

Jefferson County Circuit Court
Case Files - Civil
May 1869, No. 267

Box 24 Folio 17

Osborn, William T.
vs

Unknown heirs of James Jones deceased

Partition

238 acres in T40R5E

William J. Osborn, - Plaintiff } In the Cir-
Against } Court
The unknown Heirs of } of Jefferson
James Jones, deceased. } Defendants } County Missouri
May Term 1867.

The Plaintiff states that John Jones late of Jefferson County, died some time in the year 1867, seized in fee simple of the following described several Tracts of Land, situate in Jefferson County in the State of Missouri, To wit, the South East quarter of the South West quarter of Section Twenty two, in Township Forty North, of Range Five East, containing Forty acres, - also, the South East fractional quarter of Section, Twenty two, and the North West quarter of the North West quarter of Section Twenty six, in Township Forty North, of Range Five East, containing One hundred and fifty eight acres, and $\frac{60}{100}$ of an acre, - also, the North West quarter of the North East quarter of Section Twenty seven, in Township Forty North, of Range Five East, containing Forty acres, That said John Jones, left surviving him a widow, Ellen Jones, and three children To wit, Mary Mealey (wife of Josephus Mealey) Elizabeth Hughes (wife of Thomas Hughes) and Mary Patterson (wife of Joshua Patterson)

and also, the Children and Heirs of James Jones, a deceased, son of the said John Jones, - the names of which Children are unknown to Plaintiff, but who are minors, and for whom the Court is asked to appoint a guardian ad litem. Plaintiff states that he has purchased and obtained deeds of Conveyance for the interests of Mary Mealey and her husband Josephus Mealey, Elizabeth Hughes and her husband, Thomas Hughes, and Nancy Patterson and her husband Joshua Patterson, in and to, the several Tracts of Land herein above described, - Plaintiff further states that Ellen Jones, the widow of said John Jones deceased, within the first year of the administration of said Estate, filed in the County Clerk's office her declaration in writing whereby she elected to take, for her dower in said Lands, a child's part of the same, to hold absolutely, - and that she has since sold and conveyed her interest in said Lands to the Plaintiff. Plaintiff therefore states that he is entitled in fee simple to the undivided four-fifths of the Lands herein above described, - and that the Defendants, the unknown heirs of James Jones, deceased, are entitled to the undivided one-fifth of said Lands,

- and that the Plaintiff and said Defend-
ants hold said Lands as tenants in
Common, Plaintiff states that nearly
all the Claims against said John Jones'
Estate have been fully paid and dis-
charged, and that the personal estate
of said deceased, is amply sufficient to
pay all claims against said Estate re-
maining unpaid.

Plaintiff therefore asks the Court
to make an order and decree for the di-
vision and partition of the Lands above
described, if the same can be done with-
out great prejudice to the Parties in in-
terest therein, - and if not, then for an or-
der of sale of said Lands, and a divi-
sion of the proceeds thereof among all of
the parties interested therein, according to
their respective rights and interests.

Abner Green
Attorney for Plaintiff

Abner Green, Attorney, the above Plaintiff
makes oath and says the above petition and
the matters therein as stated he believes to
be true, and that the said unknown heirs
of James Jones deceased, are now residents
of the state of Missouri.

Abner Green

Subscribed & sworn to this 22 day
7th 1869. Elmer & Henry Clark By J. H. H. H.

ord. Pub. 35

Copied S. / 50.

plus 5

Docket 10.

No 26732

In Circuit Court
Jefferson County

William T. Osborn

vs,

The Unknown Heirs
of Jas. Jones, dec^d

Petition for
partition,

Make order of
publication

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 18th day of March, 1870, before the undersigned Clerk of the County Court of Jefferson County Mo., came Frank N. Stone, 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 four weeks, the first insertion being on the 18th day of February, 1870, and the last insertion on the 10th day of March, 1870, as follows, to-wit:



In No. 5,	February 18,	1870.
In No. 6,	"	25, 1870.
In No. 7,	March 4,	1870.
In No. 8,	"	11, 1870.
In No. ,		, 1870.

Frank Stone

Sworn to and subscribed before me this 18th day of March, 1870.

Wm. M. M. M. M. M.

Printer's Fee, 10, 00. Received Payment,

Officiated 25

\$10.25

Frank Stone

Sheriff Sale in Partition.

In the Circuit Court of Jefferson County, Mo.,

WILLIAM T. OSBORN,

versus

The Unknown Heirs of James Jones, ~~deceased~~.

By virtue and authority of an Order made by the Circuit Court of the county of Jefferson, and State of Missouri, at its November term, A. D. 1869, I will on the

15th Day of March next, 1870,

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 south east quarter of the south west quarter of section twenty-two, township forty, north range five east, containing forty acres; also the south east fractional quarter of section twenty-two, and the north west quarter of the north west quarter of section twenty-six, township forty, north range five east, containing one hundred and eighty-five acres and sixty hundredths of an acre; also, the north west quarter of the north east quarter of section twenty-seven, township forty, north range five east, containing forty acres.

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 his bond with approved security, bearing interest at the rate of per cent per annum from date, this 16th day of February, 1870.

EDWARD J. MEYER, Sheriff

William T Osborn
against
Unknown heirs
of James Jones &c.

In the Jefferson County Circuit Court.

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 Tuesday, the Fifteenth day of March, A. D. 1870, 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 March term thereof, for the year Eighteen Hundred and Seventy expose to sale at public auction, the following described Real Estate, situate in said County:

to-wit: The South East quarter of the South West quarter of Section Twenty two (22) Township 40 - Range 5 east, containing 40 acres also South East 1/4 of Section 22 and North West 1/4 of North West 1/4 of Section 26 - Township 40 of Range 5 east containing 185 $\frac{60}{100}$ acres and North West 1/4 of North East 1/4 of Section 27 - Town 40 Range 5 east containing 40 acres, and at said sale William T Osborn was then and there the highest and last bidder for the real estate hereinbefore described, at the price and sum of one thousand Dollars and the same was struck off and sold to him at and for that sum, of which sum he has to me in hand paid Twenty percent and has given his bond with approved security for the balance as required by the terms of sale.

And this report is respectfully submitted

John L. Lichtenberger
Sheriff

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court. November Term
1869

Be it Remembered that
in said Circuit Court, on the 24th day of
November, 1869 among other proceedings of that
day the following appears of Record Court,
William T. Osborne

vs
The Unknown heirs of James Jones Dead } Ordo Vale

Now at this day
Comes the Plaintiff by his attorney and this
Cause coming on to be heard the Court
doth find that said parties are tenants &
owners in Common of the following
Described real Estate, Situate in the County
of Jefferson, State of Missouri to wit.
The NE qr of the SW $\frac{1}{4}$ of Section 22 Township
40 North Range 5 East containing Forty acres
Also the S. E. qr of Section 22, & the NW qr
of the NW qr. of Section 26 in Township 40
North Range, fine (3) East containing 2
15 8⁶⁰ acres. Also the NW qr of the P. E. qr
of Section 27 Township 40 North Range 5 East
containing Forty acres. Plaintiff is entitled
to the undivided four fifths of said Land &
that defendants, the unknown heirs
are entitled to the undivided one

fifth of said Land It is therefore
ordered adjudged and decreed by the
Court that Partition and Division
of said Real Estate be made between
the parties aforesaid, according to,
their respective Rights and interest
as herein set forth, and it appearing
to the Court that partition & division
in kind cannot be made without
great prejudice, to the parties interested
It is therefore ordered by the Court, that
the Sheriff of Jefferson County proceed
to advertise and sell the real estate aforesaid
at public auction for twenty per cent.
of the purchase money in cash
at the time of the sale the residue
in twelve months, the purchaser
giving a Bond or note, with approved
security that said sale take place
sometime during the sitting of the
Circuit Court of said County & State
aforesaid, the governed by the same
Rules and Regulations as prescribed
by Law, for sales of Real Estate under
Execution notice thereof to be given
in same manner as prescribed by Law
for such sales. Giving the proceeds into Court
to abide the further order of the Court
Sherrin

A true copy from the Record
My Testimony whereof I have
hitherto my hand & the seal
of said Court this 15th day of
February 1890

Elias P. Henry att
By H. A. Jones

In the Circuit Court
March Term 1870

Wm. J. Osborn
vs

the unknown heirs of
James Jones & decd

Order of sale
fee 1.58