

Jefferson County Circuit Court
Case Files - Civil
June 1863

Box 14 Folder 56

Dover, Oscar

v.

Boughton, Jackson

Debt

Debt \$143.05; Dismissed, Book No. 4
Page 588; debt money overpaid to
defendant by plaintiff, as sheriff,
on sale of land in partition

Oscar Dover, Plaintiff } In the Circuit Court
Against } of Jefferson County Missouri,
Jackson Boughton, Defendant }

The Plaintiff states that, on the 9th day of June 1859, the Circuit Court of Jefferson County, Missouri, made an order for the sale of Certain Lands in said County, on a partition suit wherein Eliza A. Beckett was Plaintiff and the Heirs of J. H. Martin and others were Defendants. And that in pursuance of said order, the above Plaintiff as Sheriff of said Jefferson County, sold said Lands at the June Term 1860 of said Court, and filed his report of such sales at the same Term which was approved by the Court. Afterwards the Plaintiff as such Sheriff, having collected the money arising upon the sales of said Lands, and the Court having been postponed for several Terms, and consequently no order having been made by the Court for the distribution of the money arising upon such sales among the parties to said partition suit, the Plaintiff at the request of Defendant, (who was a party to said partition suit, and entitled to an unascertained portion of the moneys arising upon such sales) paid over to him two hundred dollars, as a part of his distributive share of such money, under the erroneous supposition that his share would amount to that much. Said payment was made on the 10th day of February 1862, and a receipt taken for that amount. Afterwards, to wit, at the January Term 1863, the Circuit Court of said Jefferson County made ^{an order} for the distribution of the moneys arising upon such sales, among the parties to said partition

tion suit, and by said Order, the above Defendant is entitled to only Fifty six dollars and ninety five Cents, as will appear by reference to said Order, a copy of which is here to the Court shown, Consequently the Defendant has received one hundred and forty three dollars and five cents, more than his distributive share of the money arising upon the sales of said Lands, according to the order of the Court. Plaintiff states that said 200 dollars was paid by him without an order of the Court, under a mistake of the facts, and upon the supposition that ^{Defendant's} ~~his~~ share would amount to that much. Plaintiff therefore says he is legally and Equitably entitled to be relieved of said mistake, and to have the excess of money so paid refunded to him, as Plaintiff has had to account for and pay over such excess to other parties in said partition suit, — Plaintiff therefore asks Judgment against Defendant for one hundred and forty three dollars and five cents, and interest from the 10th day of February 1862, and for such other relief as he may show himself entitled to.

A. Green
Attorney for Plaintiff

A. Green, Attorney for plaintiff, makes oath and says the above petition and the matters therein as stated he believes to be true,
Sworn to and subscribed
before me May 16th 1863
Elias F. Hooley clerk

A. Green
Atty for Plaintiff

In Circuit Court
Jefferson County

Green David
vs.

Jackson Douglas

Plaintiff

Defendant

At Green
David

Filed May 16th 1863
Wm. J. Hickey
Clerk

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

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

We command you, that you summon *Jackson Boughton*

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 second Monday after the fourth
Monday of *May* next, then and there to answer unto
Oscar Dover

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Sixteenth*
day of *May* A. D. 18*63*

Elias F. Honey
Clerk Circuit Court.



TO JEFFERSON CIRCUIT COURT

June Term, 1863

2012

Deer River

vs. { Beaumont

Jackson Boughton

Shrift-fee 100

Ordered June 3^d 1863

Clara J. Houser

deposited June 13th

1863. Book No 4 page

588.

This writ has been satisfied in full by the Defendant Jackson Boughton paying the amount of money May 18th 1863

J. B. James Shff
by J. C. James Dep't