

Jefferson County Circuit Court
Case Files - Civil
December 1859, No. 34

Box

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Folder

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Hill, Arumah

v.

Howe, William S.

Debt

Debt \$175 for excess proceeds from sale
of land held under mortgage by Defendant;
191 $\frac{94}{100}$ acres in S36T40R5E and S1T39R5E

Araunah Hill Plaintiff
against
William S Howe Defendant

In the circuit court
of Jefferson County Missouri

Plaintiff states that on the first
day of September 1858, he was indebted to defend-
ant ~~Two~~ ^{three} hundred & sixty five dollars and had
previously given to defendant a mortgage
to secure that debt on the following real
estate lying in Jefferson County viz

The south 1/2 of West fractional or of Section 36. Twp
north 40 R 5 E also W 1/2 of Lot 4 & Lot 5 of ~~the~~ ^{part} ~~1/4~~
Section 1 T 39 R 3 E containing 191 ²¹/₁₀₀ acres

In order to pay to defendant, plaintiff
conveyed to defendant said real estate

The nominal consideration mentioned in said
deed is the sum of hundred dollars, but
that sum was not paid. The actual
consideration of the conveyance was as
follows. The land was conveyed to said
Howe in trust, for him to sell and
out of the proceeds, he was first to ~~return~~
the amt of the said mortgage money & inter-
est; Then whatever the sale exceeded the
sum of five hundred dollars, was to be equ-
ally divided between plaintiff & defendant

whatever sum the mortgage lacked or fell short
of five hundred dollars, was to be advanced
by defendant to plaintiff to pay some
small debts of plaintiff

Defendant sold said real estate in
one month after ~~received~~, to a german of name

for the sum of eight ^{hundred} and fifty dollars but he has failed to divide & pay over to plaintiff the one half of the hundred & fifty dollars, the excess of the sale & purchase minus thereof over the amt he was to retain out of the ~~proceeds~~ proceeds of the sale

Plaintiff prays judgment for one hundred & seventy five dollars & interest thereon and for defendant to deliver up such securities as he may hold for the purchase money of said real estate, ~~if any, to the~~ for the extent of said sum and for all such other & further orders as may be proper & just.

J. A. Deal Atty
per plff

The plaintiff Hill makes oath & says that the foregoing petition & the matters therein stated he believes to be true
Sworn to before me
Oct 10th 1859

E. A. H. Hill

Elias H. Honey clerk

Chauncy Hill

or Petition

Wm J. Howe

Dated Oct 10th 1859

Oliver & Honey

Clerk

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

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

We command you, that you summon *William S. Howe*

if - he be found in your County, that he
do 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 *Arannah Hill*

upon *his* 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 hereto affixed, at office
in *Hillsboro*, this *Eleventh*
day of *October* A. D. 1859

Elias F. Honey

Clerk Circuit Court.

No 34

1726

To Jefferson Circuit Court

December Term 1859

Shumann & Hill

vs. Summons

William S. Howe

Sherriff fees &c

Filed Oct 22nd 1859

Chas. B. Conway clk

Chas

I Herewith the within Summons in the County
of Jefferson State of Mississippi on the 18th day of
October 1859 by Deaver & I have a true
copy of the within writ and annex
Certification as furnished to me by the Clerk.

Osca Davenport Sheriff
by J. C. Pomeroy Sept

Mr Eric is the Attorney of choice you wish
these few lines to let you that William of How
and my self have conferred and settled
the matter that we entered a writt in the
said William of How against you with
his wife this the 3. day of October
1686

Wm. of How