

Jefferson County Circuit Court
Case Files - Civil

Box

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Folio

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May. 1869, No. 288

Rankin, Lewis J.

vs

Gibbons, William M.

Gibbons, Ellen

Set aside dead

80 acres in SIT 34 124E

Louis J. Rankin, - Plaintiff
 Against
 William M. Gibbons, and
 Ellen Gibbons, - Defendants.

In the Circuit
 Court of Jefferson
 County, Missouri,
 May Term 1869,

The Plaintiff States that on the sixth
 day of January, 1866, he obtained Judgment in the
 County Court of Jefferson County Missouri, against
 the Estate of Thomas Gibbons, deceased, for the
 sum of Fifty five dollars and eighty four cents,
 after notice had been duly given to the Adminis-
 tratrix of said Estate, - That said allowance of fifty
 five dollars and 84 Cents yet remains unpaid, although
 he has often requested the Administratrix of said Estate
 to pay the same. And by the settlements made in the
 County Court and other papers on file, of said Estate, there
 does not appear to be any personal property belonging
 to said Estate, - out of which to enforce a payment of
 said Judgment. But, Plaintiff states that the
 said Thomas Gibbons, a short time before his death, to
 wit, on the first day of April 1861, in order to cheat
 and defraud, hinder and delay his Creditors in the
 collection of their demands, debts, and claims against
 him, voluntarily and fraudulently conveyed to William
 M. Gibbons, (his son) for the sole and separate use and
 benefit of Ellen Gibbons, (wife of said Thomas Gibbons)
 the following described Tract of Land, situate in
 Jefferson County in the State of Missouri, to wit, the East
 half of Lots numbers, Four and Five, of the North East
 quarter of Section, No. One, in Township No. Thirty nine,
 of Range No. Four East, containing Eighty acres. - And
 Plaintiff states that neither the said William M. Gibbons
 nor Ellen Gibbons paid any money, or other valuable con-
 sideration for said ~~land~~ Land, - and that said Deed was

therefore fully voluntary, and void^{as} against the existing
Creditors of the said Thomas Gibbons, - And Plaintiff states
that the debt on which the aforesaid allowance & frag-
ment was obtained, was due and owing to Plaintiff,
when said fraudulent deed was made, - And Plaintiff
further states that said Thomas Gibbons, at the time of
making said deed, was largely indebted to various
other persons, ^{as well as the Plaintiff} and was in embarrassed and insolvent
and that Plaintiff ^{has} prevented from collecting his debt, by reason of such ^{fraudulent}
conveyance, ^{Circumstances}, Plaintiff therefore avers that said Deed
was made and continued by said Thomas Gibbons for
the purpose, and with the intent, to hinder, delay and
defraud his Creditors of their lawful actions, damages
and forfeitures, debts and demands against him, - and
that the said William M. Gibbons (his son,) and the said
Ellen Gibbons (his wife) were parties and privies to
the fraud intended, - and that such deed is therefore
utterly void as against said Creditors, And Plaintiff
states that there is therefore a resulting trust in the
said Land in favor of the Creditors of the said Thomas
Gibbons, and that said Land is in equity subject to
the payment of such debts, existing at the time of said
voluntary & fraudulent conveyance.

Plaintiff therefore in consideration of the premises,
asks the Court to declare the said Deed, made by said
Thomas Gibbons, on the 1st day of April 1861, to William
M. Gibbons to the use of Ellen Gibbons, fraudulent and
void as against the said existing Creditors of said Tho-
mas Gibbons, - and that said Land be made subject
to the payment of such debts, and that an order and
decree of the Court be made for the sale of said Land,
and for the proceeds thereof to be applied to the pay-
ment of Plaintiff's Judgment against said Estate
as aforesaid, for the sum of fifty five dollars and 84
Cents, and the interest thereon, - and for such other

and further relief, as may be just and equitable, - A
Copy of such Judgment is herewith
filed,

Abner Green
Attorney for the Plaintiff

In Circuit Court of
Jefferson County
May Term 1869

L. J. Rankin
vs,
Wm M. Gibbons
& Ellen Gibbons

Petition
to set aside deed &c,

Let summons issue
against defendants

Agreed
For Plff.

Filed April 6th 1869
Oliver & Honeywell

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeling:

We command you, that you summon

*Wm M
Gibbons & Ellen Gibbons*

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 *7th* Monday after the
fourth Monday of *March 1869*, then and there to answer unto

Louis J. Rankin

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

Eight day of *April* A.D. 1869

Elias F. Honey
Clerk Circuit Court.
By *L. H. Ayford* Deput

No 288

2924
JEFFERSON CIRCUIT COURT.

May Term, 1869

Jacob J. Rauter

vs J. Summons

vs Mr. Hubbard +

Ellen Hubbard

(original)

The within was served on the 15th Day of April A D 1869 at Jefferson Co Mo
by Delivering a True Copy of the Writ and Petition to Ellen Gibbons and
also by Delivering a True Copy ~~there of~~ ^{the writ} to the Defendant Wm Gibbons on
the same day at Jeff & Mo. as furnished for me by the Clerk of the Circuit Court.

fees \$2.00

Joed Luckenmyer or Sheriff
per Fred Vollmar

Deputy.

Louis J. Rankin, Plaintiff

vs
William M. Gibbons &
Ellen Gibbons, Defendants

In the Circuit
Court of
Jefferson County
Missouri

Now at this day come the
Defendants and jointly answering the
Plaintiff's petition deny that Plaintiff
did on the 6th day of January 1866 or at
any other time obtain Judgment in the
County Court of Jefferson County Missouri
against the Estate of Thomas Gibbons
deceased for the sum of \$55.84 or for
any other sum after notice had been duly
given to the Administrator of said Estate
or that such allowance of \$55.84 cents
yet remains unpaid, Defendants
^{admit}
~~deny~~ that said Thomas ~~that~~ about the
time stated in said petition conveyed
the real Estate in said petition
described to Defendant Wm M. Gibbons
for the sole use of the said Ellen but
they deny that said conveyance was
made in order to cheat or defraud
or hinder or delay any creditors of said
Thomas in the collection of any demands
debts or claims against him, or that
said conveyance was voluntary or
fraudulent, Defendants deny the
allegation that neither said William
M. or Ellen Gibbons paid any money
or other valuable consideration for
said Land but on the contrary aver
that said deed was made upon a good
and valuable consideration as appears

from the deed, they deny that said deed was purely voluntary, or void as against any existing or other creditors of said Thomas. Defendants admit that about ~~the~~ the month of April 1861 said Thomas owed Plaintiff a few dollars the same being a small sum, but they aver that the same was not on the 6th day of January 1866 a ~~valid~~ ~~sub~~ subsisting debt. Defendants deny that ~~on~~ ~~the~~ ~~6th~~ ~~day~~ ~~of~~ ~~January~~ ~~1866~~ or at the date of the institution of this suit had any valid or subsisting debt due and owing him by the estate of said Thomas Gibbons but on the contrary they aver that the debt referred to by Plaintiff in his Petition as having been due & owing him at the time of the conveyance aforesaid was on said 6th of January 1866 and also on the day of the institution of this suit Barred by the Statute of Limitations the same having been contracted more than ten years before the said 6th of January 1866 & more than ten years before this suit was instituted.

~~Defendants deny that said Thomas was largely indebted to divers~~
Defendants deny that at the time said Thomas Gibbons made said conveyance he was largely indebted to divers other persons as well as this Plaintiff or that he was in embarrassed or insolvent circumstances or that

Plaintiff has been prevented from collecting any debt against said Thomas by reason of such conveyance, and Defendants deny that said conveyance was made or continued ^{by said Thomas} for the purpose or with the intent to hinder or delay or defraud his creditors of any lawful actions, ^{or} Damages, ^{or} forfeitures, or debts or demands against him, or that they the Defendants or either of them, were parties or privies to any such fraud intended and they and each of them deny that any fraud was intended, and they and each of them deny that said deed is void as against any creditor or creditors of said Thomas, and deny and each of them denies that there is any resulting trust in said Land in favor of any creditor of said Thomas, or that said Land is in Equity or otherwise subject to the payment of any debt or debts of said Thomas, and deny that he owed any debts at the time of such conveyance for which said Land is or ought to be liable, and they the Defendants and each of them deny that said conveyance was voluntary or fraudulent, Defendants and each of them deny that this Court ought to declare said conveyance void or fraudulent as against any creditor of said Thomas either existing or subsequent, and deny that he had any creditor or creditors existing at the time of said conveyance who have any legal or valid claims

against his Estate, and Defendants deny
that Plaintiff is entitled to have a decree
subjecting said Land to the payment of any
debts of said Thomas Gibbons for they deny
that there ~~are~~ are any debts to be paid by
his Estate which are not long since barred by
the Statute of Limitations, or for an order
for the sale of said Land, or for the
proceeds of such sale to be applied to the
payment of any judgment of Plaintiff
against said Estate, either for \$55.84
or any other sum, and defendants

^{that it}
^{or} would be any ^{foundation for an action of this kind against these defendants or any}
^{judgment} ~~to be entered in conformity~~
^{with any debt due} ~~to said Plaintiff by said Thomas Gibbons, or in fact~~
^{any such judgment existed, so far as defendants are concerned} ~~the~~

Defendants deny that Petition of
Plaintiff contains any equity or
that Plaintiff is entitled to maintain
any action whatever against Defendants
or either of them

and having fully answered
Pray Judgment for costs

Jos. J. Williams
Atty. for Defendants

A. J. Perkins

Wm. M. Allen Esq and
Answer of Dependents

And Oct. 13th 1869
Elias P. Henry
et al

Louis J. Rankin, - Plaintiff } In the Circuit
Against } Court of Jef-
Ellen Gibbons and } Person County
William M. Gibbons } Defendants, - Missouri

To the above named defendants, Ellen
Gibbons and William M. Gibbons;

You, and each of you, are hereby noti-
fied to produce and have to be read in
evidence upon the trial of the above en-
titled Cause, at the Court House at Hills-
boro in said County, in the Circuit Court
thereof, at the adjourned Term thereof, to be
held on the first day of February 1870, a
Certain Deed made by Thomas Gibbons
on the first day of April 1861, Convey-
ing the Lands described in Plaintiff's
Petition to said Ellen Gibbons for life,
and remainder in fee to William M.
Gibbons and the other heirs of said
Thomas Gibbons deceased,

Dec^{by} 7th 1869 } Abner Green
Attorney for the Plaintiff

Louis J. Rankin
vs,

Ellen Gibbons &
Wm M Gibbons

Notice
to Produce Deed

Copy
C.

Louis J. Rankin, - Plaintiff } In the Circuit
Against } Court of Jefferson
Ellen Gibbons, and } County Missouri
William M. Gibbons, - Defendants }

To the above named defendants, Ellen Gibbons
and William M. Gibbons;

You, and each of you, are hereby notified to
produce and have to be read in evidence upon
the trial of the above entitled cause, at the Court
House at Hillsboro in said County, in the Circuit
Court thereof, at the adjourned term thereof,
to be held on the first day of February 1870, a cer-
tain Deed ^{made} by Thomas Gibbons on the first day
of April 1861, conveying the Lands described in
Plaintiff's petition, to said Ellen Gibbons for life,
and remainder in fee to William M. Gibbons
and the other heirs of Thomas Gibbons, deceased,

Dec 7th 1869 } Abner Green
} Attorney for the Plaintiff

served the within Notice this 29th day of December 1869
by leaving a copy with the within named Ellen Gibbons
at Jefferson County Mo. the within named William
M. Gibbons can not be found in my County

Dec 28 1869

Filed Suchtemeyer Schenck
By Fred Colman
Deputy

Louis J. Rankin
vs,

Ellen Gibbons &
Wm M. Gibbons

Notice
To Produce Deed

S. J. Rauskin

Ellen^{as} Gibbons
Wm Gibbons

See Bill
1660

Wm Audneron