

Jessee Lowe,

Richard J.
Chair
the h

Administrator of
deceased, and
deceased.

Bill in Chancery.

AND

lic

ants be notified

his day comes the complainant by his son on motion it is ordered, that the defendant that the complainant has his bill herein stating that Chauncey Smith, on the 24th of March, 1834, executed a bond to Sandy Mays, in the penalty of 400 dollars, conditioned to convey to said Sandy, by good and sufficient warranty deed, the W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section 13 in township 42 N. of range 5 E. lying in Jefferson county, if said Sandy should well and truly pay to said Smith three promissory notes, the consideration for said land, bearing late with said bond, and for fifty dollars each, when they should respectively become due; the first due 12 months from the 15th October next ensuing; the second in two, and the third in three years from date, bearing interest at the rate of ten per cent. per annum from date; that said Chauncey hath departed this life: that letters of administration upon his estate hath been granted to his brother, Richard Smith: that said Sandy Mays, on the 9th November, 1837, assigned said bond to the complainant: that the purchase money for said land has been fully paid to the said Chauncey and his administrator, since his death: that said Chauncey died without lawful issue: that said Chauncey in his lifetime, and his administrator and heirs, since, have failed to make a deed in compliance of said bond: that said Richard Smith is a non resident of the State of Missouri: that the names of the other heirs of the said Chauncey are unknown to the complainant, and praying that said Richard, Administrator and heir, and the unknown heirs of said Chauncey be made defendants to this bill, and that they be decreed to make a deed for said land, in compliance of said bond. And it is further ordered, that unless said defendants appear on or before the next term of his court, to be held at Herculaneum, within and for said county, on the second Monday of April next, and answer the complainant's bill, the same will be taken as confessed, and the prayer thereof decreed accordingly. And that a copy of this order be published in some newspaper printed in the city of Saint Louis, for eight weeks successively, the last insertion to be four weeks before the next term of this Court. A true copy of the order.

Attest,
Jan 11 Sw

JOHN S. MATHEWS, Clerk.

STATE OF MISSOURI, }

County of St. Louis,

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Knapp* ——— who being duly sworn, depose and saith, that the annexed advertisement was published in the "*Missouri Republican*," the newspaper of which he is printer, for *Eight* times, the first insertion being on the *Twelfth* day of *January* 1839 and the last insertion on the *2nd* March 1839

No 90-	January	12
" 91	"	19
" 92	"	26
" 93	February	2
" 94	"	9
" 95	"	16
" 96	"	23
" 97	March	2

George Knapp

Sworn to and subscribed before me, this

Fourth day of *March* 1839

Printer's Fee, *13.50*

Affidavit, *.25*

Dollars 13.75

[Signature]

J. P.

June

1839

Smith's River

Printers (free)

Filed April 9 1839

Anthony Bell

Received of Wells seven nine
dollars for adv. Notice of Chambers
eight weeks in the *Midland*
Republican, this 10th January
1837. Chambers, Harris & Co

Pepe Lowe
Receipt -

jan 11 1834

In Jefferson county Circuit Court, December Term, 1833.

Jessee Lowe,

vs

Richard J. Smith, Administrator of } Bill in Chancery.
Chauncey Smith, deceased, and }

the heirs of said deceased. }

AND now at this day comes the complainant by his solicitor, and on motion it is ordered, that the defendants be notified, that the complainant has his bill herein stating that Chauncey Smith, on the 24th of March, 1834, executed a bond to Sandy Mays, in the penalty of 400 dollars, conditioned to convey to said Sandy, by good and sufficient warranty deed, the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of section 13 in township 42 N. of range 5 E., lying in Jefferson county, if said Sandy should well and truly pay to said Smith three promissory notes, the consideration for said land, bearing late with said bond, and for fifty dollars each, when they should respectively become due; the first due 12 months from the 15th October next ensuing; the second in two, and the third in three years from date, bearing interest at the rate of ten per cent. per annum from date; that said Chauncey hath departed this life: that letters of administration upon his estate hath been granted to his brother, Richard Smith: that said Sandy Mays, on the 9th November, 1837, assigned said bond to the complainant: that the purchase money for said land has been fully paid to the said Chauncey and his administrator, since his death: that said Chauncey died without lawful issue: that said Chauncey in his lifetime, and his administrator and heirs, since, have failed to make a deed in compliance of said bond: that said Richard Smith is a non resident of the State of Missouri: that the names of the other heirs of the said Chauncey are unknown to the complainant, and praying that said Richard, Administrator and heir, and the unknown heirs of said Chauncey be made defendants to this bill, and that they be decreed to make a deed for said land, in compliance of said bond. And it is further ordered, that unless said defendants appear on or before the next term of this court, to be held at Merculaneum, within and for said county, on the second Monday of April next, and answer the complainant's bill, the same will be taken as confessed, and the prayer thereof decreed accordingly. And that a copy of this order be published in some newspaper printed in the city of Saint Louis, for eight weeks successively, the last insertion to be four weeks before the next term of this Court. A true copy of the order.

Attest,

jan 11 1834

JOHN S. MATHEWS, Clerk.

STATE OF MISSOURI,

County of St. Louis, }

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Thrafft* who being duly sworn, deposeth and saith, that the annexed advertisement was published in the "Missouri Republican," the newspaper of which he is printer, for *Eight* times, the first insertion being on the *Twelfth* day of January 1839, and the last insertion on the *second day of March 1839.*

<i>November</i>	<i>30 -</i>	<i>January</i>	<i>12</i>
"	<i>31 -</i>	"	<i>19</i>
"	<i>32 -</i>	"	<i>26</i>
"	<i>33 -</i>	<i>February</i>	<i>2</i>
"	<i>34 -</i>	"	<i>9</i>
"	<i>35 -</i>	"	<i>16</i>
"	<i>36 -</i>	"	<i>23</i>
"	<i>37 -</i>	<i>March</i>	<i>2</i>

George Thrafft

Sworn to and subscribed before me, this

1st day of *April* 18*39*

Printer's Fee, *13.50*

Affidavit, *1.25*

J. P.

Paid on last *13.75* *by* *Thrafft*
\$4.75 due.

Lowe

27

Smiths heirs

printers bill

2- 2- 4
1- 1
57

filed April 9th 1839

Matthews bill

Fr

Before we
leave
South'ham &c

And now get this very curious
the Supplement by his brother, and this course
course as to be heard upon the will, including
and profits and, the court being fully advised
of and concerning the premises, it is ordered ^{advised}
decided that said Robert Smith and the children
him of Chancery South'ham be paid in said will
or contents, and to the said Supplement and
good and sufficient and for the said and
premises in said will and be paid or contents, Smith
(here insert description of land in bond) on or
before the next term of this court. And it is
further ordered that the Supplement be read
against said defendants his costs by him shown
his work in that behalf expended and that
he have execution thereof

Love
of mine

John C. #183

W. M. W. C. C.

Leaves Come

In Chancery

Richard Smith Advers
& heirs of Chancery Smith
dec? & the unknown heirs
of Chancery Smith dec?

And now at this day comes

the Complainant by his Solicitor and on motion it is
ordered that the defendants be notified that the Com-
plainant has filed his bill herein stating that Chancery
Smith on the 24th of March 1834 executed a bond
to Sandy Mays in the penalty of 400 dollars conditioned
to convey to said Sandy by good & sufficient
warranty and the W. 1/2 of the N. W. 1/4 of Section
13 in Township 42 N. of Range 5 E. lying in Jefferson
County, if the said Sandy should well & truly pay
to said Smith three ^{promissory} notes the consideration for
said land bearing even date with said bond & for
fifty dollars each when they should respectively
become due, the first due 12 months from the 15th of
October next succeeding the date of said bond, the
second in two & the third in three years from date,
bearing ten per cent interest from date, that said
Chancery hath departed this life, that letters of ad-
ministration upon his estate have been granted to
his brother Richard Smith, that said Sandy Mays
on the 9th of November 1837 assigned said bond
to the Complainant, that the purchase money for
said land has been fully paid to the said

the annuity & his admt. Since his death, that said Chauncy
died without lawful issue, that said Chauncy in
his lifetime and his admt. & heirs since have failed
to make a deed in compliance of said bond, that
said Richard Smith is a non resident of the State
of Missouri, that the ^{names of the} other heirs of said Chauncy
are unknown to the complainants, and praying
that said Richard as Admt. & heir, and the unknown
heirs of said Chauncy be made defendants to this bill
& that they be decreed to make a deed for said land
in compliance of said bond, and it is further
ordered that unless said defendants appear on or
before the next term of this Court to be held at
St Louis for said County on the ^{morning}
of December next and answer the complainants
bill the same will be taken for confessed and
the prayer thereof decreed accordingly, and that
a copy of this order be published in some News
paper printed in St Louis for eight weeks, commencing
the last insertion to be four weeks before the next
term of this Court

filed Aug 5th 1839

W. L. A. Thomas
clerk