

Jefferson County Circuit Court
Case Files - Civil

Folder 2 of 2

Box 22 Folder 57

November 1868, No. 231

Wise, Laura

vs.

Wise, Angeline
Wise, Laura

Partition

Heirs of Jonathan Wise; 101 acres
in S11, 14T42R3E; survey map; bill
of exceptions

Laura Wise
vs
Laura & Angeline Wise

1st The Court declares the Law to be that the objections to the Report of Commissioners Filed in this Cause by Defendants by their Guardian ad Litem March 5th 1870 and now under consideration were passed upon and ~~adjudicated~~ adjudicated by this Court at its May Term ¹⁸⁶⁹ ~~1870~~ in the overruling of the objections to said Report Filed at that Term by the Defendants by their Guardian ad Litem and therefore the objections to the Report of Commissioners now under consideration should be overruled by the Court

2nd The Court further declares the Law to be that the objections to the Report of Commissioners Filed by defendants by their Guardian ad Litem March 5th 1870 in so far as said Report is therein objected to on account of alleged inequality and injustice of the division of the Real Estate made by the Commissioners have heretofore been passed upon and adjudicated by this Court in the hearing and overruling of objections to said Report Filed by defendants by their Guardian ad Litem at the May Term 1869 and therefore the Justice and Equality of the division of the Real Estate made by the Commissioners as shown by their Report, Can not now be injured into by the Court

3rd The Court further declares the Law to be that the judgment confirming the Report of the Commissioners and declaring the partition and division of the Real Estate therein described firm and effectual forever rendered by this Court at its May Term 1869 is binding and conclusive upon all the parties to this action and therefore the objections to said Report

Filed March 5th 1870 by defendants by
their Guardian ad Litem should be
overruled

Refused

Wise
as
Wise & Wise

instructions,
asked by Plaintiff

Filed March 15/1876
E. Henry @ N

At the Court which David reports as
unjust in any respect with respect to making
an unequal division or by damaging
the land by cutting it up into small
~~and~~ pieces. Then said report should
be set aside.

4 -

Refused

Before the Court can find for Plaintiff upon the grounds that the matters in the motion have been ascertained either by the Court and all interested, the Court must first ~~that~~ find that the leaves involved were lost, & that all the claims in this motion were included in the former motion.

Referred

35. —

The Court having set aside the order of the Court made at the May Term 1869, (Confirming the Report of the Commissioners,) for manifest irregularity, ~~the order of~~ the Report now stands before the Court, subject to the objections filed, and is open to objection the same as if it had never been confirmed, and if the Court believes from the evidence in support of said objections, that the division of the Land in question, as made by the Commissioners is manifestly unequal and unjust, then the said order of Confirmation so made, and set aside for irregularity, is no legal bar to the objections filed against said Report, and the same should be set aside,

Refused

Wine

23,

Wine

Declaration of
Law, &

Has Med 15790

Et Honey etc

Laura Wise
 on
 Angeline Wise et al } In the Jefferson Circuit
 Court.
 March Term 1870.

This affiant states that he is an attorney at law, engaged in the above entitled cause on behalf of Defendants; that on or about the 24th or 25th day of February 1870, J. J. Williams, Attorney for Plaintiff asked him if the objections to the report of the Commissioner, filed herein, ^{had been filed} & he told him no: he then asked affiant what objections would be filed & he told him that the same objections so far as applicable, as were filed at the November of this Court & that thereupon said Williams had his witnesses for Plaintiff subpoenaed. This affiant further states that he thought he had till the 1st day of March 1870 to file such objections.

Sworn to & subscribed } John L. Thomas.
 before me March 11
 1870.

~~Edwards & Hooper Att~~
 By L. A. Agent D.C.

Laura Wise & ^{us} ~~the~~ In the Circuit
 Court of
 Laura Wise & Jefferson County
 Angelina Wise Missouri

Now at this day comes the
 Plaintiff and moves the Court
 to arrest ^{and set aside} the judgment at
 this Term of the Court rendered
 to set aside the Report of the
 Commissioners heretofore
 filed in this Cause and sustaining
 objections filed thereto March 5th
 1870 by their Guardian ad Litem
 for the following Reasons
 viz.

1st Because the Court had no
^{power or authority} ~~jurisdiction~~ to hear said
 objections or to sustain the same
 or to set said Report aside
 for the reason that said Report
 objections were heretofore passed
 upon & overruled and adjudicated
 by the Court at its May Term
 1869 and were not at this Term
 of Court open to further invest-
 igation

2nd Because the Court had no Power or
authority ~~jurisdiction~~ to pass upon or
sustain such objections so filed
March 5th 1870 to said Report
of Commissioners ~~for~~ or to
render Judgment at this Term
of Court sustaining said
objections and setting aside
said Report for the reason
that final Judgment was
(rendered) approving said
Report & making said partition
firm and effectual for ever at
lay the Court at its May Term
1870 and therefore the matter
was not open at this Term of
Court for further investigation

Wm. Williams
Attorney for Plaintiff

3rd Because the action of the Court
at this Term attempting to set aside
the Report of Commissioners is void
in Law and does not effect the final
Judgment of Partition (rendered) at
the May Term of the Court 1869

and because all orders made by
the Court since the adjournment
of said May Term 1869 for the
setting aside of the Report of
Commissioners together with the
Final Judgment of Partition at
said May Term 1869 (undered) are
void in Law and because the
proceedings herein at this Term are
negating void & operate as a cloud
on Plaintiffs title to the portion of said Land
set off to her by the Commissioners.

Jos. J. Williams,
Att'y for Plaintiff

Laura Wise
per

Laura Wise &
Angelina Wise

Motion in arrest
of Judgment

Filed March 18 1896
Elias F. Hough
B. L. Hough & Co

Laura Wise vs Laura Wise & Angelina Wise In the Circuit Court of Jefferson Co. Mo. March ~~Term~~ Term 1870

Now at this day comes the Plaintiff and moves the Court to Tax all Costs which accrued at the May Term of this Court 1869 together with all Costs which have accrued at this Term of this Court in consequence of the filing ~~and~~ of objections to the Report of Commissioners, and of the summoning of witnesses together with the fees of witnesses for attendance upon the Court to testify upon the trial of objections to such Report of Commissioners at such May Term 1869 & March Term 1870 against the Defendants for the following Reasons viz

1st Because it would be unjust to Plaintiff to Tax any portion of said Cost against her under the Circumstances of the Case

Jos. J. Williams
Atty. for Plaintiff

Laura Wise

25

Laura Wise &
Angeline Wise

Motion to Yad
Cost—

Laura Wise Plaintiff
vs
Angeline Wise et al
Defendants }

Now at this day Comes said
Defendants by their guardian ad
Litem W. H. H. Thomas & moves the
Court to let all the Costs accrued
in the above Cause for the follow-
ing ~~Reasons~~ against Plaintiff

1. Because she was the losing party
2. Because she was the cause of the
accruing of the Costs.

Green & Thomas
for Defendants

Louisa Wise

3

Angeline Wise
et al

Motion total Cost.

Filed Sept 16 1870
E. J. Hornum ex

Laura Wise Plaintiff } In the Circuit
against } Court of
Laura Wise & } Jefferson
Angeline Wise Defendants } County Missouri

Plaintiff for amended Petition says
that Jonathan Wise her former
husband died in Jefferson County
Missouri Testate about the year
1863 and left his last will which
has since his death been duly
duly and admitted to probate
by the County Court of said County
that at the time of his death
said Jonathan owned in fee,
simple the following described
Real Estate situate in said County
of Jefferson, to wit,

The North East Fractional
quarter, East of Big River, of Section
Fourteen Township Forty Two
Range Three East containing
Forty six $\frac{2}{100}$ acres, also the South
East Fractional quarter, East of
Big River, of Section Fourteen
Township Forty Two Range Three
East containing Thirty six $\frac{26}{100}$
acres, also the South East

Tractonal Quarter East of Big
River, of section Eleven
Township Forty Two Range three
East containing nineteen acres

Plaintiff further avers that by said
will said Jonathan Wise devised
to Plaintiff the undivided one third
of said Land in fee simple and to
the Defendants who were his grand
Grand Children he devised the
undivided Two thirds or one
third to each of them, in fee simple

Plaintiff avers therefore
that she and the Defendants are
owners of and Tenants in common
of said Land as that Plaintiff is
entitled to the undivided one third
thereof and Defendants are each
entitled to the undivided one third

wherefore Plaintiff prays the Court
to decree that partition of said
Real Estate be made between the
Plaintiff and Defendants according
to their respective rights & interests
therein and Plaintiff prays
that the share of Plaintiff be
decree'd to be set off to her in
one tract or parcel and that the
share of Defendants be set off to
them in one tract or parcel
and Plaintiff also prays that
if said Land can not be divided
without great prejudice to the
owners that the ~~same~~ may be
Court will make an order that
the same be sold and that the Court
will make such other orders and
decrees as may be just in the
premises

Jos. J. Williams
Atty. for Plaintiff

Jos. J. Williams Attorney for the
Plaintiff on oath says that the foreg-
ing petition is true to the best of his knowl-
edge & belief

Sworn to and subscribed before
me Sept. 24th 1870
Samuel A. Rogers
Notary Public

Jos. J. Williams

Laura Wise

vs

Laura Wise &
Angeline Wise

amended Petition
filed by leave
of Court

Filed Sept. 24th 1878
E. F. Honey, Clerk.

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court September Term 1870
September 24th 1870

Be it remembered that in said Circuit Court
of that day among other proceedings therein
had, the following order appears of record
to wit:

Laura Wise Pltff }
= ss = } In Partition
Laura Wise and }
Angelina Wise Defs }

Now at this day comes the plaintiff and
the defendants, having been heretofore served
with process, and W. H. Thomas having been
appointed guardian ad litem for them, and
they appearing by their guardian ad litem
and by consent, plaintiff with leave of Court
files an amended petition herein, and it
appearing to the Court that judgment here-
inbefore entered in this cause setting out
and declaring the rights of the plaintiff
and defendants in and to the land in plain-
tiff amended petition described, does not
conform to the law in such case, in that the
same does not show what interest each of
the defendants own in severally, that is to say
the same stating that the defendants own
the undivided two thirds of said land
jointly, whereas in fact they own each

the undivided one third of said land. The Court now therefore by consent of plaintiff and also of the defendants by their Guardian ad litem proceed to settle adjust and declare the rights of the respective parties plaintiff and defendants in and to the Real Estate described in plaintiff amended petition and in pursuance of said petition, which land is situate in Jefferson County Missouri and described as follows, viz: The north east fractional quarter, east of Big River, of Section fourteen Township Forty two Range three east containing Forty six $\frac{4}{100}$ acres, also the south east fractional quarter, east of Big River, of Section fourteen Township Forty two Range three east containing Forty six $\frac{2}{100}$ acres, also the south east fractional quarter, east of Big River, of Section Eleven Township Forty two Range three east containing Nineteen acres. And doth adjudge declare and decree the rights of the respective parties in and to said lands to be as follows, to wit: That the plaintiff and defendants are owners of and tenants in common of said land, and that plaintiff owns in fee simple the undivided one third thereof. It is therefore ordered considered and adjudged by the Court, that partition and division of said

Real Estate be made between the plaintiff and defendants in accordance with the respective rights and interests of the parties therein as above set forth, and it is further ordered and decreed by the consent of parties, plaintiff and defendants that said land be divided if the same can be done without great prejudice to the owners, as follows, viz: The undivided one third part thereof, quality and quantity being relatively considered, is to be set off and assigned to plaintiff, and the remaining two thirds of said land, quantity and quality being relatively considered, is to be set off to and divided equally between the defendants but if the shares of defendants cannot be set off and assigned to them so as to give to said defendants each her share to its self in a separate tract, then the two thirds of said tract of land is to be set off to defendants without dividing the same between them, and the one third thereof is to be set off to plaintiff, and the court doth appoint Isaac S Baker James A Wilson & James R McCulloch, Commissioners to make partition and division of said land as hereinbefore described, and make report herein of their proceedings

at the next regular term of this Court
A true copy from the record
Witness my hand and the seal
of said Circuit Court at office
in Wheelton, this first week of
December A D 1870

W. J. Bryce Clerk

I herewith this notice in Jefferson County
Missouri on the 2nd day of January
1871 on Isaac, S. Baileys by delivering
to him a true copy of this notice and
an answer. s. Wilson and J. H. McCulloch
by reading the same to each of them
John McCulloch Sheriff

To the Jefferson Circuit Court
March 2. 1871.

Laura Wise
vs Partition
Laura Wise &
Angeline Wise

Order appointing
Commissioners

Isaac S. Baker,
James A. Wilson
J. R. McCulloch } Commissioners

W. S. Boyce clerk, fees \$2.80

John Williams
Sheriff fee \$1.50

State of Missouri }
County of Jefferson }

In the Jefferson Circuit
Court September Term 1870
September 24th 1870

Be it remembered that in said Circuit Court
of that day among other proceedings therein
had, the following order appears of record
to wit:

Saura Wise Deft }
-vs- }
Saura Wise and }
Angelina Wise Defts }

In Partition

Now at this day comes the plaintiff and
the defendants, having been heretofore served
with process and W. H. Thomas having been
appointed Guardian ad litem for them, and
they appearing by their Guardian ad litem
and by consent, plaintiff with leave of court
files an amended petition herein, and it
appearing to the Court that judgment here-
tofore entered in this cause setting out
and declaring the rights of the plaintiff
and defendants in and to the land in plain-
tiff amended petition described, does not
conform to the law in such cases, in that the
same does not show what interest each of the
defendants own in severally, that is to say
the same stating that the defendants own
the undivided two thirds of said land
jointly, whereas in fact they own each the

undivided one third of said land, The Court now therefore by consent of plaintiff and also of the defendants by their Guardian ad litem proceed to settle adjust and declare the rights of the respective parties plaintiff and defendants in and to the Real Estate described in plaintiff amended petition, and in pursuance of said petition which land is situate in Jefferson County Missouri and described as follows, viz: The north east fractional quarter, east of Big River, of section fourteen Township Forty two Range three east containing Forty six & $\frac{4}{100}$ Acres, Also the south east fractional quarter, east of Big River, of section Fourteen Township Forty two Range three east, containing Forty six & $\frac{2}{100}$ Acres. Also the south east fractional quarter, east of Big River, of section Eleven Township Forty two Range three east containing Nineteen Acres, And doth adjudge declare and decree the rights of the respective parties in and to said lands to be as follows, to wit: That the plaintiff and defendants are owners of and tenants in common of said land, and that plaintiff owns in fee simple ~~the~~ the undivided one third thereof. It is therefore ordered considered and adjudged by the Court, that partition and division

of said Real Estate be made between
the plaintiff and defendants in accordance
with the respective rights and interests
of the parties therein as above set forth,
And it is further ordered and decreed by the
consent of parties, plaintiff and defendants
that said land be divided if the same can
be done without great prejudice to the owners
as follows, viz: the undivided one third part
thereof, quality and quantity being relatively
considered, is to be set off and assigned to
plaintiff, and the remaining two thirds of
said land, quantity and quality being
relatively considered, is to be set off to and
divided equally between the defendants,
but if the shares of defendants cannot be
set off and assigned to them so as to give
to said defendants each her share to its
self in a separate tract, then the two thirds
of said tract of land is to be set off to
defendants without dividing the same
between them, and the one third thereof
is to be set off to plaintiff, And the Court
doth appoint Isaac S Baker James A
Wilson & James R McCulloch, Commis-
sioners to make partition and division
of said land as hereinbefore described
and make report hereon of their proceed-

ings at the next regular term of this
Court

Attest copy from the record
Witness my hand and the seal
of said Circuit Court at office
in Frederick this fourteenth day of
December A D 1870

W. A. Dargatzis Clerk

When Barton again writes to Nelson & the other
trust to Messrs. Mills tell them that
you will ^{be happy} to do so. The
proper place to make

To the Jefferson Circuit Court,
March Term 1871,

Laura Wise
vs J In Partition
Laura Wise
Angeline Wise

Order appointing
Commissioners

Copy for
Commissioners

Mr. Baker please to
inform Thos. Burgess^{sr}
of the time when the
Court will proceed to
divide the Land as it is
agreed by the parties that
he be notified instead of
the minor children
Yours
Jos. J. Williams

86 26
46 22
18 72
310 126
32 77

Laura Wise Plaintiff
against
Laura Wise and
Angelina Wise Defendants

In The Circuit
Court of Jefferson
Co. Mo.

Isaac S. Baker, James
A. Wilson and James R. McCulloch, Commissioners
heretofore appointed by the Circuit Court of
the County of Jefferson to make Partition and
Division of Certain Real Estate described
in the Order of said Court as appears of
Record in said Court in the above entitled
cause, on their oath say that they will
honestly and impartially execute the
trust reposed in them

Sworn to and Subscribed } Isaac S. Baker
before me this March 21st 1871 } James A. Wilson
W. S. Boyce Clerk } James R. ^{his} McCulloch
By Thos Horine Depk } _{mark}

Wise
vs
Wise

Report of Commissioners

We the undersigned Commissioners heretofore
appointed by the Circuit Court of
Jefferson County Missouri at its
September Term A.D., 1870, to make
Partition between Laura Wise Plaintiff
and Angelina Wise and Laura Wise
Defendants, of a tract of land situate
in Jefferson County Missouri viz. The
N.E. 1/4 (East of Big River) of Section fourteen
Township forty two Range Three East
containing forty six $\frac{1}{4}$ acres, also
the South East fractional quarter (E of
Big River) of Section fourteen Township
Forty two (42) Range (3) Three East containing
thirty six $\frac{2}{100}$ acres, also the South East
fractional quarter (E of Big River) of Section
Eleven Township forty two Range Three
East containing nineteen acres,,
would respectfully report that we
have been on the ground and found
the lines and corners of the same
and we are of the opinion that said
land is not susceptible of division
without great prejudice to the
parties, giving to each her share nor
do we believe that Laura's Wise's
interest in said land can be set
off to her without great prejudice to
the other owners.

Isaac S. Baker

James A. Wilson

James R. ^{his} McCulloch
mark

State of Missouri
County of Jefferson

} Be it remembered that on this 21st day
of March 1871 personally appeared before me the under-
signed clerk of the circuit court for the county
aforesaid Isaac S. Baker, James A. Wilson
and James R. McCulloch personally known
to me to be the same persons whose names are
subscribed to the foregoing instrument of writing
and severally acknowledges the same to be
their act and deed for the uses and purposes
therein mentioned, In Testimony

Whereof I have hereunto set
my hand and the seal of
said court do to aforesaid

W. S. Boyce clerk
By Tho. Horine Deft

Laura Wise Plaintiff } In the Jefferson Co.
 against } Circuit Court
 Laura & Angelina Wise Defts } March Term 1871

The commissioners appointed in the
 above cause to make Partition, asked
 to be allowed for services as follows

Isaac S. Baker	5 days	\$12.50
James A. Wilson	3 "	7.50
James McCulloch	3 "	7.50

Wise
or
Wise } Partition

Report of
Commissioners

J. S. Baker
J. A. Wilson
Jas. McCulloch

Filed Mar 21 1891
W. S. Boyce Cl

Laura Wise
Laura Wise &
Angelina Wise

Joseph J. Williams^{the} Attorney who brought this suit asks the Court to allow him a fee in addition to the fee of \$40. which was heretofore allowed him for bringing & conducting this suit that is to say to allow him so much in addition as will constitute a reasonable fee for his services

Joe J. Williams

Thise

no
mise

J I Williams atty
app^l. for atty fee

Filed Sept 29 1871
md Boyce Cl

In the Circuit Court for the County
of Jefferson, State of Missouri.
May Term A.D. 1872.
May 14th 1872,

In said Circuit Court on
the day aforesaid, among other proceedings
therein had the following appears of record, viz.

John T. Burgess, Guardian
of Angeline Wise & Laura Ann Wise
minors. Plaintiffs - Ex parte. } Now at this
day come Plaintiff, John T. Burgess Guardian
of Angeline Wise, and Laura Ann Wise minor
children & heirs of Noe Wise deceased, and present
his petition showing that the lands hereinafter des-
cribed were sold in a partition sale by order of the
Circuit Court of Jefferson County, Missouri, and
bought by said John T. Burgess for said minors,
and that two thirds of the purchase money of said
sale belongs to said minors and one third to Laura
Wise, and asking to have the said money belonging
to said minors and so much of their other money
as will complete the payment for said lands
appropriated for and invested in said lands,
which lands are situated in Jefferson County, Missouri
and described as follows to wit: The North
East fractional quarter (East of Big River)
of Section Fourteen in Township Forty two of

Range Three East containing Forty six acres
and $\frac{40}{100}$ of an acre. Also the South East fractional
ab quarter (East of Big River) of Section
Fourteen in Township Forty two of Range
Three East containing Thirty six acres and $\frac{26}{100}$
of an acre, Also the South East fractional
quarter (East of Big River) of Section Eleven
in Township Forty two of Range Three East
containing Nineteen acres, And it appearing
to the satisfaction of the Court from the petition
and evidence of the plaintiff, that an appro-
priation and investment of the moneys of said
minors in the Lands aforesaid would be manifestly
and greatly to the interest and benefit of said
minor heirs, It is ordered by the Court that the
moneys of said minors be so appropriated and
invested in the purchase and payment of said
lands, and that a deed for the same be taken
by said Guardian, conveying the lands herein
above described to said minors, Angeline Wise
and Laura Ann Wise as prayed in said petition

A true copy from the record,

Witness W. S. Boyce Clerk of said Court
with the seal thereof hereunto affixed
at office this May 20th 1872,

W. S. Boyce Clerk
By C. H. Corrine Dep't,

Wise

Chas. J. J. J. J. 30

30

Copy C. J. J. 1.00

1.00

*

*

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this *28* day of *Sept* 187*1*, before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came *Frank M. Starks* who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for *4* weeks, the first insertion being on the *25* day of *Aug*, 187*1*, and the last insertion on the *15* day of *Sept* 187*1*, as follows, to-wit:

Sheriff's Sale in Partition.

In the Circuit Court of Jefferson County, Mo.]
L AURA WISE,

v.
Angeline Wise.

By virtue and authority of an order made by

the Circuit Court of the County of Jefferson, State of Missouri, at its March term, A.D. 1871, I will on the 28th day of September next, 1871, 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, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit: The north east tract and quarter, east of Big River, section 14, township 42, range 3 east, containing forty-six and forty one hundredth acres; also, the southeast fractional quarter east of Big River, section 14, township 42, range 3 east, containing thirty-six and twenty-six hundredth acres; also, the southeast fractional quarter, east of Big River, section 11, township 42, range 3 east, containing nineteen acres, situated in Jefferson County, Missouri.

For the purpose of making partition between said parties, for which the purchaser will be required to pay twenty per cent. of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving the balance in rate of approved security, bearing interest at the rate of ten per cent. per annum from date, at the 22nd day of August, 1871.

JOHN WILLIAMS, Sheriff.

In No. <i>33</i> ,	<i>Aug 25</i> ,	187 <i>1</i> .
In No. <i>34</i> ,	<i>Sept 1</i> ,	187 <i>1</i> .
In No. <i>35</i> ,	<i>" 8</i> ,	187 <i>1</i> .
In No. <i>36</i> ,	<i>" 15</i> ,	187 <i>1</i> .
In No. _____,		187 <i>1</i> .

before me this *28* day of *Sept* 187*1*.

Wm. H. Starnell *Clk*

Fee,	<i>10.</i>	<i>25</i>	Received Payment.
	<i>10.</i>	<i>25</i>	

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 28 day of Sept 187, before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came *Frank A. Stoddard* who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, for ~~2~~ 4 weeks, the first insertion being on the 1st day of Sept 187, and the last insertion on the 5 day of Sept 187.

of Missouri, for a printer, for 4 weeks, the first insertion being on the 1st day of Sept 187, and the last insertion on the 5 day of Sept 187.

In No. 33, Aug 23, 187.
In No. 34, Sept 1, 187.
In No. 35, 4, 8, 187.
In No. 36, " 15, 187.
In No. _____, 187.

Sworn to and subscribed before me this 28 day of Sept 1871.

W. H. Stoddard

Printer's Fee, 10, 25 Received Payment.
10, 25

Laura Wise

= W =

Laura Wise
Angelina Wise

In the Jefferson County Circuit Court.

September Term 1871

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 Wednesday, the twentieth day of September, A. D. 1871, 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 September term thereof, for the year Eighteen Hundred and Seventy

One, expose to sale at public auction, the following described Real Estate, situate in said County,

to-wit: The North East fractional quarter (East of Big River) Section

14 township 42 range 3 East containing $46\frac{4}{10}$ acres; Also the South East fractional quarter (East of Big River) Section 14 township 42 range 3 East containing $36\frac{26}{100}$ acres; Also the South east fractional quarter, (East of Big River) Section 11, township 42, range 3 East containing 19 acres.

And at said sale John Burgess as Guardian of Laura & Angelina Wise was then and there the highest and last bidder for the above described Real Estate at the price and sum of Seventeen hundred & Eighty Dollars and the same was Stricken off and sold to him at and for that sum. Of which he has to me in hand paid fifteen percent and has given bond with approved security for the balance as required by the terms of sale. And this report is respectfully submitted

John Williams Sheriff

In the Circuit Court of Jefferson
County, State of Missouri,

March Term A.D. 1871

Thursday April 6th 1871

Among other proceedings therein
had, the following appears of record viz:

Laura Wise

vs
Laura Wise and Angeline Wise

} In Partition

} Now at this day come

J. S. Baser, James A. Wilson & James McCulloch
commissioners herein appointed to make partition and
division of the land in plaintiffs petition described
To-wit: The North East fractional qr, East of Big
River, Section 14 Township 42 Range 3 East
containing forty six ⁴/₁₀₀ acres, Also the South
East fractional qr East of Big River Section
14 Township 42 Range 3 East containing thirty
six ²⁶/₁₀₀ acres, Also the South East fractional
qr East of Big River Section Eleven Township
forty two range three East containing nineteen
acres, situate in Jefferson County, Missouri, and
report that they have been upon and examined said
lands and the corners thereof and now report
that said land is not susceptible of partition
and division in kind, And now the plaintiff
by her attorney moves the court for an order
of sale herein, and there being no objection,
It is considered by the court that said motion
be sustained, and that the Sheriff of Jefferson
County proceed to sell said land at public

auction to the highest bidder for fifteen per cent
of the purchase money in cash and the res-
idue in twelve months and for the deferred
payment, take a bond or note from the pur-
chasers with security, bearing ten per cent
interest, from date, that said sale take place
during the next term of this court and be governed
by the same regulations prescribed by law for
sales of Real Estate under execution, notice
thereof being given by the Sheriff in the same
manner as prescribed by law for ^{such} sales, and
divide the proceeds thereof among the
several parties as herein set out to-wit:
That plaintiff is entitled to the undivided one
third of said Real Estate and that defendants
are each entitled to the undivided one third
of said Real Estate, and that said Sheriff
report his proceedings herein to this Court.

A True copy from the record.

Witness, W. S. Boyce clerk of said
Circuit Court with the seal thereof
hereunto affixed at office this
August 28th 1871

W. S. Boyce clerk
J. C. McNamee Deputy

2818

In the Jefferson Circuit Court
September Term 1871

Laura Wise
vs
Laura Wise &
Angeline Wise

Partition
Order Sale

W. S. Boyce c/f 125
Filed Sept 30 1871
W. S. Boyce
Clerk

Laura Wise
Laura^{ms} Wise & }
Angelina Wise

Now at this day comes the Plaintiff and the defendants having been heretofore served with process & W. H. H. Thomas having been appointed Guardian ad Litem for them, and they appearing by their Guardian ad Litem, and by consent Plaintiff with leave of Court files an amended petition herein, and in appearing to the Court that the judgment heretofore entered in this cause setting out and declaring the rights of the Plaintiff & Defendants in and to the Land in Plaintiff's amended petition described ~~is~~ does not conform to the Law in such cases in that the same does not show what interest each of the Defendants own in severally - that is to say the same stating that the Defendants own the undivided two thirds of said Land jointly whereas in fact they own each the undivided one third of said Land. The Court doth now therefore by consent of Plaintiff and also of the Defendants by their Guardian ad Litem proceed to settle, adjust and declare the rights of the respective parties, Plaintiff and Defendants in and to the Real Estate described in Plaintiff's amended petition & in pursuance of said petition which Land is situated in Jefferson County Missouri and described as follows, viz. (Here insert description of Land)

~~D. Hartman~~ ~~14 days~~ ~~14~~ ~~7~~ ~~1492~~
" ~~Ex parte~~ ~~10.00~~

and doth adjudge and declare & decree the
rights of the Respective Parties in and to
said Lands to be as follows, to wit, that the
Plaintiffs and the Defendants are owners of and
Tenants in common ⁱⁿ said Land and that
Plaintiff owns in fee simple the undivided
one third part of said Land and that the
Defendants each own in fee simple the
undivided one third thereof, it is therefore
ordered, considered, & adjudged by the Court that
partition & division of said Real Estate
~~as usual & common~~ be made between the
Plaintiff & Defendants in accordance with the
Respective rights and interests of the Parties
therein as above set forth and it is further
ordered and decreed by ~~with~~ ^{Consent of} the Court of
both said Parties, that said Land be divided as
~~following viz the interest of Plaintiff is~~
if the same can be done without great
prejudice to the owners as follows viz
the undivided one third part thereof
quest of quality & quantity being
relatively considered is to be set off and
assigned to Plaintiff and the remaining
Two thirds of said Land quantity and

Quality-being relatively considered is to
be set off to and divided Equally
between the Defendants, but if the
Shares of Defendants can not be
set off and assigned to them so as to
give to said Defendants each her share
to its self in a separate Tract then
the Two thirds of said Tract of Land
is to be set off to Defendants without
dividing the same between them,
and the one third thereof is to be set
off to Plaintiff, and the Court doth
appoint Isaac S. Baker,
James A. Wilson & James ~~R~~^R McCollock
Commissioners to make Partition
and division of said Land as
herebefore directed,

^{of Holmes}
 Hayward $\frac{110291}{294211} + \frac{110291}{294211}$
 $\frac{443.68}{292}$


 Made
 on
 Mill

Laura Wise

^{us}
Laura Wise &

Angeline Wise

Partition

Now at this day
Come the Plaintiff and Defendants
in the above cause and it appearing
to the satisfaction of the Court
that in the making of the decree
declaring the rights of the parties in
and to the Real Estate described in
Plaintiffs original petition and
adjudging that partition thereof be
made and appointing Commis-
sioners to make division thereof
which order was entered of Record
on the 28th day of November 1868
that John H. Winer, William W.
Hensley and Christopher Pyatt
were appointed Commissioners
& it appearing also that the Clerk through
mistake entered the name of said
Winer in said judgment as John W.
Winer instead of John H. Winer and also
the name of said Hensley as William
Hensley omitting the initial letter of
his middle name, namely the letter W.
It is now ordered by the Court that said
original Record so entered November 28th
1868 be amended *non pro tunc* as
of the date when the same was originally
made by inserting therein the letter H.
as the initial of the ~~second~~ middle name
of John said Commissioner Winer

~~and~~ also insted of the letter W,
and also by inserting in the name
of said Commissioner Hensley the
letter W as the initial letter of
his middle name, so as to make
the name of said Wiener read
as follows viz, John H. Wiener and
the name of said Hensley read as
follows viz William W. Hensley.

These
are
the
names
of
the
Commissioners