

Jefferson County Circuit Court
Case Files-Civil
September 1872

Box 30 Folder 16

Brown, Peter M.

vs.

Waters, William

Waters, Mary

Waters, Harriet

McDonough, James, et al

Partition

Heirs of E. R. Waters; 194 acres
in Survey 944 T43 R4E; other defendants
Fannie, Clara, McDonough

Peter M Brown, Plaintiff	In the Circuit Court of Jefferson County
vs	
William Waters	State of Missouri
Mary Waters	
Harriet Waters	September Term 1872
James McDonough	
Fannie McDonough	
Clara McDonough &	
James McDonough	
Defendants	

Now at this day comes the plaintiff and for petition herein states, that E. R. Waters died about the year 183- seized of the following described Real Estate, situate and being in ^{Township} ~~Meramec~~ in Jefferson County in the State of Missouri, to-wit: The North East end of United States Survey No 944 in Township 43. N Range 4 East, and more fully described ~~and~~ bounded as follows, beginning at a Sycamore-tree on the lower end of said ^{tract on} ~~land~~ on Big River, running from thence South 63 degrees East 210 poles to a stone, - thence following the meanderings of said River to the beginning corner, containing one Hundred and ninety four acres -

That the said E. R. Waters left as his sole heirs his six children viz Samuel Waters, Edward R. Waters Robert Waters, William E Waters

Martha Waters and Sarah Waters -

1 That Samuel Waters died in the year 1861 leaving as his sole heir his daughter Thudra L Waters who has sold and conveyed her interest in said Real Estate to Peter M Brown -

2 That Edward R Waters and William E Waters have sold and conveyed their interests in said Real Estate to the said Peter M Brown

4 That Martha Waters intermarried with John Rippey and is now his widow and has sold and conveyed her interest in said land to said Peter M Brown

3-1 That Robert Waters died in the State of Illinois in January 1863, leaving as his sole heirs his four children William, Mary, Harriett, & George; and his widow Sarah, the mother of said children, and the said children were ~~all~~ minors - That George one of said children died May 1863, leaving as his sole heirs his brother William, Sisters Mary & Harriett & his mother Sarah Waters who afterward married James Anderson and is now his widow

That the said Sarah Anderson sold and conveyed all her interest in said land to said Peter M Brown -

✓ That Jane Waters intermarried with James McDonough - of which marriage three children were born, to wit the defendants James, Fannie

and Clara ^{minors} - the said children being the sole heirs
of the said Jane (who died in the year 1835)
subject to the right of the said James McDonough
as tenant by courtesy -

That the parties hereto have title to said land
as follows; Peter M Brown the plaintiff has
the undivided sixty five, ninety six ($\frac{65}{96}$) parts
of said land -

The said defendants William, Mary & Harriett
Waters ^{each} to the undivided five, ninety six ($\frac{5}{96}$)
parts of said land -

The said defendants James, Fannie and
Clara McDonough ^{each} to the undivided five
and one third ninety six ($\frac{5\frac{1}{3}}{96}$) parts of said
land, subject to the right of their father
as tenant by courtesy therein -

Plaintiff states that partition in kind can
not be made of said land, on account of the
number of the interests, the quantity and location
of said land -

Plaintiff prays that partition be made of said land in
accordance with the respective rights of the parties,

That if partition can not be made in kind,
that ^{said} lands may be sold and the proceeds
appropriated according to law and for such other
relief as the Court may deem fitting

Lo A Brown
Attorney for Plff

State of Missouri
County of Jefferson

Peter M Brown being sworn, says
that the above petition and the matters therein
stated are true as he believes, and that the
said William Waters, Mary Waters and Harriet
Waters are non residents nor residing within this
state.

Sworn to and subscribed
before me this 9th day
of July 1872.

Peter M. Brown

Witness my hand and official seal
W. Dwyer Clerk.

By C. McCorine Dep. Secy Public
Schools

Apparatus Co. Co. Co.
Sept Term 1872

Peter M Brown,

vs

William Waters,

Mary Waters

Harriet Waters,

James McDonough

Fannie McDonough

Eliza McDonough

James McDonough

Plt for Partitions

Brown

Attorney for Plt

Filed July 9th 1872,
W. Dwyer, Clk.

By C. McCorine
Dep. Secy.

Filed by Brown

Peter M Brown Plaintiff
 vs
 William Waters, Mary Waters
 Harriet Waters, James M Donough
 Sammie M Donough Clara M Donough
 & James M Donough Defendants
 In the
 Circuit
 Court of
 Jefferson
 County
 State of
 Missouri September Term 1872.

Now at this day comes the plaintiff and
 for petition herein states, that E. A. Waters died about
 the year 1835 - seized of the following described Real
 Estate, situate and being in Merramec Township
 in Jefferson County in the State of Missouri
 to wit: The North East end of United States
 Survey No 944 in Township 43, N Range
 4 East and more fully described and bound-
 ed as follows: Beginning at a Sycamore tree
 on the lower end of said tract on land on Big
 River running from thence South 63 degrees
 East 210 poles to a stone, thence following
 the meanderings of said river to the beginning
 corner, containing one hundred and ninety
 four acres, that said E. A. Waters left as his
 sole heirs his six children viz Samuel Waters
 Edward A Waters, Robert Waters, William
 E Waters, Martha Waters and Jane Waters
 That Samuel Waters died in the year 1861 leaving
 as his sole heir, his daughter Theda L Waters

who has sold and conveyed her interest in said Real Estate to Peter M Brown,

That Edward R Waters and William E Waters have sold and conveyed their interest in said Real Estate to the said Peter M Brown,

That Martha Waters intermarried with John Rippey and is now his widow and has sold and conveyed her interest in said land to said Peter M Brown,

That Robert Waters died in the State of Illinois in January 1863 leaving as his sole heirs his four children, William, Mary, Harriet & George, and his widow Sarah, the mother of said children, and the said children were all minors, That George one of said children died May 1863 leaving as his sole heirs his brother William, Sister Mary & Harriet & his mother Sarah Waters who afterward married James Anderson and is now his widow. That the said Sarah Anderson sold and conveyed all her interest in said land to said Peter M Brown,

That Jane Waters intermarried with James M Donough of which Marriage three children were born, to wit: the Defendants, James, Fannie and Clara - minors the said children being the sole heirs of the said Jane (who died in the year 185-) subject to the right of the said James M Donough as tenant by courtesy.

That the parties hereto have title to said land as follows.
Peter M. Brown the plaintiff has the undivided
Sixty five, ninety-six ($\frac{65}{96}$) parts of said land.
The said Defendants, William, Mary & Harriet
Waters each to the undivided five ninety six ($\frac{5}{96}$)
parts of said land.

The said Defendants, James, Fannie and Clara
Mc Donough each to the undivided five and
one third ninety six ($\frac{5\frac{1}{3}}{96}$) parts of said land,
subject to the right of their father as tenant
by courtesy therein.

Plaintiff states that partition in kind cannot
be made of said land on account of the number
of interests, the quantity and location of said
land.

Plaintiff prays that partition be made of
said land in accordance with the respective
rights of the parties, that if partition cannot
be made in kind, that said lands may be
sold and the proceeds appropriated according
to law and for such other relief as the court
may deem fitting.

Jo M. Brown
Attorney for Plff.

State of Missouri }
County of Jefferson } Peter M. Brown being
sworn, says that the above petition and the
matters therein stated are true as he believes,
and that the said William, Waters Mary Waters

and Harriet Waters are now-residents nor
residing within this state.
Sworn to and Subscribed (Peter M Brown
before me this 9th day of July 1872)

W. S. Boyce Clerk.
By C. M. Horine Deft.

A true copy of the original petition now on
file in my office.

Witness W. S. Boyce clerk of
said Circuit Court with the seal
thereof hereunto affixed this
Tenth day of July A.D. 1872.

W. S. Boyce Clerk.
By C. M. Horine Deft.

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

THE STATE OF MISSOURI,

St. Louis
To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *James M. Donough*
Fannie M. Donough *Clara M. Donough*
& James M. Donough

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 ~~second~~ Monday after the
~~fourth~~ Monday of *September* next, then and there to answer unto

Peter M. Brown

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

W. S. Duce
Witness, ELIAS F. HONEX, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this
Tenth day of *July* A. D. 1872

W. S. Duce
Clerk Circuit Court.

By *C. M. Conine* Dep.

JEFFERSON CIRCUIT COURT.

TO

St. Louis, Mo., 1872.

Wm. H. Brown

James M. McDonough

James M. McDonough

James M. McDonough

James M. McDonough

James M. McDonough

1872

McDonough

Executed this writ in St. Louis County on the 16th day of July 1872 by delivering a copy of the writ and petition as furnished by the clerk to James M. McDonough

P. C. Taylor Sheriff St. Louis Co.
By L. Holy Deputy

Further executed this writ in St. Louis County on the 24th day of July 1872 by delivering a copy of the writ as furnished by the clerk to James M. McDonough

P. C. Taylor Sheriff St. Louis County
By (R. O. T.) Deputy

And on the 28th day of August 1872 Executed this writ in St. Louis County by delivering copies of the writ as furnished by the clerk to James M. McDonough and Clara McDonough

P. C. Taylor Sheriff St. Louis County
By R. H. Boatright Deputy

fees \$ 4.00

Peter M Brown Plaintiff	In the Circuit Court of Jefferson County- State of Missouri September Term 1872
vs	
William Waters	
Mary Waters	
Harriet Waters	
Fannie McDonough	
Clara McDonough &	
James McDonough	
Defendants	

Now at this day comes the plaintiff and for his amended petition herein filed by leave of Court, states that E. R. Waters died about the year 183— seized of the following described Real Estate situate and being in Meramec Township in Jefferson County in the State of Missouri to-wit: The North East end of United States Survey No 944 in Township 43 North of Range 4 East and more fully described and bounded as follows, beginning at a Sycamore tree on the lower end of said tract on land on Big River, running from thence South 63 degrees East 310 poles to a stone—thence following the meanderings of said River to the beginning corner, containing one hundred and ninety four acres— That the said E. R. Waters left as his sole heirs his six children viz Samuel Waters Edward R Waters, Robert Waters, William E Waters, Martha Waters and Jane Waters

That Samuel Waters died in the year 186— leaving as his sole heir his daughter Theda L Waters who has sold

and conveyed her interest in said Real Estate to Peter M Brown the plaintiff

2^d That the said Edward R Waters and William E Waters have sold and conveyed their interest in said Real Estate to the said Plaintiff

4th That the said Martha Waters intermarried with John Rippey and is now his widow, and has sold and conveyed her interest in said Real Estate to the said plaintiff

5th That the said Robert Waters died in the State of Illinois in January 1863 leaving as his sole heirs his four children, William, Mary, Harriet, and George, ^{minors} and also his widow Sarah, the mother of said children and the said George died in May 1863 while a minor leaving as his sole heirs his brother William, and Sisters Mary & Harriet, and his mother Sarah who afterward married James Anderson and is now his widow and the said Sarah Anderson has sold and conveyed her interest in said Real Estate to the said plaintiff.

That the said Jane Waters intermarried with James McDonough, and died leaving as her sole heirs her three children, James R McDonough, and the defendants Fannie and Clara who are minors, the interest of the said children being subject to the right of James McDonough as tenant by Courtesy and the said James R McDonough since the institution of this suit has attained his majority and has sold and conveyed his interest in said Real Estate

to the plaintiff -

That the parties hereto have title to said Real Estate as follows: the said Peter M Brown has title by purchase to the undivided Seventy and one third ninety six ($70\frac{1}{3}$ /₉₆) parts of said Real Estate

And the said William, Mary and Harriet Waters ~~each~~ have title ^{each} to the undivided five ninety six ($5\frac{1}{3}$ /₉₆) parts of said Real Estate

And the said Fannie and Clara McDonough each have title to the undivided five and one third ($5\frac{1}{3}$ /₉₆) ninety six parts of said Real Estate, subject to the right of the said James McDonough as Tenant by Courtesy therein

Plaintiff states that partition in kind can not be made of said land without prejudice and injury on account of the number of the interest, the quantity and location of said land -

Plaintiff prays that partition be made of said land in accordance with the respective rights of the parties - that if partition can not be made in kind that said land may be sold and the proceeds appropriated according to law and for such other relief as the Court may deem fitting

Jo A Brown
Attorney for Pff

State of Wisconsin
County of Jefferson } p

Joseph A Brown as agent
for the plaintiff, being sworn, says that the above
petition and the matters therein stated are true
as he believes, and that the said William, Mary
and Harriet Waters are non residents, nor
residing within this state.

Joseph A Brown

Sworn to & Subscribed

before me this 10th day of
Sept 1872

W. S. Boyce Clerk
By O. H. Horine Deft

No

Jefferson Co. Sec. Court

John W. Brown

vs

William Waters
and others

Answered & Settle

Jo A Brown
att

Filed Sept 10th 1872
W. S. Boyce clerk

Peter M Brown
vs
William Waters & others

In the Circuit Court of
Jefferson County, State of Missouri
January Term 1873

Now at this day comes the plaintiff
in the above entitled cause and represents that
the defendants William Waters, Mary Waters, Harriet
Waters, Fannie McDonough and Clara McDonough
are under the age of twenty one years and have
been served and notified of the suit for partition
in the above entitled cause and that the said
defendants have neglected for more than one day
after the first day of this term at which defendants
are bound to appear, to procure the appointment
of a competent person to be Guardian for such
infants, and the plaintiff prays the Court to appoint
a suitable person to be Guardian for such infants
in the defence of said suit.

Joe A Brown
Attorney for Plff

In Court of Jefferson Co

Peter M Brown
vs

William Waters et al

Pet for appointment of
Guardian ad litem

Brown
atty for Pff

Filed Jan 14 1873
Wm Boyce & Co

Order of Publication.

IN the Circuit Court of Jefferson county, State of Missouri. In vacation, July 9th, 1872:

Peter M. Brown, Plaintiff,

vs.

William Waters, Mary Waters, Harriet Waters, James McDonough, Fannie McDonough, Clara McDonough and James McDonough, Defendants.

Now, at this day, comes Peter M. Brown, the Plaintiff in the above entitled cause, before the undersigned Clerk of the Circuit Court of Jefferson county, in vacation, and files his petition and affidavit stating, among other things, that the above named defendants—William Waters, Mary Waters and Harriet Waters—are non-residents of this State. It is thereupon ordered by the Clerk aforesaid, in vacation, that publication be made, notifying them that an action has been commenced against them, by petition, in the Circuit Court of Jefferson county, in the State of Missouri, the object and general nature of which is to obtain a decree of said Court for partition and division of the following described lands, situate in Jefferson county, State of Missouri, viz:—The north east end of United States Survey No. 344, in township 43, N. range 4 east, and more fully described and bounded as follows:—Beginning at a sycamore tree on the lower end of said tract of land on Big River, running from thence south, 63 degrees east, 210 poles to a stone; thence, following the meanderings of said River to the beginning corner, containing one hundred and ninety-four acres. And that said Defendants—William Waters, Mary Waters and Harriet Waters—each own the undivided five ninety-six parts of said land, and that unless they be and appear at the next term of said Circuit Court, to be held at the Court House, in Mill-boro, in Jefferson county, on the second Monday of September, A. D. 1872, and on or before the sixth day thereof, said petition will be taken as confessed and judgment rendered accordingly. It is further ordered by the Clerk aforesaid, that a copy hereof be published in the Jefferson Democrat, a newspaper, printed and published in said county and State, for four weeks successively, the last insertion to be at least four weeks before the commencement of said next term.

A true copy from the Record.

Witness my hand and seal, at said Circuit Court, with the seal thereof hereunto affixed, at office, this July 9th, 1872,

W. S. BOYCE, Clerk.

By C. THO' HORTON, Deputy.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 2 day of Aug 1872, 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 4 weeks, the first insertion being on the 12th day of July, 1872, and the last insertion on the 2-day of

Aug 1872, as follows, to-wit:

ginning corner, containing of said River to the bet-
ty-four acres. And that said Defendants—Wil-
ham Waters, Mary Waters and Henry Waters—
each own the undivided five ninety-six parts of
said land, and that unless they be and appear at
the next term of said Circuit Court, they shall
at the Court holden on the 12th day of August
next, from the Archibald N. T. holden
Rome Journals of July 3d, reproduced
are the resignation of Thiers, and the ap-
pointment of a Triumvirate composed of
Marshal McMahon, Genl. T. A. M. and
the Duc de Broglie.

In No. 27	July	12	, 1872
In No. 28	Aug	19	, 1872
In No. 29	Aug	26	, 1872
In No. 30	Aug	2	, 1872
In No. 31			, 1872

R. W. McMullin

Sworn to and Subscribed before me this 2 day of Aug 1872

Printer's Fee, \$

Affidavit, \$

14 25

R. W. McMullin

Received Payment.

R. W. McMullin

63.90
20.10
84.00
7.00
101.00

102
84
18

Dated Jan 15 1873
W. H. Brown

Peter M Brown
vs
William Waters etal

In the Circuit Court of
Jefferson County, State of Mo.
January Term 1843

Samuel Byrns hereby files his consent to act as
Guardian for the infant defendants named in the
above entitled cause, in the defence of said suit.
Samuel Byrns

Brown

vs

William Waters et al

Consent of Guardian

Filed July 16th 1873

Wf Boyce Sec

Peter M Brown
vs
William Waters et al

In the Circuit Court of Jefferson
County - State of Missouri
January Term 1873

Now at this day comes the defendants William Waters
Mary Waters Harriet Waters Fannie McDonough and
Clara McDonough by their Guardian herein and
for answer to the plaintiff's ^{petition} admit that E. R. Waters
died about the time stated in ^{plff's} petition seized
of the real estate therein described; and that the
said infant defendants have each the interest and
title to said real estate set forth in said petition
as therein stated; but the said defendants have no
knowledge or information thereof sufficient to form
a belief as to whether the said plaintiff has purchased
and is the owner of and has title to the undivided
seventy and one third, ninety six ^{ths} parts of said Real Estate
as in said petition stated

Defendants admit that from the nature and amount
of said real estate and the number of the owners and the
small interest of a majority of them that partition thereof
in kind, can not be made without great prejudice to the
owners thereof, and desire that an order of sale be made
without the appointment of commissioners, and that said
sale be for cash

By
Guardian Ad Litem
for Defendants

Peter M Brown

vs

William Waters, Etal -

Answer of infant depts
by their Guardian

Samuel Byrns

Filed Jan'y 16 1873
W S Boyce Esq

Depositions of witnesses produced, sworn and examined on the fifteenth day of March A.D. 1873 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day at Winchester in the County of Scott and State of Illinois at the office of the clerk of the Circuit Court of said County of Scott before me James M. Riggs a Notary Public in and for said town of Winchester in the County and State aforesaid in a certain cause now pending in the Circuit Court of the County of Jefferson and State of Missouri between Peter M. Brown plaintiff and William Waters & others defendants, on the part of the plaintiff:

Sarah Anderson of lawful age being produced, sworn and examined on the part of the plaintiff deposes and swears as follows: "I reside at Winchester, Scott County Illinois. I was married to Robert Waters ~~in~~ about nineteen years ago and lived with him until he died in January A.D. 1863. There were living and

born of said marriage, at the time
of the death of my said husband
Robert Waters, four children, Will-
iam, then about nine years old;
Mary, then about seven years old;
Harriet, then about four years old
and George, then a little over one
year old, and who died about
four months after the death of his
said father. I afterward married
James Anderson, who has since
died. I am now a widow. My
children are without means and
if their interest in the lands in-
volved in this suit could be sold
for cash it would be to their in-
terest to have the sale made at
once. Aside from the lands
above named my said children
have no means out of which to pay
taxes or the costs of this suit.

Sarah ^{her} Anderson
mark

Subscribed and
sworn to before me
this 15th day of March
A.D. 1873 at Riches-
ter, Illinois. Witness
my hand & notarial

Seal

Jas. M. Riggs }
Notary Public }

Ed^{son} ~~Edward~~ R. Waters of lawful age being produced, sworn and examined on the part of the plaintiff deposes and saith, as follows: I reside at Winchester in the County of Scott and State of Illinois; I am the uncle of the defendants William, Mary and Harriet Waters, children of my deceased brother Robert Waters; also of Fannie and Clara McDonough children of my deceased sister Jane McDonough. My father was named E. R. Waters and resided in the State of Missouri and died there about the year eighteen hundred and thirty three seized of a tract of land on Big River in Jefferson County in the State of Missouri in United States survey No. 944 and being the same real estate described in a deed from myself to Peter M. Brown made in the Spring of 1872. My father at the time of his death

left as his sole heirs his six children,
to wit: Samuel Waters, William E. Waters,
and Robert Waters: and Jane Waters,
afterward married to James McDon-
ough and Martha Waters, afterward
married to John Rippey and myself
~~Edward~~^{son} R. Waters. The said heirs
inherited from their said father,
each the undivided one sixth
part of the real estate aforesaid.
Samuel Waters one of said heirs
died in the state of Missouri about
the year eighteen hundred and
fifty one leaving as his sole heir
his daughter Theda L. Waters.
Robert Waters another of said
heirs died in January 1863 in the
state of Illinois and left his widow
Sarah - now Sarah Anderson - entitled
to dower and his four minor children
William, Mary, Samuel - and George
the last named of whom died in
May 1863, after his father.

Jane McDonough another of said
heirs died in the state of Missouri
in the year 1862 leaving three chil-
dren as her only heirs, to wit:

James R. McDonough, Francis Mc
Donough and Clara McDonough
the last two named being minors.
Martha, another of said heirs is now
a widow. William C. Waters another of
said heirs resides at Galva Illinois.
I, ~~Edward~~ Edson R. Waters, have
conveyed to Peter M. Brown my in-
terest in said land being one,
undivided sixth part thereof.

E. R. Waters

Subscribed and sworn to before me this
15th day of March A.D. 1873 at Minches-
ter in the county of Scott & state of
Illinois. Witness my hand and no-
tarial seal.

Jas. M. Riggs
Notary Public

State of Illinois }
Scott County } ss.

I, James M. Riggs, a
notary public in & for the town of
Winchester in the county of Scott and
state of Illinois do hereby certify that
pursuant to the annexed notice,
the commission being therein waived,
came before me at Winchester in the

county & state last aforesaid, at the
office of the clerk of the circuit
Court in & for said last named
county, Edson R. Waters and Sarah
Anderson who were by me severally
sworn, according to law, to testify the
whole truth of their knowledge
touching the matter in controversy
aforesaid; that they were severally
examined and their respective
examinations reduced to writing
and by them respectively subscribed
in my presence, on the day, between
the hours, and at the place in that
behalf first aforesaid; and their
said depositions and the said notice
to take the same are now herewith
returned. And I further certify
that said Edson R. Waters and
Sarah Anderson are residents of
said county of Scott & state of
Illinois.

In testimony whereof I have
hereunto set my hand and
affixed my notarial
seal at Winchester in the
county & state last aforesaid this 13th day of

March 1st 1893.

Jas. M. Riggs
Notary Public
Winchester Tenn. Co. Ill.

Notary's fees for taking depositions \$2.00
paid by self.

Witness fees

Mrs. Anderson \$1.00

Edison R. Waters 1.00

Paid by self.

Jas. M. Riggs
Notary

Return this notice attached to the deposition on Table -

Peter M Brown

vs

William Waters & others

In the Circuit Court of
Jefferson Co. State of Missouri
In Partition

Edmund Byrnes, Attorney & Guardian ad litem for minor defendants.

you are hereby notified that
Depositions of witnesses, to be read in evidence
in the above cause, on the part of the plaintiff, will
be taken at "Winchester," in the County of Scott,
and State of Illinois, in the office of the Clerk
of the Circuit Court of said Scott County,
on Saturday the 15th day of March 1843
between the hours of eight o'clock in the forenoon
and six o'clock in the afternoon of that day,
and that the taking of the said Depositions, if
not completed on that day will be continued
from day to day at the same place and between
the same hours until completed.

Ed A Brown
Attorney at Law

Deedimus waived, and due & sufficient
service of the above notice accepted
this 24th day of July 1843.

Ed Byrnes,
Guardian Ad litem

Peter M Brown

vs

William Waters et al

notice to take Depositions

Subscribed and sworn to before me

Notary Public for the State of New York - at

the County of ...

Filed April 27 1873

Wm Percy Esq
B. & Thos Howard Esq
Depr

State of Missouri } In the Circuit Court,
County of Jefferson } May Term A.D. 1873,
Tuesday May 13th 1873.

Among other proceedings
therein had the following appear of record, to wit:

Peter M. Brown plff.

vs.
William Waters, Mary Waters,

Harriet Waters, Fannie McDonough,

Chas McDonough, and James McDonough,

Defendants.

Order of Sale,

Now at this day come
the parties aforesaid, the plaintiff by his attorney and the minor
Defendants by their Guardian-ad-litem and James McDonough
failing to move to set aside his default herein entered,
this cause is submitted to the court upon the pe-
tition and evidence and answer of the other par-
ties, whereby the court doth find that said Plaintiff
and defendants are owners and tenants in common
of the following described Real Estate situate in
Meramec Township Jefferson County in the State
of Missouri viz: The North East end of United States Sur-
vey No 944 in Township 43. North of Range 4 East
and more fully described and bounded as follows, begin-
ning at a sycamore tree on the lower end of said tract on land
on Big River, running thence South 63 degrees East 210 poles
to a stone - thence following the meanderings of said River
to the beginning ^{corner} containing one hundred and ninety four
acres. And the court proceeding to adjust and settle
the rights and interests of said parties in and to said

Real Estate, declares the same as follows, to-wit: The said Peter M Brown owns the undivided seventy and one third ninety six ($\frac{70\frac{1}{3}}{96}$) parts of said Real Estate. The said William Mary and Harriet Waters own each the undivided five ninety six ($\frac{5}{96}$) parts of said Real Estate, and the said Fannie and Clara M Donough own each the undivided five and one third ($\frac{5\frac{1}{3}}{96}$) ninety six parts of said Real Estate subject to the right of the said James M Donough as tenant by courtesy. It is thereupon considered, adjudged and decreed by the court that partition and division of said Real Estate be made between the parties aforesaid according to their respective rights and interests as aforesaid. And it appearing to the court that partition and division thereof in kind cannot be made without great prejudice to the owners thereof, It is ordered by the court that ~~partition and division thereof~~ the Sheriff of Jefferson County Mo proceed to advertise and sell said Real Estate at public auction to the highest bidder for cash in hand, that said sale take place on some day during the sitting of 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 manner prescribed by law for such sales, and report his proceedings herein to the court and this cause cont.

A true copy from the record,

Witness W. S. Boyce clerk of said court with the seal thereof
hereby affixed at office June 20th 1873,

W. S. Boyce Clerk
By C. H. Horrine Deputy

Peter M Brown
vs

Waters & McDonough

For Partition
order Sale.

Filed Sept. 10 1873

Sheriff Sale in Partition.

Peter M. Brown, plaintiff,

vs.

William Waters, Mary Waters, Harriet Waters, Fannie McDonough, Clara McDonough and James McDonough, defendants.

In the

Circuit Court of
Jefferson County,
Missouri.

By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its May term, A. D. 1873, I will on the ninth day of September 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:

Northeast end of United States survey No. 914, in township 43 north of range 4 east, and more fully described and bounded as follows: beginning at a sycamore tree on the lower end of said tract or land on Big River, running thence south 63 degrees east, 210 poles to a stone, thence following the meanderings of said river to the beginning corner, containing one hundred and ninety-four acres.

For the purpose of making partition between said parties, for which the purchaser will be required to pay cash in hand at the time of sale, this 13th day of August, 1873.

T. B. Moss,

Sheriff.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 7 day of *Sept* 1873, before the undersigned Clerk of the *Circuit* 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 4 weeks, the first insertion being on the 15 day of *Aug*, 1873, and the last insertion on the 3 day of *Sept*, 1873, as follows, to-wit:

parties, for which the purchaser shall pay cash in hand at the time of sale, this 13th day of August, 1873.

T. H. Moss.

supped on from the others, and prayed for him. "Then Fran Rosen began to cook dinner. "He will lose, of course, poor boy; I will make glad for him just as much as if he won." Meanwhile his highness sat nursing a leg over the other knee, listening to the competitors.

Sworn to and Subscribed before me this

9 day of Sept 1873.

In No. 32	Days	1873
In No. 33	"	1873
In No. 34	"	1873
In No. 35	Sept	1873
In No. 36		1873

Printer's Fee, \$7.50

Affidavit,

775

W R Samuel Esq

Received Payment.

Peter M Brown

- vs -

William Waters - Mary

Waters - Harriet Waters

Fannie McDonough

Clara McDonough

vs James McDonough

In the Jefferson County Circuit Court.

September 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 Tuesday, the

Ninth day of September, 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 September 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: The North East end of United States Survey No 944 in Township 43 North of Range 4 East and more fully described and bounded as follows, beginning at a Sycamore tree on the lower end of said tract, on Big River, running thence South 63 degrees East 210 poles to a stone, thence following the meanderings of said River to the beginning corner containing One hundred and ninety four acres. - and at said Sale Peter M Brown was then and there the highest and last bidder for the above described land at the price and sum of Seven dollars per acre amounting in the aggregate to Thirteen hundred and fifty Eight Dollars. - which sum said Peter M Brown has to me in hand paid as required by the terms of sale. - and this report is respectfully submitted. -

Sept 9th 1873.

J. B. Prop Sheriff

State of Illinois } ss. In the County Court
Scott County } in Probate, February
Term A.D. 1874.

Present the Hon W^m A. Gillham, Judge.
Attest Geo. W. Martin, Clerk.

In the Matter of the ap-
pointment of a Guardian of the Minor Child
ren of Edson R Waters, Deceased.

And now on this day, comes Sarah
Andrewson ^{and} heirs, ^{and} presents to the
Court their Petition in writing, under oath
praying that David B Watt, may be
appointed Guardian of William H.
Mary H. ^{and} Harriet R Waters, Minor
heirs-at-Law of Edson R Waters. Dec^d.

And the Court having read and
considered said Petition, ^{and} it appearing
to the Court that all the persons properly
interested in said Application are be-
fore the Court, it is thereupon Ordered
that the said Petition be filed.

This being the day for hearing the appli-
cation of Sarah Andrewson for the ap-
pointment of David B Watt, Guardian
of William H. Mary H. ^{and} Harriet R Waters
Minor-heirs-at-Law of Edson R Waters
deceased, now comes the said Sarah An-
drewson, and moves the Court that the

Said Application be granted. And the Court having ascertained from the allegations contained in said Petition, and from other evidence that the said William H. Mary H. Mrs Harriet R Waters, are Minors, over fourteen years of age are resident of said Scott County, Mo have no Father living, or other Legal Guardian residing in this State, Mo have no Estate in the State of Missouri, which Estate is personal Mo is estimated to be worth about Two Hundred (200) Dollars. And it further appearing that the said David B Watt is ~~the neighbor of said Minors~~ and a suitable person to have the Custody, nurture, Mo tuition of the said Minors, Mo the Care Mo Management of their estate, Mo no person having appeared to oppose the appointment of a Guardian to said Minors or to show cause why the prayer of said Petition should not be allowed, it is therefore Ordered that the said Petition be granted: Provided the said David B Watt first file in this Court his bond in the penal sum of Four Hundred Dollars, conditioned and payable as required by Law, and with at least two sufficient sureties to be approved by this Court.

Pursuant to the foregoing Order, now comes the said David B Watt and presents his Bond in the penal sum of Four Hundred Dollars, signed and sealed by himself as Principal Mo by John A Heare, Mo Christopher Reynolds as sure

ties, and said Bond being read and considered by the Court, and appearing to be in due form of law, and the Court being now sufficiently advised concerning the Security therein and the same being deemed sufficient and satisfactory, it is thereupon Ordered that the said Bond be and it is hereby approved and that the Clerk file and record the same, and that the said David B Watt be and he is hereby appointed Guardian as aforesaid and authorized to have the Custody, nurture and tuition of the said Minors and the care and management of their Estate, and that the Clerk issue Letters of Guardianship accordingly, under the Seal of this Court, and record the same.

And it is further Ordered that the said Petition be Recorded.

And it is further Ordered that the said David B Watt return to this Court, under oath, a true and perfect inventory of all the Personal Estate of his said Wards, within sixty (60) days from the date of this Order

W^m A. Gillham.

County Judge.

Petition of *Sarah Anderson* in the matter of the Estate
of *Edson R Waters* deceased, for letters of Guardianship.

To the Hon. *William H Gillham* Judge of the County Court
of *Scott* County.

The Petition of the undersigned *Sarah Anderson* respectfully represents
that *Wm H Waters* is a minor aged *17* years on the *14* day of *Feb'y* A. D. 187*4*
that *Mary A Waters* is a minor aged *17* years on the *19* day of *Oct* A. D. 187*3*
that *Harriet R Waters* is a minor aged *14* years on the *9* day of *April* A. D. 187*3*
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 18 ____
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 18 ____
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 18 ____
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 16 ____
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 18 ____
that _____ is a minor aged _____ years on the _____ day of _____ A. D. 18 ____
that _____ is a minor born on the _____ day of _____ A. D. 18 ____

that said minor *3* are residents of this County; that they have no
father living, or other legal guardian residing in this State; that said minors are en-
titled to an estate in Money in the State of
Missouri amounting to about Two Hundred
(200) Dollars. And now comes the said
William H. Mary A. and Harriet R Waters,
and here in open Court each made choice
of *David B Watt* as their Guardian, this
February 19th 1874.

and that your petitioner is *the Mother* of and desires *David B*
Watt to be appointed guardian of said minor,
this February 19th 1874.

Sarah Anderson
mark

STATE OF ILLINOIS, } ss.
Scott COUNTY.

Sarah Anderson

being duly sworn, deposes and says that the facts averred in the above petition are true
according to the best of her knowledge, information and belief.

Sworn to and subscribed before me

Geo W Martin

Clerk of the County Court of *Scott*

County, this *Nineteenth* day of

February A. D. 187*4*.

Geo W Martin Clerk.

Sarah Anderson
mark

GUARDIAN'S BOND.

Know all Men by these Presents, That we, David B Watt
as Principal ^{and} John A Heare ^{and}
Christopher Reynolds as Security
of the County of Scott and State of Illinois, are held and firmly
bound unto the People of the State of Illinois, for the use of William H.
Mary A ^{and} Harriet R Waters ~~deceased~~
~~Edson R Waters~~ in the penal sum of
Four Hundred

Dollars, current money of the United States, which payment, well and truly to be
made and performed, we, and each of us, do hereby bind ourselves, our heirs,
executors and administrators and assigns, jointly, severally and firmly by these
presents.

Witness our hands and seals this 21st day of February
A. D. 1874.

The Condition of this Obligation is such, That if the above bounden

David B Watt who has been appointed Guardian of
William H. Mary A. and Harriet R Waters
Minor heirs at Law of Edson R Waters deceased ^{and}
Heirs of Robert Waters deceased

shall faithfully discharge the office and trust of such Guardians according to law,
and shall make a true inventory of all the real and personal estate of the wards that
shall come to his possession or knowledge, and return the same unto the County
Court of Scott County, at the time required by law, and manage
and dispose of all such estate, according to law, and for the best interest of said
wards and faithfully discharge his trust in relation thereto, and to the custody,
nurture and education of said wards and render an account, on oath, of the
property in his hands, including the proceeds of all real estate that may be sold by

him, if any, and of the management and disposition of all such estate, within one
year after his appointment, and at such other time as shall be required by law, or
directed by the Court; and upon removal from office, or at the expiration of his
trust, settle his accounts in said Court, or with the ward or their legal repre-
sentatives, and pay over and deliver all the estate, title papers and effects remaining
in his hands, or due from him on such settlement, to the person or persons lawfully
entitled thereto, then this obligation shall be void; otherwise to remain in full force
and virtue.

Sealed and Delivered in Presence of

Geo W Martin

Clerk of the County Court.

David B Watt

SEAL

John A Heare

SEAL

Christopher Reynolds

SEAL

SEAL

LETTERS OF GUARDIANSHIP.

STATE OF ILLINOIS, }
Scott COUNTY. } ss.

In the County Court *February* Term, A. D. 18*84*

The People of the State of Illinois, to *David B Watt*

of said County, GREETING :

WHEREAS, at the *February* term of the County Court of said County, A. D. 18*84*, holden at *Winchester* you were, by order of said Court, duly entered of record on the *Twenty First* day of said month, duly appointed Guardian for *William A. Waters, aged 19 years on the 14th of Feby 1874. Mrs Mary A Waters aged 17 years Oct. 19th 1873 Mrs Harriet R Waters, aged 14 years, April 9th 1873 and minor heirs at Law of Edson R Waters deceased and heirs of Robert Waters, deceased.*

Trusting in your fidelity, therefore, the said Court does by these presents constitute and ap point you to be Guardian unto said minor~~s~~ and authorize and empower you to take and have the care of *their* person~~s~~ and the custody and management of *their* property, frugally, and without waste or destruction, to improve and account for the same in all things ac cording to law.

WITNESS, *Geo W Martin* Clerk of the said County Court, and the Probate Seal of said Court hereunto affixed, at *Winchester* this *Twenty First* day of *February* in the year of our Lord one thousand eight hundred and ~~sixty~~ *Twenty Four*.

A True copy.
Attest Geo W Martin,
Clerk.

Geo W Martin
Clerk of the County Court.

State of Illinois }
Scott County }

I, George W Martin,
Clerk of the County Court in and for said
County, do hereby certify that the foregoing
are true and correct Copies of the Petition,
Orders of Court, Bond, ^{and} Letters of Guard-
ianship to David B Watt, in the matter
of the Minor ^{at Law} heirs of Edson R Waters, Dec^d
^{and} heirs of Robert Waters, dec^d, as the same
appears of Original Petition, Orders of Court,
Bond and Letters, of Guardianship, now
on file and of Record in my Office in
Guardians' Record "ID", Page 12.

In Testimony Whereof, I have here-
unto set my hand ^{and} affixed
the Seal of Said Court at Win-
chester, this March 27th A.D. 1874.

Geo. W Martin,
County Clerk.

David B Watt

Winchester

Scott Co

Illinois

See map and have him
send the money belonging
to the Waters heirs,

Peter M. Brown

vs

McDonough et al }

Partition -

May 13/48

Order of Sale for Cash
Jo A Brown

No. 3473

Jefferson Circuit Court.

September Term, 1877.

Peter M. V. Brown

vs.

James, Fannie & Clara
v James M. Donough

Judgment, - - \$

Date 18

Fee Book No. 1 Page 265

Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.