

Defferson County Circuit Court
Case Files - Civil
October 1858, #6

Bo/y, Michael, assignee of
Kyle, Susan,
Kyle, Charles

VS

Freitman, Ambrose

Partition

81 acres in 527, 2974124E

Box

10

Folder

26

Michael Boly assignee of Susan Kyle
Michael Boly Guardian
of Charles Kyle son of John Kyle. }

~~Against~~ Ambrose Freeman Deft. In the circuit Court of Jefferson
County Missouri

The petitioners state that they are
tenants in common ^{with defendant} of the following Real Estate
lying in Jefferson County Mo viz, The North
East quarter of the North East quarter of Section 29
Township forty two Range five East containing forty
acres, and of the unswayed half of the East half of
the South East of Section 29 Township forty one
Range 4 East, 83 $\frac{1}{2}$ acres being 41.81/200 acres.

The interest of Michael Boly is the one fifth
of the same, the interest of his ward Charles Kyle is the
one fifth and the interest of said Freeman is
three fifths thereof by virtue of purchase from Joseph &
Daniel Rayle, and Nancy Delaney children of
John Kyle from who said land descended

Petitioners pray for partition of the
premises and sale thereof if partition
cannot be made without prejudice to the
owners thereof

Michael Boly Guardian of
Charles Kyle

I A Real Atty for petitioners
except Char Kyle

State of Missouri }
County of Jefferson } Michael Boly being
sworn states on oath that the foregoing petition
& the matters therein stated he believes to be true
Sworn to and subscribed Michael Boly
before me, April 27th 1858 }
Chas J. Kearney Clerk }

Charles H. H. H. H.
 Michael H. H. H.
 as }
 Andrew H. H. H.

Pet for partition

Filed May 22nd 1858
 Geo. D. Honey Clerk

2 copies sub.	60
2 cts.	100
sub.	100
copy	20
copy	25
copy	10
copy	5
copy	5

Michael Boly assignee of Susan Kyle
Michael Boly Guardian of Charles
Kyle son of John Kyle

Against

Ambrose Dretman & Sept.

In the Circuit Court of Jefferson County
Mo

The petitioners state that they are tenants in common with defendant of the following real estate, lying in Jefferson County Mo. viz. The North East quarter of the North East quarter of Section 29. Township forty two, range five east, containing forty acres, and of the undivided half of the East half of the South East quarter Section 27. Township forty one range 4 East. $83 \frac{6}{100}$ acres being $41 \frac{3}{100}$ acres. The Interest of Michael Boly is the one fifth of the same, the interest of his ward Charles Kyle is one fifth, and the interest of said Dretman & Co is three fifths thereof, by virtue of purchase from Joseph & Daniel Kyle and Nancy Delany children of John Kyle from whom said land descended. Petitioners pray for partition of the premises and Sale thereof if partition can not be made without prejudice to the owners thereof.

Michael Boly
Guardian of Charles Kyle
J. A Boal Atty for petitioners
except Charles Kyle

State of Missouri }
County of Jefferson } Michael Boly being Sworn
States on oath that the foregoing petition & the
matters as therein stated he believes to be true
Sworn to and Subscribed
before me April 27th 1858 } Michael. Boly
Elias O'Honey Clerk

A true copy of the original petition
and affidavit on file in my office

In testimony whereof I here to set
my hand and affix the Seal of
said Court. at office June 18th
1858.

Elias O'Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Amrose Gretemann

----- 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 fourth Monday of October
next, then and there to answer unto Michael Poly assignee
of Susan Ryle Michael Poly Guardian of Charles
Ryle Son of John Ryle
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias D. Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighteenth
day of June A. D. 1858

Elias D. Honey

CLERK CIRCUIT COURT.

I Executed the within, ^{writ} at the County of Jefferson
on the fifth day of August 1858 by Delivering
to Ambrose Preitman a true copy of the within
writ and the annexed petition (as furnished by the
Clerk)

Augustine Wiley Sheriff

4 = 215-276-282-629

No. 6

Co. Jefferson Circuit Court

October Term 1858

Michael Doty et al

vs } Summons

Ambrose Preitman

Sheriff fees \$1.00

Filed Aug 9th 1858

Elias D. Cooney Clerk

Ch

Michael Polyzottus
vs
Ambrose Freeman }

The defendant comes & for
answer states that the parties to this
suit are tenants in common &
that their interests are correctly set
forth & he further states that he
believes that the land is not
susceptible of division without
great prejudice

Ambrose Freeman

Ambrose Freeman states on
oath that the foregoing answer
& the matters as therein stated
he believes to be true

Ambrose Freeman

Sworn to and Subscribed
before me Oct 30th 1858
Elias D Hooley Clerk }

Michael Dwyer

Amherst Driftnor

11. Dinner

2nd Decr 30th 1858
Edw J Hoarey Esq

State of Missouri }
County of Jefferson } In the Circuit Court.
November 2nd 1858

Michael Boly assignee of
Susan Kyle, Michael Boly
Guardian of Charles Kyle, son
of John Kyle. Plaintiffs
against
Ambrose Meitner Defendant

In Partition
Order of Sale

Now at this day
comes said defendant, in person, and files his an-
-swer to the petition of said Plaintiffs, admitting
the facts therein as stated, and also praying for par-
-tition and division of the lands in the petition
of plaintiff mentioned and described as follows.

The North East quarter of the North East q^r of Section
29. Township forty two, range five east, containing
forty acres, and the undivided half of the East
half of the South East quarter Section 27. Town-
-ship forty one, range 1 East. 83⁶/₁₀₀ acres being
41⁸/₁₀₀ acres. Situate in Jefferson County Mo.

It is considered by the court, that partition there-
-of be ordered and adjudged between said
parties, according to their respective rights and
interests therein, and the court, proceeding to set-
-tle the rights of said parties in and to said
real estate, doth adjudge and declare the same
as follows, the interest of the said Michael
Boly is the one fifth thereof, the interest of his
said ward Charles Kyle is one fifth, and

the interest of the said Ambrose Friedman is three fifths thereof, and it appearing to the satisfaction of the Court, that said lands are so situated that partition thereof cannot be had without great prejudice to the said owners: It is ordered by the Court, that the Sheriff of Jefferson County, proceed to sell said Real Estate at Public Auction to the highest bidder for ten per cent. of the purchase money in cash, and the residue in twelve months, and for the deferred payment, take a Bond or Note from the purchaser with security, bearing six per cent interest from date; that said Sale take place on some day during the sitting of this Court, and be governed by the same regulations prescribed by law, for sales of real Estate under execution. Notice thereof being given by the Sheriff in the same manner provided by law, for such Sales, and report his proceedings herein to the Court.

J. Elias D. Horey Clerk of the Circuit Court, in and for the County of Jefferson aforesaid do hereby certify, that the foregoing is a true full and complete copy of the order of Sale made by said Court, in the Cause of Michael Poly, assignee of Susan Kyle and Guardian of Charles Kyle, Plaintiff against Ambrose Friedman defendant, as fully as the same remains and appears on the record of said

court in my office in Book No 4. pages 215.

In Testimony whereof I hereto
sign my name and affix the
Seal of said Court at office in
Hullston this Fifteenth day
of December A D 1858
Elias J. Hooley Clerk

De Circuit Court.

April Term 1859

Michael Botyeral

vs & Order of Sale

Carbone & Co. Incarnant

Filed June 15th 1859

Geo. J. Stearns Clerk

Shawmut 9th June

Sheriff's Sale In partition

Michael Boly assignee of
Susan Kyle Michael Boly
Guardian of Charles Kyle
Son of John Kyle plaintiffs

Sale in partition

vs
Ambrose Freitman Defendant

By authority of an order of Sale, made by the Circuit Court of
Jefferson County on the 2nd day of November 1858 in the above
Suit the undersigned Sheriff of Jefferson County State of Missouri
will on Thursday the 9th day of June 1859 between the
hours of nine o'clock in the forenoon and five o'clock in
the afternoon of that day at the Court House Door in the
Town of Hillsboro in Said County of Jefferson and during
the sitting of the Circuit Court Sell at public auction to
the highest bidder on the terms stated below all the right title
interest and property of the parties to Said Suit of in and
to the following described tracts of land Situated in the
County of Jefferson and State of Missouri to wit the North
East quarter of the North East q. of Section 29 Township forty
two Range five East containing forty acres, and the undivided
half of the East half of the South East quarter Section 27
Township forty one Range 4 East 83 $\frac{62}{100}$ acres being 41 $\frac{31}{50}$ acres
Terms of Sale ten per cent of the purchase money to be
paid in cash at the time of Sale the remainder in twelve
months the purchaser giving Note or Bond with approved
Security bearing interest at the rate of six per cent per
annum from date This the 6th day of January AD 1859

Oscar Dover Sheriff

By Augustine Wiley Deputy

Michael Boly et al
vs
Andrew Friedman
Attachment

Michael Poly. Exec. } In the
vs. } Circuit Court
Ambrose Freeman } In Partition

Sheriff's Report.

To the Hon. the Circuit Court of Jefferson County Missouri

The undersigned Sheriff of said County, would respectfully report, that, in obedience to the annexed order of Sale issued from the office of the Clerk of said Court, that having previously given not less than twenty days 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 hundred bills signed by me and put up in different parts of said County, of copy of which hundred bills is herewith filed, and make apart of this report, I did on the Ninth day of June A.D. 1837 at the Court House door in the Town of Hillboro, between the hours of Nine O'clock in the forenoon and five O'clock in the afternoon of that day and during the sitting of the Circuit Court, at the same term thereof for said year, agreeable to said advertisements, expose to sale publicly the following described lands. To wit, The North East quarter of the North East quarter of Section 29. Township Forty Two, Range Five East containing Forty acres, and the Undivided half of the East half of the South East quarter of Section Twenty Seven. Township Forty one, Range Four East, 83 ¹/₁₀₀ Acres, being 41 ⁸/₁₀₀ Acres, situate in Jefferson County Mo. And Ambrose Freeman, became the highest and last bidder for the first above described tract for the sum and price of Twenty Five dollars, Also for the second described tract for the price and sum of Five dollars, making in the aggregate the sum of Thirty dollars, the same were struck off and sold to him the said Ambrose Freeman for that sum, and he the said Ambrose Freeman having paid to me the sum of Three dollars for costs and Expensed

and given his Note for the balance as required by the terms of sale,
This Report is respectfully Submitted

Oscar Dover -- Sheriff

Shirley B. B. B.