

Jefferson County Circuit Court
Case Files - Civil
November 1855, No. 32

Box 8 Folder 42

Higginbotham, George W.

v.

Baker, Jane
Murrell, Ann
Murrell, George
Murrell, David, et al

Title

34 37/100 acres in S3&T39R3E; other
defendant Elias Murrell.

In the Circuit Court of
Jefferson County Mo
November Term 1855

George W. Higginbotham
against

Jane Baker, widow of Milton Baker,
formerly the widow of Elias Murrell.
Ann Murrell, George Murrell, and
David Murrell, & Elias Murrell

To the Honorable Circuit Court
of Jefferson County, your petitioner the
Plaintiff, would most respectfully rep-
resent, that Elias Murrell late of Wash-
ington County State of Missouri died
leaving Jane Murrell his widow who
afterwards married Milton Baker, now
deceased, and Ann Murrell George
Murrell and David Murrell, ^{and Elias Murrell} children
by said Jane ^{his} ^{minors except Ann} legal representatives.
That the said Elias Murrell did seized
in fee of the following described tract
of land, To wit; The fractional quarter
of the North West qr of Section 36 in
Township 39 N Range 3 East containing
 $34 \frac{37}{100}$ acres; - That Milton Baker now
deceased administered upon the Estate
of said Elias Murrell in the County
of Washington and the personal assets
of the said Estate not being sufficient
to pay the debts of the said Elias Murrell
deceased, the said Milton Baker adm'r
as aforesaid, under an order of Sale to
sell the real Estate of the said Elias Murrell
for the purpose of paying his debts,

the said order being made at the May Term of the County Court of Washington County in the year 1849, a copy of which order is herewith filed, did advertise and sell according to law at public auction in the Town of Potosi, Washington County, on the 7th day of August 1849 all the right, title and interest of the said Elias Murrell deceased, in and to the above described tract of land;— Your petitioner further states, that at the said sale, he was the highest and best bidder for the aforesaid land and that the same was stricken off to him for the sum of Dollars; and that he paid Milton Baker Adm'r aforesaid the purchase money for said land, but he died before ^{he} executed, to your petitioner, a deed for the aforesaid land;— Your petitioner therefore prays the Court to decree and divest the Defendants of all right title interest and claim, they may have in and to the aforesaid land as heirs of the said Elias Murrell Deed and decree title in him and grant such and all other relief as equity and good conscience may demand, and your petitioner will ever pray
&c

Brady atty for Pltff
Wm E. Brady attorney for plaintiff makes oath and says the above petition and matters as therein stated, he believes to be true
Wm E. Brady

Sworn to before me
October 29th 1855—
H. A. Matthews
clerk

George W. Higginbotham
vs
Jane Barker & al

Paid in for title

Filed Oct 30th 1855

Mo & McLehose

Debt

2 copies each -	150
cost of 5 to me	100
work & copy	120
Henry "	155
Tracy	500
	1145

In the Circuit Court of Jefferson County
November Term 1855.

George H Bigginbotham

against

Fane Baker, widow of Milton Baker formerly the
widow of Elias Murrell: Ann Murrell, George
Murrell and David Murrell,

To the Honorable Circuit Court of Jefferson
County, your petition, the Plaintiff would most respectfully
represent, that Elias Murrell late of Washington County
State of Missouri died leaving fane Murrell his widow
who afterwards married Milton Baker, now deceased
and Ann Murrell, George Murrell and David Murrell
children by said fane his legal representatives, that the
said Elias Murrell died seized in fee of the following
described tract of land, to wit, The fractional quarter
of the north West qr of Section 36. in Township 39 N Range
3 East containing $34\frac{37}{100}$ acres. That Milton Baker
now deceased, administered upon the Estate of said
Elias Murrell in the County of Washington and the
personal assets of the said Estate not being sufficient
to pay the debts of the said Elias Murrell deceased, the
said Milton Baker admin as aforesaid, under an order
of sale to sell the real Estate of the said Elias Murrell
for the purpose of paying his debts, the said order being
made at the May Term of the County Court of Washington
County in the year 1849. a copy of which order is herewith
filed, did advertise and sell according to law at public
Auction in the town of Potosi, Washington County on the 7th
day of August 1849. all the right, title and interest of the
said Elias Murrell deceased, in and to the above des-
cribed tract of land. - Your petitioners further states
that at the said sale he was the highest and best bidder
for the aforesaid land and that the same was

Stricken off to him for the sum of — Dollars and
that he paid Milton Baker admsr aforesaid the pur-
chase money for said land, but he died before he
executed to your petitioner, a deed for the aforesaid land
your petitioner therefore prays the court to decree and
direct the Defendants of all right, title, interest and claims
they may have in and to the aforesaid land as heirs
of the said Elias Munnell decd and decree title in him
and grant such ^{and} other relief as equity and good conscience
may demand and your petitioner will ever pray.

Brady atty for Plffs.

Wm E Brady atty for Plaintiff makes oath and says
the above petition and matters as therein stated, he
believes to be true, Wm E Brady.

Shown to before me October 29th 1858,

W A Mathews Clerk,

I certify that the foregoing is a true copy of
the original petition and affidavit on file in my
Office in said cause.

Witness my hand and official seal
at Office Oct 30th 1858,

Thos B Fletcher Clerk
Circuit Court Jefferson Co

George W. Higginbotham
 against
 Jane Baker, widow of Milton Baker
 formerly the widow of Elias Murrell
 Ann Murrell, George Murrell
 and David Murrell & Elias Murrell

In the Circuit
 Court of Jefferson
 County Mo
 November Term
 1855.

To the Honorable Circuit Court, of Jefferson County, your petitioner, ~~the~~ plaintiff would most respectfully represent, that Elias Murrell, late of Washington, County State of Missouri, died leaving Jane Murrell his widow, who afterwards married Milton Baker, now deceased, and Ann Murrell George Murrell, and David Murrell and Elias Murrell children by said Jane & minors except said Ann, legal representatives. that the said Elias Murrell died seized in fee of the following described tract of land to wit: The fractional quarter of the North west quarter of Section 36 in Township 39 N. Range 3 East, containing 34 ³/₁₀₀ acres, that Milton Baker now deceased, administered upon the estate of said Elias Murrell, in the County of Washington, and the personal assets of the said estate not being sufficient to pay the debts, of the said Elias Murrell deceased, the said Milton Baker admin as afore said under an order of sale to sell the real estate of the said Elias Murrell, for the purpose of paying his debts; the said order being made at the May Term of the County Court of Washington County in the year 1849. A copy of which order is herewith filed, did advertise and sell according to law, at public Auction in the town of Potosi Washington County on the 7th day of August 1849, all the right, title and interest of the said Elias Murrell deceased in and to the above described tract of land. Your petitioner further

states, that at the said sale, he was the highest and best bidder for the aforesaid land, and that the same was stricken off to him for the sum of

Dollars, and that he paid Melton Baker adms aforesaid the purchase money for said land but he died before he executed to your petitioner a deed for the aforesaid land. Your petitioner therefore prays the Court, to decree and direct the defendants, of all right, title ~~and~~ interest and claim they may have in and to the aforesaid land as heirs of the said Elias Murrell Dec^d, and decree the title in him, and grant such and all other relief as equity and good conscience may demand, and your petitioner will ever pray &c

Wm E Brady Atty for. Pltff

Wm E Brady, attorney for Plaintiff makes oath, and says the above petition and matters as therein stated he believes to be true

Sworn to before me

October 29th 1855

M A Matthews clk

Wm E. Brady

A true Copy of the original petition and affidavit on file in my office

In Testimony whereof I hereto set my hand and affix the seal of said Court. October 19th 1855
Elias F Honey clk

George W. Higginbotham

Against,

Jane Baker, widow of Milton
Baker, formerly the widow of
Elias Murrell, Ann Murrell,
George Murrell and David Murrell
vs. Elias Murrell.

In the Circuit Court
of Jefferson County
Mo

November Term
1855.

To the Honorable Circuit Court, of Jefferson
County: Your petitioner, the Plaintiff, would most respect-
fully represent, that Elias Murrell, late of Washington Coun-
ty, State of Missouri, died leaving, Jane Murrell, his
widow, who afterwards, married Milton Baker, now
deceased, and Ann Murrell, George Murrell, and
David Murrell and Elias Murrell, children by said
Jane & minors except. Ann, his legal representatives
that, the said Elias Murrell, died seized in fee of the
following described tract of land, to wit: the fractional
quarter of the North West, qr of Section 36 in Township
39 N. Range 3 East, containing 34¹/₂ acres; that,
Milton Baker now deceased, administered upon the
Estate of said Elias Murrell in the County of Washington
and the personal assets of the said estate not being suf-
ficient to pay the debts of the said Elias Murrell, deceased,
the said Milton Baker admin as aforesaid, under an
order of sale, to sell the real estate of the said Elias Murrell
for the purpose of paying his debts; the said order being
made at the May Term of the County Court of Washing-
ton County in the year 1849. a copy of which order is
herewith filed, did advertise and sell according to
law, at public Auction in the town of Potosi, Washington
County on the 7th day of August, 1849, all the right title
and interest of the said Elias Murrell deceased
in and to the above described tract of land. Your
petitioner further states that at the said sale, he was
the highest, and best bidder, for the aforesaid, land

Your Petitioner further states that at the said Sale
he was and that the same was Stricken off to him
for the sum of Dollars. and that he paid
Milton Baker Admr aforesaid the purchase money
for said land, but he died before he executed to your
petitioner a deed for the aforesaid land. Your petition
therefore prays the Court to decree and direct the
defendants of all right, title interest and claim they
may have in and to the aforesaid land as heirs
of the said Elias Murrell Decd. and decree title
in him and grant such and all other relief as equity
and good conscience may demand and your
petitioner will ever pray &c

Brady Atty for Pltff.

Wm E Brady attorney for Plaintiff makes oath and
says the above petition and matters as therein stated
he believes to be true

Sworn to before me

October 29th 1855

W. A. Matthews Clk.

Wm E Brady.

A true copy of the original peti-
tion on file in my office

In Testimony whereof I hereto
set my hand and affix the
Seal of said Court, October
19th 1855

Elias F. Honey Clk.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Jane Baker, Ann Murrell
George Murrell and David D. Murrell

-----if they be
found in your County, that they 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 fourth Monday of October
next, then and there to answer unto George W. Higginbotham

upon his original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 30th
day of October A. D. 1888.

Thos C Fletcher

CLERK CIRCUIT COURT.

I executed the within writ at the county of Jefferson on
 Jane Baker by delivering to her a true copy of the within writ
 and the annexed petition as furnished by the clerk and also
 on John Murrell George Murrell and David Murrell by
 reading the within writ and the annexed petition in their
 presence and hearing this the 5th Day of November 1854
 Augustine Wiley Sheriff

Oct 32

To the Circuit Court

On Term 1855

1585

George de la R. Smith and
 co.

Jane Baker

John Murrell

George Murrell

David Murrell

Sherriff's fee \$4.00

Sum paid by Oct 32

o

State of Missouri,
Washington County }

In the County Court
May Term 1849

Now at this day Come Milton Baker
Administrator of Elias Murrie deceased and proved to
the satisfaction of the Court that the order of publication
made in this Cause has been duly published according
to law and the order of this Court - It is therefore ordered
adjudged and decreed by the Court that the said Adminis-
trator proceed to sell the real estate of said deceased
or so much thereof as will be sufficient to pay his
debts at public sale on a credit of six months, at the
door of the County Clerk's Office in the Town of Potosi
the place designated for holding County Court - on the
second day of the next Term thereof to be held
within and for the County of Washington on the first
^{Monday} in August next - It is further ordered by the Court
that the said Administrator give notice of the time
place and terms of sale by hand bills put up in
two public places within said County twenty days
before the day of sale particularly describing the
the real estate to be sold - It is further ordered by
the Court that the publication in the newspapers be
dispensed with

State of Missouri, ss

Washington County } I Samuel Harrison Clerk of the
County Court in and for the County aforesaid hereby Certify that
the foregoing contains a true copy of the order made for
the sale of the real estate of Elias Murrie dec'd for the pay-
ment of his debts - as the same is of record in my Office

Witness my hand and seal of Office at
Office in the Town of Potosi this 17th day
of November 1855

Sam. Harrison Clerk

Bellevue Court

Jefferson County Mo.

Mr. Brady requested me to forward to
You the order of sale of the real estate
of Elias Murrell decd which I am
herein please find enclosed

Yrs

Sam H. Morrison
Nov 17th /88

Filed Nov 22nd 1855
Wm. A. Decher etc

George W Higginbotham
against
Jane Baker & others

Jane Baker one of the said defendants comes and says that the plaintiff ought to have and maintain his ^{own} ~~apocryphal~~ action, because she says that she as the widow of Elias Murrell is entitled to dower in the land in the petition mentioned she never having relinquished her right thereto.

She further says that one of the children of the said ~~Mr~~ ^{to wit Elias} Elias Murrell has not been made a party to this suit and so she says that there is a defect of parties so that judgment in this case cannot be given so as to end the difficulty.

She has no information sufficient to form a belief whether the said Higginbotham was the highest or best bidder for said land or whether there was any sufficient order of sale or whether there was any administration on the estate of said Murrell or if the said land was exposed to sale and the said plaintiff the highest and best bidder for the same she is not informed whether there was any sufficient memorandum in writing of the sale and the terms thereof so as to be binding upon the parties interested. Nor is she

she informed whether said sale was reported on the report allowed
She further says that she knew of no
debt which the estate of her late husband
owed except one of fourteen dollars
which was due to Samuel C White and
this debt she offered to pay to him but
he refused to receive saying that she
needed it ~~more~~ than he did

She has no information sufficient to
form a belief whether he paid the
money he bid for the land to Milton
Baker or not she therefore asks that the
plaintiff may be bid to shut proof of
all matters of which she has not infor-
mation sufficient to form a belief

M Fairbanks clk
for Isaac Baker

Isaac Baker makes oath and says
that the foregoing answers and the
verdicts therein as stated she believes
to be true

Subscribed and sworn to
before me this 27th November
1855. Tho C. Fletcher clk
for E. H. Honey Dept

Isaac Baker

Georg W. H. G. G. G. G.
against

John Barker

John Barker
Barker

Filed Nov 28th 1855
J. H. & J. H. Barker
C. H.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Elias Murrell

----- 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 fourth Monday of November
next, then and there to answer unto George W. Higgins botham

upon his original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias F. Honey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Nineteenth
day of October A. D. 1857

Elias F. Honey

CLERK CIRCUIT COURT.

I Executed the within writ at the County of Jefferson
on the fifth day of November 1857 by Delivering to Elias
Murrell a true copy of the within writ and the annexed
petition (as furnished by the clerk)

Augustine Wiley Sheriff

QUEST CARROLL COOK

RECEIVED 1857

To the Clerk of the Court

November 1857

George W. Morgan & Co

vs. J. M. Murrell

Elias Murrell

Sherriff's fees \$1.00

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Elias Murrell

----- 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 fourth Monday of November
next, then and there to answer unto George W. Higginbotham

upon his original petition, a copy whereof is herunto annexed and
accompanies this writ--and have you then there this writ.

Elias F. Honey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Nineteenth
day of October A. D. 1857

LS

Elias F. Honey

CLERK CIRCUIT COURT.

George W. Higginbotham

— No 2

Oliver D. Murrell

Copy returned for defendant

A true copy of the writ.

Attest, Edw. M. Murrell