

Jefferson County Circuit Court
Case Files - Civil
May 1869, No. 263

Box

24

Folder

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Barby, John F.

vs

Waterman, Adile L.
Waterman, Alfred M.

Title to land

$\frac{1}{32}$ of 2,520 acres in
Survey 3011 T 43, 44 R 5E

John F. Darby, Plaintiff
 Against
 Adile L. Waterman and
 Alfred M. Waterman, Defendants } In the Jefferson
 Circuit Court
 May Term
 1869.

Plaintiff states that on the ~~24th~~ ^{25th} day
 of ~~November~~ ^{May} 1857 Lucien D. Cobanne,
 Francis Cobanne, Julius L. Cobanne Virginia
 Berthold, wife of Frederick A. Berthold, John
 P. Cobanne, Joseph C. Cobanne, Sophy C.
 Cobanne, Adile L. Waterman, Jules L.
 Kingsbury and Virginia M. Kingsbury
 were the tenants in common of the follow-
 ing described real estate situated in Jeff-
 erson County Missouri viz: The East 1/2
 half of section one, the South 1/2 of sec. two, all
 of sec. three, the East 1/2 half and the North
 West 1/4 quarter of section three, all
 of sec. four, all of section five, the West
 1/2 half of sec. six, the North West 1/4
 quarter of sec. nine and the West 1/2
 half of sec. ten, all in United States
 Survey No 3011, Townships 43 & 44 Range
 5 E. 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., J. L. Cobanne, Francis
 Cobanne, Virginia Berthold were each

entitled to one undivided sixth of said land; that John P. Cobourne, Joseph L. Cobourne, Leroy L. Cobourne, Adèle L. Waterman, Jules L. Kingsbury and Virginia M. Kingsbury were each entitled to one undivided eighteenth part thereof; that on the 26th day of May 1857 the Circuit Court 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 such order of sale the Sheriff of said County duly advertised said real estate 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. Cobourne, one of their number should bid in said land for all of them unless it brought a certain price; that said L. D. Cobourne 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 and ninety five $\frac{53}{100}$ dollars; that said L. D. Cobourne took a deed from the Sheriff of said County for all of said land and has until now

lotely held the title thereof by the consent of the said parties that at the time of said sale the said L. D. Coburn did not pay the said sum of money which he bid for said land nor has he paid it since, but has at all times recognized the interests of each party as above set out to be held by him for them and subject to their order.

Plaintiff further states that on the 21st day of June 1866, he recovered judgment in the Circuit Court of Saint Louis County against said Jules Kingsbury for the sum of \$11 thousand, four hundred and fifty eight dollars, upon which judgment an execution was issued to the Sheriff of Jefferson County dated the 21st day of September 1866, by virtue of which execution the Sheriff of said County of Jefferson levied upon ~~the above described real estate~~ all the right title and interest of said Jules Kingsbury in and to the above described real estate after duly advertising the same according to law sold it on the 8th day of November 1866 at the Court house of said County of Jefferson & while the Circuit Court of said County was in session and at such sale

Plaintiff he came the purchaser thereof and has received the Sheriff's deed therefor dated the day of November 1866, which deed is here to the Court shown.

Plaintiff further states that said L. D. Leobonne at the date of said Sheriff's sale of said land to Plaintiff held the title to one undivided eighteenth of said land for the use and benefit of said Jules Knigsbury; that since said sale the said Jules Knigsbury has departed this life and the said L. D. Leobonne conveyed to Adile L. Waterman and Virginia M. Knigsbury de Greville formerly Knigsbury, who were the two sisters of said Jules Knigsbury each one half of the said Jules Knigsbury's interest to wit one thirty sixth each; that the deed of said L. D. Leobonne to Adile L. Waterman is dated the day of May 1868 and was made without any consideration being paid by her and was made in pursuance of the original agreement under which the said L. D. Leobonne bought said land in 1857. which deed is here to the Court shown and that said last named deed also conveyed to said Adile L. Waterman

lesman the eighteenth which she had in
her own right, ^{in said land} and the one thirty sixth
which she supposed she inherited from
her brother Jules Knigsbury now deceased
making the interest thereby conveyed
one twelfth of said land.

Plaintiff further states that said Adile
L. Waterman when she took said deed
from L. D. Chaune knew the above
facts as herein set forth.

Plaintiff therefore prays the court
by a proper decree to compel the said
Adile L. Waterman and Alfred M.
Waterman her husband to convey
by good and sufficient deed to Plaintiff
the undivided one thirty sixth of said
land or by a proper decree to vest the
same in Plaintiff and for other proper
relief.

John L. Thomas
Atty for Plaintiff.

50.52
- 15.52
35.00

John D. Barclay

2

While L. Mateman
et al

Solution for Title to
Land.

Filed July 17 1869
Elias J. Henney et al

Let Allen Moberg
own to H. Henney

copy sent to am. pub.

copy sent to am. pub. = 1.50

Wind Eads 1.00
Acres with 2.00
Acres with 1.50

3.28
2.80
5.50

Shut 1.15

Draco 1.15

Draco 1.15

Draco 1.15

46.65

Draco 1.15

Draco 1.15

Draco 1.15

Draco 1.15

49.30

17.21

226.51

2.30

224.21

MISSOURI }
COUNTY OF JEFFERSON.

SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Adile L Waterman*
and *L. Alfred M Waterman*

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 F Darby

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
Seventeenth day of *February* A.D. 1869

Elias F Honey
Clerk Circuit Court.

668
735
792

144
No. 2633

JEFFERSON CIRCUIT COURT.

May Term, 1869

Adeline & Dearly
John & Dearly

Wm. L. Waterman
Alfred M. Waterman

K-233333

(Original)

2733 Waterman & Co.
2733 Waterman & Co.

Executed this Writ in St. Louis County on the 24th day of April 1869 by leaving a copy of the Writ and Petition as furnished by the Clerk at the usual place of abode of Adile L. Waterman with a white person of her family over the age of fifteen years, and leaving a copy of the Writ as furnished by the Clerk at the usual place of abode of Alfred M. Waterman with a white person of his family over the age of fifteen years.

Fee \$2.00
Mileage 30
Total \$2.30
Paid by John T. Darby.
S. Truckel.

Shmoneing

John F. Darby, Plaintiff

^{vs}
Sible L. Walsman and
Alfred M. Walsman
Defendants

Action for
deceit for title
to land.

Now at this day comes the Plaintiff and the Defendants not appearing to show cause why the judgment by default rendered against them herein at the last term of this Court should be set aside and the same not being set aside, the Court doth proceed to try the case upon the petition, exhibits and the evidence offered by Plaintiff whereupon the Court doth find the issues for the Plaintiff. It is therefore considered and adjudged and decreed by the Court that the Defendants be and they are hereby divested of any title they may now in and to one third sixth of the land described in Plaintiff's petition to wit (here describe land) ^{and} that the title to one third sixth of said land be vested in the Plaintiff as prayed for in his petition. And it is further ordered and adjudged

But Plainly home and receiving
and from said Defendant in
Court and charges herein laid on,
&c.

