

Jefferson County Circuit Court
Case Files - Civil
September 1870

Box 27 Folder 45

Southerland, Joseph

vs.

Southerland, Elizabeth
Southerland, George W.

Partition

Heirs of George Southerland; 106
acres in Survey 2991, 2019; one lot
in City of St. Louis

Joseph Southland Plaintiff	} In the Jefferson Circuit Court, Sept. Term 1870.
Elizabeth Southland and	
George W. Southland	
Defendants	

Plaintiff states that George Southland departed this life in 1856 intestate leaving as his heirs his widow Elizabeth Southland and George W. Southland a child who are made Defendants herein and the Plaintiff another child: that at the time of his death he was seized of the following real Estate situate in Jefferson Co. Mo. viz: Lot 44 in Survey 2991, formerly known as Survey 877, containing one hundred and two acres ^{or} ₁₀₀ acres: and also another tract of land described as follows, viz: Beginning at the North West Corner of United States Survey No 2012 thence S 52° W 5.2 Chains and 30 links with the North West boundary line of said Survey, to the South West Corner thereof, thence S. 38° E. along the South West boundary line of said Survey twenty Chains to a stake for corner, thence N 52° E. fifty two Chains and thirty links to the North

East boundary line of said survey, thence
N 38° W. twenty chains to the place of begin-
ning containing one hundred and four⁶⁰/₁₀₀
acres. Also lot Ten in Block fifteen in
Julia Co. Soudard's subdivision of ground
marked "reserved" on the plat of said
Julia Co. Soudard's first addition to
the City of St. Louis being thirty feet front
on the West side of Columbus street by
one hundred and forty feet back.
This last lot of land being in St. Louis
County Missouri.

Plaintiff states that Plaintiff and Defendants
as the only heirs and legal representatives
of said George Southland and ~~Decease~~
& are the owners in common of said
land and as such the said Elizabeth
Southland the widow of said Deceas-
ed is entitled to one third thereof
for and during her natural life
and that Plaintiff and George W.
Southland are each entitled to
one undivided half of said real
estate subject to the above interest
of said widow.

Wherefore Plaintiff prays the Court to
order and adjudge that partition and
division of said real estate be made

among those entitled thereto as set out
in this petition and if partition in kind
cannot be made without great inconve-
nience to the owners to order that said
land ~~and~~ be sold according to the
statute in such cases made and
provided.

John L. Thomas
Atty for Plaintiff.

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

Sworn to & subscribed
before me Aug 8, 1870

John L. Thomas

Joseph & Son the Land

3

Elizabeth & Son the Land
Barnstable

Partition

Filed Aug. 8th 1840.

J. J. Hawley,
Att. Gen. Barnst.

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

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Elizabeth Southerland
George W. Southerland

if they be found in your County, that they 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

Joseph Southerland

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 9th

day of Aug A. D. 1870

E. F. Honey Clerk Circuit Court.
By L. H. Alfred Deputy.

3049

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

Sept Term, 1870
J. Buchanan

Plaintiff

AGAINST

Elizbeth Buchanan

vs

Defendant

237

18th of August
234.
Served on the

The within was served on the 18th Day of August A D 1870
by delivering a copy of the within writ and petition to
the within named Defendant Elisabeth Southerland
at Jefferson County Mo and a copy of the writ afterwards
on the same Day to George W Southerland

fas 200
100

Fred Lichtenmeyer Sheriff
by Fred Vollmar
Deputy

Joseph Southland

vs

Elizabeth Southland
and George Southland

In the
Circuit Court
of Jefferson
County Mo.
Sep. T. 1870

Now come the defendants herein
and for answer to the petition
of the plaintiffs and say that
the facts stated in petition
they believe to be true, and that
the rights and interest of the
parties as therein set forth
they believe to be properly set
forth and they cannot have
any grounds for objecting to
the partition and division of
said land and the admeas-
urement and apportionment of the
lower interest of said Elizabeth
or for a sale of the same if
a division cannot be had
without prejudice

P. P. P. Kin Attorney
for Defs.

Southeastward

37

Southeastward



Stream of deposit =
out.

Filed Sept 24th 1870

E. J. Henry
All

State of Missouri } In the Jefferson Circuit
County of Jefferson } Court September Term 1870
September 24th 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:

Joseph Southerland Plaintiff }

Elizabeth Southerland and } In Partition
George W Southerland Defts }

Now at this day comes the Plaintiff by his
Attorney, and the said defendants by their
Attorney, and file their answer to Plaintiff's
petition admitting the truth of the statements
and declaration in the petition set forth
and consent to judgment of partition and
assignment of dower in said cause, and
this cause coming on to be heard by consent
as aforesaid, The Court doth find that said
plaintiff and defendants are owners in
Common of the following described Real
Estate, situate and being in Jefferson County
Missouri to wit: Lot six in Survey No 299,
formally known as Survey No 877. Containing
one hundred and two & 4/100 Acres, And also
another tract of land described as follows
viz: Beginning at the North West corner of
United States Survey No 2019 thence S 52° W

52 chains and 30 links with the north west boundary of said survey, to the South west corner thereof, Thence S 38° E along the South west boundary line of said survey twenty chains to a stake for corner, Thence N 52° E fifty two chains and thirty links to the North East boundary line of said survey, Thence North 38° W twenty chains to the place of beginning, containing one hundred and four $\frac{1}{100}$ Acres, Also, the following described Real Estate situate and being in the County of St Louis State of Missouri, viz: Lot ten in Block fifteen in Julia C Souland's Subdivision of ground marked "Reserved" in the plat of said Julia C Souland's first addition to the City of St Louis, being thirty feet front on the West side of Columbus Street, by one hundred and forty feet back, And the Court proceeding to settle the rights and interests of said parties in and to said Real Estate doth declare the same as follows, viz: That said Elizabeth Southerland is entitled to ~~one~~ third thereof for and during her natural life and that the said Joseph Southerland and George W Southerland are each entitled to the one undivided half of said Real Estate subject to the dower interest of the said Elizabeth Southerland, It is further ordered adjudged and decreed by the Court

that partition and division of said lands be made between said parties in accordance with their interests herein set out, and the Court doth appoint Jerome B. Dover, Thomas Byrnes and James Burgess Jr Commissioners, residents of the County of Jefferson to make partition so adjudged of the lands situate in said Jefferson County, in accordance with the statutes in such cases made and provided, and to make a full and complete report of their proceedings to this Court at its next regular term, which report shall be in manner and form as prescribed by the statutes in such cases, and it is further appearing to the Court that partition and division thereof in kind cannot be made of the lands situate in said St Louis County without great prejudice to the owners thereof, It is ordered by the Court the Sheriff of the County of St Louis aforesaid proceed to advertise and sell the lands in said 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 approved security, bearing interest at the rate of six per cent per annum,

and that said Sale take place on some day during the session of the Circuit Court for said At Large County, and be governed by the same regulations as provided by law for sales of Real Estate under execution Notice thereof being given in the same manner as provided by law for such sales, and bring into Court the proceeds thereof to advise its further order therein,

A true copy from the record
Within my hand and the seal
of said Circuit Court at office
in Hillsboro this fourteenth day
of December A D 1870

W. A. Dwyer Clerk

Th^o Jefferson Circuit Court,
March Term 1871,

L

Joseph Souterland
vs
Elizabeth & Geo W Souterland
In Partition