

May 1868 - No. 184

McMullen Samuel W.

McMullen, Dorothy Ann

McMullen, John T.

McMullen, Sarah et al

vs

Edwards, Oscar

Partition

Heirs of George N Edwards;
Other plaintiff William Edwards,

S6-T39-RSE 135 acres;

Lot No. 1 S6-T39-RSE

69.95/100 acres

Samuel W. Mc Mullin and
 Dorothea Ann Mc Mullin his wife,
 John J. Mc Mullin, and Sarah
 Mc Mullin, his wife, and
 William Edwards, Plaintiffs
 Against
 Oscar Edwards, Defendant
 In the Circuit Court
 of Jefferson County Missouri

The Plaintiffs state that George W. Edwards died several years ago, seized in fee simple at the time of his death, of the following described Lands situate in Jefferson County Missouri, to wit, The South West ^{fractional} quarter of Section No. Six, in Township Thirty nine of Range Five East, containing one hundred and thirty five acres; also, Lot No. One, of the North West quarter of Section No. Six in Township No. Thirty nine of Range No. Five East, containing sixty nine acres and $\frac{95}{100}$ of an acre. That said George W. Edwards dec'd, left surviving him the following Children and heirs, to whom said Lands descended, to wit, Dorothea Ann Edwards (since married to Samuel W. Mc Mullin) Sarah Edwards, (since married to John J. Mc Mullin) Emma Edwards (married to Noah N. Forber) William Edwards, and Oscar Edwards - the last of whom is a minor, and for whom the Court will appoint a guardian ad litem. Plaintiffs state that Samuel W. Mc Mullin has since bought and received a Deed for the interest of Emma Forber and her husband of the Lands above described, - and that said Samuel W. Mc Mullin is therefore entitled in

fee simple to the undivided one fifth part of the Lands
above described, and that his wife, Dorothea Ann Mc
Mullin, is entitled in fee to the undivided one fifth
of said Lands, - That Sarah Mc Mullin (wife of John
J. Mc Mullin) is entitled in fee to the undivided
one fifth of said Lands, - and that William Ed-
wards and Oscar Edwards are each entitled
in fee to the undivided one fifth of said Lands.

Plaintiffs state that they and the Defendant
hold said Lands, as Tenants in Common, - that
the Estate of said George M. Edwards deceased has
been finally settled and all claims against it
fully discharged. Plaintiffs therefore ask the Court
to make an order and decree for the partition
and division of the Lands aforesaid among
the Parties in interest therein ^{as} set forth, if the
same can be done without great prejudice
to the Owners thereof, if not, then for an order for
the sale of said premises, and a division of the
proceeds thereof among all of the Parties in
interest therein according to their respective
rights and interests.

Abner Green
Attorney for the Plaintiffs

Samuel M. Mc Mullin one of the above Plaintiffs
makes oath and says the above petition and
the matters therein as stated he believes to be true,
Subscribed & Sworn to Samuel Macmullin
before me this April 14th 1868

Chas Honey A. A. C. R.
Per O. L. K. K. K. K. K.

In Circuit Court
Jefferson County
May Term 1868

Saml. W. McMillen
and Others

^{vs}
Elean Eason

Petition for
Partition & Lot
Assignment, Adams
vs. P. P. Co.

Filed April 14 1868.
J. H. H. H.
of New York City
1350 by J. H. H.

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Oscar Edwards*

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 ~~sixth~~ Monday after the
fourth Monday of *March* 1868 ~~at~~, then and there to answer unto

Samuel W M Mullin & others

upon *their* 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

Fifteenth day of *April* A.D. 1868,

Elias F. Honey
Clerk Circuit Court.
Per J. L. Morris Deft

No 1874

Mar 1868

2699 TO
JEFFERSON CIRCUIT COURT.

May Term, 1868

James M. Mullins et al

vs
Oscar Edwards

Writ

about 17.
John Williams
Sherriff fee \$1.00

I Executed this writ in Jefferson County Missouri
on the 17 Day of April 1868 By Delivering to
Oscar Edwards a true copy of this Writ and
Petition

John Williams Sheriff
By R. S. Whitehead Deputy

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:

Samuel McMullin and Dorothea McMullin his wife, John J. McMullin and Sarah McMullin his wife and William Edwards Plaintiffs	} In Partition Order of sale,
Oscar Edwards - Defendant	

Now at this

day comes the plaintiffs by their attorneys and the defendant failing to appear and set aside his default herein entered at the last Term of this court and this cause coming on to be heard upon the petition and evidence adduced by plaintiffs, the court doth find that said plaintiffs and defendant are tenants and owners in common of the following described real estate situated lying and being in the County of Jefferson and State of Missouri to wit: The South west fractional Quarter of section six in Township thirty nine of Range five East containing one hundred and thirty five acres. Also lot no one of the North west quarter of section no six in Township no thirty nine of Range five East containing sixty nine acres and ⁹⁵/₁₀₀ of an acre, and the court proceeding to adjust and settle the rights and interests of said parties in and to said lands doth declare the same as follows to wit: That Samuel W. McMullin is entitled to one fifth of said land in his own

right having purchased the same from Emma
Forber & her husband, that Sarah A McMullin
wife of said Samuel M. McMullin is entitled
to one fifth of said lands, that Sarah McMullin
wife of John S McMullin is entitled to one fifth of
said lands, and that William Edwards and
Oscar Edwards are each entitled in fee to the
undivided one fifth of said lands, It is therefore
ordered adjudged and decreed by the court
that partition and division of said lands be
made in accordance with the respective
rights and interests herein set forth, and it
appearing to the court that partition and division
of said lands in kind, cannot be made without
great prejudice to the owners thereof, It is there-
fore ordered by the court that the Sheriff of Jefferson
County proceed to advertise and 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 pur-
chaser or purchasers thereof with good and suf-
ficient securities bearing interest at ten per cent
per annum, and that said sale take place on
some day during the session of the circuit court
for said Jefferson County and be governed by
the same regulations as prescribed by law
for such sales, and divide the proceeds thereof

of said sale among the parties according
to their respective interests as aforesaid,

A true copy from the record

Witness my hand and the seal of
said circuit court hereunto affixed
at office in Hillsboro this 29th
day of January 1869,

Elias H. Honey Clerk

By Charles T. Nimmo Deft

2699

Wm Jefferson Council Court,
May 1869,

Samuel, W. M. Mullin & Co.,

and Indenture

Dear Edmunds

Order of Sale

Dec. 24, 1868 \$1,30
Filed May 1878
Edmunds, Wm. & Co.
By J. H. C. & Co.

10,000

The State of Missouri, COUNTY OF JEFFERSON.

BE IT REMEMBERED, That on this 7th day of May A. D. 1869, before me, the undersigned Clerk of the Circuit Court of Jefferson county, came **Frank N. Stone**, who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON DEMOCRAT**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for 4 times, the first insertion being on the 15th day of April, 1869, and the last on the 20th day of May, 1869, as follows, to-wit:

In No. 13, April 15 1869.

In No. 14, " 22 1869.

In No. 15, " 29 1869.

In No. 16, May 6, 1869.

In No. Frank N. Stone 1869.

SWORN TO and subscribed before me this 7th day of May, 1869.

Printer's Fee \$10.00
Affidavit 25

Chas. B. Hickey Clerk. Car Ch
By L. H. Alfred
Received Payment Frank N. Stone

\$10.25

SHERIFF SALE IN PARTITION.

[In the Circuit Court of Jefferson county, Mo.]
Sam'l W. McMullen and Dorothea A. McMullen,
his wife, John T. McMullen and Sarah McMullen,
his wife, and William Edwards, plaintiffs; vs. Os-
car Edwards, defendant.

By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its November term, A. D. 1868, I will on the fourteenth (14) day of May next, 1869 at the court house door in the town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, and during the session of the said Circuit Court, offer for sale at public auction to the highest bidder the following described land or real estate to-wit: The south west fractional quarter of section six in township 39 of range five east containing one hundred and thirty-five acres; also lot No. 1 of the north west quarter of section number six in township number 39 of range 5 east, containing 69 acres and 95-100ths of an acre, all of which is situated in the county of Jefferson and State of Missouri. For the purpose of making partition between said parties, for which the purchaser will be required to pay ten per cent of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving his bond with approved security, bearing interest at the rate of ten per cent per annum from date, this 12th day of April, 1869.

13-46 FRED. LUCHTEMEYER, Sheriff.

Saml W McMullin & Dorothe A.
McMullin his wife, John T
McMullin & Sarah McMullin
his wife & Wm Edwards

against

Oscar Edwards Deft

In the Jefferson County Circuit Court.

May Term A D 1869

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

The undersigned Sheriff of Jefferson 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 advertisement in the *Jefferson Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on Friday, the

Fourteenth day of May, A. D. 1869, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of said day, and during the session of the Circuit Court of said County, at the May term thereof, for the year Eighteen Hundred and Sixty

Nine, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: The south west fractional quarter of section six in Township 39 of range five east containing one hundred and thirty five acres; Also Lot No 1 of the North west quarter of Section Number six in Township Number Thirty nine of range 5 east containing 69 acres and 93/100 of an acre.

And at said sale Samuel W McMullin and John T McMullin became the purchasers of the Real Estate hereinbefore described at the price and sum of Twenty four hundred and two Dollars and the same was stricken off and sold to them for that sum. of which sum they have to me in hand paid ten per cent and have given their bond with approved security for the balance as required by the terms of sale. And This Report is respectfully submitted

Joed Linsmeyer

Sheriff

Sam'l W McMullin et al,
against
Oscar Edwards

Report of Sale.