

DeFensen County Circuit Court
Case Files - Civil
May 1873

Box 31 Folder 18

Wilson, John M.

vs

McKay, William, adm.

Evans, James

Evans, Ruth

Evans, Charles

et al

Reform deed

20 acres in 532741B3E) other
defendants Thomas Evans, Caroline
Brown, John Brown

John M. Wilson, Plaintiff

vs

William McKay Executor
of James Evans,
Ruth Evans,
Charles Evans,
Thomas Evans,
Jane Evans,
Caroline Brown &
John Brown Her Husband

Defendants

In the Circuit
Court of
Jefferson County
Missouri

Plaintiff states that James Evans who died about the year 1870, in his lifetime, to wit, on the 10th day of September 1859 in consideration of a tract of Land sold and conveyed to him by Plaintiff situate in Jefferson County Missouri did sell to Plaintiff the following described Land situate in said Jefferson County Missouri viz, The North half of the North East quarter of the North West quarter of Section Thirty Two in Township Forty one North of Range Three East containing Twenty acres, and did deliver the possession thereof to Plaintiff and did on said last mentioned day, to wit September 10th 1859 make and deliver to Plaintiff a Deed by which both said Evans and Plaintiff believed said Land was

Conveyed to Plaintiff and by which it was the intention of said Evans to convey to Plaintiff and of Plaintiff to receive the Title of said Land but Plaintiff avers that by mistake of both parties said Land was mis-described in said Deed in this that the same was described as the North half of the North East Quarter of the North West Quarter omitting the Township and Range in which the Land intended by both parties to be conveyed was situate thereby leaving said Deed too indefinite and uncertain to properly describe said Land according to the intention of said parties

✓ Plaintiff avers that said James Evans at his death left the defendants Ruth; Charles; Thomas; Jane Evans and Caroline Brown who is the wife of John Brown his Children and heirs and William McKay the Executor of his will who is now acting as such by virtue of Letters Testamentary issued to him by the County Court of said County of Jefferson,

In Consideration of the premises the Plaintiff prays the Court to Decree that the Defendants, ^{the foregoing children and heirs of said Evans} be forever divested of all the right, title, interest, claim and estate which descended to them in and to the

Real Estate herein first above described
and which was intended to be conveyed to
Plaintiff by their said ancestor as aforesaid
and that the Court will decree that said
William McKay as Executor of said Evans
will be forever divested of all power
which he may now or might hereafter
have by Law to sell the same for the
payment of the debts of said James
Evans Estate and that the Court will
adjudge and Decree that said Deed
(which is herewith filed as a part of
this Petition) made by said James Evans
to Plaintiff on the 10th day of September
1859 be corrected and reformed so as to
effectuate and carry out the intention
of the parties thereto, to wit, said James
Evans and Plaintiff and that Plaintiff be
invested with the fee simple title of the
Real Estate sought and intended thereby to
be conveyed to him by said Evans, viz,
The North half of the North East quarter of
the North West quarter of Section Thirty
Two in Township Forty one North of
Range Three East containing Twenty
acres and that the Defendants, Ruth,
Charles, Thomas, & Jane Evans & John
& Caroline Brown pay the cost of this
suit they having refused on demand

Made of them by Plaintiff to correct said
mistake in said Deed by Deed of Quit Claim
to Plaintiff at his expense of the Land herein
first described so as to carry out and
effectuate the intention of their said ancestor
and that the Court will grant other proper
relief in the premises — Jos. J. Williams
Atty for Plaintiff

John H. Wilson

Thomas Evans
et al

Civil action to
reform Deed

original

Filed April 12 1893
Wm. Boyce Clerk
D. Cook, Sheriff

issue process
with copy
for Plaintiff

John M Wilson. Plaintiff

as
William McKay Executor of
James Evans, Ruth Evans, Charles
Evans, Thomas Evans, Jane Evans
Caroline Brown & John Brown her
husband — Defendants.

In the Circuit
Court of Jefferson
County Missouri

Plaintiff states that James Evans who died about the year 1870, in his life time, to wit, on the 10th day of September 1859 in consideration of a tract of land sold and conveyed to him by plaintiff situate in Jefferson County Missouri did sell to Plaintiff the following described land situate in said Jefferson County Missouri, viz. The North half of the North East quarter of the North West quarter of Section Thirty two in Township Forty one North Range Three East containing twenty acres, and did deliver the possession thereof to Plaintiff and did on said last mentioned day to wit: September 10th 1859 make and deliver to plaintiff a deed by which both said Evans and Plaintiff believed said land was conveyed to plaintiff and by which it was the intention of said Evans to convey to Plaintiff and of Plaintiff to receive the title of said land but Plaintiff avers that by mistake of both parties said land was mis-described in said deed in this that the same was described as the North half of the North East quarter of the North West quarter omitting the Township and range in which the land intended by both parties to be

conveyed was situate thereby leaving said deed too indefinite and uncertain to properly describe said land according to the intention of said parties

Plaintiff avers that said James Evans at his death left the Defendants Ruth; Charles; Thomas, & Jane Evans and Caroline Brown ~~his children and heirs~~ who is the wife of John Brown his children and heirs, and William McKay the Executor of his will who is now acting as such by virtue of Letters Testamentary issued to him by the County Court of said County of Jefferson. In consideration of the premises the Plaintiff prays the court to decree that the Defendants the aforesaid children and heirs of said Evans be forever divested of all the right, interest, claim and estate which descended to them in and to the Real Estate herein first above described and which was inted to be conveyed to Plaintiff by their said ancestor as aforesaid and that the court will decree that said William McKay as executor of said Evans will be forever divested of all power which he may now or might hereafter have by law to sell the same for the payment of the debts of said James Evans Estate and that the court will adjudge and decree that said deed (which is herewith filed as a part of this petition) made by said James Evans to Plaintiff

on the 10th day of September 1859 he corrected and reformed so as to effectuate and carry out the intention of the parties thereto, to wit, said James Evans and Plaintiff and that Plaintiff be invested with the fee simple title of the Real Estate sought and intended thereby to be conveyed to him by said Evans, viz: The North half of the North East quarter of the North West quarter of Section thirty two in Township Forty one North of Range Three East containing Twenty acres and that the Defendants, Ruth, Charles, Thomas & Jane Evans & John & Caroline Brown pay the cost of this suit they having refused on demand made of them by Plaintiff to correct said mistake in said deed by deed of quit claim to Plaintiff at his expense of the land herein first described so as to carry out and effectuate the intention of their said ancestor and that the court will grant other proper relief in the premises

Jos. J. Williams
Atty for Plaintiff

A true Copy of the original petition.
Witness my hand and the seal of
said court at office April 12th 1873.
H. S. Boyce Clerk
By O. Thos. Horine Depy

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon *William McKay,*
James Evans, Ruth Evans, Charles Evans,
Thomas Evans, Jane Evans,
Caroline Brown and John Brown

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 *Second*
Monday after the fourth Monday of *May* next, then and there
to answer unto

John H. Wilson

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

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *12th*

day of *April* A. D. *1873*

W. S. Boyce Clerk Circuit Court.

By *Miss [illegible]* Deputy.

I hereby certify that I served the within sum-
mons at the county of Jefferson state of
Missouri on the w and Petition as furnished
me by the clerk of said court on the within
named defendants Wm McKay by delivering
to each of them a true copy of the original
on the 19th day of April 1873

Wm McKay James Evans Ruth Evans Charles
Evans Thomas Evans Jane Evans Caroline Brown
John Brown

J. B. Moss, Sheriff

By J. A. Williams Det

3832

88,109-92

RETURNALE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1873.

John McKim

vs

Wm McKay

James Evans

Ruth Evans

Charles Evans

Thomas Evans

Jane Evans

Caroline Brown

John Brown

original

Sheriff fees \$ 8.00

181 981 26' 08

I executed the within writ in Jefferson County Missouri
on the 19th day of April 1873 by giving to William McKay,
he being the first served a copy of the petition and writ
and by giving to Ruth Evans, Charles Evans, Thomas
Evans, Jane Evans, and Caroline Brown and
John Brown by giving to them each in said
county and state on the same day a copy of
the within writ,

J. B. Moss, Sheriff

By J. A. Williams Det

John M. Wilson } Du Jefferson
 vs } Circuit Court
 Ruth Evans }
 & others }

The plaintiff states that since
 this suit was commenced
 defendant Jane Evans has
 married Louis Rechie wherefore
 plaintiff prays that said
 Rechie may be made a
 party defendant ^{so that he be deemed} herein, and
 that the relief as prayed,
 in plaintiffs original petition
 against Jane Evans be
 granted against Louis
 Rechie and Jane his wife

Jos. J. Williams
 Atty. for Plaintiff

J. M. Wilson
m

Jane Evans
& others

Resolution to
make new
party

Filed May 21 1873

W. S. Bayce

CLW

John Mc. Wilson	} In the Circuit Court of Jefferson County Missouri
vs	
William McKay Executor	
of James Evans,	
Ruth Evans.	
Jane Evans & others	

Now at this day comes the Plaintiff
by his Attorney and moves the
Court to make Louis Rechie
a party defendant for the reasons
to wit

1st Because since the suit was
brought he has intermarried
with the defendant Jane Evans
William B.
Attorney for Plaintiff

John M. Wilson

in

Ruth Evans

and

Motion to make

Louis Rehrig

Party -

Dated May 21 1983

W. S. Boyce

Secy

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

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon *Louis Richie*

if he be found in your County, that he 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 *Second* ~~Monday after the fourth~~ Monday of *September* next, then and there to answer unto

John M. Wilson

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

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *2nd*

day of *July* A. D. 18*73*

W. S. Boyce Clerk Circuit Court.

By *C. Ho. Morine* Deputy.

Executed the within summons and Petition
at the county of Jefferson Stat of Missouri
by delivering to the defendant ^{+ Louis Richie} a true copy
of the original as furnished me by said
clerk on the 5th day of August 1873

J. B. Mass Sheriff
By J. F. Williams Deputy

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RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

September TERM, 1873.

John M Wilson

vs
Louis Richie

original

Sheriff fees \$1-00
per Aug 5

John M Wilson } To Correct deeds,

us } Free Bill,

Wm McKay et al, clerk,

May 5 1873
~~Sept 5 1873~~

files 10 dock 10 Cop pet 90 cos ⁵⁰ (with & copies) ^{1.80} // 3.40

default 35 order 35 order to sub. new party 35 1.15

order for sum. 20 Cont. 25 .45

Sum 1.00 Cop 10 copy of order. ²⁰ cos ⁵⁰ 1.80

files 10 r motions 40 .50

Sept 5 1873 Ent appr. 10 leave to and 20, cont. 25 .55

dock 15 — .15

Jan 5 1874 dock 15 appr. 10. Sub. 35 Judgt ⁵⁰ (if no joined) ²⁵ 1.35 // 9.25

C. H. Stone clk

JB 10 making casts 50 .60 .60

JB Mop Shff.

Serv & debts, May 5 1873 // 8.00

" 1 " Sept. 5 " 1.00

Calls, —

.50 // 9.50
// 19.35

John M Wilson

Co

Levens & Moffatt et al

See Bill