

DeForsan County
Case Files - Civil
May 1868, No. 191

Circuit

Court

Box

21

Folder

71

Ogile, Virginia P.

vs

Ogile, Eli Zakkath

Ogile, Joseph B

Ogile, Hannah

Partition

Heirs of James Ogile; 36 acres
in S35T40R4E; 5 lots in DeSoto

Virginia F. Ogle Plaintiff

vs

Elizabeth Ogle, Joseph B.

Ogle & Hannah Ogle Defendants

In the Circuit Court of
Jefferson County Missouri.

Plaintiff States that James Ogle Departed
this life intestate in the aforesaid County of
Jefferson about the year 1863, leaving Surviving
him his widow Elizabeth Ogle, this Plaintiff
and Defendants Joseph B. Ogle, & Hanna
Ogle his children & heirs, that Said James
Ogle was at the time of his death seized
in fee Simple of the following described
Real Estate Situate in Said County
of Jefferson, viz The South East fractional $\frac{1}{4}$
of the North West fractional $\frac{1}{4}$ of Section Thirty
Five in Township Forty of Range Four,
East, containing Thirty Six acres, and
Lots five (5) Twenty (20) Twenty one (21) Twenty
Two (22) Thirteen (13) and in Block
Thirty Four (34) in the Town of De Soto,
as the Same are Shown on the Plat of
Said Town now on file in the Records
office of Jefferson County Missouri.

Plaintiff States that Said Elizabeth Ogle is
entitled to one third interest in Said land for
during her natural life, and that Plaintiff

and Said Joseph B. Ogle, and Hanna Ogle,
are each entitled to one third of Said Real
Estate Subject to the Said Dower interest of
Said Elizabeth Ogle as aforesaid, wherefore,
Plaintiff prays the Court in consideration
of the premises to make a Decree That
Partition & Division of Said land be made
between this Plaintiff and Defendants ac-
cording to the respective rights of the parties
and that an order for the Sale of the Same
may be made if the Same cannot be
divided without great prejudice to the owners
thereof. Plaintiff further States that the
Defendants Joseph B. Ogle & Hanna Ogle
are minors both under the age of Twenty
one years, the Said Hanna being under
eighteen years old, and Plaintiff prays the
Court to appoint a Guardian Ad Litem for
them to answer this Petition and to
Defend their interest herein, and that
the Court will make such other &
further orders as may be proper.

Samuel A. Reppey
Attorney for Plaintiff

State of Missouri
County of Jefferson:

Samuel A. Reppey
being duly Sworn upon his oath Says
that the matters and things as herein

above stated, he believes to be true &
correct to the best of his knowledge
Subscribed & sworn,
to before me this
apl 23-1868,

} Daniel H. Reppey

Chas & Mary Olmsted

Res Alfred Depb

Virginia S Ogle

22

Elizabeth Ogle et al

Petition for Partition

Filed April 25th 1868,
Chas Honey Ct,
Per Marine Dept

Spaid by Peppy

above stated he believes to be true &

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 *Elizabeth Ogilby*
Joseph S Ogilby & Hannah Ogilby

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* 1868 ~~1868~~, then and there to answer unto

Virginia P Ogilby

upon *her* 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
Twenty fifth day of *April* A.D. 1868

Elias F Honey
Clerk Circuit Court.
Rev C D Honey Dep

✓ 20191
30/10

JEFFERSON CIRCUIT COURT.

May Term, 1868

Virginia O Ogle

vs Joseph Ogle et al

original

John Williams

Sherriff fee \$3.00

must be
paid here

I Executed this Writ in Jefferson County Mo on
the 25th Day of April 1868 on Elizabeth Ogle
by Delivering to her a true copy of this Writ
and Petition and on Joseph B. Ogle and
Hannah Ogle by Leaving a true copy of
this Writ at there usual place of abode with
a White Person of there family over the age of
fifteen years

John Williams Sheriff

Virginia P. Ogle, - Plaintiff	}	In the Circuit
Against		Court of Jefferson
Elizabeth Ogle, Joseph		County Missouri
B. Ogle, & Hannah Ogle, } Defendants		May Term 1868

Elizabeth Ogle, one of the defendants in the above entitled Cause, Comes and demurs to the petition filed by Plaintiff therein, and states the following grounds of objection,

- 1- It is appears upon the face of the Petition that the Lands described therein, descended to all of the Parties in interest to the same, - and it is not alleged in said Petition that the Estate from which the same descended has been finally settled, and all claims against it fully discharged.

Abner Green,
 Attorney for Elizabeth Ogle,
 a defendant

Virginia P. Ogle

vs,

Elizabeth Ogle, Et, al,

Declarer
to Petition

Filed May 19th 1868,
E. H. Kinney Clk

Virginia P. Ogle, - Plaintiff } In the Circuit
 Against } Court of Jefferson
 Elizabeth Ogle, Joseph P. Ogle } County Missouri
 Hannah Ogle, - Defendants }

Elizabeth Ogle, one of the above Defen-
 ants, for Answer to Plaintiff's Petition, states that
 the rights of the Parties to the Lands ascribed in
 said Petition are correctly stated, But, she denies
 the right of Plaintiff to have and maintain a
 suit for partition, or a sale of said Lands, for the
 reason that the Estate of James Ogle, deceased
 has not yet been finally settled and all the
 debts thereof fully discharged. But, on the con-
 trary there yet remains unpaid several debts
 allowed against said Estate, - and that ^{there} is no
 personal assets with which to pay said allow-
 ances, And an order of sale of a part of the Real
 Estate ascribed in said Petition, has been made by
 the County Court of Jefferson County, Missouri, for the
 payment of said allowances, - and which order has
 as yet only been carried out by sale of a portion
 of said Town Lots, - and that a sale of other
 portions of said Real Estate is yet necessary
 in order to complete the payment of said debts
 and allowances, - The Defendant therefore denies
 the right of Plaintiff to have and maintain this
 suit for partition of said Lands at this time, or
 until said Estate is finally settled and the debts

and allowances fully paid and exchanged, &
Wherefore Defendant prays that said suit may
abate, and that the proceedings thereof may
be dismissed.

Witness my hand &
Seal, this 10th day of
April, 1884.

Attorney for Reliance Co.

Virginia P. Ogle
vs.

Elizabeth Ogle
& others

Answer of
Elizabeth Ogle

Filed Sept 12th 1868
E. F. Honey Cl