

Jefferson County Circuit Court
Case files - Civil

Box

25

Folder 35

November 1869, 116, 230

Blankenberry W., gdn

Cortley, Julia A.

Cortley, William G

vs

Brady, Michael

Brady, Elizabeth, alias

Applegate, Elizabeth

Partition

44 acres in S28 T41 R5E

Julia A. Corley and
William C. Corley, ~~minors~~
By Henry W. Blauke, ~~their~~
Guardian, Plaintiffs

vs
Michael Brody and
Elizabeth Brody, alias
Elizabeth Applegott,
Defendants

In the Jefferson
Circuit Court
Mr. Lerum
1869.

Plaintiffs by their Guardian
Henry W. Blauke, state that they
and Elizabeth Brody alias Elizabeth
Applegott, wife of Michael Brody
are tenants in common of the
following described real estate
situated in Jefferson County Mo.
viz: The North West quarter of the
South East quarter of Section twenty eight
Township forty one, N. of Range 10 Four East
containing forty acres. also four acres and
forty nine hundredths of an acre described as follows.
Beginning at a point $3,333\frac{1}{3}$ chains E. of the
NW corner of the NE $\frac{1}{4}$ of sec. 28. T. 41, R. 5.
E., thence E. $10,666\frac{2}{3}$ chains, thence North
 $52^{\circ}30'$ N. 13.50 chains, thence South $8,443$
chains to place of beginning.

Plaintiffs further state that the Defendant

Elizabeth Brody alias Elizabeth Applegat, the wife of Michael Brody is entitled to one third of said land for and during her natural life or dower as the widow of Warren C. Corley, and that Plaintiffs are entitled to one half each of said land subject to said dower interest of the said Elizabeth.

Plaintiffs further state that Michael Brody and Elizabeth Brody alias Elizabeth Applegat are now residents of the State of Missouri.

Plaintiffs ~~therefore~~ ~~pray~~ pray the Court to order ~~attys for Plaintiffs~~ a sale of said land so as to make partition among those interested therein as set out in this petition unless partition in kind can be made.

Julia A. & Wm C. Corley
By H. W. Blauke, Guardian.

Per J. L. Thomas, atty

John L. Thomas makes oath & says that he believes the above petition & the matters therein as stated are true.

Subscribed before me Sept 6 1899
Ed Henry clerk of ch
Per J. Hays Deputy

John L. Thomas

No 230

Julia Henry et al

³
vs E. H. Hays

Partition

Filed Sept. 6. 1869.
Chas. J. Henry ext.
vs E. H. Hays et al
By J. H. Hays et al

State of Missouri, County of Jefferson.

Be it Remembered, That on this day of A. D. 18 . . . before me, the undersigned Clerk of the Court of Jefferson county, came E. J. Ellis, 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 day of 1864, and the last on the day of 1864, as follows, to-wit:

Order of Publication.

In the Jefferson Circuit Court, in vacation September 6th, 1869.
JULIA A. CORLEY and **Wm. C. Corley**, minors, by **Wm. Blanke**, their Guardian, Plaintiffs,
Michael Brady and **Elizabeth Brady**, alias Elizabeth Applegate, Defendants.

Now at this day comes said plaintiffs by their attorney, and files in the office of the Clerk of the Circuit Court their petition, verified by affidavit, stating among other things that the above named Michael Brady and Elizabeth Brady, alias Elizabeth Applegate, Defendants, are non-residents of the State of Missouri; whereupon it is ordered by the Clerk of said Court, in execution, that publication be made notifying them that an action has been commenced against them in said Court, by petition and partition, the object and general nature of which is to obtain a decree of said Court for the partition and division of the following described real estate:

The northwest quarter of the southeast quarter of section twenty-eight, township forty-one, north of range five east, containing forty acres; also four acres and forty-nine hundredths of an acre, described as follows: Beginning at a point 3.821-3 claims east of the southwest corner of the north-east quarter of section twenty-eight, township 41, of range No. 5 east, thence east 16.2-3 chains thence north 62.80 degrees, west 13.50 chains, thence south 8.42 claims to the place of beginning. And that unless they be and appear at the next term of said Court, to be holden at the Court House, in Hillsboro, within the county of Jefferson, on the seventh Monday after the fourth Monday of September, 1869, and on or before the third day of said term, and answer or demur to said petition, the same will be taken as confessed and judgment rendered accordingly. It is further ordered that a copy hereof be published in the Jefferson Democrat, a newspaper, published in said county of Jefferson, for four weeks successively, the last insertion to be at least four weeks before the commencement of the next term of said Court.
A true copy from the Circuit Court Record No.

In No. 34,	1864.
In No. 35,	1864.
In No. 36,	1864.
In No. 37,	1864.
In No. ,	18 .
In No. ,	18 .

described before me, this 28th day of January 1870.

Elias J. Henry Clerk
E. J. Ellis Attorney at Law
Received payment \$12.50
25

Had free pay made this March 20/70
12.75
E. J. Ellis

State of Missouri, County of Jefferson.

Be it Remembered, That on this day of A. D. 18 . . . before me, the undersigned Clerk of the Court of Jefferson county, came **E. J. Ellis**, 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

ion being on the . 5th day of . Sept 1864, and the last on
at Mt 1864, as follows, to-wit :

In No 34,	18 <u>64</u> .
In No 35,	18 <u>64</u> .
In No 36,	18 <u>64</u> .
In No 37,	18 <u>64</u> .
In No. ,	18 .
In No. ,	18 .

E J Ellis

Sworn to and subscribed before me, this 28th day of January 1870.

Clara J Henry Clerk
E J Ellis

Printer's fee \$ 12.50 Received payment

488 / 25

Had free pay ment this March 20/70
Wm Wm account
E J Ellis

SEAL of the seal of said Court hereto annexed at office in Hillsboro, this 6th day of September, A. D. 1869.

ELIAS F. HONEY, Clerk.
 By **L. H. ALFORD, D. C.**
 Thomas & Thomas, Attys for Plaintiff. 34

SEAL 000166

When increased its heat fields this
 V mere lapse of years is not life.
 and are yet in health and vigor.
 dear trees that bore fruit in 1730,
 out, Maine, has in his garden some
 ty that Mr. Jefferson Raitt, of Elli-

Julia A. Corley et al } In the Jefferson
 v } Circuit Court.
 Michael Brody et al }

This affiant states that an order
 of publication notifying defendants of
 the commencement of this action describ-
 ing the property sought to be partitioned
 among the parties to this action was published
 in the Jeffersonian Mo. Democrat a news
 paper published in Jefferson Co. Mo. for
 four weeks successively, the last insertion
 being at least four weeks before the
 November Term of this Court for 1869.
 Sworn to and subscribed } John Thomas
 before me Feb 5th 1870 }
 Elias P. Henry at
 By Alfred Deputy

Corley et al

7

Moody et al

Proof of publication

Filed July 57870
E. H. Humeck

State of Missouri,
County of Jefferson, ^{38.}

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

Julia A. Corley ^{vs.}
W. Brady & others } Order of Sale 20% cash,
Now at this day comes

Plaintiffs by their attorney as well as by their
Guardian ^{and} the said Michael Brady, Elizabeth
Brady alias Elizabeth Applegate Defendants,
failing to appear ^{and} set aside their default
herein entered at the last Term of this
Court, neither have they answered the pe-
tition of Plaintiffs whereby the same re-
mains wholly undefended, ordered that
their default herein be entered, ^{and} this
cause coming to be heard upon the
petition of Plaintiffs, the Court doth find
that said Plaintiffs ^{and} Defendants are ten-
ants ^{and} owners in common of the
following described Real Estate, situate
in Jefferson County Missouri, to wit:

The North West quarter of the South East
quarter of Section Twenty Eight, Town-
ship #1 North, Range No. 5 East, con=

Containing Forty acres; Also Four acres & $\frac{41}{100}$ of an acre, described as beginning at a point 8.33 $\frac{1}{2}$ chains E. of the S. W. corner of the N. E. $\frac{1}{4}$ of Sec. 28, T. 41, R. 5, E.; thence E. 10.66 $\frac{2}{3}$ chains; thence North 82°30' W. 13.50 chains; thence South 8.43 chains to place of beginning; and the Court proceeding to settle the rights of the parties in interest, doth declare the same to be as follows, to wit: That the Plaintiffs, Julia A. Corley (an) William C. Corley are entitled to one half each of said land, Subject to the Power interest of said Elizabeth & that the said Defendants, Elizabeth Brady alias Elizabeth Applegate, the wife of Michael Brady is entitled to one third of said land for (an) during her natural life as the Widow of Warren C. Corley. And it appearing to the satisfaction of the Court that partition (an) division, cannot be made, without great prejudice to the parties in interest, it is therefore ordered, adjudged (an) decreed by the Court that partition (an) division of said Real Estate be made between the parties aforesaid, according to their respective rights (an) interests as herein set forth. It is further ordered that the Sheriff of Jefferson County proceed to advertise (an) sell said Real Estate at

public auction, to the highest bidder, for
twenty per cent of the purchase money in cash,
at the time of the sale, (and) for the residue, take
a bond or note from the purchaser with approved
security, said note to bear interest at the rate of ten
per cent; and that said sale take place during the sitting
of the Circuit Court, (and) be governed by the same
rules (and) regulations as for sale under execution.

A true copy of the Record.

Witness my hand (and) seal, this 5th day
of August 1840.

Elias F. Honey, clk
By L. H. Alfred, Dec.

Order of Sale.

Copy.

Julia A. Corby

130

Advised

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court September Term 1870,
September 20th 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:

Julia A Corley et al,
vs
Michael Brady and Elizabeth Brady alias
Elizabeth Applegate

Renewed order of sale

Now 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 March term 1870. of this Court, has not been complied with, And now on 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 Jefferson County to again advertise and proceed to sell the land in the petition described, Situate in Jefferson County Missouri, to wit The north west quarter of South east quarter of Section Twenty eight - in Township No forty one Range five east containing forty acres, Also $4\frac{4}{100}$ Acres described as beginning at a point $3.33\frac{1}{3}$ Chains east of the South west Corner of the North east quarter Section

28. Township 41. range 3 east, thence east
10.66 $\frac{2}{3}$ Chains, thence North 52 degrees and
30 seconds west 13.50 Chains, thence south
8.33 Chains to the place of beginning,
And the Court proceeding to adjust and
settle the rights and interest of said
parties in and to the Real Estate above
described, doth declare the same to be
as follows, viz, That the plaintiff Julia
A Corley and William L Corley are
entitled to one half each of said land,
subject to the dower of said Elizabeth,
And that the said defendants Elizabeth
Brady Alias Elizabeth Applegate the
wife of Michael Brady is entitled to
one third of said land, for and during
her natural life as the widow of Warren
L Corley, And it appearing to the
satisfaction of the Court that Partition
and division of said Real Estate cannot
be made without great prejudice to
the owners thereof. It is therefore ordered
adjudged and decreed that partition
and division of said land be made
and that the Sheriff of Jefferson
County proceed to sell the land in said
petition described, lying and being in
said Jefferson County, 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, take a bond or note
from the purchaser or purchasers thereof
with security, and bearing six per cent
Interest from date, and that said Sale
take place on some day during the
session of the Circuit Court for the
County aforesaid and be governed by
the same regulations prescribed by
law for sale of Real Estate under
execution, Notices thereof being given
by said Sheriff in 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,

True Copy from the record,
Witness my hand and the seal of said
Circuit Court at office in Hillsboro this
Twelfth day of December AD 1870
W. S. Boyce Clerk

To the Jefferson Cir. Court,
March Term 1871,

Julia A Corley,
vs } In Partition
Michael Brady et al

Renewed order of sale

W. S. Boyce cop ord ces \$1.25

State of Missouri } In the Circuit Court
County of Jefferson } March 22nd Term 1871.

In said Court on the day aforesaid
among other proceedings the following were
had to-wit:

Julia A Corley and William C Corley } In Partition
minors by Henry W Blanke their Guardian } Renewed Order
Michael Brady and Elizabeth Brady } of Sale.
alias Elizabeth Applegate }

Now again at this day come the
parties aforesaid by their respective attorneys and
it appearing to the satisfaction of the court that the
renewed order of sale herein made at the September
Term 1870 of this court has not been complied
with, and now on motions of said plaintiffs
by their Guardian and said Defendants by their
attorney. It is ordered by the court that a re-
newed order of sale be made, directing the Sheriff
of Jefferson County, Missouri to again advertise and
proceed to sell the land in the petition described
situate in Jefferson County Missouri to-wit; The North
west quarter of South East quarter of Section Twenty
eight in Township No Forty one Range five East
containing forty acres, Also Four ⁴⁹/₁₀₀ acres
described as beginning at a point 3.33¹/₃ chains
east of the South West corner of the North East
quarter Section 28 Township 41 Range 5 East
Thence East 10.66²/₃ chains, Thence North 52
degrees and 30 seconds west 13.50 chains Thence

South 8.33 chains to the place of beginning, and the court proceeding to adjust and settle the rights and interests of said parties in and to the Real Estate above described, doth declare the same ^{to be} as follows viz: That the plaintiffs Julia A. Conley and William C. Conley are entitled to one half each of said land subject to the dower of said Elizabeth, and that the defendant Elizabeth Brady alias Elizabeth Applegate the wife of Michael Brady is entitled to one third of said land for and during her natural life as the widow of Warren C. Conley. And it appearing to the satisfaction of the court that partition and division of said Real Estate cannot be made without great prejudice to the owners thereof, It is therefore ordered adjudged and decreed that partition and division of said land be made and that the Sheriff of Jefferson County proceed to sell the land in said petition described lying and being in said Jefferson County 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 take a bond or note from the purchaser or purchasers thereof with security and bearing six per cent interest from date, and that said sale take place on some day during the session of the Circuit Court for the County aforesaid and be governed by the same regulations prescribed by law for sale of Real Estate

under Execution, Notice thereof being
given by said Sheriff in the same manner as
provided by law for such sales and bring
into court the proceeds of said sale to abide
the further order of the court herein,

A true copy from the record

Witness my hand and the seal
of said Court at office this
25th day of April A.D. 1871

W. J. Bayce Clerk

By Thos. Horne Depty

3434

In the Jefferson Circuit Court
Sept Term 1871,

Julia A. & W. C. Corley,
by Guardian

vs } In Partition

Michael Brady and
Elizabeth Brady.

Renewed Order Sale.

W. S. Boyce clk \$ 1.50

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 28 day of Sept 1871, before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came *Frank M. Blank*, 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 *Sept*, 1871, and the last insertion on the 25 day of *Sept* 1871, as follows, to-wit:

Sheriff Sale in Partition.

In the Circuit Court of Jefferson county, Mo. Julia A. Corbrey and William C. Corley

vs. Michael Brady and Elizabeth Brady, alias Elizabeth Applegate.

By virtue and authority of an order made by the Circuit Court of the County of Jefferson, Mo., on the twentieth day of September, A. D. 1871, I will

between the House diary in the town of Hillsboro, and the house of nine o'clock in the forenoon, at the following public auction, to the highest bidder

The north west quarter of section twenty-eight, range five east, township eight, north, range five east, containing forty acres; also four

and 33 1/2 acres, described as beginning at a point on the north east quarter section twenty-eight, township eight, range five east; thence north fifty-two degrees east 10 and 30 chains to the place of beginning, thence south 8 33

For the purpose of making partition between said parties, for which the purchase money is to be paid to the purchaser, the balance in money

proved security, bearing interest at the rate of six per cent per annum from date, this 22d day of August, 1871.

JOHN WILLIAMS, Sheriff.

25

25

25

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In No. 33	Aug	25	1871
In No. 34	Sept	1	1871
In No. 35	"	8	1871
In No. 36	"	15	1871
In No.			1871

Subscribed before me this 28 day of Sept 1871.

John Williams

Under's Fee, 10. Received Payment.

10.25

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 28 day of Sept 1871, before the undersigned Clerk of the County Court of Jefferson County, Mo., came *Frank M. Smith*,

who being duly sworn, says the annexed advertisement was published in the Jeffersonian paper, printed and published in the County of Jefferson, State of Missouri, is printer, for 4 weeks, the first insertion being on the 18th day of Sept 1871, and the last insertion on the 22 day of Sept 1871, to-wit:

In No. 33	Aug	25,	1871
In No. 34,	Sept	1,	1871.
In No. 35,	"	8,	1871.
In No. 36	"	15,	1871.

In No.

, 1871.

Frank M. Smith

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

W. B. Linnell

Printer's Fee,

10.

Received Payment.

10.25

10.25

1. Comparative scarcity of labor and the consequent higher cost of capital. 2. Comparative want of capital. 3. Comparative higher rate of interest. It will be seen that while the advantages are positive, the disadvantages are ever great, obstacles that will never be removed. The high price of labor, or high interest, always brings labor and capital into equilibrium. With the restoration of machinery the question of labor is easily solved. The high price of labor, or high interest, always brings labor and capital into equilibrium. With the restoration of machinery the question of labor is easily solved. The high price of labor, or high interest, always brings labor and capital into equilibrium. With the restoration of machinery the question of labor is easily solved.

Julia A. Corley
And William B. Corley ^{Minors}
by Henry H. Blauke Guardian

= 07. =
Michael Brady & Elizabeth
Brady Alias Elizabeth Applegate

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 West quarter of South East quarter of Section twenty eight, in Township No 41 range 5 east, containing 40 acres; also four and $\frac{40}{100}$ acres described as beginning at a point $3\frac{33}{2}$ chains east of the South West corner of the North East quarter Section twenty eight, township 41 range 5 east; thence east 10.66 $\frac{2}{3}$ chains; thence north fifty two degrees and 30 seconds west 13.50 chains; thence south 8.33 chains to the place of beginning and at said sale Augustus H. Blauke was then and there the highest and last bidder for the above described Real Estate at the price and sum of Three Hundred and Ninety five 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 twenty 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

395
7.90