

Jefferson County Circuit Court
Case Files - Civil

Sept. 1877

No. 1

Beister, Henry

VS

Rogers, John

Petition to correct mistake on Deed.

40 acres in S25T42R4E

Box

37

Folder

50

Henry Biester Plaintiff } In the Circuit
against } Court of Jefferson
John Rogers Defendant } County Missouri
Sept. Term 1877

Plaintiff states that the defendant John Rogers on the 3rd day of August 1863 was the owner in fee simple of the North East quarter of the North East quarter of Section Twenty five in Township Forty Two N. in Range Four East. ^{situated in Jefferson Co. Mo.} containing forty acres. That the said John Rogers & wife on the said 3rd day of August 1863 contracted with one Joseph Leitendoffer to sell him said forty acres of land at the price & sum of Two hundred & twenty five dollars that said Leitendoffer paid to said John Rogers the purchase money for said land and that John Rogers & wife on the 3rd day of August 1863 made and executed to the said Leitendoffer a deed for said land which said the party in drawing same described as said land as the South ~~West~~ East quarter of the North West or

of section thirty five in Township
Forty two in Range Three East, instead
X ✓ of the North East qr of the North
✓ East qr of section Twenty five
in Township Forty two N. in
Range four East. That the said
Rogers & wife delivered the possession
of said forty acres to the said
✓ Leitendoffer and that said Leiten-
=doffer took possession of said land
✓ & kept possession of the same
until the 26th August 1870, ^{when} he
X sold the same to Plaintiff for the
price & sum of Two hundred
and fifty dollars which said
sum Plaintiff paid the said
Leitendoffer for said tract of
land and the said Joseph Leitendoffer
and wife on the 26th day of
August 1870 executed a deed
to Plaintiff for said land but
the same mistake was made as
in the deed made by Rogers to
X Leitendoffer, by describing said
land as the South East qr of
the North West qr of section thirty
five in Township forty two Range
three East instead of the

North East qr of the North East
qr of Section Twenty five in
Township Forty two N. in Range
four East. Plaintiff states
that he took possession of said
tract of land when he bought
the same and that he has been
in the possession of the same
and that said ~~misdeeds~~ ^{misdeeds} were not discovered by Plaintiff or
since then to the present time in
said fifteen days before 1876.
Therefore Plaintiff prays the
Court to ^{to make an order concerning said misdeeds} divest the title out of
said John Rogers, and vest the
same in Plaintiff and for such
other & further relief as he may
be entitled

John L Thomas or his
Att'y for Plaintiff

Anton Gergin make oath & say that
to his best knowledge and belief John
Rogers the defendant in the above
entitled cause is a non-resident
of Minnesota

Done & subscribed Anton Gergin
& before me this 13th
1877 W R Somell
Clerk of Court

Order of Publication.

STATE OF MISSOURI, } ss.
COUNTY OF JEFFERSON. }

In the Circuit Court of Jefferson county, September term 1877.

HENRY BEISTER, Plaintiff,

JOHN ROGERS, Defendant.

NOW at this 23d day of June, 1877, comes the Plaintiff by his attorney, before the undersigned clerk of said court in vacation, and files his petition and affidavit stating among other things that the above named Defendant, John Rogers is a non-resident of the State of Missouri; whereupon it is ordered by the clerk that said Defendant be notified by publication, that Plaintiff has commenced a suit against him in this court to correct a mistake in a certain deed made and executed by said John Rogers, on the 3d day of August, 1863, to Joseph Leitendoffer, conveying the north-east quarter of the north-east quarter of section twenty-five, township forty-two, north of range four east, situated in Jefferson county, Missouri, and to divest said John Rogers of any and all title that he may have in and to said real estate, and to vest the same absolutely and in fee simple in this Plaintiff, and that unless the said John Rogers shall be and appear at this court at the next term thereof, to be begun and holden at the court house in the town of Hillsboro, in said county, and on or before the sixth day of said term answer or plead to the petition in said cause, the same will be taken as confessed, and judgment will be rendered accordingly. And it is further ordered that a copy hereof be published according to law in the JEFFERSON DEMOCRAT, a newspaper published in said county and State. A true copy from the record.

Witness my hand as clerk of the Circuit Court of Jefferson county, Missouri, with the seal thereof hereunto affixed, at office, in Hillsboro, this 23 day of June, 1877.

C. THO' HORTINE, Clerk.

Order of Publication.

STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON. }

In the Circuit Court of Jefferson county, September term 1877.

HENRY BEISTER, Plaintiff,

vs.

JOHN ROGERS, Defendant.

NOW at this 23d day of June, 1877, comes the Plaintiff by his attorney, before the undersigned clerk of said court in vacation, and files his petition and affidavit stating among other things that the above named Defendant, John Rogers is a non-resident of the State of Missouri; whereupon it is ordered by the clerk that said Defendant be notified by publication, that Plaintiff has commenced a suit against him in this court to correct a mistake in a certain deed made and executed by said John Rogers, on the 3d day of August, 1863, to Joseph Leitendoffer, conveying the north-east quarter of the north-east quarter of section twenty-five, township forty-two, north of range four east, situated in Jefferson county, Missouri, and to divest said John Rogers of any and all title that he may have in and to said real estate, and to vest the same absolutely and in fee simple in this Plaintiff, and that unless the said John Rogers shall be and appear at this court at the next term thereof, to be begun and holden at the court house in the town of Hillsboro, in said county, and on or before the sixth day of said term answer or plead to the petition in said cause, the same will be taken as confessed, and judgment will be rendered accordingly. And it is further ordered that a copy hereof be published according to law in the JEFFERSON DEMOCRAT, a newspaper published in said county and State. A true copy from the record.

Witness my hand as clerk of the Circuit Court of Jefferson county, Missouri, with the seal thereof hereunto affixed, at office, in Hillsboro, this 23 day of June, 1877.

C. THO' HORNE, Clerk.

STATE OF MISSOURI, COUNTY OF JEFFERSON.

Be it Remembered, That on this 26 day of September, 1877, before the undersigned Notary Public Court of Jefferson County, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the "JEFF'N DEMOCRAT," a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 6 day of July, 1877, and the last insertion on the 27 day of July, 1877, as follows, to-wit:



In No. <u>27</u> ,	<u>July</u>	<u>6</u>	, 187 <u>7</u>
In No. <u>28</u> ,	"	<u>13</u>	, 187 <u>7</u>
In No. <u>29</u> ,	"	<u>20</u>	, 187 <u>7</u>
In No. <u>30</u> ,	"	<u>27</u>	, 187 <u>7</u>

R. W. McMullin

Sworn to and subscribed before me, this

26th day of September, 1877.
 I was qualified Jan'y 8th, 1875 -
 & my Comm. expires Jan'y 4th 1879
W. H. R. Thomas Co. Clerk

Notary Public

Received Payment,

44
44
210

Printer's Fee, \$ 10.50
 Affidavit, \$