

Tofferson County Circuit

Box

25 Folder 51

Case Files - Civil

March 1870

Beal, Ann

vs

Darby, John F.

Parks, Andrew

Tr: Henry, John, Trustees
of John F. Darby

Partition

540 acres in Survey 2162 & 40123E

Ann Beal Plaintiff

vs

John F Darby

Andrew Park &

John Tiffany Trustees

of John F Darby Defendants

In the Circuit
Court of Jefferson
County

Missouri

March Term 1870

The plaintiff states she and the defendants are tenants in common and owners of the following Real Estate situated & being at Jefferson County Missouri to wit

a tract or piece of land, in United States Survey No 2162 in Township 4th Range three East, confirmed to Jesse Benton, containing five hundred and forty acres of land

Plaintiff states that prior to and in the early part of 1869, plaintiff owned as her separate property the undivided one third part of said five hundred & forty acres of land and John F Darby owned the undivided two thirds of said land. That they Ann Beal & John F Darby held & possessed & owned said tract of land as tenants in common. That during 1869 whilst they were such tenants in common, Andrew Park & John Tiffany became and are now the trustees of the Estate of John F Darby in Bankruptcy duly elected & qualified as such in the matter of John F Darby, in Bankruptcy in proceedings in United States District Court for the Eastern District of Missouri and as such trustees they have

An interest in the above described tract of land

Plaintiff states that plaintiff is ~~interested in and~~ entitled to the one undivided third of said seven hundred & forty acres of land & that the defend-
ants are entitled to two undivided thirds of
said seven hundred & forty acres of land

Plaintiff prays for partition of said tract
of land among the parties according to their
respective rights and for sale thereof if
partition cannot be had without great
prejudice to the owners & for all other
proper relief

Ann Beal

By J. A. Beal Attorney

John Neal

as

John H. Garity and

Partition

Made July 10th 1870

Attorney Genl

11

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

THE STATE OF MISSOURI,

St Louis
TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon *John F Darty*
Andrew Park *and John Tiffany*
Trustees of J F Darty

if they be found in your County, that they be and appear before the Honorable
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 *first* ~~Monday after the fourth Monday~~
of *March* next, then and there to answer unto
Ann Beat

upon *her* 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 *11th*
day of *December* A. D. 187*8*.

Elias F Honey Clerk Circuit Court.
By *L Hayford* Deputy.

138
No 8 2811

TO

JEFFERSON CIRCUIT COURT.

due March 7 1870

March Term, 1870

Shorn Deal

Plaintiff

AGAINST

John F. Darby & Michael

W. H. Darby & Michael
Trustees of John F. Darby
Defendant

(Original)

Executed this writ in St Louis County on the 14th day of Feb 1870
by delivering a copy of the writ and petition as furnished by the
clerk to John F. Darby and further executed this writ in St Louis
County on the 16th day of Feb 1870 by delivering a copy of writ
as furnished by the clerk to John Tiffany Trustee of John
F. Darby and further executed this writ in St Louis County
on the 1st day of March 1870 by leaving a copy of the writ as
furnished by the clerk at the usual place of abode of Andrew
Park with a white person of his family over the age of fifteen
years

John M^cNeil Sheriff
St. Louis County, Mo.
By A. Valentine Deputy

Fees \$ 3.00

L.S.

Ann Beal, By Abner
Green her Trustee, and
James A. Beal, husband
of said ~~said~~ Ann Beal, - Plaintiffs,
Against
John F. Darby, Andrew
Park, and John Tiffany
Trustees of John F. Darby, - Defendants,
In the Circuit Court of
Jefferson County Missouri
March Term 1870.

Amended Petition of Plaintiffs filed
by leave of the Court,

The Plaintiffs, Ann Beal, By Abner Green
her Trustee, and James A. Beal, husband of
said Ann Beal, state that the said Plain-
tiffs and the Defendants are Tenants in
Common and owners of the following de-
scribed Real Estate, situate and being in
the County of Jefferson and State of Missouri,
To wit, a Tract or piece of Land in United
States Survey No, Two thousand one hundred
and sixty two, in Township No, Forty, of Range
No, Three East, Confirmed to Jesse Benton,
Containing Five hundred and forty acres
of Land.

The Plaintiffs state that prior to

and in the early part of 1869, the Plaintiff Ann Beal, (wife of James A. Beal) was the owner in fee simple as her sole and separate property of the one undivided third part of the said five hundred and forty acres of Land, and that the said John F. Darby was the owner in fee, of the ^{undivided} two-thirds of said Land, - That they, the said Ann Beal and John F. Darby, held, possessed and owned said Tract of Land as Tenants in Common as aforesaid, - And that during the year 1869, whilst they were such Tenants in Common, Andrew Park and John Tiffany became, and are now the Trustees of the Estate of John F. Darby, in Bankruptcy, duly elected & qualified as such in the matter of John F. Darby in Bankruptcy in proceedings in the United States District Court for the Eastern District of Missouri, - and as such Trustees they have an interest in the above described Tract of Land.

The Plaintiffs state that the said Plaintiff, Ann Beal, (wife of said James A. Beal) is entitled to the one undivided third part of the said Tract of five hundred and forty acres of Land, and that the said Defendants are entitled to the undivided two-thirds of said five hundred and forty acres of Land,

The Plaintiffs pray the Court for an order and decree for the partition and division of

~~the~~ the said Tract of Land among the Parties
aforesaid according to their respective rights,
and interests, if the same can be made
without great prejudice to the owners there-
of, and if not, then for an order for the
sale of said Premises, and for a division of
the proceeds thereof among the said Parties
according to their respective rights and interests,

Ann Beal, By
Abner Green her Trustee
and Attorney, and James
A. Beal by Abner Green
his Attorney,

In Circuit Court of
Jefferson County

Am. Deal, My
Wife, J. A. Deal

^{vs,}
John H. Dandy
and others

Answer Petition
of Plaintiffs

Filed March 23 1870
C. F. Hays att

Ann Beal By Abner Green
her Trustee and James A. Beal
husband of said Ann Beal

Against
John F. Darby Andrew Parke
+ John K. Liffamy
Trustees of John F. Darby in
Bankruptcy

In the Circuit Court
of Jefferson County Missouri
March Term 1876

Now at this day come the said Andrew
Parke and John K. Liffamy Trustees of
John F. Darby in Bankruptcy by Philip
Diptin their attorney and for answer
to plaintiffs petition state that the said
plaintiffs and defendants Parke and
Liffamy Trustees of said John F. Darby hold the land
described in plaintiffs petition as tenants
in common That the said plaintiff
Ann Beal wife of James A. Beal is the
owner in fee simple as her sole and
separate property of the undivided one third
part of the land described therein and that
said John F. Darby is entitled in fee simple
to the undivided two thirds of said land
and that the said Andrew Parke and
John K. Liffamy are the Trustees of the

Estate of the said John F. Darby in
Bankruptcy duly elected and qualified
and as such trustees they have an
interest in his estate

Defendants further state that they are
fully satisfied that from the nature
and quality of said land (the same
being Mineral lands) it cannot be
divided without great prejudice to
the parties in interest. They therefore
Consent to an order for the sale of
the same (without the appointment of
Commissioners to make division of the
same) and for a division of the
proceeds of such sale among the
parties according to the rights and
interests as herein set forth.

Andrew Parker and
John K. Tiffany By
P. Pipkin their atts.

P/

2811
In the Circuit Court
of Jefferson County
Mo.

Amos Paul Roy
vs
John F. Hardy vsuing

Answer of Andrew
Parks & John K. Coffey
Trustees &

Filed March 23 1878
G. F. Hines cler

State of Missouri,
County of Jefferson, ^{ss.}

In the Jefferson
Circuit Court March Term, 1870,
March, 23rd 1870, among other proceedings
in said Court of that day the following
appears of Record, to wit;

Ann Beal, Pltff.	Partition.
John F. Darby, Andrew	Order of Sale.
J. Parker & John Tiffamy,	Dismissed as to
Trustees of John F. Darby,	John F. Darby.
Bankrupt.	

Now at this day come
the parties aforesaid by their respective
attorneys & this cause coming on to be
heard upon the petition of Plaintiff &
the answer of Defendants, the Court
doth find that Plaintiff & Defendants
are ~~owners~~ & tenants in common
of the following described Real Estate,
situate in Jefferson County, Mo., to wit:
A tract or piece of land in United
States Survey 2162, in Township 40,
Range Three E. confirmed to Jesse
Beaton containing Five Hundred
& forty acres of land & the Court
proceeding to settle the rights &

interests ~~in~~ ^{and} of the parties in
and to said Real Estate, doth declare
the same to be as follows, to wit: That
Ann Deal is entitled to the undivided
one third of said Five Hundred ^{and} forty
acres, ^{and} that said Andrew Park ^{and}
John Tiffany are entitled as Trustees
of John F. Darby to the undivided two
thirds of said Five Hundred ^{and} forty
acres, ^{and} it appearing to the satisfaction
of the Court that partition ^{and} division
in kind cannot be made, it is therefore
ordered by the Court that the Sheriff
of Jefferson County, Missouri, proceed
to advertise ^{and} sell the above described
Real Estate to the highest bidder, for
cash in hand the time of the sale ^{and}
that said sale take place some time
during the session of the Circuit Court
^{and} be governed by the same rules
^{and} regulations as for the sale of Real
Estate under execution ^{and} bring the
proceeds of said sale into Court to
abide the further order of the Court herein.

A true copy of the Record,
Witness my hand ^{and} seal, this
5th day of Aug. 1870.

Elias F. Harvey, Clerk.
By L. H. Alfors, Atty.

Order of Sale,
Safely
Deal

Henry Lee 1750

Adventures

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court September term 1870
September 20th 1870

Be it remembered that in said Circuit Court of that day, among other proceedings therein had, the following order appears of record, to wit;

Ann Beal Plaintiff }
John F. Darby } Renewed order of Sale
Andrew J. Parke and }
John Tiffany trustees }
of John F. Darby Bankrupt }

Now again at this come the parties aforesaid by their respective Attorneys, and it appearing to the satisfaction of the Court that the order of Sale herein made, at the March term 1870 of this Court, has not been complied with, And now on motion of the parties aforesaid by their Attorneys, It is ordered by the Court that a renewed order of Sale be made directing the Sheriff of Jefferson County to again advertise and proceed to sell the land in the petition described, Situate in Jefferson County Missouri, to wit; A tract of piece of land in United States Survey 2162, in Township 40 Range three E confirmed to Jesse Benten, containing Five hundred and forty Acres of land, And the Court proceeding

to settle the rights and interests of the parties
in and to said Real estate, doth declare
the same to be as follows, to wit, That Ann
Beal is entitled to the undivided one third
of said Five hundred and forty acres,
and that said Andrew Park and John
Tiffany are entitled as trustees of John
F. Darby, to the undivided two thirds
of said Five hundred and forty acres,
And it appearing to the satisfaction of
of the Court, that partition and division
in kind cannot be made, It is therefore
ordered by the Court that the Sheriff
of Jefferson County Missouri, proceed
to sell the land in said petition describ-
ed, lying and being in said County, at
public auction to the highest bidder
for Cash in hand at the time of sale
and that said sale take place on some day
during the session of the Circuit Court
for the County aforesaid, and be governed
by the same rules and regulations
prescribed by law for the sale of Real
estate under execution, Notice thereof
being given by said Sheriff in same manner
as provided by law for such sales. And
bring into court the proceeds of said sale
to abide the further order of the Court

herein

A true copy from the record
Witness my hand and the Seal of
said Circuit Court at office in
Hillsboro this Twelfth day of
December A D 1870

W. S. Boyce Clerk

2811

To the Jefferson Circuit Court,
March Term 1871,

Ann Deal,
vs. J. M. Partlett
John D. Leach et al

Answer order of sale,

Wm S. Boyce ex. ord. 228, \$1,000

Debt 5730

Cash \$99 40
1000

Green 7600

STATE OF MISSOURI, County of Jefferson.

Be It Remembered, That on this 3rd day of *April* 1871, before the undersigned Clerk of the County Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for *four* weeks, the first insertion being on the 11th day of *February*, 1871, and the last insertion on the 3rd day of *March* 1871, as follows, to-wit:

Sheriff's Sale in Partition.

In the Circuit Court of Jefferson County, Mo.]
ANN BEAL, Plaintiff vs. John F. Darby, Administrator of John F. Darby, bankrupt.

By virtue and authority of a renewed order made by the Circuit Court for the County of Jefferson, State of Missouri, at its September term, A. D. 1870, I will, on the 28th day of March next, 1871, at the Court House door, in the town of Hill-boro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit:

A tract of land situated in Jefferson county, Missouri, in United States survey No. 2102, in township 40, range three east, contained to Jesse Bepton, containing five hundred and forty acres.

For the purpose of making partition between said parties, for which the purchaser will be required to pay the purchase money in hand at the time of sale, this 6th day of February, 1871,
 JOHN WILLIAMS, Sheriff

In No. 6,	<i>February 11, 1871.</i>
In No. 7,	" 18, 1871.
In No. 8,	" 25, 1871.
In No. 9,	<i>March 3, 1871.</i>
In No. ,	, 187.

Frank N. Stone
 me this 5th day of *April* 1871.

Printer's Fee,

75

Received Payment.

of

\$ 2.25

W. A. Bennett

STATE OF MISSOURI, County of Jefferson.

We *do* Remember, That on this 5th day of *April* 1871, before the undersigned Clerk of the County Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a *Newspaper*, printed and published in the County of Jefferson, State of Missouri, for *four* weeks, the first insertion being on the 3^d day of *March*

of Missouri, and the last insertion on the 3^d day of *March* 1871. and the last insertion on the 3^d day of *March* 1871.

In No. 6, *February 11, 1871.*
 In No. 7, " *18, 1871.*
 In No. 8, " *25, 1871.*
 In No. 9, *March 3, 1871.*
 In No. , *1871.*

Frank N. Stone

Sworn to and subscribed before me this 5th day of *April* 1871.

W. A. Arnold

Printer's Fee, *75*. Received Payment.

\$ 2.25

Ann Beal
against
John F. Darby Andrew
Parks & John Tiffany
Trustees of John F. Darby
bankrupt

In the Jefferson County Circuit Court.

March Term 1871

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

The undersigned Sheriff of Jefferson County would respectfully report that, in obedience to the annexed order of sale, issued from the office of the Clerk of said Court, that, having previously given not less than twenty days notice of the time, terms and place of sale, and what Real Estate was to be sold, and where situate, as the law directs, by advertisement in the *Jefferson Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro; on *Tuesday*, the *Twenty eighth* day of *March*, A. D. 1871, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of said day, and during the session of the Circuit Court of said County, at the *March* term thereof, for the year Eighteen Hundred and *Seventy one*, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: A tract of land situate in Jefferson County Mo in United States Survey N^o 2162 in Township 40 range 3 east confirmed to Jesse Benton, containing 540 acres and at said sale John K Tiffany was then and there the highest and last bidder for the above described land at the price and sum of Five Thousand Dollars and the same was struck off and sold to him at and for ^{that} sum - which he has to me in hand paid as required by terms of sale And this report is respectfully submitted.

Sheriff

Ann Beal

vs

John F. Dailey

Andrew Parke &

John K. Tiffany Trustees

of John F. Dailey Bankrupt

In the Circuit
Court of the County
of Jefferson
State of Missouri

Now comes
the defendant John K. Tiffany Surviving
Trustee of John F. Dailey ~~Bankrupt~~ Bankrupt
and moves the Court to set aside
the order of sale in this cause for the
following reasons.

1. Because the plaintiff Ann Beal
appears by ~~her trustee~~ Abner
Green as her trustee when the record
shows that said Green has not
been appointed said trustee
^{he is not} ~~not~~ is ~~not~~ the trustee for said Ann
Beal.

2. Because Andrew Parke one of
the trustees of John F. Dailey ~~trustee~~
without the consent of his co trustee
John K. Tiffany and without the
advice and counsel of Marshall
Brotherton Trusten Palk & Philip Pipkin
^{or a majority of them.}
a Committee of the Creditors of said Dailey
Bankrupt authorized said Pipkin
to appear for the trustee said Parke

+ Liffany and answer to the petition of the Plaintiff & to Consent to the sale of said real estate in said order mentioned and described

3. Because This Court has no jurisdiction of the estate of Bankrupts, but that the same is wholly within the jurisdiction of the District Courts of the United States.

4. Because the decree of partition and order of sale made in this cause was ~~wholly~~ obtained by some fraudulent means & practices unknown to said Liffany, and at a time when he was assured and believed that said suit of partition would be dismissed.

~~John R. Liffany~~
~~By C. P. Pittman~~
~~Att'y~~

5th Because the order of sale, is wrong in this that James O'Beal the husband of an Heir is not a party to the record of said order & Because Mrs. Ann Beal O'Beal has not been made a party thereto.

P. Pipkin Atty for
A. K. Liffang

Amuel Pease has
no

John F. Bailey has

Motion to set aside
order of sale

Filed Mar 21st 1871
Wm. J. Baynes cl

Ann Beal, by Abner Green
her Trustee, and James A.
Beal ~~her~~ husband, of said
Ann Beal, ——— Plaintiffs

Against
John F. Darby, Andrew
Park, and John Tiffany }
Trustees of John F. Darby - Defendants,

{ In the Circuit Court of
Jefferson County Missouri,
March Term 1871

The above Plaintiffs, by Abner Green
Trustee of said Ann Beal, and Attorney for
James A. Beal, state that on the 10th day
of February 1870, said Ann Beal, filed in
the Clerk's office of said Circuit Court a
petition for partition of certain Lands
therein described, against the above De-
fendants, and that summons was is-
sued and served upon the Defendants, and
while said suit was pending, to wit, on
the 17th day of March 1870, said Ann Beal,
filed in said Court her petition stating
that her former Trustee (in whom the
title to the interest of said Ann Beal to the
Lands described in ^{said} partition suit was
vested) had died, and praying the Court
to appoint Abner Green Trustee for said Ann
Beal in said Trust deed, in place of said J. F.

Beal, deceased, - Whereupon, the said Circuit Court did make an order appointing said Abner Green a Trustee for said Ann Beal, in said Trust Deed, to execute the Trust therein Contained and for all other purposes, - and ordered such appointment to be so entered of record, - But the Clerk of such Court in entering such appointment on such record, inadvertently through ^{erroneously} mistake, entered the name of Philip Pipkin instead of Abner Green, - which being a Clerical mistake as appears by the said Petition of Ann Beal, and the other Papers of record in said Court, the Plaintiffs therefore move the Court to make an order that the Clerk enter in pro time the order made as aforesaid, appointing Abner Green, Trustee for said Ann Beal to execute said Trust deed and for all other purposes, as heretofore ordered by the Court, - and that such order so made in pro time be entered on the records of such Court, in lieu of the entry made heretofore erroneously appointing Philip Pipkin such Trustee.

Ann Beal
By Abner Green
her Trustee, & Atty for
Jas. A. Beal

In Circuit Court
Jefferson County

Am. Natl
By Trustee W,

vs,
John H. Danks
et al,

Motion

Filed Mar 22nd 1871
and Docketed

Amo Real tal

vs

John F. Dadey tal

In the Circuit
Court of the
County of
Jefferson Mo

Philip Pipkin makes oath and says that some time prior to the filing the Answer in this Cause of Andrew Parke and John R. Tiffany trustees in Bankruptcy of John F. Dadey he received several letters from said Andrew Parke upon the subject of the present suit, one of which requested affiant to appear for and file answer for said trustees and to see that the order of sale in the case should be correctly made, that said Tiffany never authorized said affiant to appear for him, that said the Committee of Creditors Brotherton Park & Pipkin so far as affiant is advised were never consulted upon the subject of said sale, or the propriety of the or legality of the proceedings in this Court in connection

Affiant further states that said Andrew Parke did have several conversations with this affiant in

regard to the probable amount the property
involved in this suit would sell for
in all of which said Parke appeared
to be reflecting the views of his co-
trustee Mr Tiffany & the Committee
of Creditors,

Affiant further states that when
he appeared and filed answer
for said Parke & Tiffany he did
so under the impression that
said Parke was acting under the
advice of his co-trustee and the
said Creditors and knew no better
until very recently when he was
informed by said Tiffany & said Parke
that they had not given their consent
to the proceedings in partition, but
on the contrary believed that the
proceedings had been dismissed
as stated in their affidavits filed
herewith.

Philip Piptkin

Sworn to & Subscribed
before me March 22nd
1871

W S Boyce clerk

William Smith Smith
March 1891

Ann Smith
1891

John F. Smith
1891

William F. Smith
1891

John F. Smith
1891

Ann Buel plaintiff by Att^y } In Circuit Court of Jefferson County
vs Grunthal, }
John F. Darby & others } In partition

Trustin Polk being first duly sworn on his
oath swith that on or about the 15th day of July 1869
John F. Darby was by the District Court of the United
States for the Eastern District of Missouri duly ad-
judged & declared a Bankrupt; that afterward & on or
about the 2nd day of November A.D. 1869 Andrew Park
and John R. Tiffany were duly chosen & appointed his
trustees in Bankruptcy and the affiant & Marshall
Brotherton & Philip Pipkin were duly chosen & ap-
pointed a Committee of his creditors under & in pursuance
of the 43rd ~~section~~ section of the Bankrupt Act of the Con-
gress of the said United States, approved the 2nd day of March
1867; that immediately after said Park as one of said
trustees, ~~and~~ in view of the institution of the action &
proceedings in this cause, he consulted with affiant
as one of said Committee in reference thereto & as to
pending or existing said proceedings & especially any order
of sale of the premises therein mentioned and it was
determined & agreed ^{between them} that prompt & timely steps should
be taken under the special direction & control of this
affiant for that purpose; that not long thereafter,
upon their time & making such aid & assistance had

come round or expired, said Park informed this affi-
ant, that he had made an agreement & arrangement
with James A. Peal Esq. who states him that
he was authorized thereto by the plaintiff or said pro-
ceedings; that no steps should be taken in said action
or proceedings as the return Term of the same, nor at
any subsequent time without giving said Park due
& timely notice thereof, and ^{he said Park to} stated to this affiant that
in consequence of such arrangement it was not ne-
cessary that affiant should ~~take any~~ file an an-
swer in said proceedings for said Trusty at said re-
turn ^{Term}, nor take other or further steps therein until
he should have notice & request to that effect from
said Park; that said Park never gave any such
notice or request to this affiant, and this affiant
never had any notice or knowledge that any steps had
been taken or any thing been done therein, until he
heard, within a very short time before this present
date, that said premises had been advertised for sale
in partition as the result in the course of said pro-
ceedings, for the 14th day of March 1871, nor does affi-
cant believe that either said Park or his said
co-trustee ever had any notice or knowledge of the

steps or result in ³the course of ~~said~~ proceedings and
has said Tiffany may have heard thereof since such
advertisement of sale: that on the 2^d day of Febru-
ary A.D. 1871 said Park departed this life which was
before either this ~~and as to~~ affiant, and as he is informed &
believes before said Tiffany, had any notice or knowledge
that any steps had been taken in the proceedings afore-
said after the filing of the petition thereinsubstantiating
in an order to sell the same. Affiant believes that the
sale of said land under the order of sale which he
has heard has been made in this case will be prejudicial
to the interests of the estate of said Darby ~~to the~~
interests of his creditors in Bankruptcy.

Trustin Polk

Sworn to and subscribed before me the
undersigned Notary Public in and for the
County of St. Louis and State of Missouri
this eleventh day of March A.D. 1871.

Samuel Knox, Jr.

Notary Public.

St. Louis, Co. Mo.

William C. C. C. C.
March 1871

Some Book at
the
the 1st of the

affinity of the

Chiloe Mar 28 1871
in 8 days 22



Ann Beal et al }
13 } In the Circuit Court of
John F. Darby et al } Jefferson County,

John K. Tiffany surviving Trustee of said John F. Darby, one of the defendants being first duly sworn on his oath says that he and said Andrew Park now deceased were appointed Trustees of said Darby's Estate in Bankruptcy on or about the second day of November A.D. 1869 by order of the United States District Court for the Eastern District of Missouri, and that at said time, Huston Polk, Marshal Protector of St. Louis and Philip Piskin of Kinswick were appointed a Committee of the Creditors of said Bankrupt under whose advice said Trustees were to act. Said Tiffany further says that immediately upon being served with the summons of this Honorable Court to appear and answer in said cause, he and said Park had an interview at which it was determined to oppose the partition & sale of said property in ~~said~~ petition of Plaintiff mentioned, and that said Huston Polk concurred in said determination & agreed to file the necessary answer

That thereafter and before the time for
filing said answer had expired said
Pack informed said Tiffany his co trustee
the deponent, that one Beal ~~att~~ for
the plaintiff had agreed with him
to dismiss the said cause. That there-
upon said Tiffany dismissed the
matter from his mind expecting said
Beal would and had dismissed said
cause according to his said agreement.
That said Tiffany had no further or
other knowledge of the proceedings ^{previous} until
after the death of said Pack when he
learned from his agent or lessee H. W.
Bliss Esquire that said property had
been advertised for sale upon the
14th day of March A.D. 1871; that there-
upon said Tiffany consulted with said
Trustee Polk and learned that said
Polk was entirely ignorant that any
steps had been taken further in the
cause; that thereupon said Tiffany
sent to the Clerk of this Honorable Court
and obtained a Transcript of all the
proceedings in the cause until this
date, from which he learned for the
first time that an answer had
been filed in the name of the said

said Andrew Pack and John K. Tiffany
defendants herein, expressing their
desire to have said partition made.
Deponent saith that he never author-
ized said answer to be made in his
name and as he verily believing the
same was not authorized in previous
to said Polk and Brotherton, but now
learns for the first time that said Pack
had written to said Philip Pickin con-
cerning said cause and "to attend to the
matter for the Representatives of Darby's
Estate and see that the order", meaning
thereby the order of sale, "is correctly made
according to law"; and that said Philip
Pickin Esquire had filed said answer
in the cause understanding said Pack
to mean and intend that he should do
so, when in truth said Pack had no
authority to authorize or instruct any
person to appear and answer for the
said Trust without the consent of the
other and the said Committee.

Deponent saith further that he has
been informed and verily believing it
to be true that the Plaintiff has
parted with and sold her interest
in the said property and that the

name of the plaintiff is only used to
cause the partition to be made in &
for the interest of said purchaser who
intends and expects to purchase the
interest of said Trusting at a great
bargain and to their injury and
to that of said Bankrupt's creditors.
Defendant says that he verily believes
that the said sale ought not to take
place and that the estate of said
Bankrupt will be greatly injured
thereby.

John H. Tiffany.
Surviving Trustee in Bankruptcy
of the Estate of John F. Darby
Bankrupt

Seen to and subscribed before me
the undersigned Notary Public in and
for the County of St. Louis and State of
Missouri this eleventh day of March
A.D. 1871.

Samuel Knox, Jr.
Notary Public
St. Louis, Co. Mo.



Highway Court
March term 1891

Samuel Deal shal

vs

John J. Barclay shal

Applicant of Highway
(

Filed Mar 28 1891
W. J. Boyce cl

Beal
Hank

Bill Emerson

Wiles Mar 23^d 1871
and Boyce &c,

Ann Beal by Oliver Green
her trustee, plaintiff,

^{vs.}
John F. Darby, Andrew
Park and John Tiffany,
Trustees of John F. Darby,
defendants.

In the
Circuit
Court
of Jefferson
County
March
Term 1871,

Now comes Henry Stellerink
and states, that in the above entitled
Partition suit the land sought to
be partitioned, has been sold at
the present term ~~on~~ Order of Court,
that he has bought all the interest
of Ann Beal the plaintiff in said
suit; that said Ann Beal and her
trustee, Oliver Green, have executed
and Order in his favor, directing
John Williams, Sheriff of Jefferson
County aforesaid, to pay all the
money, she would be entitled
to out of the proceeds of the sale
of said land, to him, said Henry
Stellerink; that he has presented
said Order to said Sheriff, ~~but~~
~~that the said~~ and demanded the
payment of the share of said
Ann Beal in said proceeds to
him, but that the Sheriff has

not paid the same.

This motioner therefore moves
the court to direct said Sheriff
to pay the share of said Ann
Beal in said proceeds of the
sale of land to him, said Henry
Stellbrink, and for proof
of the facts aforesaid here proof
fers said Order of Ann Beal
and her trustee.

Henry Stellbrink
by Henry F. Ahlers
his attorney,

Edwin Bees

3rd.
John F. Darty
and others,

—
Partisan
by Henry Wells
Larned, to ar-
der the thought to
pay Edwin Bees;
share of your share,
among the firm,

—
Also all 7 1871
reference &

1924
vs
Darby

W S Boyce Clerk,

Copy and sale	100	Ind	motion	20	motion to correct rec	20	140
rule	20	Ord apptg trustee	33	Ent & file	Bill Exp	33	90
Report to cat	33	Ind	30	docs	10		75
Fee recd	23	copy c&s	70	files	30		1,35
							4,40

Green atty fee

$$\begin{array}{r} \cancel{\$} 99,45 \\ 75,00 \\ \hline \cancel{\$} 174,45 \end{array}$$

Beal
no
Dandy

Beal



Appointment of Amateo	Vol 6	p 91,
Order of Sale,	" "	p 136,
Renewed and Sale	" "	p 209
Motion to set aside order Sale	" "	p 262
Pch to correct record	" "	p 273
Order correcting "	" "	p 273,
Price of Executions	" "	p 276,
Attorney fee allowed	" "	p 313,
Settlement for order on Sheriff	" "	p 334,
Report of Sale	" "	p 335
Enk acts Deed	" "	p 321