

Telferson County Circuit Court
Case File - Civil
May 1866, #40

Box

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Reppy, Samuel A,

vs

Eisenbraut, John

Partition

176 acres in S3T40R4E

Samuel A. Kessler, pett.
against
John Eisentrau
dependant.

In the Jefferson
 bounty, Lincoln
 heart.
 May Term 1866.

Plaintiff states, that he and defendant are the owners and tenants in common of the following described Real estate, situate, lying and being in the County of Jefferson and State of Missouri, to wit: the east half of the North east quarter and the North half of the south east quarter of section three Township Forty of Range four east containing One Hundred and seventy six and $\frac{74}{100}$ ^{ths} acres

Plaintiff further states, that the quantity of interest, he has in said land, is an estate in fee simple in the undivided two thirds of said land, and that defendants quantity of interest is an estate in fee simple in the undivided one third part of said land,

Plaintiff asks a Judgment of partition of the land above described, according to the quantity of interest, he and defendant have therein.

Thomas & Ahlvers
Atty for petffs,

Samuel A. Reppy, plaintiff, being duly sworn,
says, that the foregoing petition and the
matters as therein stated he believes to
be true,

Known to and subscribed
before me this 14th
of April 1866

Samuel A. Reppy

Henry F. Shlens

Notary public. Three copy of the origin-
al petition and affidavit now on file in me

In Circuit Court
of Jefferson County
May Term 1866

Samuel A. Reppy

vs.

John Overstrand,

Petition for partition

Filed April 14th 1866
Samuel A. Reppy Clerk

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 *John Cisentaut*

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

Samuel A. Reppy

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

Witness, *SA Reppy*
~~ELLAS V. HONEY~~, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twentieth*
day of *April* A. D. 1866



Samuel A. Reppy

Clerk Circuit Court.

I Decentia The within writ at The County of Jefferson
State of Missouri on the 23 day of April 1866 on
John Eisentront by delivering to him a true copy of
this writ and annexed petition as furnished to me by the
Clerk

C. C. Fletcher
Sheriff



No 40

TO JEFFERSON CIRCUIT COURT

2228

May Term, 1866

Samuel A. C. P. P.

vs. Eumentore

John Eisentront

20 April 1866

Fletcher Sheriff 150

Samuel A. Reppy & In the Circuit Court
vs of Jefferson County Mo
John Esentrant

Defendant for answer to the
petition of the plaintiff in this behalf
filed says that he denies that the
Plaintiff is the owner of two thirds
of the Real Estate in said petition
mentioned or to any part thereof or
any interest therein, & therefore
denies that plaintiff has any right
to maintain his said action on said
petition or that he is in any wise
entitled to partition of said Lands
therefore Defendant prays to be
discharged with his costs

Williams for
Defendant

Wm. H. H. H.

John Greenham

Andrews of Dependence

Filed Oct 8 1866

Saml. H. H. H.

Samuel A. Reppy } In the Circuit Court
vs. } Jefferson County - Mo.
John Eisentrant } Nov. Term 1866

Defendant for answer to the
petition of the plaintiff in this
behalf filed says that he denies
that the plaintiff is the legal
owner of the undivided two
thirds of the Real Estate in his
said petition mentioned on any
part thereof or any interest
therein. Defendant avers that
said Real Estate was all sold
by the Collector of the Revenue
of said County of Jefferson on the
12th - 15th & 16th days of October 1864
as the property of the Estate of one
Bryan Mullanphy for the State
& County Taxes thereof for the
years 1861, 1862 & 1863 and
that the same was stricken off to
one John Glenwood, that the same
was not sold by said Collector at the
usual place of holding Court in
said County of Jefferson as the
Law directs in such cases but was
sold at the Court house door, that
said Collector had not given

Notice to persons interested in said Land that he would apply to the County Court of said County of Jefferson at the July Term thereof for the Year 1864 or at any other time for judgment against said Lands for the amount of the Taxes interest Costs & penalties due & unpaid thereon & that judgment was rendered against said Land & the same was sold without any legal notice to said Owners that said judgment would be applied for, that said Land was not sold for the highest bidder as the Law directs in such Cases nor was the least amount of said Land offered for sale which would have been sufficient to pay the Taxes interest Costs & penalties due & unpaid thereon but the same was sold & bid off by said John Keenwood (as appears from the Deed of the Collector since made for said Land to Plaintiff) for the least amount bid for said Land. Defendant further avers that he has purchased from

the Legal owners of said on the
day of 1866

the undivided one third of said
Tract of land and received a
Deed therefor bearing date the

14th day of July 1866
and that he did, ^{since his said purchase} pay to the
plaintiff who was then Clerk
of the County Court of said

County the sum of
Dollars the full amount of
double the Taxes interest Costs
& penalties due upon said Land
at the time the same was paid
for the purpose of redeeming the
same, and that he did on the
28th day of February 1865 pay
to the Collector of the Revenue of
said County of Jefferson the full
amount of double the Taxes,
interest, Costs & expenses, & penalties
which was due or would have
been due & unpaid on said Land
up to said date if the same had
not been before redeemed by pay-
ment of the aforesaid amount to
said Clerk of the County Court as
aforesaid and redeemed the said
entire tract of Land & received

from said Collector a quietus for
said amounts of Taxes interest
Costs & penalties After which said
Collector Executed & delivered to Plaintiff
a ⁷⁴⁴ Deed for said Land ^{dated February 17th 1866} Therefore
Defendant asks the Court to set
~~aside & vacate said Deed from the~~
~~Collection to Plaintiff and to render~~
Judgment for Defendant for Costs &
for such further orders & judgments
as may be just in the Premises

Jos. J. Williams
Atty. for Defendant

Jos. J. Williams Atty. for Defendant says
that he believes the foregoing Answer
is True

Sworn to and
Subscribed before
me November 7th 1866
Saml A. Reppel
Jos. J. Williams

A. D. Repley

2528

The Overhauled

Amended and
filed but leave of
court

Filed Nov 9th 1866

Daniel A. Repley