

May 1896

County Court of Jefferson County Missouri

vs

Palmer, Oscar L.  
Banklin, James L., adm.  
Clark, William E.

Condemnation

Lot 50, Block 13 in Hillsboro as  
public square attached to court  
house

**COUNTY COURT** of Jefferson County,  
 Missouri, vs. Oscar L. Palmer and James L. Dunklin, Administrators of the estate of William E. Clark.  
 To the Honorable, the Judge of the Circuit Court of the Ninth Judicial Circuit of Missouri:

The petition of the County Court of Jefferson county aforesaid respectfully sheweth unto your Honor, that within the last two years your petitioner has caused to be erected a new Court House and Jail in the town of Hillsboro, the county seat of said county of Jefferson; that said buildings are partly situated on lot No. fifty in block No. thirteen of said town, and that such portion of said lot as is not occupied by said buildings has been inclosed and is necessary for the public buildings has been inclosed and is necessary for the public buildings; that your petitioner caused said buildings to be erected on the lot aforesaid in good faith in pursuance of an act of the General Assembly approved January 26, 1884, authorizing your petitioner to condemn the same in case the title thereto could not conveniently be obtained by purchase from the owner, and appropriate it to the public use, for the purposes aforesaid; that said Oscar L. Palmer, who is made a party defendant herein, is the legal owner of said real estate, and that the title of the same cannot conveniently be obtained from him by purchase by your petitioner, but, on the contrary, said real estate could not be purchased from said Palmer by any means within the knowledge of your petitioner.

Your petitioner further states that one Wm. E. Clark commenced a suit by attachment in the Circuit Court of said county of Jefferson, against said Oscar L. Palmer, about the 31st day of August, 1883, alleging as a cause of attachment that said Palmer was a non-resident of the State of Missouri, and caused a writ of attachment to be levied on said real estate, and afterwards, to-wit: about the first day of February, 1885, said Clark departed this life and James L. Dunklin became administrator of his estate, and at the May term of said Circuit Court for the year 1885, caused the death of said Clark to be suggested, and his appearance as such administrator entered in said suit and afterwards, to-wit: At the November term of said Court for the same year, procured said Court to render a final judgment in his favor as such administrator, and against said Palmer, for the sum of one hundred and sixty and 65-100 dollars, without the appearance of said Palmer to said suit, or the service on him of a scire facias to show cause why said suit should not be revived in the name of said Dunklin as the legal representative of said Clark. Your petitioner further states that an indefeasible title cannot be obtained by your petitioner by purchase under said judgment, for the reason that said judgment is voidable and subject to be set aside on motion of said Palmer at any time within three years from the rendition of the same, and the title so acquired is thereby defeated.

Your petitioner has no knowledge of any liens or encumbrances on said real estate except as aforesaid and in consideration of the premises and in pursuance of the act of the General Assembly aforesaid, your petitioner prays your honor to appoint commissioners to appraise said real estate and determine the compensation which ought justly to be made to the said Oscar L. Palmer for the same, and upon a final hearing of this cause to make an order directing your petitioner to whom the money shall be paid, and directing said Palmer of all right, estate and interest in said real estate, and said James L. Dunklin as administrator, aforesaid, of any lien he may have by reason of the judgment aforesaid, and vesting the title of the same in Jefferson county for the purposes aforesaid, forever.

JOS. J. WILLIAMS,

County Attorney for Petitioner.

Joseph Williams, on oath, says that the foregoing petition is true, to the best of his knowledge and belief, and that Oscar L. Palmer is a non-resident of the State of Missouri.

JOSEPH J. WILLIAMS,

Sworn to and subscribed before me February 24th, A. D. 1886.

R. W. McMOULLEN,

Clark County Court Jefferson County, Mo.

STATE OF MISSOURI,  
 COUNTY OF JEFFERSON,

To Oscar L. Palmer: You will take notice that I will present the foregoing petition to the Judge of the Circuit Court of the Ninth Judicial Circuit of Missouri, on the twelfth day of March, 1886, at his residence, near the town of Washington, in Franklin county, Missouri, where and when you can appear and show cause if any you have, why the prayer of said petition should not be granted.

JOS. J. WILLIAMS,

County Attorney for Petitioner.

STATE  
COUNTY OF ST. LOUIS.

Personally appeared before the undersigned, a Notary Public, within and for the County of St. Louis, JOHN KNAPP, who, being duly sworn, deposeth and saith that the annexed advertisement was published in the "Missouri Republican," a newspaper printed and published in the City and County of St. Louis, State of Missouri, of which he is printer, for one times, the first insertion being on the ninth day of February 1866 and the last insertion on the ninth day of February 1866 as follows:

1866

IN NO. 9

Sworn to and subscribed before me, this

ninth

day of March 1866

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.

Printer's Fee,

Applicant,

to

\$ 1.35

John Knapp  
Notary Public, St. Louis County, Mo.

(TJRT, )

County Court of Jefferson  
County, Missouri

vs  
Oscar L. Palmer &

James L. Drenklein administrator  
of the Estate of William E. Clark

To the Honorable the Judge of  
the ninth judicial Circuit of Missouri

The petition of the County Court  
of Jefferson County, aforesaid respectfully  
sheweth unto Your Honor that within the  
last two years Your petitioner has caused to  
be erected a new Court House & Jail in the  
Town of Hillsboro the County seat of said  
County of Jefferson, that said Buildings are  
partly situate on Lot No. fifty in Block No.  
Thirteen of said Town and that such portion  
of said Lot as is not occupied by said Build-  
ings has been enclosed & is necessary for the  
Public Square attached to said Buildings  
that Your petitioner caused said Buildings to  
be erected on the Lot aforesaid in good faith  
in pursuance of an act of the General Assem-  
bly, approved January 26<sup>th</sup> 1864 Author-  
izing Your petitioner to condemn the same  
in case the title thereto could not conveniently  
be obtained by purchase from the owner &  
appropriate it to the public use for the  
purposes aforesaid that said Oscar L.

Palmer who is made a party Defendant herein is the legal owner of said Real Estate and that the Title of the same Cannot conveniently be obtained from him by purchase by your petitioner but on the contrary said Real Estate Could not be purchased from said Palmer by any means within the knowledge of your petitioner. Your petitioner further States that one William E. Clark commenced a Suit by Attachment in the Circuit Court of said County of Jefferson against said Oscar L. Palmer about the 31<sup>st</sup> day of August 1863 alleging as a cause of attachment that said Palmer was a non resident of the State of Missouri and Caused a writ of Attachment to be Levied on said Real Estate and afterwards, To wit, about the first day of February 1865 said Clark departed this life and James L. Dunklin became Administrator of his Estate and at the May Term of said Circuit Court for the year 1865 Caused the Death of said Clark to be suggested and his appearance as such administrator entered in said Suit and afterwards, To wit, at the November Term of said Court for the same year procured said Court to render a final judgment in his favor as such

Adm<sup>r</sup> And against said Palmer for the sum  
of one hundred & Six &  $\frac{65}{100}$  Dollars without the  
appearance of said Palmer to said Suit  
on the Service on him of a Scire Facias to  
show Cause why said Suit should not be  
revived in the name of said Dunklin as the  
Legal representative of said Clark Your  
Petitioner further States that an indefeasible  
Title cannot be obtained by Your Petitioner by  
purchase under said judgment for the reason  
that said judgment is voidable & subject  
to be set aside on motion of said Palmer at  
any time within three years from the rendi-  
tion of the same and the Title so acquired be-  
ing thereby defeated Your petitioner has no  
knowledge of any Liens or incumbrances  
on said Real Estate except as aforesaid

And in consideration of the prem-  
ises and in pursuance of the act of the  
General Assembly aforesaid Your Petiti-  
oner prays Your Honor to appoint  
Commissioners to appraise said Real  
Estate and determine the compensation which  
ought justly to be made to the said Oscar L.  
Palmer for the same and upon a final  
hearing of this Cause to make an order direc-  
ting Your petitioner to whom the money  
shall be paid, and divesting said Palmer  
of all right, Estate & interest in said

Real Estate, and Said James L Dunk-  
lin as Administrator as aforesaid  
of any Lien he may have by reason  
of the judgment aforesaid & vesting  
the title of the same in Jefferson County  
for the purposes aforesaid forever

J. J. Williams County  
Attorney for petitioner

Joseph J. Williams on oath says that  
that the foregoing petition is true to  
the best of his knowledge and belief  
and that Oscar L Palmer is a non  
resident of the State of Missouri  
Sworn to and

Subscribed before } J. J. Williams  
Me Feb. 6<sup>th</sup> A.D. 1866 }

W. M. Mullin

Clerk Co. Court Jefferson Co. Mo.  
State of Missouri }  
County of Jefferson }

To James L. Dunklin Adm:  
of the Estate of Wm E. Clark

Take notice that I will present  
the foregoing petition to the Judge of  
the Circuit Court of the North Judicial  
Circuit of Missouri at his residence

were the Town of Washington in  
 Franklin County, Missouri on the  
 Twelfth (12) day of March 1866  
 where you can appear and show  
 cause if any you have why the  
 prayer of said petition should not  
 be granted

J. J. Williams, County  
 Attorney for petitioner

I executed the within notice in Jefferson  
County Missouri on the 24<sup>th</sup> day of February  
1866 by delivering to James L. Dunklin Adm.  
of Estate of W. E. Clark deceased a true  
and perfect copy of the within petition  
and notice

C. C. Fletcher  
Sherriff of  
Jeff Co Mo

24/5

County Court of  
Jefferson County

vs  
Oscar L. Palmer &  
Jas L. Dunklin Adm.  
Wm E. Clark

Petition to condemn  
Real Estate  
Original

Witness  
per petitioner  
Filed May 17<sup>th</sup> 1866.  
Came and appeared before

Sherriff of Jefferson

C. C. Fletcher

I hereby that I did in the County of Jefferson  
State of Missouri on the 24<sup>th</sup> day of Feb 1866 deliver  
a true copy of the within notice to  
James L. Dunklin Adm.  
of the Estate of W. E. Clark deceased

County Court of  
Jefferson County Missouri  
vs  
Oscar L. Palmer &  
James L. Dunklin Admrs  
of the Estate of W. E. Clark

Be it Remembered that on  
Monday the Twelfth Day of March  
A.D. 1866 the County Court of  
the aforesaid County of Jefferson  
by the County Attorney of said  
County presented to the undersig-  
-ned Judge of the ~~ninth~~ Ninth  
(9<sup>th</sup>) Judicial Circuit of Missouri  
at his residence near the Town of  
Washington in Franklin County  
Missouri a petition praying for  
the appointment of Commissioners  
to appraise Lot Number Fifty  
(50) in Block Number Thirteen (13)  
in the Town of Hillsboro in said  
County of Jefferson and determi-  
-ne the compensation which ought  
justly to be made to Oscar L. Palmer  
the legal owner thereof and to direct  
James L. Dunklin Admr of W. E. Clark  
of any Lien he may have as such  
Admr by reason of a judgment  
rendered by the Circuit Court of

of Jefferson County County Aforesaid in his favor as Administrator of W. E. Clark against said Oscar L. Palmer at the November Term of said Court for the Year 1865 for the Sum of One hundred & Six &  $\frac{65}{100}$  Dollars And to divest said Palmer of the Title of said Lot and to vest the same in Jefferson County for the use of the Court House and Jail. In virtue of an act of the General Assembly Approved January 26<sup>th</sup> 1864 Entitled an act to authorize the County of Jefferson to condemn real estate.

And it appearing to the Satisfaction of said Judge that said Oscar L. Palmer and said James L. Dunklin Admrs of said W. E. Clark have been duly served with notice as the Law directs that said that said petition would be presented to said Judge at the Time and place aforesaid - It is hereby ordered that Elias F. Honey, Frederick Bohl, Samuel A. Rippy, John L. Thomas and Eugene Amor be and they are hereby appointed Commissioners to appraise said Lot and determine the compensation which ought to be

made to said Palmer for the same  
And on Tuesday the twentieth day of  
March 1866 ~~is the time~~ said  
Commissioners are hereby required  
to meet and enter upon the duty  
of appraising said Real Estate  
and performing the duties afores-  
aid

Given under my hand this  
12<sup>th</sup> day of March 1866

J. M. Owens Judge  
of the 9<sup>th</sup> Judicial  
Circuit of Mo.

State of Missouri }  
County of Jefferson }

we the undersigned  
Commissioners appointed by the Above  
order to appraise the Real Estate  
aforesaid, viz. Lot No. Fifty (50) in  
Block No Thirteen (13) in the Town  
of Hillsboro Jefferson County Missouri  
and determine the Compensation  
which ought to be made to the ~~Legal~~  
Legal owner thereof by virtue of  
an act entitled an act to authorise  
the County of Jefferson to Condemn Real  
Estate approved January 26<sup>th</sup> 1864  
on oath say that we will faithfully

And impartially perform the duties  
required of us by said "act" and the  
order aforesaid

Signed,

John L. Thomas  
Elias F. Hoorey  
Saml A. Papp  
Eugene Ambrose  
Leath Bohle

Sworne to and Subscribed before me  
this 20<sup>th</sup> Day of March 1866  
Wm. M. Mullin  
Clerk Jeff. Co. Court

County Court  
Jefferson County

vs  
D. L. Walmer &

J. L. Quenkline

Adm'r. W. C. Colard

Order appointing

Cour. W. C. i

Filed May 19<sup>th</sup> 1866.  
Saml. A. Papp Clk.

County Court of Jefferson  
County Missouri

vs  
Oscar L. Palmer &  
James L. Dunklin Admr  
of Wm E. Clark

To the Judge of the Circuit  
Court of Jefferson County  
Missouri, In Term  
May Term A.D. 1866

The undersigned Commissioners  
appointed by your Honor by an  
order made on the 12<sup>th</sup> day of  
March A.D. 1866 on the petition  
of the County Court aforesaid  
to appraise Lot Number Fifty in  
Block Number Thirteen in the  
Town of Hillsboro, Jefferson County  
Missouri and determine the  
compensation which ought to be  
made to the legal owner thereof  
by the County Court aforesaid  
Said County Court having  
proceeded to condemn said property  
for the use of the Court House  
and Jail of said County of  
Jefferson by authority of an

act entitled an act to authorise  
the County of Jefferson to Condemn  
Real Estate approved January  
26<sup>th</sup> 1864" Report to Your  
Honor that we did on Tuesday  
the 20<sup>th</sup> day of March 1866  
after having taken and subscri-  
bed an oath to faithfully and  
impartially perform the duties  
required of us by said "act" and  
the order of Your Honor aforesaid  
meet and enter upon the duties  
required of us by said "act."  
And did on said 20<sup>th</sup> day of  
March 1866 appraise said  
Real Estate at the sum of  
Fifty ————— Dollars  
and do determine and report that  
the County Court of Jefferson County  
aforesaid ought justly to pay to  
the legal owner of said Real  
Estate said sum

Saml. A. Repp

Fredk. Bohl

Chas. F. Horsey

Frederic Moore

John L. Thomas

Commissioners

Jefferson County  
Court  
vs

Wm & J. Palmer  
vs  
Jas. L. Newkirk & Son  
Wm C. Leach  
To condemn Real Estate

To wit May 1<sup>st</sup> 1866  
Saml. A. Phelps vs Wm C.

Report of Commissioners  
-vs-

Gravine & T  
Shore &  
Shore &  
Shore &  
Shore &