

Tofferson County Circuit Court
Case Files - Civil
September 1870

Box

27 Folder 40

McKean, Sterrit B.
McKean, Eliza J.
Ware, John L.
Ware James L, et al

vs

Ware, Mary

Partition

Heirs of James B. Ware; 120 acres
in S2, 11 T40 R3 E; other plaintiffs
Priscilla Ware

Harriet B. McKean &
Eliza J. McKean
His Wife, and
John L. Ware &
James L. Ware &
Priscilla Ware by
their Guardian
Harriet B. McKean Plaintiffs

In the Circuit
Court of
Jefferson
County
Missouri

against
Mary Ware Defendant

Plaintiffs state that one
James B. Ware departed this life
about the year 1864 intestate and
was at the time of his death seized in
fee simple of the following described
Lands in Jefferson County, Missouri
viz, The East half of the South
East quarter of section Two and
the North East quarter of the
North East quarter of section
Eleven all in Township Forty
of Range Three East containing
one hundred and twenty acres,
and also left surviving him his
widow Eliza J. Ware who has
since married the Plaintiff
Harriet B. McKean and the
Plaintiffs John L. and James L.
and Priscilla Ware and the Defendant

Mary Ware his ^{and Heirs at Law} Children, to whom
said Real Estate descended,

Plaintiffs aver that said
Starril B. McKean has been
duely appointed Guardian of the
Persons and property of said
James L. and John L. and Priscilla
Ware by the County Court of
said County of Jefferson and
now is such Guardian duely
qualified ~~xxx~~, they each
being minors not of lawful age
the said James L. and John L.
each being under the age of Twenty
one years and said Priscilla ~~being~~
being ^{a girl and} under eighteen, Plaintiff
says also that the Defendant Mary
is a Minor now under eighteen years
of age but who ~~will be eighteen~~ now is
in her eighteenth year, & for whom
Plaintiffs pray to have a Guardian
ad litem appointed & to defend
her interests herein

Plaintiffs say therefore
that they are Tenants in Common
with the Defendant and with
each other in said Lands. that
said Eliza J. and Starril B.

McKean are entitled to the one
undivided third part of said Land
the same being the dower of said Eliza
J. McKean therein as widow of said
James B. Ware for and during the
natural life of her the said Eliza J.
and that the plaintiffs, John L.
and James L. and Priscilla and
the Defendant Mary Ware are
each entitled in fee to the undivided
one fourth of said Land subject
to the dower interest therein of
said Eliza J. and Sarah B.
McKean ~~therein~~ as aforesaid

and plaintiffs pray the Court
to decree that partition be made
of said Land between plaintiffs and
Defendant according to the rights
of the parties therein and that an
order of sale be made of the same
if it can not be divided without
great prejudice to the owners
or for other proper relief

Jos. J. Williams
Att'y. for Plaintiffs
Jos. J. Williams Att'y. for Plaintiff
On oath says the foregoing

Attention is true to the best of his
knowledge and belief

Jos. J. Williams

Agreed to and
Subscribed before
Me July 5th 1870 }

A. B. McKean

vs

May Ware

Partition

Filed July 6th 1870

E. J. Henny cts

issue process

Williams
for Defts.

Sterrit McKean &
Eliza J. McKean, his
Wife and
John L. Ware &
James L. Ware &
Priscilla Ware, Minors
by Sterrit McKean their
Guardian Plaintiffs
against
Mary Ware Defendant

In the Circuit
Court of
Jefferson
County
Missouri

Plaintiffs State that one James
W. Ware departed this life intestate
about the year 1864 Seized and possess-
ed in fee simple of the following
described Real Estate Situate in Jeffers-
on County Missouri, to wit, the East
half of the South East quarter of
Section Two and the North East
quarter of the North East quarter
of Section Eleven all in Township
Forty Range Three East Containing
one hundred and Twenty acres,
and left surviving him his widow
~~the Plaintiff~~ Eliza J. Ware who has
since intermarried with Sterrit
McKean who is Co. Plaintiff herein
with her as her present Husband,

and also the Plaintiffs John L., - James L., & Priscilla J. Ware and the Defendant Mary Ware his children and heirs at Law to whom said Real Estate descended, Plaintiffs aver that since the death of said James B. Ware and his marriage with said Eliza J. said Sterrit McKean has been duly appointed the Guardian of the persons and property of said John L., - James L., - and Priscilla J. Ware by the County Court of Jefferson County Missouri and has qualified ^{as such} and is now such Guardian they each being still under eighteen years of age - Plaintiffs also aver that said Mary Ware the Defendant is a minor under the age of eighteen years,

Plaintiffs state therefore that they and the defendant are owners of and Tenants in common in said Land with Defendant and each other, that said Eliza J. McKean and ~~Sterrit~~ Sterrit McKean her husband are entitled to the undivided one third part of said Real Estate for and during the natural life of said Eliza J. McKean, and Plaintiffs John L. Ware, James L. Ware and Priscilla J. Ware and Defendant Mary Ware are each entitled in fee simple to the undivided

one fourth part of said Land subject to
the Dower interest therein of said Eliza J.
and Sterrit McKean as of one said.

Plaintiffs pray the Court to
appoint a Guardian ad Litem for Defendant
Mary Ware to defend her interests herein
and to make a Decree that Partition of
said Real Estate be made between Plaintiffs
and Defendant according to the rights of the
Parties therein and that an order for the sale
of the same may be made if it can not be
divided without prejudice to the owners
and for other proper relief

Jos. J. Williams
Atty. for Plaintiffs

Jos. J. Williams Attorney for Plaintiffs on oath
says the foregoing Petition is true as he
verily believes

Sworn to and Subscribed
before me August 1st 1870
Chas W. Moneys
By Lewis Clayton H.

} Jos. J. Williams

Sherrill McKean
Esq.

My dear Sir

Petition for Partition
original

Encl. Letter 10/18/70
Cecilia G. Houghton

Check same process
William
for Plaintiff

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Mary Ware

if she be found in your County, that she be and appear before the Honorable
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 ~~First~~ Monday after the fourth Monday
of Sept, next, then and there to answer unto

Sterrit McLean
Chas

upon their 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 hereto affixed,

at office in Hillsboro, this Fifth

day of August A. D. 1870

Elias F. Honey Clerk Circuit Court.

By Lewis A. Alford Deputy.

47.01-

27926

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Debit Term, 1870
Charles M. Jones
Plaintiff

AGAINST
Mary Ware
Defendant

Orig

10 of each
before J. B. Jones 10 Feb

The within was served on the 19th Day of Aug a D 1870, by delivering a
Copy of the within writ and Petition as furnished to me by
the Clerk of the Circuit Court to a white member (over the
age of fifteen years) of the family of the Defendant
Mary Ware at her usual place of abode of Jefferson
County Mo
Fees 1.00

For L. H. Meyer Sheriff
by For W. A. Matz
Deputy

37 year
76

Starrick McKean &

Elza J. McKean his wife and others Pla.

vs

Mary Ware

Defendant

In the

Circuit

Court

Sept Term

1870

Now at this day comes
the defendant Mary Ware by Guardian
ad litem W.H.H. Thomas and for answer
to Plaintiffs petition says The interests
of The defendant is correctly set
out ~~as~~ & consents to a judgment
therein as asked for by Plaintiffs.

Mary Ware

By W.H.H. Thomas

Guardian ad litem.

McLean & Co.,

25

Money Wore

Chamber of
Deputant

State of Missouri } ss In the Jefferson Circuit Court,
County of Jefferson } September Term Sept 24th 1870

Be it remembered that in said circuit court on the day aforesaid among other proceedings therein had, the following order appears of record to wit:

Jerrih McKean & Eliza J McKean his wife } In Partition
& John L Ware, James L Ware & Priscilla }
Ware minors by Jerrih McKean their } Order of sale,
Guardian } Plaintiffs
vs

Mary Ware Defendant, } Nor at this
day comes the plaintiff by their attorney, and the said defendant }
Mary Ware by M H Thomas her Guardian - ad - litem }
and files answer admitting the truth of the statements }
and declarations in plaintiffs petition set forth, and }
consenting to a judgment of partition as therein prayed, }
And the Court proceeding to render a judgment of partition }
as aforesaid, doth find that said plaintiffs and defendant }
are owners and tenants in common of the following des- }
cribed Real Estate situate lying and being in the County }
of Jefferson and State of Missouri to-wit: The East half of }
the South East quarter of section two and the North East quarter of }
the North East quarter of section eleven all in Township Twenty }
Range Three East containing one hundred and twenty acres, }
And now the Court proceeding to adjust and settle the rights and }
interests of said parties in and to said Lands, doth declare the }
same as follows viz: That said Eliza J McKean and Jerrih McKean }
her husband are entitled to the undivided one third part of said

Real Estate for and during the natural life of the said Eliza J McKean and that John S Ware, James L Ware, Priscilla J Ware and Mary Ware are each entitled in fee simple to the undivided one fourth part of said land subject to the dower interest ~~therein~~ therein of the said Eliza J and Ferret McKean as aforesaid. It is therefore considered, adjudged and decreed by the Court that partition and division of said Lands be made between said parties according to their respective rights and interests herein set out, and it appearing to the Court that partition and division thereof in kind cannot be made between said parties without great prejudice to their interests, It is therefore ordered by the Court that the sheriff of Jefferson County proceed to advertise and sell said lands at public auction to the highest bidder for ten per cent of the purchase money in cash and the balance in twelve months and for the deferred payment take from the purchaser or purchasers thereof a bond or note with good and sufficient security bearing interest at ten per cent per annum, And that said sale take place on some day during the session of the Circuit Court for said Jefferson County, and be governed by the same regulations as prescribed by law for sales of real estate under execution notice thereof being given in the same manner as prescribed by law for such sales, and report herein his proceedings at the next regular term of this Court.

A True Copy from the record.

Witness my hand and the seal of said Court
at office in Hillsboro this Dec 14th 1870,

W. S. Boyce Clerk
By C. Tho. Horne Dep't.

11th Jefferson Circuit Court,
March Term 1891,

Be it Remembered
to the Court
Mary Thane Del's.

Order of Sale

W. B. Joyce and wife vs. J. B. S.

Stemmt McKean & Eliza
McKean his wife. John L.
Ware, James L. Ware &
Priscilla J. Ware minors
by Stemmt McKean Guardian
against

In the Jefferson County Circuit Court.
March Term 1871

Mary Ware Deft.

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 East half of the South east quarter of section 2 and the North east quarter of the North east quarter of section 11, all in township 40 in range 3 east containing 120 acres and at said sale John L. Thomas and W. H. Thomas were then and there the highest and last bidders for the Real Estate hereinbefore described at the price and sum of Two Hundred Dollars, and the same was stricken off and sold to them at and for that sum, of which sum they have to me in hand paid ten per cent and have given bond with approved security for the balance as required by the terms of sale —

And this report is respectfully submitted
March 22^d 1871

John Williams Sheriff

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 5th day of April 1871, 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 11th day of February, 1871, and the last insertion on the 3d day of March 1871, as follows, to-wit:

Sheriff's Sale in Partition.
In the Circuit Court of Jefferson county, Mo.,
LESLIE MCKEAN and Eliza J. McKean, his wife, John L. Ware, James L. Ware and Elizabeth J. Ware, minors, by Scott McKean, their Guardian, Plaintiffs, vs. Mary Ware, Defendant.
By virtue and authority of an 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 11th 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 of real estate, to-wit:
The east half of the south east quarter of section 2, and the north east quarter of the north east quarter of section 11, all in township 40 in range large east, containing one hundred and twenty acres, situated in Jefferson county Missouri.
For the purpose of making partition between said parties, for which the purchaser will be required to pay ten per cent of his 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 ten per cent, per annum from date, this 5th day of February, 1871.

JOHN WILLIAMS, Sheriff.

Signed this 5th day of April 1871.

W. A. Small

Printer's Fee,

4 30.

Received Payment.

25

aff

\$7.75

In No. 6, February 11, 1871.

In No. 7, " 18, 1871.

In No. 8, " 25, 1871.

In No. 9, March 3, 1871.

In No. , , 1871.

Frank N. Stone

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And if any person shall be guilty of publishing or causing to be published any advertisement in the Jefferson Democrat, after the expiration of the term for which the same was published, he shall be liable to pay to the printer thereof a fine of \$100, and shall also be liable to pay to the printer thereof the cost of the publication of the same.

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

Frank N. Stone

Sworn to and subscribed before me this 5th day of April 1871.

W. A. Stewart

Printer's Fee,

25

Received Payment.

W. A. Stewart

\$7.75

Merrick McKean et al } In Partition
 Mary Ware } Final Decree Sept 24 1870.
 Fee Bill,

E. J. Honey Clerk,

Copy pet. ⁶⁰ files ¹⁰ writ ¹⁰⁰ (cop ¹⁰ res ⁵⁰, aff ¹⁵)

2.45

H. J. Fayer Clerk,

affir ¹⁰ ans ²⁰ ~~and~~ ~~Sub~~ ³⁵

.65

Decree ⁵⁰ (ord sale ³⁵) order to Sheriff ³⁵

1.20

Copy ord sale cert & seal,

1.25

ord allowing Dec Guard ad. litem

.35

" " atty fee

.35

Report sale ³⁵ (order ²⁰)

.35

Ent ack Shff. ⁵⁰ J. R. ¹⁰ Dock ¹⁵

.75

no sharing Dec Bill,

.75

5.85

D. Lichtenmeyer Sheriff Seco Dept

1.00

John Williams Sheriff

Executing order sale ¹⁰⁰ Printers fee ⁷⁷⁵

\$ 8.75

Com on \$200 @ 2 per cent

4.00

\$ 12.75

H. H. Thomas Guard ad litem atty fee

20.00

Joe J. Williams Atty fee

20.00

Total

43.70
\$ 67.45

Storick McLean

Manly Ware

Free Bill

A 67.00

200.00

67.00

37193.00

26,25-