

Jefferson County Circuit Court
Case Files - Civil
November 1852

Box

7 Folder 44

Green, James L.

v.

Green, Samuel

Green, Jane

Shoults, Louis

Shoults, Polly; et al

Perfect Title

180 acres in S29T43R3E; Other Defendants:
Peter Shoults, James McMeims, Elizabeth
McMeims, Louis G. Wilson, and Ruth Wilson.

State of Missouri
County of Jefferson

Be it remembered that on this
the Twenty fifth day of March in the ^{year} 1843 of our Lord one
Thousand eight hundred and forty three before
me the undersigned a justice of the peace within
and for the county of Jefferson appeared Samuel
Green and Jane Green his wife, Louis Shoults and
~~Polly Shoults his wife, James C. McMeans~~
and Gemima Shoults his wife, James C. McMeans
and Elizabeth C. McMeans his wife, Lewis C. Wil-
son and Ruth Wilson his wife, The said Samuel Green
and Jane Green his wife, Louis Shoults, Peter T. Shoults,
James C. McMeans and Elizabeth C. McMeans his wife, Lewis
C. Wilson all personally known me, and Polly Shoults
proven by Christopher Shoults and Elijah Wese, Gemima
Shoults proven by Christopher Shoults and Garland
Harding, and Ruth Wilson proven by Garland Har-
ding and James Wilson to be the persons whose
names are subscribed to the foregoing instrument of
writing as having executed the same to be their
act and deed for the purpose therein mentioned. They
~~the said Jane Green, Polly Shoults, Gemima Shoults, Eli-~~
zabeth C. McMeans and Ruth Wilson being by me first
made acquainted with the contents thereof, and
examined separate and apart from their hus-
bands whether they executed the said deed and
relinquished their dower in the real estate there-
in mentioned freely, voluntarily, and without
compulsion or undue influence of their said
husbands acknowledged and declared that they
executed the said deed and relinquished their dower
in the said lands and tenements therein
mentioned freely, voluntarily and without compul-
sion or undue influence of their said husbands

I know all men by these presents that we Samuel Green
and Jane Green his wife, Louis Shoults and Polly Shoults
his wife, Peter H. Shoults and Semima Shoults his wife
James M. McElkins and Elizabeth M. McElkins his wife
Louis C. Wilson and Ruth Wilson his wife, parties
the first part, all of the County of Jefferson State of
Missouri and heirs and legatees of the estate of Sam-
uel Green deceased, for and in consideration of the sum of
~~two hundred and fifty dollars~~ to them in hand paid
by Joseph P. Green and James L. Green the receipt
whereof we do hereby acknowledge, have bargained sold
and quit-claimed and by this presents do bargain sell
and quit-claim unto Joseph P. Green and James L. Green
and to their heirs and assigns forever, all our and
each of our right, title, interest, estate, claim and
demand both at law and in equity, and as well
in possession as in expectancy, of, in and to all
the estate ~~both~~ real personal and perishable of Sam-
uel Green deceased with all and singular the heredit-
aments appurtenances thereunto belonging.

In witness whereof we have hereunto set our hands
and seals this 23rd day of March A.D. eighteen hun-
dred and forty three.

Signed Sealed and delivered
in the presence of
Edmund Pace
John H. Herring

Samuel L. Green (L.S.)

Jane ^{her} X Green ^{mark}

Louis ^{her} X Shoults ^{mark}

Polly ^{her} X Shoults ^{mark}

Peter H. X Shoults ^{mark}

Semima ^{her} X Shoults ^{mark}

James M. McElkins

Elizabeth ^{her} X McElkins ^{mark}

Louis C. Wilson

Ruth ^{her} X Wilson ^{mark}

State of Missouri } ss
County of Jefferson }

I Johnson St Alford Clerk of the Circuit Court
and Ex Officio Recorder within and for the County of Jefferson
aforesaid do Certify that the instrument of writing hereto at-
tached was duly recorded in my Office on the Twelfth day of
June in the Year of our Lords one thousand Eight hundred
and forty six, in Book II pages 176 & 177 of the Land
Records for said County

In testimony whereof I have hereunto
set my hand and affixed the Seal
of said Court at Office in the town
of Hillsboro this 12th day of June
A D 1846

J St Alford Recorder

Samuel Hume et al

vs
The Old

Dea P & J. B. Hume

Filed for Record May 27. 1846.

J. M. Myers

Record

Recording He No. 4412

James L. Green, plaintiff,

3

Against

Samuel Green, and Jane Green his wife
Louis Shoults, and Polly Shoults his wife,
Peter Shoults, James McMeins and
Elizabeth McMeins his wife, and
Lewis C. Wilson, and Ruth Wilson his wife

In the Circuit Court
Jefferson County.

Plaintiff states that Defendants,
by their agreement, ^{executed} under ^{their hands and} seals, dated
March the 20th 1843, which is hereto an-
nexed and made part of this Petition, con-
tracted to convey to Plaintiff, in consid-
eration of two hundred dollars, paid by
Plaintiff to Defendants, all their right, title,
interest and estate in and to the personal
property and real estate, of James Green, de-
ceased, as heirs of ~~said~~ deceased, to wit,
their interest in and to the following real
estate, situate in the County of Jefferson
and State of Missouri, to wit, the North
East half of the South West quarter, and
the West half of the North ^{East} quarter of Sec-
tion twenty nine, in Township forty three,
of Range Three East, containing one hun-
dred and twenty acres, - as will more fully
appear by reference to a Deed from Joseph
P. Green and wife to Plaintiff, dated Sep-
tember 3rd 1843, hereto annexed and made
part of this Petition. That said Agreement of the
Defendants was intended to be a Deed, con-

vying all their title, interest and estate, in, and
to the said Real estate, ^{to Plaintiff} but through mistake
in the Draughtsman, does not describe the Land
sufficiently, nor is the acknowledgement prop-
erly made out, which was owing entirely
to omission, and mistake in the Justice who
took the same. Plaintiff states that he
has fully paid the Defendants for said Land,
and that he is therefore justly entitled in
Law and Equity, to be relieved of said mis-
takes and omissions, and to have a good and
sufficient title to the same from the Def-
endants, ^{who refuse to make the same,} according to their said agreement.

Plaintiff states that Gemina Shoults, wife
of Peter Shoults, executed said agreement
also, with her husband, but has since died.

Plaintiff therefore asks that the Defend-
ants, be required by a decree of the court
to convey said ^{land} to Plaintiff, by a good and
sufficient Deed, or in default thereof, that
the Court will decree the title to said
Land to be vested in the Plaintiff, and
that the Defendants be divested of any claim to
the same.

Abner Green
Atty. for Plaintiff

James L. Green, plaintiff, makes oath and
says he believes the above Petition and the
matters therein, as stated, are true.

Sworn to and subscribed } James L. Green
before me the Clerk } ^{this} ~~marked~~

of the circuit court }
of Jefferson county Missouri
this 18th day of August AD 1852 ~~at office~~
~~in Hills~~ Thomas C Fletcher
Clerk

By A B M Greeny
Deputy

In Court Count
Nov. Term 1833

James A. Green
vs.
Samuel Green

and others

Plaintiff
vs.
Defendant

Not appearing
vs.
James A. Green

Filed Aug 28 1832
Mo'c & Decker
clerk

1 copy
44 copy
44 copy
24 cents
81 cents
81 cents
81 cents

James L Green Plaintiff
against

Samuel Green & Jane Green his wife
Louis Shoults and Polly Shoults his wife
Peter Shoults, James McMeins and
Elizabeth McMeins his wife and
Lewis C Wilson and Ruth Wilson his
wife -

In the Circuit Court Jefferson County,
Plaintiff states that Defendants
by their agreement executed under their hands
and seals dated March the 20th 1843, which is hereto
annexed and made part of this petition con-
-tracted to convey to Plaintiff in consideration
of two hundred dollars, paid by Plaintiff to
Defendants, all their right, title, interest and
estate in and to the personal property and
Real Estate of James Green deceased as heir
of said deceased, so with, their interest in and
to the following Real Estate, situate in the
County of Jefferson and State of Missouri
to wit, the North East half of the South West
quarter and the West half of the North East
quarter of section twenty nine in Township
forty three of Range three East containing
one hundred and twenty acres, as well
more fully appear by reference to a deed
from Joseph P Green and wife to Plaintiff
dated September 2nd 1843 hereto annexed and
made part of this petition, that said agreement
of the Defendants was intended to be a deed
conveying all their title interest and estate
in and to the said Real Estate to Plaintiff

but through mistake in the Draughtsman,
does not describe the land sufficiently, nor
is the acknowledgment properly made out
which was owing entirely to omission and
mistake in the Justice who took the same.
Plaintiff states that he has fully paid the
defendants for said land and that he is
therefore justly entitled in law and equity to
be relieved of said mistakes and omissions
and to have a good and sufficient title to
the same from the defendants who refuse
to make the same according to their said
agreement, Plaintiff states that Jennima
Shoults wife of Peter Shoults executed said
agreement also with her husband, but has
since died, Plaintiff therefore asks that
the defendant be required by a decree of the
court to convey said land to the Plaintiff
by a good and sufficient deed, or in default
thereof that the court will decree the title
to said land to be vested in the Plaintiff and
that the defendants be divested of any claim
to the same.

Abner Green Atty for Plaintiff

James L. Green Plaintiff makes oath and
says he believes the above petition and the
matters therein as stated are true
Sworn to & Subscribed before James L. ^{his} Green
one the Clerk of the Circuit
Court of Jefferson County Mo
this 18th day of August 1852.

Thomas C. Fletcher Clerk

By A. B. McClurey Depy

a true copy of the original petition and
affidavit on file in my office,

Witness my hand and official
seal at office August 28th
AD 1852, Tho C Fletcher

Per C. C. C.

No 7
In the Circuit Court
Nov Term 1852.

James D Green
against } Common
Samuel Green + =
Jane Green + =
David Shoulto *
Polly Shoulto *
Peter Shoulto + =
James M's Meind + =
Elizabeth M's Meind + =
David C Meind *
Reuben Meind *

Shewell Dec 4 1852

The State of Missouri
To the Sheriff of the County of Jefferson greeting
We command you that you summon Samuel
Green, Jane Green, Louis Shoults, - Polly
Shoults, Peter Shoults, James Mc Meins, Eliza
-beth Mc Meins, Lewis C Wilson and Ruth
Wilson 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 begun and held at the
Town of Hillsboro' within and for the County
of Jefferson on the fourth Monday of November
next, then and there to answer unto James
L Green upon his original petition, a copy
whereof is hereto annexed and accompanies
this writ, and have you then there this writ,

Witness the C F Fletcher Clerk
of our said circuit court
at Hillsboro' this 28th day
of August A.D 1852.

The C F Fletcher

Clerk Cir Ct

The within writ not executed on any of the
defendants - Samuel Green Jane Green Peter Shoults
James M^cNeins Elizabeth M^cNeins all of which are
not found in said County of Jefferson - and
I was directed not to execute it on Lewis, Wilson
and Ruth Wilson, and Louis Shants and
Dolly Shants - they having compromised.

James McColloch Sheriff

The State of Missouri

To the Sheriff of the County of Saint Louis
We Command you, that you summon James M. Meins
and Elizabeth M. Meins 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 begun and held at Hillsboro' or within
and for the County of Jefferson on the fourth Monday
of May next, then and there to answer unto James
S. Green upon his original petition a copy whereof
is hereto annexed and have you then there this
writ,

Witness Tho' C. Fletcher, Clerk of our
said Circuit Court at Hillsboro'
this 18th January AD 1853,

Tho' C. Fletcher

 Celio



n^o

To Circuit Court Jefferson Co
May Term 1853.

James L Green
vs } Summons
James M^c Meins
Elizabeth M^c Meins

Executed this Writ and. Petition by. delivering
a true copy. of the same. to Elizabeth M^c Meins.
and. further Executed this Writ by. leaving
a true Copy. of the same. at the residence
of the within named. James M^c Meins.
with a. white person. of the Family above
the age of. Fifteen Years. don. in St Louis
County this 14th day. of March. A. D. 1853.

David Bayles
Marshal. of St Louis County

H. J. Davis.

James L Green, plaintiff

Against

Samuel Green and Jane Green his wife
Louis Shoults and Polly Shoults his wife
Peter Shoults, James Mc Meins, and
Elizabeth Mc Meins his wife and Louis
C. Wilson and Ruth Wilson his wife

In the Circuit Court

Jefferson County.

Plaintiff states that defendants, by their agreement executed under their hands and seals, date March the 20th 1843, which is hereto annexed, and made part of this petition, contracted to convey to Plaintiff, in consideration of Two Hundred dollars paid by Plaintiff to defendants, all their right title, interest and estate in and to the personal property and real estate of James Green deceased as heirs of said deceased. To wit: their interest in and to the following real estate in the County of Jefferson and State of Missouri. To wit: The North East half of the South west quarter, and the west half of the North East quarter of Section twenty nine in Township forty three of Range three East, containing One Hundred and Twenty acres, as will more fully appear by reference to a deed from Joseph P. Green and wife to Plaintiff, dated September 2nd 1843, hereto annexed, and made a part of this petition. That said agreement of the defendants

was intended to be a deed conveying all their title, interest and estate in and to the said Real Estate to plaintiff, but through mistake in the draughtsman, does not describe the land sufficiently, nor is the acknowledgement properly made out, which was owing entirely to omission and mistake in the Justice who took the same Plaintiff states that he has fully paid the defendants for said land, and that ^{he is} therefore justly entitled in law and equity to be relieved of said mistakes and omissions, and to have a good and sufficient title to the same from the defendants who refuse to make the same, according to their said agreement. Plaintiff states that Jemima Shoults, wife of Peter Shoults executed said agreement, also with her husband, but has since died

Plaintiff therefore asks, that the defendants be required, by a decree of the Court to convey said land to Plaintiff, by a good & sufficient deed or in default thereof, that the court will decree the title to said land to be vested in the plaintiff and that the defendants, be divested of any claim to the same

Abner Green Atty
for Plaintiff

James S. Green plaintiff makes oath and says he believes the above petition and the matters therein as stated are true

Seen to and subscribed
before me the clerk of the
Circuit Court of Jefferson
County Missouri this
18th day of August AD 1852

Thos. C. Fletcher. clerk

By A B McGreevy Depy

"Filed Aug. 28" 1852

James L^{his} Green
mark

Thos. C. Fletcher clk

A true copy of the original
petition on file in my office in said Court
In Testimony whereof I here to set
my hand and affix the Seal of
said Court at office August
18th 1852.

Thos C Fletcher clk

Served the within on Samuel Green and Jane
Green in Franklin County on the 2nd day of
September 1852 by delivering to Samuel Green
a true copy of the within petition and writ
and also by reading to Samuel Green
and Jane Green the within petition and
writ on the same day

Sheriffs fees \$2.00

R. R. Jones Sheriff
of Franklin County
ms

No 2
To Jefferson Circuit Ct.
Oct Term 1854.

James J. Green
as ~~summons~~
James Green & Jane his wife

Postage 0.39

ad. 1.00

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of ^{Franklin} ~~Jefferson~~—Greeting:

We command you, that you summon Samuel Green and
Jane Green

----- 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 fourth Monday of November
next, then and there to answer unto James L Green

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

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighteenth
day of August A. D. 1854.

Thos C Fletcher

CLERK CIRCUIT COURT.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Peter Shultz

if he be found in your County, that he 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 fourth Monday of November next, then and there to answer unto James L. Green

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

Witness, THO. C. FLETCHER, Clerk of our said Circuit Court, with the seal thereof hereto affixed, at office, in Hillsboro, this Eighteenth day of August A. D. 1854

Thos C Fletcher

CLERK CIRCUIT COURT.

I Executed the within writ at the county of Jefferson
on Peter Shoults by, ^{reading} the same and also the accompanying
petition in his presence and hearing and als by Delivering
to him said Shoults a true copy of the within writ and the
annext petition as furnished by the Clerk
This the fourth day of September AD 1854

Augustine Wiley Sheriff

ex. 1
To low creek court.
Nov Term 1854

James L. Green
vs
Peter Shoults et al

Sheriff's fees \$1.00

James L. Greel
vs
Sam'l Green & others

The defendants come & answer to plaintiffs petition because ~~they~~ the Petition of plaintiff is ambiguous & does not state which of the defendants are heirs of James Green.

- 2 The petition does not show whether the title sought to be divested from defendants is the title of defendants who are married women or the title of their husbands
3. The agreement filed by plaintiffs is a deed competent to convey all the interest of defendants in the land in controversy so far as they are capable of conveying same by a deed executed and acknowledged before a justice of the peace
- 4 The petition does not show that plaintiffs are entitled to relief in equity
- 5 The petition alleges a mistake but does not point out such mistake

J. Beal atty

Good Green
as
Good Green

Denumer

Filed Nov 28 1854
Wm. H. McJannet
Clerk

111111

James S. Green, - Plaintiff

Against

Samuel Green, and Jane Green
his wife, Peter Shoults, and
James M. Meier, and Eliza -
both M. Meier, his wife - Defendants,

In the Circuit Court
Jefferson County,

Amended Petition, filed, in vaca-
tion, by leave of the Court.

Plaintiff states that the
Defendants, and Louis Shoults, & Polly his
wife, & Louis C. Wilson, & Ruth his wife,
and Perinima, the wife of Peter Shoults,
on the 20th day of March 1843, execu-
ted, under their hands and seals, a Deed
to Plaintiff, ^{and Joseph P. Green,} conveying, or intending to
convey, to them, all their right title, in-
terest and estate whatsoever, in and to
the personal property, and real Estate
of James Green deceased, that is, the fol-
lowing described Real estate situate in
Jefferson County Missouri to wit The
North East quarter of the South West quar-
ter, and the West half of the North East
quarter, of Section Twenty nine, in Town-
ship forty three, of Range three East, con-
taining one hundred and twenty acres,
as will more fully appear by reference to
a Deed from Joseph P. Green & wife to the
Plaintiff, dated September 3rd 1843, hereto
annexed and made part of this petition,
by which Plaintiff acquired his right
to one half of said Land; which Deed,
however, contains a mistake in the descrip-

tion of the first tract, - the word "half" being used instead of the word "quarter".

Plaintiff states that Jemima Shoults, was the wife of Peter Shoults, and a daughter of said James Green, dec^d, and that she died some time after the making of said Deed, leaving, as Plaintiff is informed, one Child, who might claim her interest in said land, but whose interest Plaintiff does not ask the Court to interrupt; but, as her husband might claim an interest, by the entry, in the same, Plaintiff asks relief against this claim. Plaintiff states that Polly Shoults, Elizabeth McMiens, and Ruth Wilson are children & heirs of said James Green dec^d, but that Polly Shoults & her husband, and Ruth Wilson & her husband, have, since the commencement of the above suit, made & executed to Plaintiff, a good and sufficient title to their interest in said land, and therefore said suit has been dismissed as to them. - Plaintiff states that the Deed from Defendants to him & said Joseph P. Green, is defective in the description of the land and in the acknowledgement of the Deed, which mistakes he asks to have rectified. -

Plaintiff states that the consideration for said Land has been fully paid, and that the Defendants refuse to make him a good and sufficient Deed, conveying to him all their interest in said Land, according to their contract, as evidenced by said Deed. Plaintiff therefore asks that a decree be made, divesting the

tion of the first tract, - the word "half" being used instead of the word "quarter". Plaintiff states that Jemima Shoults, was the wife of Peter Shoults, and a daughter of said James Green, dec^d, and that she died some time after the making of said Deed, leaving, as Plaintiff is informed, one Child, who might claim her interest in said land, but whose interest Plaintiff does not ask the Court to interrupt; but, as her husband might claim an interest, by the entry, in the same, Plaintiff asks relief against this claim. Plaintiff states that Polly Shoults, Elizabeth McMiens, and Ruth Wilson are children & heirs of said James Green dec^d, but that Polly Shoults & her husband, and Ruth Wilson & her husband, have, since the commencement of the above suit, made & executed to Plaintiff, a good and sufficient title to their interest in said land, and therefore said suit has been dismissed as to them. - Plaintiff states that the Deed from Defendants to him & said Joseph T. Green, is defective in the description of the land, and in the acknowledgement of the Deed, which mistakes he asks to have rectified. - Plaintiff states that the consideration for said Land has been fully paid, and that the Defendants refuse to make him a good and sufficient Deed, conveying to him all their interest in said Land, according to their contract, as evidenced by said Deed. Plaintiff therefore asks that a decree be made, vesting the

Defendants of any interest, or title they
may have to said described tracts of land
and vesting the same in the Plaintiff;
and to grant such relief as may be
just and equitable.
Said Decree from Defendants, } Abner Green
is hereto annexed, as part } Atty. for Plffs
of this Petition.

Abner Green, Attorney for Plaintiff, makes
oath and says he believes the above Peti-
tion and the matters therein as stated are true
Sworn to and Subscribed }
before me Feby 22nd 1855. }
Thos C Fletcher Clerk }
By E J Honey sept }

Abner Green

In Circuit Court
of Jefferson County
James L. Green
vs.
Samuel Green
Defendant

Amended Petition

Filed July 22^d 1835.
Geo. L. Fletcher
Clerk

James L Green

vs

Samuel Green and others

In the Circuit Court
of Jefferson County Mo

The defendants James H Means and Elizabeth his wife and Samuel Green & Jane his wife come & move the court to strike out the amended answer for the reasons viz

1st Because the amended answer does not show a different state of facts from the original petition to which a demurrer was sustained

2^d. The amended answer does not state a sufficient cause of action to authorize any action of the court

3 It does not present any equitable or legal grounds for this court to enter up a decree or any judgment or order against defendants

4 There is no cause of action alledged in the amended petition

J A Bial
atly

James L Green
vs

Saml Green et al

motion of said James
Green, James M Green & Eliza
his wife to strike
out averted pictures

Filed May 29th 1853
Wm C McChes
clerk

In the Circuit Court, December 3d, 1857.

STATE OF MISSOURI, } ss
County of Jefferson, }
Heirs of James L. Green }

vs.

Samuel Green, et al. }

Order of Publication.

NOW AT THIS DAY come said plaintiffs, by their attorney, and on his motion, it appearing to the satisfaction of the Court that said Samuel Green is a non-resident of the State of Missouri: It is therefore ordered, that said defendant be notified by publication of the substitution of the widow and heirs of James L. Green, deceased, as parties to this suit, the object and general nature of which is to obtain a decree, divesting him of all title to the following described real estate, situate in said county and State, to-wit: The northeast quarter of the southwest quarter, and the west half of the northeast quarter of section twenty-nine, in township forty-three of range three east, containing one hundred and twenty acres, and to vest the same in the plaintiffs; and that unless he be and appear before the Circuit Court in and for said county, at the next term thereof, to be begun and held on the fourth Monday of April next, and, on or before the sixth day thereof, answer the petition of said plaintiffs, the same will be taken as confessed against him. And it is further ordered, that a copy of this order be published in the Missouri Republican for four weeks, the last insertion to be at least four weeks before said next term.

A true copy from the record.
sel2 w4t*

Attest: ELIAS F. HONEY, Clerk.

STATE OF MISSOURI,
COUNTY OF ST. LOUIS.

Personally appeared before the undersigned, a *Notary Public* within and for the County of St. Louis, *John H. Smith* who, being duly sworn,

deposeth and saith, that the annexed advertisement was published in the "*Missouri Republican*," printed in this State, the newspaper of which he is printer, for *four* times, the first insertion being on the *nineteenth* day of *February* 1858 and the last insertion on the *twelfth* day of *March* 1858 as follows:

Feb 19 1858
" *20* " *8*
Mar 3 " *9*
" *12* " *10*

John H. Smith

Sworn to and subscribed before me, this *twelfth*

day of *April* 1858

Printer's Fee, *5.00*

Affidavit, *25*
2.25

John H. Smith
Notary Public

Green }
Green }

July 11th 1858
Geo. B. Hooley



Ann Green, widow & adm^r
of James L. Green, dec^d, and
John Green and Mary
Ann Green, heirs of said deceased,
By their guardian, Anna Green, Plaintiffs

Against
Samuel Green, and
Jane Green, his wife, - Defendants,

Amended Petition,

Plaintiffs state, that the said Ann Green
is the widow and Administratrix of James L. Green
deceased, and that the said John Green and
Mary Ann Green are the only children and heirs
of said deceased, and that they have by order of
the Court been substituted as plaintiffs in the
above suit instead of the said James L. Green, who
died pending the same. They state that some
years prior to the year 1843, James Green died
leaving ^{seven} ~~one~~ children surviving him, to wit, Sam-
uel Green, the defendant, Polly, wife of Louis
Shoults, Jennina, wife of Peter T. Shoults, Ruth,
wife of Louis C. Wilson, Elizabeth, wife of James
McMerrin, ^{Joseph P. Green} and James L. Green, the original plain-
tiff in this suit, who were his only heirs, - That
the said James Green died seized in fee of the
following described Real Estate, situate in Jef-
ferson County, Missouri, to wit, the North East
quarter of the South West quarter, and the
West Half of the North East quarter of
Section No. twenty nine, in Township No. forty
three, of Range No. three East, containing
one hundred and twenty acres. Plaintiffs
state that on the 30th day of March 1843, the
said Samuel Green & wife, Louis Shoults & wife,
Peter T. Shoults & wife, Louis C. Wilson & wife, and

In the Circuit
Court of Jefferson
County, Missouri,

April Term 1858.

James McMein & wife, Executed and delivered
to the said James L. Green and Joseph P. Green
a Deed, Conveying to them all their right title
^{personal & real} interest and estate whatsoever in, and to the
Estate of said James Green, deceased; and
that afterwards, to wit on the 2nd day of Sep-
tember 1843, said Joseph P. Green & R. Broad,
his wife, Conveyed by Deed, all their interest
in the Land herein before described to said
James L. Green, - which Deeds are hereto an-
nexed as parts of this petition. Plaintiffs
state that a mistake was made in the de-
scription of the land in said last mentioned
deed, which reads, the North East "half," instead
of North East "quarter," as it is described in this
petition; also, the first mentioned deed is
defective in the acknowledgment, and in the
description. Plaintiffs state, that by virtue
of said Deeds, the said James L. Green, dec^d,
acquired all the right, title & interest of the said
heirs of James Green, dec^d, to the Real estate
herein before described; but, owing to said
defects and mistakes, the said defendants ^{might} claim
an interest in said Land. The said ^{Louis &} Wilson
& wife, and Louis Shoults & wife have made to
plaintiffs since the Commencement of this suit,
sufficient deeds of their interest to said Land,
and the suit has been dismissed as to ^{them & to} the other
original defendants, except Samuel Green.

Plaintiffs state that the Considera-
tion of said Deed has been fully paid to be-
pendant, who refuses to perfect the same or
make a good and sufficient Conveyance
for said Land. Plaintiffs ask that a
decree may be made in Consideration of

The premises, divesting the defendants, Samuel Green & his wife, of any interest whatever in the real estate herein before described, if any they have, and vesting the same in the Plaintiffs, in the following proportions, That said Ann Green, the widow, have dower in the same, of one third of said Land for life, and that she have one ninth of said Land absolutely in fee, as one of the heirs of her son, James L. Green, Junr, (a son of James L. Green, Sen, acc^d) who died since ~~the~~ death of his father, - and that the said John Green and Mary Ann Green, have each four ninths of said Land, subject to the widow's dower, - and that the Defendants be effectually debarred, from ~~from~~ claiming any interest whatever in the same, and to grant such other and further relief as may be consistent with equity.

2^d Atty. for plaintiff
Ann Green, one of said plaintiffs, make oath and says "The above Petition and the matters therein as stated she believes to be true,"

Ann ^{her} Green
mark

Sworn to and Subscribed
before me Aug 14th 1858
Eliad J Honey Clerk

In Circuit Court
Jefferson County

Shun Green, &
Others, vs.

Saml. Green, Trustee

Shun Green
Defendant

Filed Aug 14th 1858
Chas. Anthony

Midner & heirs of Jas L Green
vs
Samuel L Green et al

In the circuit Court
of Jefferson County
Mo

The defendant James M Means, & Eliza
M Means, Samuel & Jane Green Answer to the
petition for the following grounds of objection
1st The court has no jurisdiction of the subject
matter

2^d The petition does not state facts sufficient
to constitute a cause of action in this

1st The petition does not show whether the title
ought to be divested from the defendants as the title
of the defendants who are married women or the
title of their husbands

2^d The agreement filed by plaintiffs is a deed
competent to convey all the interest of Defendants
in the land in controversy so far as they are capable
of conveying same by deed executed & acknowledged
before a justice of the peace

3^d The only remedy of plaintiffs is to establish
the execution of conveyance by perpetuating evi-
dence to prove execution of deeds

4th That Defendants who are married women cannot
be compelled to convey their interest in the land
nor can the court decree title in plaintiffs on
the ground that said married women acknow-
ledged their deeds before a justice of the
peace

5th The petition does not show any mistake
sufficient to entitle plaintiffs to relief

6th The plaintiffs are not entitled to ask
relief in equity on the ground set forth
in petition as amended

Real Attys for Defendants

17 Mo
p 561.

18 Mo
p 531

Hein of last Green
as
Samuel Greenetut

Heinman

Filed April 28th 1858
Ohio & Henry
Clark

COUNTY OF JEFFERSON.

The State of Missouri,

To Lewis C. Wilson

Greeting:

You are hereby commanded, that asking aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 27th day of October next
at Wellsville, there and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, wherein
Sam Green et al Plaintiff and
Sam & Ellen Defendant on the part
of P. W. and being you are in no wise to fail.
Witness, THOMAS E. FLETCHER, Clerk of our said Court
this 30th day of October A. D. 1858

with the Seal thereof hereto affixed, at office this

1st day of October A. D. 1858

Wm. J. Honey Clerk.

I executed the within Spd in the County
of Jefferson State of Mo on the 25th day of
October 1858 by reading it in his presence
and hearing

Oscar Dover Sheriff

20 Circuit Court

October Term 1858

Anders & heirs of Jas L Green

vs

Samuel Green

for debts

Lewis C Wilson

Sheriff fee \$ 50.00

Deere for Plaintiffs

Oct 29th 1858.

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