

Jefferson County Circuit Court
Case Files - Civil

Box 24 Folder 77

November 1869

Bittick, Hiram J.
Bittick, Susan Frances

vs.
Prewitt, Nevada
Prewitt, Sidney
Prewitt, Christopher C.

Partition

Heirs of Laborn Prewitt; 80
acres in S24T42R3E

Hiram J. Bittick &
Susan Frances Bittick
wife of said Hiram J.
Bittick

Plaintiffs

us
Nevada Prewitt
Sidney Prewitt &
Christopher C. Prewitt

Defendants

In the
Circuit
Court of
Jefferson
County
Missouri

Plaintiffs state that some years ago one
Laborn Prewitt departed this life
intestate in Jefferson County Missouri
leaving surviving him his widow
Mary L. Prewitt and the Plaintiff
Susan Frances Bittick who was his
grand daughter she being the wife of
her co. Plaintiff Hiram J. Bittick
together with the Defendants
who are also grand children of the
said Laborn and his sole legal
representatives and heirs at law,
that at the time of his death said
Laborn was seized and possessed in
fee simple of the following describ-
ed Real Estate Situate in Jefferson
County Missouri, viz, the South
west 1/4 of the North West 1/4 and
the North West 1/4 of the North West
1/4 of Section Twenty four Township
forty Two of Range three East
containing eighty acres, that shortly
after the death of said Laborn and
within ~~one year~~ fifteen months

After the grant of Letters of Adminis-
tration on his Estate his said Widow
the said Mary L. Prewitt by an instru-
ment of Writing duly signed sealed and
acknowledged by her & filed as
required by Law in the proper office did Elect to
be endowed of the Real Estate of
her said Deceased Husband in
a share thereof Equal to a share
of a child or the descendant of
a child of him her said Deceased
Husband

Plaintiffs further
aver that said Mary L. has since
departed this life Testate, that by
her last will she devised all her
interest in said Real Estate to this
Plaintiff Susan Frances Bittick, that
said Defendants are the Children
and heirs of a son of said Laborn
and Mary L. Prewitt whose name
was James & who departed this life
intestate before the death of either
said Laborn or Mary L. and that
this Plaintiff Susan Frances, is a
grand child the issue and heir of
another son of said Laborn and
Mary L. who had departed this life
before the death of said Laborn or
Mary L. - Plaintiffs aver therefore
that said Plaintiffs Hiram J. &
Susan Frances Bittick are the
owners of the undivided Two
thirds of the aforesaid Real Estate

and that the Defendants jointly own
the undivided one third or each of them
own the undivided one ninth thereof,
Plaintiffs further state that Defendants are
each of them minors not of Lawful age
and Plaintiffs pray that a Guardian ad
Litem be appointed for them to defend
their interests herein, and Plaintiffs
pray the Court in consideration of the
premises to adjudge and decree that
partition of said Real Estate be made
between the Plaintiffs and Defendants
according to the respective rights of the
Parties and that an order for the sale
of the same be made if the same can
not be divided without great prej-
udice to the owners & for other proper
relief

Jos. J. Williams
Atty. for Plaintiffs

Jos. J. Williams Atty. for Plaintiffs on
his oath says that the foregoing
petition & the matters and things as
therein stated are true to the best
of his knowledge & belief

Sworn to and
Subscribed before
me Sept. 22nd 1869
Elias P. Henry clk
By L. H. Ayers Deputy

Jos. J. Williams

Hiram J. Bittick
+ Susan J. Bittick
vs

Christopher C. Prewitt
Et al.

Partition
original

Filed Sept 22 1866
E. F. Henny cler

Clerk's Issue Process to
Lewis County Mo,
Williams
for relfs.

Henny

Copy Ref 90 - 80

Oct 50 Mt 1.08.150

2 Copy - 20 Sept 15 - 35

Given 10. Oct. 20 80

2, 95

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } ss.

THE STATE OF MISSOURI,

Lewis
To the Sheriff of the County of ~~Jefferson~~ *Jefferson* Greeting:

We command you, that you summon *Nevada Pruitt*
Sidney Pruitt and Christopher Pruitt

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 ~~Seven~~ Monday after the
fourth Monday of September 1869 ~~next~~, then and there to answer unto

Hiram Bittick and Susan Francis
Bittick his wife

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
22 day of *September* A.D. 1869

Elias F. Honey
Clerk Circuit Court.
By L. H. Acker Deputy

2886

TO

JEFFERSON CIRCUIT COURT.

Now Term, 1869

Wm. L. Bittick
vs Susan. & Alice
et al. Defendants.
Marshall Prewitt
vs Sidney Prewitt &
Christopher Prewitt

Original

Cash -	Vol 64 19
one appld by ad. libitum	" " 48
order Sales	" " 106
Returned order Sales	" " 212
all the allowed	" " 313
" " "	" " 318
Report of Sales	" " 335

I served the within writ in Lewis County Missouri on the 18 day of October 1869 by giving a true copy of the same and annexed Petition to Nevada Prewitt he being the first served and I further executed the within writ at the same place, viz, in Lewis County Missouri on the 18 day of October 1869 by giving to Sidney Prewitt and Christopher Prewitt each a copy of the within writ.

Lewis Sells Sheriff of
Lewis County MO

Sheriff Fee \$3.00 Paid

Hiram J. Bittick & Et. als, Pla.	} In The Jefferson County Circuit Court March Term A.D. 1870
against	
Arvada Perwitt	
Sidney Perwitt	
Christopher C. Perwitt & fts	

Now at This day
comes The above named Defendants
by their Guardian ad litem
W. H. H. Thomas and by leave of
Court first had ~~files~~ the
following answer Defendants
aver by their Guardian ad litem
that from the best information
they have the rights of the
parties Plaintiff & Defendants
are correctly set out & that
they have no objection to
make to the order asked
for by Plaintiff

Arvada Perwitt
Sidney Perwitt
Christopher Perwitt
By W. H. H. Thomas Guar
ad litem

Bithick Ekoy

vs
Prowitt Et. als,

Answer

Filed March 9th 1870
Effrey.ck

State of Missouri,
County of Jefferson, ^{3rd} ss.

In the Jefferson Circuit
Court March Term 1870, March 19th 1870,
among other proceedings in said Court,
of that day, the following appears of
Record, to wit:

Wiram J. Bittick ^(Ans)
Susan F. Bittick, wife
of said Wiram J.
Bittick, **Plaintiffs,**
^{vs.}
Nevada Prewitt, Sidney
Prewitt, & Christopher
C. Prewitt, Defendants.

~~~~~

Order of  
Sale.

Now, at this day  
comes the Plaintiffs by their attorney,  
<sup>(Ans)</sup> the said Defendants by W. H. H. Thomas  
their Guardian AdLitem <sup>(Ans)</sup> this cause  
coming on to be heard upon the petition  
by Plaintiffs <sup>(Ans)</sup> answer ~~of the~~ Defendants.

The Court doth find that said Plain-  
tiffs <sup>(Ans)</sup> Defendants are tenants and owners  
in common of the following described  
Real Estate, situate in Jefferson  
County, Mo. to wit: The South West  
qr. of the North West qr. and the North  
West qr. of the North West quarter, of  
Section Twenty four, Township Forty two,

of Range 3 East, containing Eighty  
acres, and the Court proceeding to  
adjust <sup>(and)</sup> settle the rights <sup>(and)</sup> interest  
of said parties herein, doth declare the  
same to be as follows. That said Plain-  
tiffs, Wiram J. Pittick <sup>(and)</sup> Susan F.  
Pittick are entitled to the undivided two  
thirds of said Real Estate, <sup>(and)</sup> that said  
defendants are each entitled to receive  
the undivided one ninth part of said  
Real Estate, <sup>(and)</sup> it appearing to the satisfac-  
tion of the Court here that Partition <sup>(and)</sup>  
division of said Real Estate in kind  
cannot be made without great ~~incon-~~  
venience to the parties interested. It is therefore  
ordered, adjudged <sup>(and)</sup> decreed by the Court,  
that Partition <sup>(and)</sup> division of said Real  
Estate be made between said parties accor-  
ding to their respective rights <sup>(and)</sup> interests, <sup>(and)</sup>  
it is further ordered that the Sheriff of  
Jefferson County proceed to ~~advertise~~ <sup>(and)</sup>  
sell said Real Estate at public auction  
to the highest bidder for twenty per cent of  
the purchase money in cash at time of  
the sale <sup>(and)</sup> the residue in twelve months  
and for the deferred payment the purchaser  
to give a bond or note with approved  
security <sup>(and)</sup> said sale to take place

during the Circuit Court of said  
County and be governed by the same  
rules and regulations as prescribed by  
Law for the sale of Real Estate under  
execution (And) bring the proceeds in to  
Court to abide the further order of the  
Court herein.

A true copy of the Record.  
Witness my hand and seal this  
4<sup>th</sup> day of Aug., 1870.

Elias P. Honey Clerk  
By L. H. Alford D.C.

Order of Sale  
Cash  
Brock

for 50

Adventured

State of Missouri } In the Jefferson Circuit  
County of Jefferson } Court September Term 1870  
September 30<sup>th</sup> 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:

|                          |   |                       |
|--------------------------|---|-----------------------|
| Miriam J Bettick         | } | Renewed order of Sale |
| Susan F Bettick wife     |   |                       |
| of said Miriam J Bettick |   |                       |
| Plaintiffs               | } |                       |
| Nevada Prewitt           |   |                       |
| Sydney Prewitt and       |   |                       |
| Christopher C Prewitt    | } |                       |
| Defendants               |   |                       |

Now again at this day come the parties aforesaid  
by their respective Attorneys, and it appearing to  
the satisfaction of the Court that the order of  
Sale herein made at the November Term 1870  
of this Court has not been complied with.  
And <sup>now</sup> motion of the parties aforesaid by their  
Attorneys, It is ordered by the Court, that a  
renewed order of Sale be made directing the  
Sheriff of said County of Jefferson to again ad-  
vertise and proceed to sell the land in the peti-  
tion described, Situate in Jefferson County  
Missouri, To wit; The South West qr of the North  
West qr, and the North West qr of the North West  
quarter, of Section Twenty four Township forty two  
of Range 3 East, Containing Eighty Acres, And

the Court proceeding to adjust and settle the rights and interest of said parties herein, doth declare the same to be as follows. viz<sup>t</sup> That said Plaintiffs Hiram J. Bitticks and Susan F. Bitticks are entitled to the undivided two thirds of said Real Estate, and that said Defendants are each entitled to receive the undivided one ninth part of said Real Estate, And it appearing to the Satisfaction of the Court that partition and division of said Real Estate in kind, cannot be made without great prejudice to the owners thereof, It is therefore ordered adjudged and decreed by the Court that partition and division be made between said parties according to their respective rights herein set forth, and it is further ordered by the Court, that said Sheriff of Jefferson County proceed to sell the Real Estate mentioned in said petition at public Auction to the highest bidder, for twenty per cent of the purchase money in Cash, and the residue in Twelve Months, and for the deferred payment the purchaser to give bond or note with approved security, and said sale to take place during the Circuit Court of said County and be governed by the same regulations prescribed by law for sales of Real Estate under execution, Notice thereof being

given by the said Sheriff in the same manner  
as provided by law for such sales, and bring  
into Court the proceeds of said sales to abide  
the further order of the Court herein,

A true copy from the record  
Witness my hand and the seal of  
said Circuit Court at office  
in Hillsboro, this thirteenth day  
of December <sup>A.D.</sup> 1870

W. S. Boyce Clerk

To the Jefferson Circuit Court,  
March Term 1871,

William Pittick et ux  
vs } In Partition  
Nevada Pruett et al

Renewed order of Sale,

W. S. Boyce cop ord ces \$1.10

Hiram J. Pittick  
vs Susan Pittick  
against  
Berada Pruitt Lydia  
Pruitt & Christopher  
L. Pruitt Defts.

In the Jefferson County Circuit Court.  
March 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 Twenty second day of March, 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 March 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 South West quarter of the North West quarter and the North West quarter of the North West quarter of section twenty four township forty two range 3 east, containing eighty acres and at said sale Hiram J. Pittick was then and there the highest and last bidder for the above described real estate at the price and sum of Nine hundred and Twenty five dollars and the same was stricken off and sold to him at and for that price, of which sum he has to me in hand paid twenty per cent and has given bond with approved security for the balance as required by the terms of sale.

And this Report is respectfully submitted  
Mar 22<sup>nd</sup> 1871

John Williams Sheriff.

STATE OF MISSOURI, County of Jefferson.

Be It Remembered, That on this 6th day of April 1871, before the undersigned <sup>Notary Public, in and for</sup> ~~County of Jefferson~~ County 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 11th day of February, 1871, and the last insertion on the 3rd day of March 1871, as follows, to-wit:

|           |                    |
|-----------|--------------------|
| In No. 6, | February 11, 1871. |
| In No. 7, | " 18, 1871.        |
| In No. 8, | " 25, 1871.        |
| In No. 9, | March 3, 1871.     |
| In No. ,  | , 187.             |

Frank N. Stone

Sworn to and subscribed before me this 6th day of April 1871.

J. Ed. Malley Notary Public

Printer's Fee,

Received Payment.

Off

\$ 5.75

## Sheriff's Sale in Partition.

[In the Circuit Court of Jefferson County, Mo.]

**H**IRAM J. BITTICK and Susan F. Bittick,  
wife of said Hiram J. Bittick, plaintiffs, vs.  
Nevada Prewitt, Sydna Prewitt and Christopher  
C. Prewitt, defendants.

By virtue and authority of a renewed order made by the Circuit Court of the county of Jefferson, State of Missouri, at its September term, A. D. 1870, I will on the 22d day of March 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 south west quarter of the north west quarter, and the north west quarter of the north west quarter of section twenty-four, township forty-two, range 3 east, containing eighty acres, situated in the county of Jefferson, state of 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 his bond, with approved security, bearing interest at the rate of six per cent. per annum from date, this 6th day of February, 1871.

no.

JOHN WILLIAMS, Sheriff