

Jefferson County Circuit Court
Case File. Civil

Box 8 Folder 60

December 1856

McMillen, Cicero
vs

Wright, James C.
Wright, Martha
Wright, Sarah
Wright, Lewis

Validate title

71 acres in 58,9742 RLE purchased
at sheriff's sale in partition

To All to whom these Presents shall come, I
Augustine Wiley Sheriff of the County of Jefferson in
the State of Missouri send Greeting: Whereas
in certain proceedings in the Circuit Court for the
County aforesaid, upon the petition of James C Wright
Martha Wright & Sarah Wright by their Guardian and others
~~Martha Wright~~ and Louis Wright
Ex parte

for Partition, on the 28th day of May A.D.
1855 an order was made and entered by said
Court, directing the Sheriff of the County of Jefferson aforesaid
said to expose to sale publicly by auction to the highest
bidder, the lands and tenements in said order of sale men-
tioned: and fully described, a copy of which said order
duly certified was to me said Sheriff delivered, and is
now returned and on file in the office of the clerk of
said Court, reference to which and the record of said
Court, will more fully appear, And having given at
least twenty days previous notice of the time terms and
place of sale and what real estate was to be sold and
where situate as the law directs by at least six handbills
signed by me said Sheriff, and put up in six public
places in different parts of said County a copy of which
said advertisement is also, returned, with said order
to the office of the clerk of said Court, and is made a
part of the report by me made to the said Court, of said
sale: I did on the 27th day of November
A.D. 1855, at the Court house door in said County between
the hours of nine o'clock A.M. and five o'clock P.
M. of said day and during the sitting of the Circuit
for said County expose to sale the following described
Real Estate, in said order mentioned and described
as follows To wit: The South East fractional quarter
of section No Eight (8) in Township No forty two (42)
of Range 6 East, containing $17\frac{35}{100}$ acres, and also

fractional (Island) Section No 9. Township 42.
Range 6 East Containing Fifty four $\frac{6}{100}$ Acres.

and at said Sale Cicero McMillan became and
was then and there the highest and last bidder for the said
Real Estate hereinbefore mentioned at and for the price
and Sum of One Hundred and Seven, 92/100 — Dollars
all of which proceedings were by me reported to said
Court and approved and confirmed thereby Now,
therefore Know Ye, that I Augustine Wiley, Sheriff
as aforesaid for and in consideration of the premises
and of the Sum of One Hundred and Seven & 92/100
Dollars to me in hand paid by the said, Cicero

McMillan — the receipt of which is hereby
acknowledged, and by virtue of the Authority in me vest-
ed by law, and the power of said order, of Sale, do hereby
Transfer, assign, and convey unto the said Cicero

McMillan — and to his heirs and assigns
forever, all the right title claim and interest of the par-
ties plaintiff and defendant, of in and to said real
Estate, hereinbefore described; To Have and To
Hold the same with the rights, privileges and ap-
partenances thereto belonging

In Testimony whereof I hereto Set
my hand and affix, my seal, this Second day
of December. A D 1856

Augustine Wiley 
Sheriff

State of Missouri }
County of Jefferson } In the Circuit Court
Be it remembered that on this
third day of December A D 1856, in open
Court, appeared Augustine Wiley Sheriff of
Jefferson County and acknowledge the

execution of the foregoing instrument in writing
to be his act and deed for the uses and purposes
therein contained, which acknowledgement
is entered on the Record of said Court of that
day in Book 84 page 35

In Testimony whereof I here to Set
my hand and affix the Seal of said
Court at office date last aforesaid

Thos C Fletcher Clerk

By E. J. Honey dep

State of Wisconsin } p.
County of Jefferson }

I the undersigned Clerk of the
Circuit Court & Ex. Officer, Recorder in and for said
County, hereby certify that the foregoing instrument
in writing was filed for Record in my office Dec 5th
1866, and is truly Recorded in Book N. pages 359
4360.

Witness my hand and Official Seal
~~this~~ date last aforesaid

Thos C Fletcher Recorder

By E. J. Honey dep

James C. Hughes & Co.
23 Decd by Sheriff
Licens. McMillan

Miss Mary 5th 1836
John C. Metcalfe
Permitted,

ask 100
Paid 100
200 Paid
1836

Cicero W. Miller Plaintiff

against

James C. Wright

Martha Wright & Lewis Wright

Sarah Wright defendants

In the Circuit
Court of Jefferson
County Missouri

The plaintiff states that at the May Term of the Circuit Court of Jefferson County Missouri, for the year 1855, the said James C. Wright, Martha & Sarah Wright by their Guardian and Lewis Wright presented to said Court their ex parte petition without any suit or there being any defendant, for the partition & sale of the following real estate lying in said County viz The South East fractional quarter of Section eight in Township 42 of Range 6 East alleged to contain $17\frac{35}{100}$ acres, also fractional (Island) Section No. 9. T 42 Range 6 East alleged to contain $54\frac{61}{100}$ acres. Plaintiff further states that said Circuit Court made an order for the Sheriff of said County to sell said real estate for the purpose of making partition among the petitioners, that in pursuance of said order of sale the Sheriff of Jefferson County advertised the said real estate for sale at the Court house door in Hillsboro in said County, on the 27th day of November 1855, by duly putting up advertisements in public places, twenty days before sale according to law and gave legal notice of the time place & terms of sale. Plaintiff further

States that on the 2nd day of November
1855, & during the sitting of said Circuit
Court, the said Sheriff offered the said
real estate for sale & plaintiff became
purchaser thereof in good faith & paid
a fair price for the same. The Sheriff
accordingly executed to plaintiff a deed
for said real estate which is herewith
filed & made a part of this petition.

Plaintiff charges that the Sheriff's proce-
dings were duly approved of by said
Court, that the proceedings for partition
were in good faith & that the lands were sold
upon legal notice & for a fair consideration.

Plaintiff prays this Court that the
original proceedings may be confirmed by decree
and that the title acquired by plaintiff by
virtue of said proceedings may be declared
valid and for all other further proper
relief as may be expedient & right
of A. T. Deal Atty
for plff

State of Missouri 2
County of Jefferson 3

Cicero McMullen, Master,
oath & States that the foregoing petition
& the matters as therein stated he believes
to be true & further states that the def-
endants are non residents of this State.
Subscribed & sworn to
before me, Aug 2^o 1859 } Cicero McMullen
Elias J. Horney clk }

1645-

Deere Mr. Mellan
or 4 Petition

James E. Wright et al

Filed Aug. 2nd 1859
Chas. Anthony
Clerk

Examined by Jeff Long
19th 1863 book No 4
pages 225 check

Cicero McMillen Plaintiff

vs
Sarah Wright &

Lewis Wright. Defendants

Thomas C Fletcher
Guardian ad litem for said defendants
comes and for answer to plaintiffs
petition states that he has not sufficient
knowledge to enable him to form a
belief as to ^{all} the ~~fact~~ allegations of the
petition and requires proof thereof.

He is informed and believes and so
charges the fact to be that the ~~their~~ guardian
of said Lewis did not petition for said par-
-tition and that the same was brought without
his knowledge or consent. He further states
that said partition was ordered and decreed
upon the filing of the petition without any
knowledge of the guardian of said Lewis
and under the order of sale made therein
the land was sold for a mere nominal
sum neither the guardian of either
of said minors being present or any
person for them and in the absence of
the attorney who assumed to act for
the guardians of the minors interested

He states that said land was sacrificed
and that the petition for said partition
was presented without authority from
the legal guardian

Thos C Fletcher
Guardian ad litem for
said minors,

Ciscoe the millen
by
Geo & Wright
brothers,

Receiver of Quarts
as letters for minor
dependants,

Feb. 11th 1860

Geo. A. Hooley
Per