

Jefferson County Circuit Court
Case Files - Civil

July 1842

Box 6 Folio 38

Foxton, William

vs

Field, William H.

Speed, James S., Adm.

Speed, John, Recd

Injunction

Enjoin judgment on \$250 note

To the Hon^{ble} Circuit Court of Jefferson County
sitting as a Court of Equity, Your most
W^{orshipful} Foxton would respectfully represent
that some time in March 1835 your note
bought of a certain John Speed three
hundred and twenty acres of Land lying
on the Joachim in Jefferson County being
the same confirmed to Richard Applegate
you and and received a deed therefor
from John Speed which is of record
That your note was to pay said John
Speed six hundred and fifty dollars
for said Land as follows one hundred
and ^{seventy} ~~twenty~~ other dollars in hand which
was paid to said John Speed another
forty three hundred dollars was made
payable to Asaph H Speed, by direction
of said John Speed, which ~~was~~ and for
which your note gave his note payable
in five or six years. This note your
note holder is in Kentucky and
In the balance two hundred and fifteen
dollars, your note gave his note to said
John Speed, who shortly afterwards departed
this life and James J Speed took out
letters of administration on his estate, who
shortly afterwards that is to say in October
1837 called upon your note with said
note as given to John Speed as aperiod
and requested your note to take in the
old note and execute a new note
therefor, to him said James as adm^r of John
Speed dec^d. Which your note accordingly
did, a copy of which note is hereunto

exhibited and is proposed to be taken as part
of this Bill of Complaint moved. A the
old original note is also in possession of
your brother and can be produced if consid-
ered material. Your note would further
show unto your Honor that after said note
was given to said Lewis I Speed as agent
by your note, he assigned the same away
to our well known H Field, who sent your
note there in the Circuit Court of Jefferson
County, and obtained Judgment and had
execution issued, which was based upon the
default of your brother in said part of Land
which was sold for ten dollars at the present
term of this Court. Your brother would further
show unto your Honor that the consideration
of said note being for the Land so sold by
John Speed as agent, ^{as agent} has ^{been} fully paid
that at the present term of this Court the title
of said John Speed to the same has been
adjudged by this Court to be well and good
and that the title to the same is in the hands
and legal representatives of Richard
offspring the said, that by this decision
your brother will lose

his purchase money and the estate of said
John Speed is wholly insolvent and unable
to pay your note the money paid by ~~him~~
~~himself~~ to John Speed as agent, much less
will the estate be able to pay back to your
note, the judgment so rendered against him
upon the note given, if your note should

be compelled to pay said Judgment. In
Circuit Court of the District of Columbia, and inasmuch
as your Honor is sensible at law in the
premises, and can only be relieved in a
Court of Equity, your Honor says that
the said William H. Field and the
said James S. Speed admit of John
Speed, may be made defendants to this
bill of Complaint, and that they and
each of them may be compelled to
answer upon his Oath all
and singular the allegations in this
bill contained, or particularly as if they
were there inserted, and that your
Honor would require the said Judgment
at Law, until the same is heard in
equity, and that your Honor would
grant such other and further relief
as to your Honor shall seem meet
and proper. And as in and by said
Complaint well appears. May it please
Your Honor to grant the above-subscribed

A. C. C.
Wm. H. Field

Jefferson County, Pa.

Personally appeared in open
Court, William Foster the within complainant
and made oath that the facts set forth in the
within bill of Complaint as of his own knowledge
are true and the facts stated from the information
of others he believing to be true
Given to in open Court
before me Mar 23 1842
Prof. Mathew Calk

William Foster

A

Twelve months after date I
promise to pay to James H Speed
order of the estate of John Speed
and the sum of two hundred
and fifty dollars, with interest
from date for value received

Nov 6th 1837

William Foxton

Test
John H Speed

upon which is this
Indorsement

For value received I subscribe the within
note to William H Field

James H Speed
order of John Speed
and

17
822

William Gordon
couple. 5 lady -
William & Isaac
James & Grace
Adam John Grace
and

John Gordon 23 1842
Prof. Gordon
1842

To the Hon the Circuit Court of Jefferson County
sitting as a court of Equity your orator William
Foxton would respectfully represent that some time
in March 1835 your orator bought of a certain John
Speed three hundred and twenty acres of Land lying
on the Boachins in Jefferson County being the same
conferred to Richard Applegate now dec^d and received
a deed therefor from John Speed which is of Record
That your orator was to pay John Speed six hundred
and forty dollars for said land as follows one hundred
and fifteen twenty or thirty dollars in hand, which
was paid to the said John Speed, another part three
hundred dollars was made payable to Asaph Mc
Speed by direction of said John Speed and for which
your orator gave his note payable in five or six
years. This note your orator believes is in Kentucky, and
for the balance two hundred and fifteen dollars
your orator gave his note to said John Speed who
shortly afterwards departed this life and James S Speed
took out letters of administration on his estate, who shortly
afterwards that is to say in October 1837 called upon your
orator with said note so given to John Speed as aforesaid
and requested your orator to take in the old note and
execute a new note therefor to him said James as adm^r
of John Speed dec^d which your orator accordingly did
a copy of which note is herewith Exhibited and is
prayed to be taken as part of this bill of complaint
Marked A. The old original note is also in possession
of your orator and can be produced if considered Ma-
terial. Your orator would further shew unto your
Honor that after said note was given to said James
S Speed as adm^r by your orator he assigned the
same away to one William McField who sued

your orator therein in the Circuit Court of Jefferson County
and obtained Judgment, and had execution issued
which was levied upon the interest of your orator in said
tract of Land, which was sold for ten dollars at the
present term of this court your orator would further
shew unto your honor that the consideration of said note
being for the Land so sold by John Speed as aforesaid
has wholly failed, that at the present term of this court
the title of said John Speed to the same has been
adjudged by this court to be null and void, and
that the title to the same is in the heirs and legal
representatives of Richard Applegate deceased that
by this decision your orator will lose

his purchase money
and the estate of said John Speed is wholly insolvent
and unable to pay your Orator the money paid by
him to John Speed as aforesaid. Much less will the
estate be able to pay back to your orator the Judgment
so rendered against him upon the note aforesaid if
your Orator should be compelled to pay said Judgment.
He tender consideration whereof and inasmuch
as your orator is remediless at law in the premises
and can only be relieved in a court of Equity, your
Orator prays that the said William McFiee who had
notice of this equity, and the said James J. Speed
admiror of John Speed may be made defendants to this
his bill of complaint, and that they and each of them
may be compelled to answer upon his corporal oath
all and singular the allegations in this bill contained
as particularly as if they were thereto interrogated, and
that your honor would enjoin the said Judgment
at law until the same is heard in equity, and that
your honor would grant such other and further relief

as to your Honor shall seem meet and proper, and
as in duty bound your orator will ever pray.
May it please your Honor to grant the State
subpoena.

Pleas

Solicitor for Complainant

Jefferson County Ct.

Personally appeared in open court
William Foxton the within Complainant and made oath
that the facts set forth in the within bill of complaint
as of his own knowledge are true and the facts
stated from the information of others he believes to be true
Sworn to in open court Mar 23^d William Foxton
1842. Prof. Weather clerk

Exhibit A

Twelve months after date I promise to pay to
James S. Speed a sum of the Estate of John Speed
dec^d the sum of two hundred and fifteen dollars
with interest from date for value rec^d
Oct 6th 1837. William Foxton
Test Sarah A. Speed.

Upon which is the following
Indorsement.

For value rec^d I assign the within
note to William H. Field. James S. Speed
a sum of John Speed dec^d

A True Copy attest

Prof. Weather clerk of
Jefferson County.

James S. Speed & William H. Field
the defendants in this writ cannot
be found in Jefferson county Mo
Given under my hand this 2nd day of
July 1842
M Mop Sheriff
fee \$1.00

No. 66
On writ out to
July Term 1842

William H. Field

vs James S. Speed

James S. Speed

William H. Field

Billin Leaneey

filed July 18 1842

Wm. H. Field

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to summon James, J. Speer,
administrator of John Speer decd. and
William H. Field, assignees of James Speer
if they be found in your county. that they
be and appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro.

within and for the County of Jefferson, on the ~~second~~ ^{third} Monday
of July — next, then and there to answer unto the
Bills of complaints and petitions in Chancery
of William Foxton, (a copy of which is hereto
attached).

~~to the damage of said plaintiff~~

dollars.

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Hillsboro — this eighth day
of June, in the year of our Lord eighteen
hundred and forty two.

John S. Mathews Clerk.

Know all men by these presents that we
William Foxton as principal and John Anderson
as security, are held and firmly bound unto William
W. Field and James S. Speer in the just and
full sum of five thousand dollars lawful money
for the payment of which well and truly to be
made to the said William W. Field and
James S. Speer their heirs or assigns we bind our-
selves our heirs executors and administrators firmly
by these presents. Witness our hands and seals
this 26th day of July 1842

The condition of the above obligation is as
follows, that whereas the said William W. Foxton
has filed his bill in the Circuit Court of Jefferson
County ^{to obtain} a certain judgment in said Circuit
Court in favor of said William W. Field as assignee
of said James S. Speer may be enjoined from
further proceedings. Now if the complainant
will abide the decision which shall be made
therein, and pay all sums of money damages and
costs that shall be adjudged against him, if the
Injunction shall be dissolved, then this obligation
to be void else to remain in full force and virtue

Witness
My Seal

William Foxton (Seal)

John Anderson (Seal)

Mr. Foxton

William H. Foxton

Bruce

filed Aug 18 1842

Wm. H. Foxton

B.W.

William Foxton
compt.

To

Mrs H. Field

James S. Speed

Adv. John Speed

In Chancery

May Term 1844

Now at this day the above cause
came on to be heard and it appearing
to the satisfaction of the court, that the
order of publication heretofore issued by
this court had been complied with by
^{complaint}
~~complaint~~ and the said defendants
having failed to answer or respond
by Law and the rules of this court,
and the same *in si* heretofore
entered in this cause being and
remaining in full force, the court
considered, advised and decreed, that
the performance of Law in said Bill
of complaint mentioned be perpetually
enjoined, and said complaint
be acquit and discharged therefore,
and furthermore that he serve his costs
against said defendants, within thirty
days, & he have therefor his writ
of execution.

And there too

Mr. H. Fisher Deane

of New Orleans

March 30th 1844

My Dear Sir

W. Samuel Allen
1843 do Griffiths (Republican) &

Aug 19 for the order of board
for the order of board

1/2 of board & time

Admission —

6.75

25-

\$7.00