

Jefferson County

Circuit

Court

Box

28

Folder 48

Case Files - Civil

September 1871, NO. 39

Burgess, William

Allen, Elizabeth

Allen, D. J.

Burgess, Elizabeth,

et al

vs

O'Fallon, John

Partition

Numerous lots in Sulphur

Springs and 27 acres in S32 T42 R6 E

William Bunge
Elizabeth Allen &
W. J. Allen her husband
Eliza Bunge
Susan Fierbaugh and
A. D. Fierbaugh her husband
Plaintiffs

In the Circuit
Court of the
County of
Jefferson
State of
Missouri

vs
John S. Farrow Defendant

The plaintiffs

State that They and the above named
defendant are the owners ~~of~~ in fee simple,
and hold in joint tenancy, and in
common, ~~of~~ the following described
town lots and tract of land in the
County and State aforesaid that is
to say, Lots 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16
17, 18, 19, 20, 21, 24, 25, 26, 27, in Block
No. One (1), Also Lots 3, 4, 5, 12, 13, 14,
& 15, 16, 19, & 20 in Block No. Two (2)
Also Lots 4 & 2 in Block No. Three (3)
Also ^{all the} Lots in Block No. four (4) & five (5)
Also Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14 ~~in~~ in Block No. six (6)
Also all of the Lots in Block No. seven
(7) & eight (8) Also all the lots in
Blocks No. twelve (12) & thirteen (13)
Also parts of all the lots in Block
No. nine (9) & eleven (11) being the

The same portion that belonged to the Sanders Bunge estate only, all in the Southern part of the town of Sulphur Springs in said County as will more fully appear by and according to the recorded map of said town.

Also Twenty seven acres more or less, of land lying & joining on the Western line of Cherry Street in said Sulphur Springs, commencing where Thomas Bunge's division line crosses said Street and extending west with the said division line to O'Hallon's land and along O'Hallon's eastern line South to the South Western corner of said 27, acre tract, thence eastwardly to Cherry Street, thence Northwardly along the Western line of Cherry Street to the place of beginning, in ^{Section} ~~Section~~ 32, Township 42. Range 6 East.

as will more fully and at large appear by reference to a deed from James Bunge and wife, of Record in the Records office of said County in Book N^o 2. page 137 of the land records of said County

The plaintiffs state that they are the owners and interested in said

Real estate as follows, The said William
Bunge is the owner of two ninths ($\frac{2}{9}$)
Elizabeth Allen & her husband
D. J. Allen are the owners of
four ninths ($\frac{4}{9}$), Eliza Bunge
is the owner of one ninth ($\frac{1}{9}$)
Susan Firebaugh & her husband
are the owners of one ninth ($\frac{1}{9}$) and
the said defendant owns one
ninth ($\frac{1}{9}$) —

Your petitioners therefore pray
the Court for a partition and
division of the said premises
between the parties interested therein
as herein stated, if the same can
be done without great prejudice
to the owners & parties in interest
and if not then for a sale of the
same and a division of the
proceeds thereof among all of
the parties according to their
respective rights and interests

Philip Pipkin
att'y for petitioners

Philip Pipkin attorney for the
above named petitioners makes oath
and says that the foregoing
petition and the matters therein

as stated he believes to be true
sworn to & subscribed by P. P. Kinn
before me Aug. 21st 1871

W. S. Boyce Clerk

By C. W. H. Marine Dept.

no 39

Wm Burgess & Co

as

John Challen.

For Partition

Done ifue proce f
P. P. Kinn

Filed Aug 21st 1871
W. S. Boyce Cl
By C. W. H. Marine Dept

William Burgess Elizabeth Allen &
S. J. Allen her husband, Eliza Burgess
Susan Fierbaugh and A. D. Fierbaugh
her husband, Plaintiffs

In the Circuit
Court of the
County of Jefferson
State of the Missouri

vs
John A. Fallon Defendant

The Plaintiffs state that they and the above named defendant are the owners in fee simple and hold in joint tenancy, and in common the following described town lots and tract of land in the County and State aforesaid, that is to say, Lots 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, in Block No one (1) Also Lots 3, 4, 5, 12, 13, 14, 15, 16, 19 & 20 in Block No Two (2) Also Lots 4 & 21 in Block No Three (3) also all the lots in Block No four (4) & five (5) also Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 in Block No Six (6) Also all of the Lots in Block No Seven (7) & eight (8) Also all the lots in Block No Twelve (12) & thirteen (13) also part of all the lots in Block No nine (9) & eleven (11) being the the same portions that belonged to the Sanders Burgess Estate only, all in the Southern part of the Town of Sulphur Springs in said County as will more fully appear by and according to the recorded map of said Town, Also twenty seven acres more or less of land lying & joining on the western line of Cherry Street in said Sulphur Springs commencing where Thomas Burgess' division line crosses said Street and extending west with said division line to A. Fallon's land, ^{and} along A. Fallon's eastern

line South to the South western corner of said 27 acre tract, thence eastwardly to Cherry Street, thence westwardly along the western line of Cherry Street to the place of beginning in Section 32 Township 42 Range 6 East as will more fully and at large appear by reference to a deed from James Burgess and wife of Record in the Records office of said County in Book No 2 page 137 of the land records of said County.

The Plaintiffs state that they are the owners and interested in said Real Estate as follows, the said William Burgess is the owner of two ninths ($\frac{2}{9}$) Elizabeth Allen & her husband D. J. Allen are the owners of four ninths ($\frac{4}{9}$) Eliza Burgess is the owner of one ninth ($\frac{1}{9}$) Susan Pierbough & her husband are the owners of one ninth ($\frac{1}{9}$) and the said defendant owns one ninth ($\frac{1}{9}$).

Your petitioners therefore pray the court for a partition and division of the said premises between the parties interested therein as herein stated, if the same can be done without great prejudice to the owners & parties in interest and if not then for a sale of the same and a division of the proceeds thereof among all of the parties according to their respective rights and interests.

Philip Pipkin atty for Petitioners

Philip Pipkin attorney for the above named
petitioners makes oath and says that the
foregoing petition and the matters therein
as stated he believes to be true

Sworn to & Subscribed before } J Pipkin
me Aug 22nd 1871

W. S. Boyce Clerk

By C. M. Hoine Dept.

A true copy of the original petition

Witness W. S. Boyce Clerk of the Circuit
Court with the seal thereof hereunto
affixed at office this Aug 22nd 1871

W. S. Boyce Clerk

By C. M. Hoine Dept.

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

John O'Halloran

if he be found in your County, that he 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 *third* ~~Monday after the fourth~~ Monday of *September* next, then and there to answer unto

*William Burgess, Elizabeth Allen, D. J. Allen,
Eliza Burgess Susan Pierbough and A. D. Pierbough*

upon *their* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *22nd* day of *August* A. D. 187*1*

W. S. Boyce Clerk Circuit Court.

By

E. M. Norine

Deputy.

7815-53-164

1553-184
No 39

3491

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

September Term, 1871.

William Burgess
Elizabeth Allen & her
husband D. S. Allen
Eliza Burgess. Susan
Greenbough and
W. D. Greenbough her
husband

vs

John A. Fallon

John Williams

Sheriff for

copy for
Sherriff

I ~~Executed~~^{Served} the within writ or summons on
the within defendant John A. Fallon on the
24th day of August 1871 at the County of Jefferson
State of Mississippi by delivering him a copy
of this within writ and petition as furnished
me by the clerk
John. Williams Sheriff
By J. B. Moss
Deputy

In the Circuit Court of Jefferson County
State of Missouri
May Term 1872.

May 24th 1872.

In said Circuit Court on the day
aforesaid among other proceedings therein had
the following appears of record to-wit:

William Burges, Elizabeth Allen
and D. J. Allen her husband,
Eliza Burges, Susan Pierbaugh
and A. D. Pierbaugh her husband,

In Partition

vs
John O'Fallon

Now at this day
come the parties plaintiff by their attorney, and said defendant
failing to appear and set aside his default herein entered,
and said cause coming on to be heard upon the petition and
evidence of plaintiff. The court doth find that plain-
tiffs and defendant are owners in fee simple and
hold in joint tenancy and in common the following
described town lots and tract of land in the
County of Jefferson and State of Missouri to-wit:
Lots 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, in Block
No One (1) Also Lots 3, 4, 5, 12, 13, 14, 15, 16, 19 & 20 in Block
No Two (2) Also Lot 4 in Block No Three (3), Also all the
Lots in Block No Four (4) & Five (5) Also Lots 1, 2, 3,
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 in Block No Six (6), Also all
the Lots in Block No Seven (7) & Eight (8), Also

all the Lots in Blocks No Twelve (12) & Thirteen (13) also
part of all the Lots in Block No Nine (9) & Eleven
(11) being the same portion that belonged to the
Sanders Burgess estate only. All in the Southern
part of the Town of Sulphur Springs in said
County as will more fully appear by and
according to the recorded map of said town,
Also twenty seven acres more or less of land
lying & joining on the western line of Cherry
street in said Sulphur Springs, commencing
where Thomas Burgess' division line crosses said street
and extending west with the said division
line to O'Fallon's land and along O'Fallon's eastern
line South to the South western corner of said
27 acre tract, thence Eastwardly to Cherry
Street, thence Northwardly along the western
line of Cherry street to the place of beginning
in Section 32 Township 42 Range 6 East
as will more fully and at large appear by
reference to a deed from James Burgess and
wife of record in the recorder's office of said
County in Book No 2 page 137 of the land
records of said County. And the court pro-
ceeding to adjust and settle the rights and
interests of said parties in and to said lands
doth declare the same as follows, That the
said William Burgess is the owner of two
ninth⁽²⁾ Elizabeth Allen and her husband

G. J. Allen are the owners of four ninths ($\frac{4}{9}$) Eliza
Burgeff is the owner of one ninth ($\frac{1}{9}$) Susan
Pierbaugh & her husband are the owners of one
ninth ($\frac{1}{9}$), and the said Defendant John
O'Fallon is the owner of one ninth ($\frac{1}{9}$) It is
thereupon considered adjudged and decreed by
the court that partition and division of said
Real Estate be made between the parties afore-
said in accordance with their respective
rights and interests as herein set out, 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
ordered that the Sheriff of Jefferson County
Missouri proceed to advertise and sell
said Real Estate 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 pay-
ment take a bond or note from the purcha-
ser or purchasers thereof, with good and suf-
ficient security bearing interest at the
rate of ten per cent per annum payable
twelve months after date as aforesaid
and that said sale take place on some day
during the sitting of the Circuit Court
for said County and be governed by the

same regulations prescribed 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 make
report of his proceedings herein to the Court
A true copy from the record,

Witness, W. S. Boyce Clerk of said
Circuit Court with the seal thereof
hereunto affixed this June 20th 1872.
W. S. Boyce, Clerk.
By Chas. H. Coe Deputy

In the Sept Term 1872

Burgess Allen & others
vs

John A. Fulton

Partition

Order of Sale,

In the Circuit Court of
Jefferson County, State of Missouri,
September Term 1872,
Thursday Sept. 19th 1872,

Among other
proceedings therein had, of that day the following appear
of record, viz:

William Burgess, Elizabeth Allen & J. Allen her husband, Eliza Burgess, Susan Pierbaugh and A. D. Pierbaugh her husband, Plaintiffs	} For Partition Renewed Order of Sale,
vs John C. Fallon Defendant	

Now come the
plaintiffs by their attorney and show to the
Court here that the order of sale herein made has
not been complied with, and move the court
for a renewed order of sale, of the lands in plain-
tiffs petition described to-wit: Lots, 4, 5, 6, 7, 8
9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, in Block No.
one (1), also Lots 3, 4, 5, 12, 13, 14, 15, 16, 19 & 20 in Block
No Two (2) also Lot 4 in Block No Three (3)
also all the Lots in Block No four (4) & five
(5) also Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
in Block No six (6) also all of the Lots in
Block No Seven (7) & Eight (8) also all the
Lots in Blocks No (12) & thirteen (13) also part

of all the lots in Block No. nine (9) & Eleven
(11) being the same portion that belonged to the
Sanders Burges Estate only, all in the Southern
part of the town of Sulphur Springs in said County
as will more fully appear by and according
to the recorded map of said Town, Also twenty
seven acres more or less of land lying & joining
on the Western line of Cherry Street in said Sul-
phur Springs, commencing where Thomas Burges
division line crosses said street and extending
West with said division line to O'Fallons land
and along O'Fallons eastern line South to the
South Western corner of said 27. acre tract, thence
Eastwardly to Cherry Street, thence Northwardly
along the Western line of Cherry Street to the place
of beginning, in Section 32 Township 42 Range
6 East as will more fully and at large
appear by reference to a deed from James
Burges & wife of record in the Records
office of said County in Book No 2 page
137 of the land records of said county, all
of said land and Town lots situate in Jefferson
County, ^{& State of} Missouri, It is thereupon ordered by
the court that the Sheriff of Jefferson County,
Missouri proceed to advertise and sell said
Real Estate at public auction to the highest
bidder for twenty percent of the purchase
money in cash and the residue in twelve

monies and for the deferred payment take a bond or note from the purchaser or purchasers thereof, with good and sufficient security bearing interest at the rate of ten per cent per annum, that said sale take place on some day during the sitting of the circuit court and be governed by the same regulations prescribed by law for sales of Real Estate under execution, notice thereof being given in the manner provided by law for such sales, and divide the proceeds thereof among the parties according to their rights and interests as declared by the court and make report of his proceedings herein and this cause is continued.

A true copy from the record,

Witness my hand and the seal aforesaid
Court hereunto affixed at office
in Hillsboro November 11th 1872

W. J. Boyce Clerk
By Chas. H. Corwin Depy.

January Term 1873.

G. J. Allen & Co.

vs

John O'Halloran

For Partition

Order of Sale

Sheriff's Sale in Partition.

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

William Burgess, Elizabeth Allen and D. J. Allen, her husband, Eliza Burgess, Susan Fierbaugh and A. D. Fierbaugh, her Husband, Plaintiffs; against John O'Fallon, Defendant.

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. 1872, I will on the fifteenth day of January next, 1873, 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:

Lots 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27, in block number one (1); also, lots 3, 4, 5, 12, 13, 14, 15, 16 19 and 20, in block number two (2); also, lot 4, in block number three (3); also, all the lots in block No. four (4) and five (5); also, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, in block number six (6); also all the lots in blocks number seven (7) and eight (8); also, all of the lots in block number 12 and thirteen (13); also, part of all the lots in block number nine (9) and eleven (11), being the same portion that belonged to the Sanders Burgess estate, all in the southern part of the town of Sulphur Springs, as will more fully appear by and according to the recorded map of said town; also, twenty-seven acres more or less, of land, lying and joining on the western line of cherry street, in said Sulphur Springs, commencing where Thomas Burgess' division line crosses said street, and extending west with said division line to O'Fallon's land, and along O'Fallon's eastern line south to the southwestern corner of said 27 acre tract; thence eastwardly to cherry street, thence northwardly along the western boundary line of cherry street to the place of beginning in section 32, township 42, range 6 east, as will more fully and at large appear by reference to a deed from James Burgess and wife, of record in the Recorder's office of said county, in book No. 2, page 137, of the records of said county, all of said land and town lots situate in Jefferson county, and 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 ten per cent. per annum from date, this 3d day of December, 1872.

T. B. MOSS,
Sheriff

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 13th day of January 1873, before the undersigned Clerk of the County Court of Jefferson county, Mo., came R. W. McMULLIN, 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 2 weeks, the first insertion being on the 6th day of Dec, 1872, and the last insertion on the 27 day of Dec, 1872, as follows, to-wit:

In No. 48	Dec 6	1872
In No. 49	" 13	1872
In No. 50	" 20	1872
In No. 51	" 27	1872
In No. 52	"	187

R. W. McMullin

Sworn to and Subscribed before me this

day of 187

R. W. McMullin

Printer's Fee, \$144.25 }
Affidavit, \$..... 25 } 14, 50

Received Payment.

R. W. McMullin

570
470
481
1025-

William Burgess, Elizabeth
Allen & J. Allen her husband
Eliza Burgess Susan Pierbough
& A. D. Pierbough her husband

= against =

John O'Hallon

In the Jefferson County Circuit Court.

January Term 1873

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 fifteenth day of January, A. D. 1873, 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 January term thereof, for the year Eighteen Hundred and Seventy three, expose to sale at public auction, the following described Real Estate, situate in said County,

to-wit: first = Lots 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 in Block number one (1) - also lots 3, 4, 5, 12, 13, 14, 15, 16, 19 and 20, in Block number two (2) = also lot 4, in Block number three (3) = also all the lots in block number four (4) and five (5) = also lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 in Block number six (6) = also all the lots in Blocks number seven (7) and eight (8) = also all of the lots in block number 12 and thirteen, 13, = also part of all the lots in Block number nine (9) and eleven (11) being the same portion that belonged to the Sanders Burgess estate only, all in the Southern part of the town of Sulphur Springs, as will more fully appear by and according to the recorded map of said town.

Second Also twenty seven acres more or less, of land, lying and joining on the western line of Cherry street, in said Sulphur Springs. Commencing where Thomas Burgess' division line crosses said street, and extending west with said division line to O'Hallon's land, and along O'Hallon's eastern line south to the southwestern corner of said 27 acre tract, thence easterly to Cherry street, thence northwardly along the western boundary line of Cherry street, to the beginning in Section 32 township 42 range 6 east, as will more fully and at large appear by reference to a deed from James Burgess and wife, of record in the Recorder's office of said County in Book No 2 page 137 of the land record of said county - And at said sale Elizabeth Allen was then and there the highest and last bidder for the first lot of land or town lots at the price and sum of twenty three hundred (\$2300) Dollars, and Elizabeth Allen was then and there the highest and last bidder for the 27 acre tract second above tract at the price of twelve hundred Dollars (\$1200) - and the same were stricken off and sold to her at and for those sums - making in the aggregate thirty five hundred Dollars - of which sum she has to me in hand paid 20 per cent and has given bond with approved security as required by the terms of sale.

And this Report is respectfully submitted
January 15th 1873

J. B. Moß Sheriff

J. D. Allen et al } Jefferson Circuit
 } Court Jan'y Term
John Fallon } 1873 -
 In Partition

Philip Piptin attorney in this cause
claims as fees and asks the Court
to tax the same as costs of \$100
one hundred dollars -

The property consisted of 160 town
lots in Sulphur Springs &
27 acres adjoining and
sold for the aggregate
sum of \$3500 + the taxes and
fine hundred dollars

P. Piptin

The sum of
dollars allowed and taxed
as costs

J. H. Vail

Judge

J. S. Allen
it also

John Allen

Atty Gen

Filed Jan 15 1872
W. J. D. C. C. C.