

Tofferson County Circuit Court

Case Files - Civil

May 1869, No. 262

Darby, John F.

vs

De Civierville, Mary V. Kingsbury
De Civierville, Armand Francois Robert Compte

Title to land

$\frac{1}{36}$ of 2,520 acres in

Survey 3011 T43, 44R5E

Box

24

Folds,

2

John F. Darby, Plaintiff

vs

Mary V. Kingsbury De Gwin-
ville & Amos Francis Robert
Leamptre De Gwinville, Defendants

In the Jefferson Circuit
Court. May Term 1869.

Plaintiff states that on the ~~26~~^{May} day of ~~November~~
1857 Lucien D. Cobanne, Housie Cobanne,
Julius L. Cobanne, Virginia Berthold
wife of Frederick A. Berthold, John P. Cobanne,
Joseph C. Cobanne, Sopsy C. Cobanne,
Adile L. Woleman wife of Alfred M.
Woleman, Jules Kingsbury, and Mary
V. Kingsbury were tenants in common
of the following real estate situated in
Jefferson County, Missouri, viz: the East ~~1/2~~^{1/2}
of Section one, the South West ~~1/4~~^{1/4} quarter
of Section two, the East ~~1/2~~^{1/2} half and the
South West ~~1/4~~^{1/4} gr. of Section three, all
of Section four, all of Section five,
the West ~~1/2~~^{1/2} half of Section six, the North
West ~~1/4~~^{1/4} gr. of Section nine, and the West
~~1/2~~^{1/2} half of Section ten, all in United
States Survey No three thousand and
Eleven, Townships 43 & 44, Range five
East, containing in all two thousand

five hundred and twenty acres: that the interests of said parties in 1857 in said real estate were as follows. L. D. Cobanne, L. L. Cobanne, Francis Cobanne & Virginia Berthold were each entitled to one undivided sixth & John P. Cobanne, Joseph L. Cobanne, Sissy C. Cobanne, Adile L. Waterman, Jules Kingsbury and Mary V. Kingsbury were each entitled to one undivided eighth ~~least~~ eighteenth: that on the 26th day of May 1857 the Circuit Court of Jefferson County Missouri upon the petition of the owners thereof as above named made an order for the sale of said land in order to make partition thereof among those entitled thereto; that in pursuance of said order of sale the Sheriff of said County duly advertised said land for sale on the 24th day of November 1857: that before said sale came off the above named parties agreed among themselves that L. D. Cobanne one of their number should bid in said land for all of them unless it brought a certain price: that said L. D. Cobanne attended said sale and in pursuance of said agreement with the owners thereof bought in said land for them at the price and sum of nineteen thousand, five hundred

& ninety five $\frac{53}{100}$ dollars, that being less than
the sum they had directed him to run said
land to: That said L. D. Coburn took
a deed from the Sheriff of said County
in his own name to all of said land,
and has until very recently held the title
there to for the owner, thereof by their Consent,
and that at the time of said sale the
said L. D. Coburn did not pay the said
sum of money so bid by him for said land,
nor any part thereof nor has he paid
it since, but has all at times recognized
the interests of each party as above set
out to be held by him for the aforesaid
parties and subject to their orders.

Plaintiff further states that on the 21st
day of June 1866 he recovered judgment
in the Circuit Court of Saint Louis County
against Jule Kingsbury for the sum of
24 thousand, four hundred and fifty
eight dollars upon which judgment an
execution was issued to the Sheriff of Jefferson
County Missouri dated the 4th day of
September 1866 by virtue of which execution
the Sheriff of said County of Jefferson levied
upon all the right, title and interest of the
said Jule Kingsbury in and to said land
and after duly advertising the same, sold

it on the 8th day of November 1866 at the door of the Courthouse in said County of Jefferson while the Jefferson Circuit Court was in session and at such sale Plaintiff became the purchaser of the interest of said Julius Kingsbury in and to said land, has received the deed of said Sheriff therefor which is hereto the Court shown.

Plaintiff further states that L. D. Leobanne at the date of said Sheriff sale of said land to Plaintiff held the title to one undivided eighteenth part of said land for the use and benefit of said Julius Kingsbury; that since said sale the said Julius Kingsbury has departed this life and the said L. D. Leobanne conveyed to Adile L. Noteman and Mary V. Kingsbury, now intermarried with Compté De Guirville, who were the two sisters and only heirs of said Julius Kingsbury, each one half of said Julius Kingsbury interest in said land, to wit one thirty-sixth each; that the deed of said L. D. Leobanne to the said Mary V. Kingsbury De Guirville, wife of Armand Francis Robert Compté De Guirville is dated the 15th day of May 1868 and was made without being paid by her and was made in pursuance of the original agreement under which

the said L. D. Cobanne bought said land
in 1857, which deed is here to the Court shown
and that said last named deed also
conveyed to said Mary V. Kingsbury de Giverville
the eighth which she had in our
own right in said land and the one thirty
sixth which she supposed she had inherited
from her brother, the said John Kings-
bury now deceased making the interest thereby
conveyed one twelfth of said land.

Plaintiff further states that when the
said Mary V. Kingsbury de Giverville
took said deed from L. D. Cobanne
well knew the facts as set out in this
petition.

Plaintiff therefore prays the Court by
a proper decree to compel Defendants
to convey by good and sufficient deed
to Plaintiff the one undivided thirty
sixth part of said real estate, or by
decree vest the same in Plaintiff &
for all other proper relief.

John L. Thomas

Atty for Plaintiff.

John L. Thomas, Atty for Plaintiff, notes
and swears that to the best knowledge & belief of
this affiant the said Defendants are now
residents of Missouri.
Subscribed before me
Jeh 16" 1869 Elias F. Rooney clerk
J. L. Thomas

No.

~~262~~

2933

John F. Darby

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Mary V. Knigsbury
De Giverville and
Ammond H. H. H. H.
Robert Le Compte De
Giverville -

Filed Feb. 17 1869
Elias J. H. H. H.
Order Pub.

John F. Darby
Mary V. Knigsbury
De Giverville and
Ammond H. H. H.
Robert Le Compte De
Giverville -

5-668

The State of Missouri, COUNTY OF JEFFERSON.

BE IT REMEMBERED, That on this 16th day of May A. D. 1869, before me,

the undersigned Clerk of the... 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

...times, the first insertion being on the 19th day of February, 1869, and the last on the 5th day of March, 1869, as follows, to-wit:

Order of Publication.

IN the Jefferson Circuit Court, in vacation, February 17th, 1869. John T. Darby, Plaintiff, v. Mary V. Kingsbury De Giverville, and Armond Franeois Robert Gompe De Giverville, Defendants.

SWORN

In No. 5, February 19, 1869. In No. 6, " 26 1869. In No. 7, March 5, 1869. In No. 8, " 12 1869. In No. 9, March 1869.

Received Payment... day of... 1869. E. J. Mc... Clerk. By J. H. Stone

...of section two, the east fractional half and the north west fractional quarter of section three, all north west fractional quarter of section five, the north west fractional quarter of section nine, and the west fractional half of section ten, all in United States Survey number three thousand and eleven, township forty-three and forty-four, range five east, containing in all two thousand five hundred and twenty acres, situate in Jefferson County, State of Missouri, and unless they be and appear before the said Circuit Court on the first day of the next term thereof, to be begun and held at the Court House, in the town of Hillsboro, within the county of Jefferson, on the tenth day of May, 1869, and on or before the sixth day of said term, answer or demur to said petition, the same will be taken as confessed, and judgment rendered accordingly. And it is further ordered that a copy of this order be published in the Jefferson Democrat, a newspaper published in the county of Jefferson, in the State of Missouri, for four weeks successively, the first insertion to be at least four weeks before the first day of the next term. A true copy from the records, in witness whereof I have hereunto set my hand and seal SEAL. A. D. 1869. ELLIAS F. HONEY, Clerk, By L. H. Alford, Deputy.

John F. Darby Plaintiff

vs
Mary V. Kingsbury DeGruille
and Armand Francis Robert
Compte De Gruille, Defts

In the Jefferson
Circuit Court.
May Term
1869.

Notice is hereby given to all whom it may
concern that suit has been commenced
in the Jefferson Circuit Court made
returnable to the May Term of the said
Court for 1869, by the above Plaintiff
against said defendants for the recovery
of one thirty sixth of the following real
estate situated in Jefferson Co. Mo viz:
The E¹/₂ sec. one, the S¹/₄ sec. two, the E¹/₂ &
the NW¹/₄ sec. 3, all of sec. 4, all of sec. 5,
the W¹/₂ sec. 6, the NW¹/₄ sec. 9 & the
W¹/₂ sec. 10, all in U. S. Survey 3011
T. 43. R. 3. E. Containing two thousand
five hundred & twenty acres and
that such suit is still pending.

John L. Thomas
Atty for Plaintiff

State of Missouri }
County of Jefferson } ss The undersigned
Recorder within and for the County
and State aforesaid do hereby certify
that the within instrument of writing
was on the 13th day of Sept 1869 filed
in this office for record and is
true & correct in Book 1 Page 381

Given under my hand and
seal the day & place aforesaid
Chas. J. Henry
Recorder

J. F. Daryl
Belleville et al

Notice of his Plunder

Filed Sept. 15th 1869
E. J. Hanning

Dec 100