

Jefferson County Circuit Court
Case Files - Civil
December 1859, No. 17

Box 11 Folder 77

Prewitt, Clark

vs.

Prewitt, Merideth
Bauckin, L.J.

Title

31 acres

Clark Prewitt Plaintiff

vs

Mendith Prewitt Defendant

L J Rankin Defendants

} In the Circuit
Court of Jefferson
County, Missouri

The plaintiff states that at the November Term of the Circuit Court of Jefferson County Missouri for 1857, Plaintiff & defendant purchased at sheriffs sale on partition in suit of Samuel Harrington vs John Peppers & his, fifty six acres of land & by agreement of plaintiff defendant, plaintiff was to pay one half of the purchase money & to have the lower end ^{or fraction} of the land containing 31 acres as entered at the land office. The land sold for \$600 of which plaintiff paid \$30 at the time of sale and paid another \$270 on 26 of November 1858. Plaintiff states that the Sheriff of said County executed a deed to defendant for the whole title to said land who has refused to execute a deed to plaintiff for said 31 acres of land but conveyed the whole of said land to L J Rankin ^{trustee} in trust to secure a debt of Mendith Prewitt of over four hundred dollars. Plaintiff states that said Rankin had notice of the plaintiffs right to said 31 acres at ^{the time of} and before he took said deed of trust. Plaintiff asks the Court to divert defendant's of title to said 31 acres of land and to secure the title to plaintiff and for all further relief as may be proper & just.

J At Real Atty for Plaintiff

State of Missouri } ss
County of Jefferson }

Clark Prewitt makes oath
and states that the foregoing
petition & the matters as therein stated, he bel
ieves to be true

Subscribed & sworn
to before me this 5th
day of Aug, 1859
Elias J. Honey clerk }

Clark Prewitt

Clark & Prentiss

as }

Prentiss & Prentiss & J
Rankin

Station for title to Land

21st Aug 5th 1859

Wm J. Hovey
Clark

1000000 500
200000 100
100000 500
100000 1000
100000 100

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Merideth Perrett &
L. J. Rankin

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 ^{second} Monday after the
fourth Monday of November
next, then and there to answer unto Clark Perrett

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

Elias J. Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighth
day of August A. D. 1859

Elias J. Honey

CLERK CIRCUIT COURT.

I executed the within writ in the County of Jefferson
 State of Missouri on Meredith Prewitt first served
 by reading & Delivering him A copy of this writ & annexed
 petition as furnished me by the clerk on the 27th day
 of August 1859 also on James L Rankin by reading
 this writ and petition to him on the 30th day of
 August 1859
 Oscar Dover Sheriff

No. 19

Jefferson Circuit Court

December term 1859

Black, Jerevitt

vs. J. J. Rankin

Meredith Prewitt

J. J. Rankin

Sherriff fee \$2.00

Filed Aug 30th 1859

E. J. Honey Clerk

Entered Sept. 8th 1860

Book No 4. Page 376

Clark Prewitt

as
L J Rankin et al

In the Circuit Court

Jefferson County,

The defendant L J Rankin
by his attorney comes and demurs to the
petition of plaintiff and for cause thereof
assigns.

1st The Petition does not state facts sufficient
to constitute a cause of action

It is not alleged that there was any memoran-
-dum in writing between the said plaintiff
and Meredith Prewitt ⁱⁿ reference to said land,

The land is not sufficiently described to enable
the parties to identify it by the description,

Hetcher for depts
Rankin

Black River

no.

L. J. Rankin et al

Memorandum to
Relatives.

Dated June 12th 1860

Chas. D. H. Carey

Amherst

Clark Prewitt

^{vs}
L J Rankin et al

In the Circuit Court
Jefferson County.

The defendant L J Rankin. for himself, for answer to plaintiff's petition states that at the November Term 1857 of the Circuit Court of Jefferson County the defendant Meridith Prewitt did purchase a tract of land at sheriffs sale in Partition for the sum of six hundred dollars, and that he did loan to the said Meridith Prewitt the sum of about four hundred ~~thirty~~ ^{thirty} dollars, and that the sheriff made to said Meridith Prewitt a deed for said land and that he thereupon gave to this defendant a deed of trust to secure the ~~same~~ of money lent him by which said land was conveyed to a trustee for the benefit of this defendant.

Defendant denies that said Clark Prewitt purchased at said sheriffs sale, or from said Meridith Prewitt any part of said land or any interest therein,

He has not a sufficient knowledge to enable him to form a belief as to what agreements or understandings were existing between plaintiff and Meridith Prewitt, or that said plaintiff paid any part of the purchase money for said land or paid anything to Meridith Prewitt for the same

He denies that he had any knowledge whatever or any intimation of a claim on the part of said plaintiff to said land or any part thereof, before or at the time he took the deed of trust on the same, and having fully answered prayers to be dismissed with his costs,

Watches for seft.

L J Rankin the above named defendant

on oath states that the foregoing answer and the matters
therein as stated he believes to be true,
Signed & sworn to before me

Aug 9 1860

Elias J. Honey

Clerk

L. J. Rankin

Charles Brewster

vs

L. J. Rankin et al

Answer of Rankin

Filed Aug 9th 1860
Elias J. Honey

Pratt

or
Pratt & Rankin }

Trust

1. A purchase of land by one person with his own money & takes a deed in name of another, there is a resulting trust to the purchaser.

Forflange p 393. 394. 395. 396.

2)

There being only an equitable title in plaintiff. he can sue for the land and allege notice in the purchaser who has ^{legal} title. Rankin has a title with notice, if he sells under his deed of trust to an innocent purchaser, the plaintiff cannot follow the land.

3. By old rules of Chancery all parties who have an interest in the land must be made parties, otherwise not binding on those left out.

4. All persons having an interest in the subject of the action may be made defendants, or who has an interest in the controversy adverse to the plaintiff, Rankin is adverse because a decree against Pratt alone would be of no force to divest Rankin of his claim.

Notes p 1218 Sec 4



Print
as

Print letters

Brief

Clark Jewitt
Mendocino
& J. Rankin

} In the Lincoln Beach
offshore country.

The Clark will clean up the above
title & secure on the same. Has been settled by
the parties. J. being deceased. by said W. Jewitt

September 8th 1860

Clark, Jewitt

87

2,40

cond. 25 leave 10 y

ann. 25 yd clean 10

3 ym 10 y cuts 25 166

duffy

44 00
22 00
26.00