

Jefferson County Circuit Court

Case File. Civil

November 1866

Williams, Joseph J.
Barber, Henry

vs

Longwith, Josiah

Sell real estate

40 acres in S24 T43 R4E under
deed of trust involving David
Newman, Thomas Price, John Boly

Box

18

Folds, 27

Joseph Williams & Henry Perkins

vs
Josiah

Song with
In the Circuit Court of
Jefferson County, Mo.

Plaintiffs state that one Shannon Joy
being the legal owner of the follo-
wing Real Estate in Jefferson County,
Missouri, to wit North East qr. of the
North West qr. of Section Twenty four
Township forty three Range four East
Containing forty acres did on the 12th
of January 1861 execute a deed of Trust to
one David Newman as Trustee to secure
to Thomas Price the payment of a promis-
sory note of even date with said Deed
due twelve months after date for the sum
of Eighty Dollars with Ten per cent interest
from date which Deed of Trust was duly
admitted to Record in the Recorders
Office of said County shortly after the execution
whereof, that shortly after the execution of
said Deed of Trust said Joy departed this
life & left surviving him ^{his} widow Ann Joy
that after the death of said Joy, viz on the 1st
of July 1864 said Ann executed & delivered
a Deed of all her right & interest of said Land
to one Sarah Boly wife of John Boly & after-
wards to wit on or about the 3rd day of July
1865 said John Boly caused to be paid with
his own money the note both principal and
interest due said Price by the Estate of said

Joy as aforesaid that at the time of the
Execution of said Deed from said Ann Joy
to Sarah Boly and at the time of the pay-
ment of the note due said price as aforesaid
said John Boly was largely involved in debt
& insolvent & paid the to said Ann, the
amount of the Consideration mentioned in said
Deed and had said Deed made to his wife
for his own secret-benefit & for the purpose of
hindering & delaying his Creditors in the
Collection of their Debts against him and
after the Execution of said Deed supposing
that the Title of said Land was in him &
his wife so as effectually to secure it from
his Creditors, ^{furnished said Sarah Boly with the money and caused} ~~and~~ ^{her to make payment} ~~caused~~ ^{said Thomas Price} said Deed to be entered & satisfied on the Recd in
the Records Office. Plaintiff avers that
Henry Berhns recovered judgment in the
Circuit Court of said County of Jefferson
against Michael and said John Boly at
the May Term thereof 1865 for Two
hundred and forty nine & $\frac{50}{100}$ Dollars upon
which an Execution was issued and placed in
the hands of the Sheriff of said County on the
15th of September 1865 & that said Sheriff ~~Levin~~
Levin said Execution on said Real Estate
as the property of John Boly & offered the same
for sale at the November Term of said Court
1865, viz. on the 14th day of said month at
which sale plaintiffs became the purchasers
purchasers of said Land & received a
Sheriffs Deed therefor, plaintiffs further

~~State that said Land~~ State that said Land
was sold by order of the County Court of said
County of Jefferson by the Administrator of
the Estate of said Joy on the 1st day of
October 1866 to pay the debts of said Estate
& that ~~Defendant~~ said John Boly being
desireous of placing the title thereof
in the Defendant attended said sale by his
agents & bid in said Land at said sale and
paid for the same & had the Deed made to
Defendant. Plaintiffs aver that although
said price entered satisfaction of said Deed
of Trust upon the Record at the time or soon
after he received payment thereof as aforesaid
yet the same was never paid by said Joy's
Estate or any part thereof & that but that
said Deed of Trust was in Equity & in
fact passed & transferred to said John
Boly by the payment of said note and
interest as aforesaid

Plaintiffs pray the Court therefore
in consideration of the premises & of
their purchase & Sheriff's Deed aforesaid to
substitute & subrogate them to interest &
title which said John Boly acquired in said Deed
of Trust & said Land by payment of the
note & interest aforesaid & to order and decree
that said Real Estate be sold by the Trustee
aforesaid to pay off & satisfy said note &
interest thereby decreed to be paid as aforesaid
and that the proceeds of such sale be paid to
plaintiffs & for such other relief as may be just &
equitable in the premises

Jos. J. Williams.

for Plaintiffs
Jos. J. Williams on oath says he believes the
going petition is true

Sworne to and Subscribed
Before me October 8th 1866

Saml J. H. P. Clerk

Jos. J. Williams &
Robt. Perkins

Plaintiffs

Civil action to sell
land re.

original,

Filed Oct 8 1866

Saml J. H. P. Clerk

Clark & P. 1866

Williams

for Plaintiffs

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

The State of Missouri
To the Sheriff of the County of Jefferson---Greeting:

We command you, that you summon Josiah Longworth

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~~ ^{first} Monday after the fourth
Monday of November next, then and there to answer unto

Joseph J. Williams and
Henry Berhus

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

Witness, Samuel A. Reppy,
ELIAS F. HONEY, Clerk of our said Circuit

Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this Tenth

day of October A. D. 1866

Samuel A. Reppy

Clerk Circuit Court.

91218
TO JEFFERSON CIRCUIT COURT

November Term, 1866

Joseph J Williams
& Henry Berhno
vs J. Summons
Josiah Longworth

Original Petition

Oct 13
John Williams Deft
Shaw's fee \$1.00

I Executed the Within Writ in the County of Jefferson
State of Missouri on Josiah Longworth on the
13th Day of October 1866 By Delivering to him
a true Copy of the Within Writ and Petition as
furnished to me by the Clerk

C. C. Fletcher Sheriff

By John Williams Deft

Joseph Williams &
 Henry Behrens, Plaintiffs }
 3
 Josiah Longworth, Deft } In the Jefferson
 Circuit Court.

Now at this day comes said Defendant and
 for answer to the petition of the plaintiff here-
 before filed denies that John Boly paid the
 deed of trust on the land described in said petition
 with his money, but on the contrary he has
 been informed and believes that the money which
 went in satisfaction of said deed of trust to
 Price belonged to Sarah Boly in her own
 right.

Defendant further says that
 as to whether at the time of the execution of the
 deed by Ann Loy to Sarah Boly and at the
 time of the payment of the deed of trust to
 Price, said John Boly was largely indebted
 and insolvent or not he has no sufficient
 knowledge or information to form a belief
 & therefore requires strict proof, but defend-
 ant denies that John Boly paid the consideration
 of said deed of Ann Loy to Sarah Boly & had the
 deed made to his wife for his own secret use
 and benefit or for the purpose of hindering
 & delaying his creditors in the collection of
 their debts against him. Defendant
~~has~~ has no knowledge or information sufficient
 to form a belief as to whether Henry Behrens

recovered judgment against John Boly & Michael
Boly for \$249¹⁰⁰ as stated in said petition,
or whether said Plaintiffs have received
a sheriff's deed for said land under a
sale under said judgment, or not and
therefore requires strict proof of every par-
ticular. But Defendant denies most emphat-
ically that if there was any fraudulent design
on the part of the said John Boly or Sarah
Boly or both in the transaction named in
said petition this defendant had no notice
of any such fraud, nor has he any now, except
as stated in said petition. Defendant
denies that John Boly paid the adm^t of Ley's
Estate the amount on said land at ad-
sale, but it was his own money. - Def-
endant avers that on or about the day of
186 he bought said land of Sarah
Boly in good faith & paid her five
hundred dollars for same & he therefore
denies that Plaintiffs have any title to said
land either in law or equity.

Josiah Longworth
By Thomas Atty.

William & Behrens

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Janet Longwell

Answer of dependent

Filed March 4th 1867
Elias P. Honey Clerk