

Jefferson County Circuit Court
Case File - Civil

June 1864

McGune, John S.

vs

Praut, Wade H.

Praut, Hiram A.

Praut, George W.

Boal, James A, Adm.

Dromgoole, Henry A.

Doct

Debt \$400; enforce vendor's lien
on interest in Sandy Mines

Box

15

Folder 31

John S. McCune, Plaintiff
vs.

Wade H. Prout, Hiram A. Prout,
and George W. Prout, and James
A. Beul Administrator of the
estate of Henry A. Drongooole de
ceased

In the Circuit Court
within and for the
County of Jefferson,
State of Missouri.

Term

1864.

Plaintiff states that on the first day of August 1858, John J. Anderson was the owner, in fee simple, of the one undivided half part of the following described real estate, lying and being in the County of Jefferson, and State of Missouri, to wit;

The North West Fractional Quarter of Section eighteen, Township forty-one, Range Five East, containing eighty acres; also, one other tract of land being the one undivided three fourths of seventy six acres of land, more or less, lying on the West side of Sections eighteen and nineteen, between the West line of the Roger Eagle claim described (Survey 3018) and the William Moss claim, and being the same tract of land conveyed by Curtis Coolidge to John J. Anderson and Hiram A. Prout by deed dated November 14th 1856, and recorded in Book N. pages 315 and 316 of the records of Jefferson County Missouri, the above lands being known as the "Sandy Mines" in Jefferson County, Missouri; That, on or about the 1st day of August 1858, the said Anderson, being the owner of said premises, as aforesaid, sold unto Henry A. Drongooole, the

one undivided third part of the interest so owned by said Anderson in said premises, which included the lands before-
described and the machinery thereon, used for mining purposes,
for the sum of eight hundred dollars, of which said sum,
the said Irongoole paid to said Anderson the sum of four
hundred dollars in cash, leaving four hundred dollars un-
paid; that by said contract of sale by said Anderson to said
Irongoole, the said Anderson was to make a conveyance,
by deed in fee simple, of the interest in said premises so sold
by him, as aforesaid, to said Irongoole, on the payment in
full of said purchase money as aforesaid; that, by said con-
tract of sale said balance of four hundred dollars was to be
paid on or before the 1st day of August 1859;

That said Irongoole died in the year 1860, leaving
said sum of four hundred dollars due and
unpaid, leaving as his only heirs, Wade H. Prout, his
uncle, and Hiram A. Prout and George
W. Prout, his cousins, minor heirs of Hiram
A. Prout deceased;

That said sum of four hundred dollars
of the purchase money of said premises,
yet remains unpaid;

That James A. Beal is the Administrator of
the estate of said Henry A. Irongoole, duly ap-
pointed by the County Court of Jefferson County
Missouri; that, on the 5th day of November 1861, the
said John F. Anderson sold and conveyed unto the
plaintiff, by deed of that date, duly recorded

in the Recorder's office of Jefferson County, Missouri, in Book R., page 512 and following, all his interest in the foregoing premises, known as the "Sandy Mines", including all claim the said Anderson had on and against the said Henry A. Drury's estate, to and for the said unpaid purchase money of four hundred dollars, as aforesaid; the said Anderson, by the conveyance to said McKune, as aforesaid, conveyed to said McKune the legal title to the entire one undivided half part of the foregoing premises known as the "Sandy Mines", being all the interest ever owned in said premises by said Anderson, and by said contract of John J. Anderson with said McKune, conveying said premises and assigning to said McKune the said claim for four hundred dollars purchase money, as aforesaid, the said McKune then and there agreed to convey to the heirs and legal representatives of said Henry A. Drury the aforesaid premises agreed to be sold unto said Drury by said Anderson, on the payment by them of said sum of four hundred dollars; that the said McKune has been ever ready and willing, and is still ready and willing to make said conveyance to the legal representatives of said Henry A. Drury, on the payment of the four hundred dollars, as aforesaid; that the said sum of four hundred dollars, with interest thereon, remains due and wholly unpaid; that there are no other effects belonging to the estate of said Henry A. Drury deceased, than the equitable interest aforesaid in the forementioned premises so agreed to be conveyed to said Drury by said Anderson as aforesaid; that plaintiff's claim of four hundred dollars, is a lien on said equitable interest belonging to the estate of said Drury deceased.

Plaintiff asks that guardians ad litem be appointed by this Court to represent the interests of Hiram A. Prout and George W. Prout, minor defendants.

Plaintiff states that Wade H. Prout is a non-resident of this State. Plaintiff therefore asks judgment against the said James A. Beal, as Administrator of the estate of Henry A. Dennygoole deceased for the said sum of Four Hundred dollars with interest thereon from August 1st 1859, and also asks the Court that his vendor's lien be enforced, and that the Court make an order for the sale of all the right, title and interest that belonged to the said Henry A. Dennygoole deceased in and to the aforementioned premises and machinery, to satisfy said judgment, and for such other and further relief as the plaintiff may be entitled to in the premises.

John S. McCune, plaintiff, being duly sworn upon his oath states that the foregoing petition and the matters therein, as stated, he believes to be true.
Sworn to and subscribed before me

J. S. McCune

this 11th day of Feb'y 1864.



In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal, at office in St. Louis the day and year last above written.

David N. Holliday,
Notary Public, St. Louis Co., Mo.

John S. McCune
vs. { Petitioner
Wade H. Prout
Heirs of A. Prout
George W. Prout &
Geo. A. Prout Adams
of the A. Dennygoole estate;
Filed Feb'y 16th 1864
Celia J. Hooley
clerk

26 copies full & 14	2.00
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The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *James A Beal* administrator of the Estate of *Henry A. Brown* deceased

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 second Monday after the fourth Monday of *March* next, then and there to answer unto *John S. McBune*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *Twenty Fifth* day of *February* A. D. 18 *64*



Elias F. Honey

Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

June 4 Term, 1864

John S. McSwane

vs. J. Swanson and

James A. Beal, ad-
vers of the Estate of
Henry A. Brown goods
deceased & others

J. B. Dorer Sheriff \$1.00

I. Executed this writ at the County of Jefferson
State of Missouri on the 26th day of February 1864, on
James A. Beal by Delivering to him A true copy of
this writ and annexed petition as furnished me
by the clerk

Jerome B. Dorer Sheriff

John S. McBume Plaintiff

vs
Wade H. Prout, Hiram A. Prout
and George W. Prout and
James A. Beal, administrator
of the Estate of Henry A.
Stronggood deceased

In the Circuit Court,
within and for the
County of Jefferson
State of Missouri

Plaintiff States, that
on the first day of August 1858. John J. Anderson
was the owner in fee simple of the one undivided
half part of the following described real estate, ly-
ing and being in the County of Jefferson, and
State of Missouri, to wit: The North West frac-
tional quarter of Section Eighteen Township forty
one Range five east, containing Eighty acres
Also one other tract of land, being the one undi-
vided three fourths of Seventy Six acres of land
more or less, lying on the west side of Sections
Eighteen and Nineteen, between the west line of
the Roger Baigle claim described (Survey 3018) and
the William Moos claim, and being the same tract
of land conveyed by Curtis Lodge to John J.
Anderson and Hiram A. Prout, by deed dated
November 14th 1856, and recorded in Book N.
pages 315 and 316 of the records of Jefferson County
Missouri, the above lands being known as the Sandy
mines, in Jefferson County Missouri. That on
or about the 1st day of August 1858, the said Ander-
son, being the owner of said premises as aforesaid

Sold unto Henry A. Dromgole, the one undivided third part of the interest so owned by said Anderson, in said premises, which included the lands before described, and the Machinery thereon for mining purposes, for the sum of Eight hundred dollars, of which said sum, the said Dromgole paid said Anderson, the sum of four hundred dollars in cash, leaving four hundred dollars unpaid, that by said contract of Sale by said Anderson to said Dromgole, the said Anderson was to make a conveyance by deed in fee simple of the interest in said premises sold by him as aforesaid, to said Dromgole, on the payment in full of said purchase money as aforesaid: that by said contract of Sale, said balance of four hundred dollars was to be paid, on or before the 1st day of August 1859: The said Dromgole died in the year 1860 leaving said sum of four hundred dollars due and unpaid leaving as his only heirs Wade H. Prout, his uncle and Herman A. Prout and George W. Prout, his cousins, men or heirs of H. A. Prout deceased; That said sum of four hundred dollars of the purchase money of said premises yet remains unpaid; That James A. Beal is the administrator of the estate of said

Henry A. Drangole, duly appointed by the County Court of Jefferson County Missouri, that on the 5th day of November 1861, the said John J. Anderson sold and conveyed unto the plaintiff by deed of that date, duly recorded in the Records office of Jefferson County Missouri in Book "B" page 512 and following, all his interest in the foregoing premises known as the "Sandy Mines" including all claim the said Anderson had on and against the said Henry A. Drangole's estate to and for said unpaid purchase money of four hundred dollars as aforesaid, the said Anderson by the conveyance to said McCune as aforesaid, conveyed to said McCune, the legal title to entire one undivided one half part of the foregoing premises known as the "Sandy Mines" being all the interest ever owned in said premises, by said Anderson, and by said contract of John J. Anderson with said McCune, conveying said premises, and assigning to said McCune the said claim for four hundred dollars purchase money as aforesaid that the said McCune then and there

agreed to convey, to the heirs and legal representatives of said Henry A. Drown goole, the aforesaid premises agreed to be sold unto said Drown goole by said Anderson, on the payment by them of said sum of four hundred dollars that said M. Cune, has been ever ready and willing and is still ready and willing to make said conveyance to the legal representatives of said Henry A. Drown goole, on the payment of the four hundred dollars as aforesaid, that the said sum of four hundred dollars with interest thereon, remains due and wholly unpaid, that there are no other effects belonging to the Estate of said Henry A. Drown goole deceased than the equitable interest aforesaid in the forementioned premises so agreed to be conveyed to said Drown goole by said Anderson as aforesaid. That Plaintiff's claim of four hundred dollars, is a lien on said equitable interest belonging to the estate of said Drown goole deceased.

Plaintiff asks, that guardians ad-litem be appointed by the court, to represent the interests of Hiram A. Pratt, and

George W. Prout minor. defendants.

Plaintiff States that Wade H. Prout is a nonresident of this State, Plaintiff therefore asks judgment against the said James A. Bial as administrator of the Estate of Henry A. Brown goole deceased, for the said sum of four hundred dollars, with interest thereon from August 1st 1859, and also asks the Court, that his vendors lien be enforced, and that the Court make an order for the sale of all the right, title and interest that belonged to the said Henry A. Brown goole deceased in and to the aforementioned premises and machinery to satisfy said judgment, and for such other and further relief as the plaintiff may be entitled to in the premises

John S. McCune, plaintiff being duly sworn upon his oath States, that the foregoing petition and the matters therein as stated he believes to be true
Sworn to and subscribed
before me this 11th day of } J. S. McCune
July 1864

In testimony whereof I have

ES

hereto set my hand and af-
fixed my notarial seal at
office in St Louis the day
and year last above written

Saml N. Holladay
Notary Public St Louis. Co Mo

A true copy of the original petition and
affidavit on file in my office in said
laure



Witness my hand and the
Seal of said Court this day

25th 1864

Elias F. Honey Clerk

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

Saint Louis
To the Sheriff of the County of ~~Jefferson~~ *Jefferson* Greeting:

We command you, that you summon *Mercur A. Prout*
and *George W. Prout*

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 second Monday after the fourth
Monday of *May* next, then and there to answer unto
John S. McCune

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof herunto affixed, at office
in Hillsboro, this *Twenty Fifth*
day of *February* A. D. 1864



Elias F. Honey
Clerk Circuit Court.

Dismissed by Plaintiff at his costs June term
1864.

2239

TO JEFFERSON CIRCUIT COURT

James Saml, 1864

John & McDowell
as Executors
of the estate of
George W. Prout

Filed Mar. 7th 1864
Clerk of the Court

Chas

Executed this writ in the County of St. Louis
on the 3^d day of March 1864. by delivering
a Copy of the writ & petition as furnished by the
Clerk. to Hiram A. Prout. and by delivering
a Copy of this writ to George W. Prout.

John C. Roget. Sheriff
By A. McKinn

In \$2.00

Paid by P. W.

shy

St. Louis, March 4th 1864.

Elisha L. Honey Esq.,

Clerk of Jefferson Circuit Court } Dear Sir:

Your note accompanying writs to the Prout heirs, came duly to hand. Enclosed please find the writ duly served, and, also four dollars for fees due or to become due you.

I hope that you will have notice by publication duly made as to the non-resident defendant.

I wish to take a deposition here to be used in the case as soon as there are proper parties on whom to serve the notice for the children. I don't suppose, however, that that can be done until the Court, at its next term appoints guardians ad litem for the minors. Let Mr. Beal read this letter, and he will have it all properly attended to, at the right time.

Yours very truly,
Saml. A. Holliday

Ino S. McLeane
 v
 Wade, W. Prout et al. } Dec. Bill

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