

May 1868, No. 137

Eisentrout, John
vs

Clemens, James, Jr.
Clemens, J. B.
Clemens, Bryan M.
Clemens, J. W.

et al

Partition.

176 acres in S3T40N4E; other
defendants W.S. & John M. Hartney,
Christian & A. B. De Thury, Ludovic
& Eliza B. De Nove, Nellie, Alice,
William J. Clemens, James B. &
Kate Cates

John Eisentraut

vs
W. S. Kearney, John M. Kearney,
Christian Dr. Thury, and A. B.
Dr. Thury wife of said Christian
Ludovic Dr. Stone and Eliza B.
Dr. Stone wife of said Ludovic
James Clemens Jr., J. B. Clemens,
Bryan M. Clemens, J. W. Clemens
and Nellie Clemens wife of said
J. W. Clemens, Alice Clemens
William J. Clemens, James B. Cates
and Kate Cates wife of said
James B. Cates,

In the Circuit
Court of Jefferson
County Missouri

Plaintiff States that he and the
Defendants are the Legal owners
and Tenants in Common of the
following described Real Estate
situate in Jefferson County Missouri
To wit: The East half of the North
East quarter and the North half
of the South East quarter of Sec-
tion Three Township Forty Range
four East containing one hund-
red and Seventy Six and Seventy
four ^{except Lot 74 in the Town of South Monticello containing} hundredths acres that is to
nearly seven hundredths of an acre being the same on which the dwelling house of

James C. Power now stands and being the same conveyed to said Power by John Carver

1. Say Plaintiff owns the undivided Eleven Fifteenths of said Land and Defendants own the undivided four Fifteenths of said Land that is to say the interests of said Defendants as follows, To wit John Mc. Kearney, ~~A. B. and Christian Dr Thury and Ludovic and Eliza B. Dr Thury~~ ~~owns the undivided Two~~ Forty Fifths of said Land, A. B. and Christian Dr Thury own the undivided Two Forty Fifths and Ludovic and Eliza B. Dr Thury own the undivided Two Forty Fifths of said Land subject to the life interest of William S. Kearney in the same; and J. B. Clemens Bryan M. Clemens, Alice Clemens and William J. Clemens each own the undivided Two ninetieths and J. W. Clemens and Nellie Clemens own the undivided Two ninetieths of said Land and ~~James B. Cates and Kate Cates~~ James B. Cates and Kate Cates own the undivided Two ninetieths of said Land subject to the life interest of James Clemens Jr. in the same.

Plaintiff further says on the 24th day of Feb. 1865 and

Previously thereto all of said Land
belonged to the heirs and devisees of
Bryan Mulanphy deceased that
on that day he Plaintiff purchased
the undivided one third thereof and
afterwards, to wit on the 6th of June 1866
he purchased the undivided three
fifths of the remaining two thirds
thereof thereby becoming the owner of the
undivided Eleven fifteenths of said
Land, that all said Tract of Land
had been assessed in the name of the
then ^{including 22 defendants who then owned the} owners thereof for the taxes of the
same ^{interest as heretofore stated} years 1861, 1862 & 1863 and had been sold
for the same that Plaintiff redeemed the
same on the 28th Feb. 1865 paying therefor the
sum of Twenty four & $\frac{72}{100}$ Dollars Plaintiff
further says that said Land has since been
assessed in the name of the same parties for
the years 1864, 1865, 1866 & ~~1867~~ ^{said assessments} amounting in the
aggregate for said years to ~~thirteen~~ ^{thirteen} & $\frac{88}{100}$
Dollars all of which Plaintiff has been
compelled to pay to prevent a forfeiture and
sale of his interest in said Land.

Plaintiff prays the Court
in Consideration of the premises that the
Court will order and judge and Decree
that Partition and division of the
said Real Estate be made between the
said Plaintiff and Defendants according

to the respective rights and interests of the parties and that the Court will appoint Commissioners to make such partition and division and that the Court will order that all the interest and part of said Defendants may be set off to them ^{together} in one tract or parcel and that the interest of plaintiff be set off to him in one parcel, and that the Court will render judgment for plaintiff and against Defendants for four fifteenths of the aforesaid sum of \$34.22 ⁷²/₁₀₀ Dollars paid as aforesaid by plaintiff ~~as aforesaid by plaintiff~~ for the redemption of the said interest of Defendants in said Land together with ten per cent interest thereon from the time of payment and also for four fifteenths of the amounts of said assessments so paid by plaintiff for the years 1864, 1865 & 1866 ~~& 1867~~ according to respective interests of the parties in said Land and that the Court will adjudge the same to be a Lien on the interests of said parties in said Land & that the Court will make such other ^{payments} and orders as may be just & proper

Jos. Williams
Att'y for plaintiff

John Eisenbraut says on oath that

the foregoing Petition is true to the
best of his knowledge and belief
and that John M. Kearney, W. S. Kearney,
Christian Dr Thury
and A. B. Dr Thury, Ludovic Dr,
Stone and Eliza B. De Roue and
James B. Cates and Kate Cates
are non residents of the State of
Missouri

signed John Eisentraub

Sworn to and
Subscribed before
me this 8th day
of January 1868
Elias S. Kearney Clerk.

No 137

John Disbrow
vs

Wm. S. Hoarney
et al.

Petition for Partition

original

Given to J. Louis Co.
Sept 10th 1868

Filed Jan'y 8th 1868

Elias J. Hoarney

Williams
for Plaintiff

John Cisentrant,

vs
W. S. Carney John M. Hainey, Christian
De Thury, and A. J. De Thury wife of said
Christian, Ludovic De Stone and Eliza D
De Stone wife of said Ludovic, James Clemens
J. J. Clemens Bryan M. Clemens, J. W. Clemens
and Nellie Clemens wife of said J. W. Clemens
Alice Clemens, William J. Clemens, James S.
Gates and Kate Gates, wife of said James
S. Gates,

In the Circuit Court of
Jefferson County Missouri,

Plaintiff States that he and the Defendants,
are the Legal owners and Tenants in common
of the following described Real Estate situate in Jefferson
County 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 Range
four East containing one hundred and Seventy
Six and Seventy four hundredths acres except
Lot 74 in the Town of South Monticello contain
ing Ninety Seven hundredths of an acre, being
the same on which the dwelling house of James
C. Power now stands and being the same conveyed
to said Power by John Carney. That is to say Plaintiff
owns the undivided Eleven Fifteenths of said Land and

Defendants own the undivided four fifteenths of said land, that is to say the interests of said Defendants are as follows To wit: John W. Narney owns the undivided Two Forty Fifths of said Land, A.S. and Christian O. Shury own the undivided Two Forty Fifths and Sullivan and Eliza S. Deane own the undivided Two Forty Fifths of said Land subject to the life interest of William S. Narney in the same, and J. P. Clemens Bryan M. Clemens, Alice Clemens and William J. Clemens each own the undivided Two Ninetieths and W. Clemens and Nettie Clemens own the undivided Two Ninetieths of said Land, and James S. Bates and Kate Bates own the undivided Two Ninetieths of said Land subject to the life interest of James Clemens Jr, in the same, Plaintiff further says on the 2nd day of Oct 1865, and previously thereto all of said Land belonged to the heirs and devisees of Bryan M. Mulanphy deceased that on that day he Plaintiff purchased the undivided one third thereof and afterwards To wit: on the 6th day of June 1866, he purchased the undivided three fifths of the remaining two thirds thereof, thereby becoming the owner of the undivided Eleven fifteenths of said Land that all said Tract of Land had been assessed in the name of the then owners thereof including Defendants who then owned the same interest as hereinbefore stated for the taxes of the years 1861, 1862, & 1863, and had been sold for the same, that Plaintiff redeems the same

on the 28th Feb 1865, paying therefor the sum of Twenty four & ⁷²/₁₀₀ Dollars. Plaintiff further says that said Land has since been assessed in the name of the same parties for the years 1864, 1865, 1866, said assessments amounting in the aggregate for said years to Thirteen & ⁵⁵/₁₀₀ Dollars all of which Plaintiff has been compelled to pay to prevent a forfeiture and sale of his interest in said Land. Plaintiff prays the Court in consideration of the premises that the Court will order adjudge and Decree that Partition and division of the said Real Estate be made between the said Plaintiff and Defendants according to the respective rights and interests of the parties and that the Court will appoint commissioners to make such partition and division, and that the Court will order that all the interest and part of said Defendants may be set off to them together in one tract or parcel and that the interest of Plaintiff be set off to him in one parcel, and that the Court will render judgment for Plaintiff and against Defendants for four fifteenths of the aforesaid sum of Twenty four & ⁷²/₁₀₀ Dollars paid as aforesaid by Plaintiff for the redemption of the said interest of Defendants in said Land together with ten per cent interest thereon from the time of payment, and also for four fifteenths of the amounts of said assessments so paid by Plaintiff for the years 1864, 1865 & 1866, according to the respective interests of the parties.

in said Land and that the court will adjudge
the same to be a Lien on the interests of said
parties in said land & that the court will
make such other judgments and orders as
may be just & proper.

Jo. J. Williams atty for Plaintiff
John Eisenbraut says on oath that the foregoing pe-
tition is true to the best of his knowledge & belief
and that John M. Harney, Dr. S. Harney, Christian
De Thury and A. S. De Thury, Lydia J. De Thury
and Eliza J. De Thury, and James S. Cates and Kate
Cates are non-resident of the State of Missouri

(signed) John Eisenbraut
Sworn to and subscribed before me
this 8th day of January 1868,
Elias H. Honey Clerk

A true copy of the original petition now on file in my office
Witness my hand and official seal at office in Missouri
this Feb. 4 1868,

Elias H. Honey Clerk
Per C. J. Harney, Deput

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

THE STATE OF MISSOURI,

St. Louis
To the Sheriff of the County of *Jefferson*—Greeting:

We command you, that you summon *James Clemens Jr.*
A. B. Clemens, Bryant M. Clemens, J. W. Clemens, Nellie
Clemens, Alice Clemens, Wm. J. Clemens,

if they be found in your County, that
they 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 *Seventh* Monday after the
fourth Monday of *March* next, then and there to answer unto
John Christman

upon *his* original petition, a copy whereof is hereunto annexed and
accompanies 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

Fifth day of *February* A. D. 186*8*

Elias F. Honey
Clerk Circuit Court.

Executed this 21st in the County of St. Lawrence on the 22^d day of February 1868 by
delivering a copy of the Whit^{es} Petition as furnished by the Clerk to James B. Clem-
ens, Clerk further executed this 21st in the same County and on the same day as
aforesaid, by delivering a copy of the Whit^{es} as furnished by the Clerk to James Clemens
and further executed this 21st in the County of St. Lawrence on the 24th day of
February 1868 by delivering copies of the Whit^{es} as furnished by the Clerk
to Bryan W. Clemens, and J. P. Clemens, and leaving a copy of the Whit^{es}
as furnished by the Clerk at the usual place of abode of Nellie Clemens
with a white person a member of her family over the age of fifteen years
and further executed this 21st in the County of St. Lawrence on the 24th day
of February 1868 by leaving copies of the Whit^{es} as furnished by the
Clerk at the usual place of abode of Alice Clemens, and Wm. J. Clemens,
with James Clemens for their Guardian.

Fees \$700

John W. Price Clerk
St. Louis County - Mo.
By A. Valentine Deputy.

No 137

TO
JEFFERSON CIRCUIT COURT.

2801
May Term, 1868

John Eisentraut

vs
+ James Clemens Jr. + B. Clemens.
B. M. Clemens + A. W. Clemens
+ Nellie Clemens Alice Clemens
Wm. J. Clemens et al

original

7. Paid by Pltff

5/ 520, 583, 603, 641, 730, 741, 742
6/ 25, 27, -
Order paid. no to

83

Circuit Court meets first Monday in
 and October.
 Regular terms of the County Court begin
 the third Monday in January, April, July
 and October.
 Coroner..... Dr. G. STEGEMAN
 Supt. of Schools..... W. P. HAMMICK
 Surveyor..... Wm. G. Reid
 County Attorney..... AMNER GREEN
 Assessor..... ADOLF WEBER
 Public Administrator..... E. F. Frost
 Treasurer..... H. STELLBRINK
 Clerk County Court..... R. W. McMillan
 Clerk Circuit Court..... Elias F. Honey
 Collector..... James N. Whitehead
 Sheriff..... JOHN WILLIAMS
 Judges }
 Wm. S. Howe
 ANTON VERGER
 G. J. JOHNSON

COUNTY OFFICERS OF JEFF- ERSON COUNTY.

Notices of marriages and deaths inserted
 free of charge. But we never publish either
 unless authorized by interested persons.
 Every one can assist in making a local
 paper interesting if they try to.
 If a local event interest not more than a
 dozen families, and yet will gratify them
 without injuring anybody to see it in print,
 send it to us in detail.
 Like, but poor ones.
 It is not long articles that people dis-
 like. Take time and space to say all you want
 to say; say it well and state your case clear-
 ly. Do not so state facts as to needlessly in-
 jure the reputation or feelings of any.
 Be accurate as to dates, quantities, local-
 ities, &c.
 Be particular in writing names, and make
 them plain.
 To Correspondents.

Letters of Administration..... 3 00
 Final Settlements..... 3 00
 Estate Notices..... 2 50
 Candidate Announcements, County..... 3 00
 do State & Cong..... 10 00
 LEADER COMPANY,
 Publishers, Hillsboro, Mo.

NTY OF JEFFERSON.

..... day of..... A. D. 186., before me, the
 Court of Jefferson county, came Chas. A. Clark, who being by me
 attested was published in the **JEFFERSON COUNTY LEADER**,
 the town of Hillsboro, in said county, of which he is printer, for
 on the .. 6 .. day of .. March .. 186 and the last
 .. 186 .., as follows, to-wit:

In No. 10, March 6 186.
 In No. 11, " 13 186.
 In No. 12, " 19 186.
 In No. 13, " 26 186.
 In No. 14, April 2 186.
 In No. , , 186..

Chas. A. Clark

Sworn to and subscribed before me, this..... day of..... 186..

Printer's fee..... \$18.40..... Received Payment.....

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this day of A. D. 186 . . . , before me, the undersigned Clerk of the Court of Jefferson county, came Chas. ^{Reppy} ~~Clark~~ who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for times, the first insertion being on the day of 186 . . . , and the last on the day of 186 . . . , as follows, to-wit:

Order of Publication.

In the Jefferson Circuit Court, in vacation
March 2d, 1868.

John Eisentraut vs. William S. Harney,
John M. Harney, Christian DeThury and
A B De Thury, wife of said Christian,
Ludwic De None, and Eliza B De None,
wife of said Ludwic, James Clemens Jr, J
B Clemens, Bryan M Clemens, J W Clem
ens and Nellie Clemens, wife of said J W
Clemens, Alice Clemens, William J Clem
ens, James B Cates and Kate Cates, wife
of said James B Cates.

Now at this day comes said plaintiff by
his attorney and files in the office of the un
dersigned Clerk of the Circuit Court, his
petition, verified, by affidavit as the law di
rects, stating among other things that the
said Wm S Harney, John M Harney, Chris
tian De Thury, A B De Thury, Ludwic De
None, Eliza B DeNone, James B Cates and
Kate Cates are non-residents of the State of
Missouri; whereupon it is ordered by the un
dersigned Clerk of said Court that the said
W S Harney, John M Harney, Christian De
Thury, A B De Thury, Ludwic De None,
Eliza B De None, James B Cates and Kate
Cates be notified by publication of the com
mencement of this action, the object and
general nature of which is to obtain a judg
ment of partition of the following described
lands to-wit: The east half of the north
east quarter and the north half of the south
east quarter of section three, township forty
range four east, containing one hundred
and seventy-six and seventy-four one-hun
dredth acres, excepting lot 74 in the town of
South Monticello, containing ninety-seven
hundredths of an acre, on which the dwell
ing house of J C Power now stands; and be
ing the same conveyed to said J C Power
by Jno Carver; and that unless they be and
appear before the said Circuit Court on the
first day of the next term thereof, to be be
gun and held on the sixth Monday after the
fourth Monday of March, 1868, and on or
before the sixth day of said term, answer or
demur to said petition the same will be ta
ken as confessed and judgment rendered ac
cordingly. And it is further ordered that
a copy of this order be published in the Jef
ferson County Leader, a newspaper pub
lished in the county of Jefferson in the State
of Missouri, for four weeks successively, the
last insertion to be at least four weeks be
fore said next term.

A true copy from the record. Witness
my hand and official seal at office,
[SEAL] this March 3d, 1868.

In No. 10, March 6 186 . .
In No. 11, " 13 186 . .
In No. 12, " 19 186 . .
In No. 13, " 26 186 . .
In No. 14, April 2 186 . .
In No. , 186 . .

Chas. Reppy

this day of 186 . .

Received Payment.

John Eisenbraut Pla.

against

James Clemens Jr J. B. Clemens
B. M. Clemens J. W. Clemens
Nellie Clemens Alice Clemens
Mrs J. Clemens James B. Bates
and Kate Bates wife of J. B. Bates

In the Circuit
Court of
Jefferson Co
Missouri

Defendants

The Defendants Alice Clemens & Mrs J. Clemens by Their guardian ad litem Come and for answer say that they are the owners in common with the plaintiffs and the other defendants as stated in the petition they admit that the rights of the parties therein set forth is correctly set forth

They further say that they have nothing to say why partition and division of the Real Estate set forth in said petition may not be made according to the rights and interests as set forth in plaintiff's petition

W. H. H. Thomas
Guardian Ad Litem for
Alice Clemens &
Mrs J. Clemens

(137)

John C. C. C. C.
James C. C. C.

Andrew of
Alice C. C.
of Mrs. J. C. C.
Minors

Filed Nov 17 1868,
Spencer Ct.

21247

State of Missouri } In the Jefferson Circuit Court,
County of Jefferson } November 27th 1868,

Be it Remembered that in said circuit court on the day aforesaid among other proceedings therein had; the following appears of record to wit:

John Eisentraut

W.S. Harney, John M Harney,
Christian DeThury and A.B. DeThury
wife of said Christian, Ludovic
DeStoue and Eliza B DeStoue
wife of said Ludovic, James Clemens Jr,
J.B. Clemens, Bryan M Clemens, J.W.
Clemens and Nellie Clemens wife of
said J.W. Clemens, Alice Clemens
William J Clemens, James B Bates
and Kate Bates wife of said James B Bates,

In Partition

Order ap-
pointing
Commissioners

Now at this day comes the plaintiff by his attorney and W.J. Clemens and Alice Clemens by Wm H Thomas their Guardian ad litem and admit all and singular the matters and things in plaintiff's petition set forth, and the said W.S. Harney Jno M Harney, Christian DeThury A.B. DeThury, Ludovic B DeStoue, Eliza B DeStoue James B Bates, Kate Bates, James Clemens Jr, J.B. Clemens, Bryan M Clemens, J.W. Clemens, & Nellie Clemens failing to appear and set aside their default herein entered at the last term of this Court and this cause coming on to be heard upon the petition of Plaintiff and the answer of said minors, the Court doth find that said Plaintiff and Defendants are the

owners and tenants in common of the following described real estate situate in Jefferson County Missouri to wit; The East half of the North East quarter and the North half of the fourth East Quarter of Section three Township Forty Range four East containing one hundred and seventy six and seventy four hundredths of an acre, except Lot 74 in the town of South Monticello containing ninety seven hundredths of an acre being the same on which the dwelling house of James Porter now stands and being the same conveyed to said Porter by John Carver, And the Court proceeding to adjust and settle the rights and interests of said parties, doth declare the same ^{to be} as follows to wit; That the Plaintiff John Erentant is entitled to Eleven fifteenths of said Real Estate, that John W Harney is entitled to two forty fifths of said land, A.B. and Christian D. Shury own the undivided two forty fifths of said land and Ludovic and Eliza D. De Nove own two forty fifths of said land subject to the life interest of William L Harney in the same, J.B. Clemens, Bryan M. Clemens, Alice Clemens and William J. Clemens each own two ninetieths and J. W. Clemens and Nellie Clemens own and are entitled to two ninetieths of said land, and James B. Cates and Kate Cates own the undivided two ninetieths of said land subject to the life interest of James Clemens Jr in the same, It is therefore ordered, adjudged and decreed by the Court that partition and division of said lands be made

according to the respective rights and interests of said parties herein set out, and it is further considered by the Court that the interest of said plaintiff be set off in one parcel or tract, and that the interests and parts of said Defendants be set off to them together in one tract or parcel, And the Court doth appoint Eugene Amos Adam Karel and John C. Tsch, Commissioners residents of the County of Jefferson aforesaid to make partition so adjudged in accordance with the statutes in such cases made and provided and make a full and complete report of their proceedings to this Court at its next term, which report shall be in manner and form as prescribed by the statutes in such cases,

A true copy from the record

Witness my hand and the seal of said Circuit Court at office this 29th day of January 1869.

Elias J. Honey Clerk
By Charles D. Hoine Deft

D. H. Jefferson Circuit Court.
May Term 1869,

John Crenshaw

vs. In Partition

Wm. S. Harney, Adams et al

"
order

Appointing Commissioners
"

Exhibit "B"

E. Adams }
A. H. H. } Commissioners
J. C. Schen }

This order of appointing Constables came to hand February 2nd and 3rd is
Exeute the same by leaving a true copy of the within order with
Eugene Amour one of the Constables appointed and by riding the original
to A. Hoarrell, both at Jefferson County Mo this 5 Day of February 1869

Wm. L. Henderson Sheriff

And it was also served by riding the within to J. P. Fisher one
of the within named Constables at Jefferson Co Mo this
1st Day of March a D 1869

Wm. L. Henderson Sheriff

Recd 3:00

per J. M. L. Co. Am. & Co.
Deputy

John Eisentrant,
against
William S. Harney
and others

In the Circuit
Court of Jefferson
County Missouri

In Partition

Be it remembered that we
the undersigned Commissioners
heretofore appointed by the Circuit
Court aforesaid to make Partition
and division of the Real Estate
described in the final order ~~of~~ &
Judgment of Partition made in
said Cause by said ~~Circuit~~
Circuit Court at its November
Term 1868 viz on the 27th day
of November 1868 before entering
on the discharge of our said duties
do solemnly swear that
we will Honestly and impartially
execute the Trust reposed in
us by said order of said Circuit
Court appointing us as
such Commissioners

E. Amer
A. Hoepfel

J. C. Scherz

Commissioners

Sworn to and

John Eschbaur
vs
Wm. J. Harney
Others

Affidavit of
Commissioners

Exhibit "A"

Commissioners fees in Division of land for 2 Greenbont
to John M. Stearns & others

E. Moore 1 day at 2.50 per day 2.50

Adam Macaul 1 day at 2.50 per day 2.50

J. C. Schur's day at 2.50 per day 2.50

Board Docket Surveyors fees 7.00

Alvord J. H. West, Judge



We the undersigned Commissioners after being duly sworn according to law to make partition in lands in Section no 3 in Township no (40) of Range no (4) East between J. Eisentrout and John. M. Harney and others did proceed to survey and lay out to the said J. Eisentrout the East halves of Lot number 1 & 2 of North East qr of Section no (3) also $33\frac{15}{100}$ Acres of the N.E. qr of the S.E. qr of Section no (3) contain in all $128\frac{52}{100}$ Acres Also to to John. M. Harney and others $\frac{1}{2}$ of the whole Tract To wit the N.W. qr of the S.E. qr of Section no (3) also $6\frac{87}{100}$ Acres on the West Side of the N.E. qr of the S.E. qr of Section no (3) containing in all $46\frac{87}{100}$ Acres in accordance with the orders of said Court to make said Divisions of which we herewith report

Commissioners

State of Missouri
County of Jefferson

Be it Remembered that on this 10th day of May A.D. 1869 personally appeared before me the undersigned Clerk of the Circuit Court, Chas. Sayers, A. Hazell & Eugene Amos Commissioners

Plat 5. Survey of
lands of J. E. Everett
John Harney & others

Filed May 10th 1869
Elias J. Harney & others

Exhibit "C"

May 3^d 1869 I began at the N.E. corner of Section no 3 in Township no 40 of Range no 4 East on the Township line old bearing trees standing. Thence along the Section line South 66 chains and 80 links for S.E. corner set A Sandstone Rock and made A pile of Rock around it. Thence West 41 chains and 40 links to A pile of Rock and an old established corner. Thence North 20.00 chains and set A post in A field. Thence East 20.60 chains to A Rock 6 inches square set in the ground Thence North 46.80 chains to Township line set A post in A field Thence East 20.60 chains to place of Beginning. I then went back to N.E. corner of NW gr of SE gr and measured 3 chains and 65 links East set A stake from which A White oak 4 inches in Diameter Bears S 68 W 15 links Dist also A Black oak 3 inches in Diameter Bears N 88 E 23 links Dist. Thence South 20.00 chains to South line of Said Tract set A stake from which A Hickory 10 inches in Diameter Bears N 8 E 16 links Distant also A oak 8 inches in Diameter Bears S 4 E 6 links Dist which cut off J. M. Harneys land from the balance of said Tract as the Map will show
Oscar Dovel Surveyor
From to and Surveys }

John Eisenbraun

Plaintiff

vs
William S. Harney, John W. Harney,
Christian D. Thury, & A. B. D. Thury wife
of said Christian D. Thury, Ludovic
De Storie & Eliza B. De Storie wife of
said Ludovic De Storie, James Clemens
Jr & J. B. Clemens, Bryan M. Clemens,
J. W. Clemens, & Nellie Clemens wife
of, said J. W. Clemens, Alice Clemens,
William J. Clemens, James B. Coates
& Kate Coates wife of said James
B. Coates

Defendants

In the Circuit Court of
Jefferson County
Missouri

We the undersigned Commissioners
appointed by an order of the Circuit
Court of Jefferson County Missouri
by an order of said Court made
on the 27th day of November, 1868
to make partition and division of
certain Lands therein described
between Plaintiffs and the Defendants
as above named which said Real
Estate is situate in Jefferson
County Missouri and described as

follows viz, The East half of the North
East quarter and the north half of the
South East quarter of section Three
Township Forty Range Four
East Containing one hundred and
seventy six $\frac{74}{100}$ acres Except Lot
Seventy four in the Town of South
Motelcello Containing ninety seven
hundredths of an acre being the
same on which the dwelling house
of James C. Power now stands &
being the same conveyed to said
Power by John Learner do

Respectfully Report to this
Honorable Court that we did on
the 27th day of April 1869 take and
subscribe an affidavit to faithfully
honestly and impartially execute the
Trust reposed in us by said order
of Court as such Commissioners a
copy of which affidavit marked
Exhibit "A" is herewith returned ~~and~~
and is attached hereto and made a part
of this Report, and we did afterwards
move on the 3rd day of May 1869
after having given due notice to
the parties interested of our intent-
ion to do so proceed to divide

said Land and make partition
thereof between the said Plaintiff
and Defendants in accordance
with said order of ~~this Court~~ The
said Circuit Court a copy of
which marked Exhibit "B" is
attached hereto and made a part
of this Report, and we did divide
the same so as to give to said
Plaintiff his interest therein in
accordance with such order
of said Court setting his said
interest off in one tract to itself
taking into consideration in the
making of such division the
quality and quantity of said
Land & did so divide it as to
give to said Plaintiff in one tract
and to said Defendants jointly in
one tract their proportional part
of said Land quality and quantity
relatively considered, allotting to
said Plaintiff his portion of said
Land described as follows, to wit,
The East halves of Lots No. (1 & 2)
one and two of the North East
quarter of section Three Township
Forty of Range Four East containing
ninety five acres and seventy four

one hundredths of an acre, and also
thirty-three & fifteen hundredths acres
off of the Eastern side of the North
East quarter of the South East quarter
of section Three Township Forty Range
four East containing in all one
hundred and twenty eight & $\frac{84}{100}$
acres and which is more particularly
described as follows viz, beginning
at the North East Corner of said section
Three thence running south along the
section line of said section three 66 ~~Chains~~
Chains & 80 links for the South East
Corner of said Land, thence running West
16.95 Chains, thence running North 20 Chains
thence running West 3.65 Chains thence
Running North 46.80 Chains
to the Northern boundary line of said
section Three thence Running
East 20.60 Chains to the place of
beginning at the North East Corner
of said section Three, the same
being one hundred & twenty eight & $\frac{89}{100}$
acres, and we did set off and assign
to the Defendants J. M. Warner and
others jointly in one tract $\frac{4}{15}$
of the whole tract it being Forty
Six & $\frac{87}{100}$ acres bounded and
described as follows viz beginning

at the North East Corner of the North West quarter of the South East quarter of said Section Three thence running East 3.65 Chains to a stake from which a white oak 4 inches in diameter bears S. 68° W 15 links Dist; also a black oak 3 inches in diameter bears N. 58 E 23 links distant thence running South 20 Chains to the South line of said Tract, at a stake Corner from which a hickory 10 inches in diameter bears N 8 E 10 links distant also a post oak 8 inches in diameter bears S 4 E 6 links distant. thence running West 23.65 Chains thence north 20 Chains, thence East 20, Chains to the place of beginning at the North East Corner of the North West quarter of the South East quarter of said section Three, and we caused the same to be surveyed by Oscar Dover a Practical Surveyor who has made a plat & description of such several Tracts of Land as herein designated and set off to the respective parties ~~which~~ which plat and survey marked Exhibit "C" is hereto attached and made a part of this Report,

all of which is respectfully
submitted

E. Amor

A. Hassel
J. C. Scher

Commissioners

State of Missouri }
County of Jefferson } ss

Be it remembered that
on this 16th day of May A.D. 1869
before me the undersigned Clerk
of the County Court within and for
the County of Jefferson afores-
aid at my office in said
County came Eugene Amor
Adam Hassel and John C. Scher
whose names are subscribed to
the foregoing instrument of writing
as parties thereto having executed
the same and they severally
acknowledged that the same
was their voluntary act and
deed and that they executed
the same for the purposes
therein mentioned and contained
In Testimony whereof

I herewith subscribe
my name and affix
the seal of said Court at
office in the Town of
Hillsboro the day and
date last aforesaid
Wm. M. Mullen Ct

John C. C. C. C.
May Term 1869

John C. C. C.
at
New J. H. H.
40th St.

Report of the Committee

And May 19 1869
C. C. C. C. C.
By G. H. C. C. C.

John E. Ewertant

vs
William S. Harney &

(name all the defendants
here)

} Portion

Now as this day come E. A. Mow
and — — — — — and — — — — —

Commissioners appointed at the last Term
of this Court to make partition and division
of the following described Real Estate
situated in Jefferson County Missouri
To-wit: (Here copy Land) between
the plaintiff and defendants as follows
To s^{pl}, the ~~(here state interest of Ewertant)~~
~~and also of defendants jointly~~ $\frac{1}{15}$ of
said Land and to defendants jointly the
the $\frac{14}{15}$ of said Land and make report
of their how they execute their
said Trust accompanied with a plat
of the survey of of the same as follows
To-wit: (Here copy plat on record,) and also
a survey of said Land made by second
dower, by which plat survey and
report it appears to the Court that said
Commissioners set off and assigned
to John E. Ewertant Plaintiff the following
portion of said Real Estate, To-wit: (here
set of the No. of acres given Ewertant
with the description meets & bounds as shown
by the report,) and also that they set off

and assigned to the Defendants jointly
the following ~~part~~ portion of said
Land (here set out the no. of acres with
description meets & bounds as shown by
the report-) which report is accompanied
with the affidavits of said Commissioners,
^{taken & subscribed by them before they entered upon}
^{the discharge of their duties as such commissioners,}
that they would faithfully & impartially
execute the Trust reposed in them as
such Commissioners and a copy of the
order appointing them as such Commissioners
as also the amount of their fees
together with the fees due said Dover
Surveyor and there being no objections
to said Report the Court doth approve
the same, it is therefore considered
and adjudged by the Court that
said partition be firm and effectual
forever, and that said Commissioners
be discharged

2801

John Greenbush
vs
M. J. Harney et al