

Jefferson County Circuit Court
Case File - Civil

Box

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Folder 52

June 1863

Dover, Oscar

vs

Keamy, Robert

Debt

Debt \$170.40 overpaid by plaintiff,
as sheriff, to defendant as his
distributive share from partition
sale

Oscar Dover, plaintiff } In the Circuit Court
Against } of Jefferson County
Robert Keeney, defendant } Missouri

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 Plaintiff as Sheriff of said 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, collected the moneys arising upon such sales, and no order for the distribution thereof among the Parties to said partition suit, having been made by said Court, in consequence of its having been postponed for several Terms, the Plaintiff at the request of the Defendant, (who was a party to said suit, and entitled to an unascertained portion of the moneys arising upon such sales,) paid over to him the sum of Two hundred dollars, as part of his distributive share of such money, sup-
proving, without any estimate having been made, that it would amount to at least that much.

This payment was made on the 10th day of February 1860, and a Receipt taken for that amount.

Afterwards, to wit, at the January Term 1863, the Circuit Court of said County made an Order for the distribution of the moneys arising upon the sales of said Lands, among the Parties to said

partition suit, and by said Order, the above Defendant was entitled to only twenty nine dollars & 60 Cents, as will appear by reference to said order, (a copy of which & the Receipt aforesaid are herewith filed) Consequently, the Defendant has received one hundred and seventy dollars and forty cents, more than his distributive share of such money.

Plaintiff states that said 200 dollars was paid by him to Defendant under a mistake, and without an order of the court, showing the amount he was entitled to, and that therefore Plaintiff is entitled in Equity and Justice to have the excess so paid refunded to him. He therefore asks Judgment against Defendant for one hundred and seventy dollars and forty cents, with interest from the 10th day of February 1862.

Oscar Dover

By Abner Green, his
Attorney,

Abner Green Attorney for the Plaintiff makes oath and says the above petition and the matters therein as stated he believes to be true.

Abner Green

Atty. for plff.

Sworn and Subscribed to
before me May 16th 1863

Elias F. Hooney Clerk

In Circuit Court
Jefferson County

Read over

13,

Robert Koney

petition

for summary relief

W. Green

for 1863

Filed May 16th 1863

Wm. J. Hoover

Deputy

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

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Robert Keeney*

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. Dyer

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*
d. of *May* A. D. 18*63*



Elias F. Honey
Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

Filed Jan'y 1863

Wm. Dwyer
vs. J. Dwyer

Robert Keeney

Sherriff fees 100

Filed June 30 1863
Attest J. Dwyer
Clerk

I executed the Within Writ in the County of Jefferson State of Missouri on the 16th day of May 1863 by leaving a True copy of the Within Writ and a next Partition as furnished to me by the clerk at Robert Keeney Place of abode with a free white member of his family over the age of fifteen years old

J. B. Dwyer Sheriff
By J. B. Dwyer Deputy