

Jefferson County Circuit
Case Files - Civil

Box

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Folder 51

January 1873

Vinyard, Sarah Ann

vs

Vinyard, John W

Wickham, Mary Ann

Wickham, William J.

Kelly, Cornelia R.,

et al

Dower

191 acres in S23 T40R24E and
lot in Block 13 of Victoria as
widow of John Vinyard; other
defendant Benjamin F. Kelly, Peter
S. Vinyard, Elias F. Vinyard, Melora
E. Vinyard, Frank Vinyard, Edward
W. Vinyard, Alfred Vinyard;
survey map

Sarah Ann Vinyard, - Plaintiff
Against
John W. Vinyard, Mary Ann
Wickham & her husband, Wil-
liam J. Wickham, Cornelia
R. Kelly, and her husband,
Benjamin F. Kelly, Peter
S. Vinyard, Elias F. Vinyard,
Medora E. Vinyard, Frank
Vinyard, Edward W. Vinyard
and Alfred Vinyard, - Defendants,

In the Circuit
Court of Jef-
ferson County
Missouri,
January
Term 1873,

The Plaintiff states that John Vin-
yard died in the year 1870, seized in fee
of the following described Real estate,
situate in Jefferson County in the State
of Missouri, To wit, Part of the South East
quarter of the North West quarter of section
Twenty Three, in Township Forty of Range Four
East, and Part of the North East quarter of the
South West quarter of said section Twenty Three,
in the same Township and Range, and con-
taining in all Thirty one acres and $\frac{21}{100}$ of an
acre; also, the North West quarter of the South
West quarter of section Twenty Three, in Town-
ship Forty, of Range Four East, containing Forty
acres; also, the North East quarter of the
North West quarter of section Twenty Three
in Township Forty, of Range Four East, con-

containing Forty acres; also, the South West
quarter of the North West quarter of Section
Twenty Three in Township Forty of Range Four East
containing Forty acres; also, the North West
quarter of the North West quarter of Section
Twenty Three in Township Forty of Range
Four East, containing; also, a Lot of Land
in the Town of Victoria in Block No. Thir-
teen, said Lot containing a front of fifty
feet, by a depth of one hundred and
fifty feet, - And the Plaintiff states that
she is the widow of said John Vinyard
deceased, and that as such, she is entitled
to be endowed of one third of the Real
estate above described to have and ^{to} hold
as her dower in said Lands, for and dur-
ing her natural life, And she states
that the Defendants, herein, to wit, John W.
Vinyard, Mary Ann Wickham (wife of William
J. Wickham) Cornelia R. Kelly (wife of Ben-
jamin F. Kelly) Peter S. Vinyard, Elias F. Vinyard,
Medora E. Vinyard, Frank Vinyard, Edward
W. Vinyard, and Alfred Vinyard, are the
children and heirs of said John Vinyard, de-
ceased, and to whom said Lands descend
in fee simple, - The five last ^{Defendants} above na-
med are minors, and for whom the
Court is asked to appoint Guardian ad
litem, - The Plaintiff therefore asks

the Court to order and adjudge that she
be seized of her dower in all the Lands here
in above described, of the One third part
of the same, to have and to hold for and
during her natural life, and that Com=
missioners be appointed to assign and
admeasure her dower in such Lands
according to Law,

Abner Green
Attorney for Plaintiff

Abner Green, Attorney for the Plaintiff
makes oath and says that the above pe=
tition and the matters therein as stated, he
believes to be true, - and he further states
that the said Mary Ann Wickham, and
William J. Wickham are non residents
of the state of Missouri,

Subscribed & sworn to before me this 12th Nov 1872
H. J. Boyce Clerk
By, Ohio Circuit Dept

Abner Green
Attorney for Plaintiff

In the Circuit Court
Jefferson County

Sarah Ann Vinyard
18, '
John W. Vinyard
40 years

Petition to set
off donor.

Issue summons against
all except, Wickham Wolfe,
& publication for them. -
And summons to Kansas
City for Kelley Wolfe
A. Green
For P. Off.

Paid Nov 12th 1872
Wm. Dyer clerk
V.D. To Mr. Hiram DeP.

Sarah Ann Vinyard - Plaintiff

against

John W. Vinyard, Mary Ann Wickham
her husband William J. Wickham
Cornelia R. Kelly, and her husband
Benjamin F. Kelly, Peter S. Vinyard
Elias J. Vinyard, Medora E. Vinyard
Frank Vinyard, Edward W. Vinyard
and Alfred Vinyard - Defendants.

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

The plaintiff states that John Vinyard died in the year 1870 seized in fee of the following described Real Estate, situate in Jefferson County in the State of Missouri to-wit: Part of the South East quarter of the North West quarter of Section Twenty, three in Township Forty, of Range Four East, and part of the North East quarter of the South West quarter of said Section Twenty, three in the same township and Range, and containing in all thirty one acres and $\frac{2}{3}$ of an acre; also the North West quarter of the South West quarter of section Twenty, three in Township Forty, of Range Four East, containing forty acres; also, the North East quarter of the North West quarter of Section Twenty, three in Township Forty, of Range four East containing forty acres; also, the South West quarter of the North West quarter of Section Twenty, three in Township Forty

of range four east containing forty acres; also, the north west quarter of the north west quarter of section twenty three in Township Forty of Range four east, containing; — also, a Lot of land in the town of Victoria in Block no. Thirteen, said Lot containing a front of fifty feet, by a depth of one hundred and fifty feet, And the Plaintiff states that she is the widow of said John Vinyard deceased, and that as such, she is entitled to be endowed of one third of the Real estate above described, to have and to hold as her dower in said lands, for and during her natural life, And she states that the Defendants, herein, to-wit: John W. Vinyard Mary Ann Wickham (wife of William J. Wickham) Cornelia A. Kelly (wife of Benjamin F. Kelly) Peter S. Vinyard, Elias S. Vinyard, Medora E. Vinyard, Frank Vinyard, Edward W. Vinyard and Alfred Vinyard are the children and heirs of said John Vinyard deceased, and to whom said lands descend in fee simple — The five last defendants above named are minors, and for whom the court is asked to appoint Guardian-ad-litem. The plaintiff therefore asks the court to order and adjudge that she be seized of her dower in all the lands herein above described of the one third part of the same

To have and to hold for and during her
natural life, and the Commissioners be ap-
pointed to assign and admeasure her dower
in such lands according to law,

{ Abner Green
attorney for Plaintiff

Abner Green, attorney for the plaintiff makes
oath and says that the above petition and the
matters therein as stated, he believes to be true,
and he further states that the said Mary
Ann Wickham and William J. Wickham are
now residents of the State of Missouri.

Subscribed & Sworn to before } Abner Green
me this 12th Nov. 1872, } attorney for Plaintiff

W. J. Boyce clk.
By C. Ho. Hoine Dept.

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

Witness. W. J. Boyce clerk of said court
with the seal thereof hereunto affixed
at office this 12th November A.D. 1872,

W. J. Boyce clerk
By C. Ho. Hoine Dept.

The State of Missouri,
COUNTY OF JEFFERSON. } ss.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF *Jackson* JEFFERSON---GREETING:

We command you, that you summon *Mary Ann Wickham*
William J. Wickham & Medora E
Vinyard

if ~~he~~^{she} be found in your County, that ~~he~~^{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 *Second*
~~Monday after the fourth~~ Monday of *January* next, then and there
to answer unto

Sarah Ann Vinyard

upon *her* 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 af-
fixed, at office in Hillsboro, this *14th*

day of *November* A. D. 18*72*

W. S. Boyce Clerk Circuit Court.

By *Chas. H. Coine* Deputy.

We, Mary Ann Wickham, William J. Wickham
and Medora E. Wingard, of Jackson County Missouri,
(Defendants herein) do hereby acknowledge service of
the within Summons and the annexed Petition, and
waive the necessity of the service thereof, by an officer.
In witness whereof, we hereto subscribe our names
this 8th day of December 1872.

Signed { William J. Wickham.
Mary A. Wickham
Medora E. Wingard

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

TERM, 187

Wingard
do
Wingard

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 *John W. Vinyard, Peter Vinyard,*
Elias W. Vinyard, Medora E. Vinyard, Frank Vinyard
Edward W. Vinyard and Alfred Vinyard

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 *Second*
Monday after the fourth Monday of January next, then and there
to answer unto

Sarah Ann Vinyard

upon *her* 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 af-
fixed, at office in Hillsboro, this *14th*

day of *November* A. D. 18*72*

W. S. Boyce
Clerk Circuit Court.

By

Thos. Horne

Deputy.

I, Peter Vinyard, acknowledge service of the within writ and petition and waive the necessity of service of the same by an officer, this 9th day of December 1872

Peter S Vinyard

I executed the within summons on the within named ~~Edward Vinyard~~ Frank Vinyard and Edward Vinyard at their place of abode with a free white person of the age of sixteen in the county of Jefferson State of Missouri this the 14th day of December 1872

J. T. B. Mott Sheriff served the within on Elias S. Vinyard on the 9th day of Dec 1872

J. T. B. Mott Sheriff
By J. T. Williams Det

3805-

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1873.

Sarah Ann Vinyard

vs.

John W. Vinyard & A

Peter S Vinyard & A

Elias S Vinyard & A

+ Medora B Vinyard &

Edward W Vinyard

Alfred Vinyard-exor.

Original

Sheriff Fee 4.00

Jan 19 1873

Sarah Ann Vinyard, pettff,
against
John W. Vinyard, Mary Ann
Wickham and her husband
William J. Wickham, barne,
dia R. Kelly and her husband
Benjamin F. Kelly, Peter
S. Vinyard, Elias F. Vinyard,
Medora E. Vinyard, Frank
Vinyard, Edward W. Vinyard
and Alfred Vinyard, defendants.

In the Circuit,
Court of Jeffer-
son County,
Missouri,

January Term
1873.

Now came the above named defendants
Elias F. Vinyard, Medora E. Vinyard,
Frank Vinyard, Edward W. Vinyard, and
Alfred Vinyard, minors, by their Guar-
dian ad litem Henry F. Ahlvers, and in
answer to the petition of plaintiff admit,
that John Vinyard, their father died in the
year 1870. seized in fee simple of the Real
Estate, described in plaintiff's petition,
that plaintiff is the widow of said
deceased, and as such entitled to the
use of one third thereof for her natural life,
as dower, and that they (these defendants)
are, beside others, children and heirs of
said deceased, and the land, described

in plaintiff's petition, descends to
sum in fee simple.

Henry F. Ahlness
Guardian ad litem for
Elio F. Vmizard, Medora E. Vmiz-
yard, Frank Vmizard, Edmund
W. Vmizard and Alfred
Vmizard.

In the direct hand
of Jefferson Co. Mo.
January Term 1873.

Sarah Ann Vinzard,
reple.

vs.

John W. Vinzard
et al.

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Answered by
Henry F. Phillips
as Guardian ad
Litem.

Filed Jan'y 16th 1873

W. S. Boyce

Clk.

State of Missouri
County of Jefferson

This day personally appeared before the undersigned Clerk of the Circuit Court, within and for the County aforesaid, George Wiley, Jerome B. Dover, and John Carey, three disinterested householders of said County, who being duly sworn, ^{will} on their oath state that they honestly and impartially execute the trust reposed in them respectively, by measuring and setting off the Dower of Sarah Ann Vinyard in the Lands described in her petition in said Circuit Court, in the Case of said Sarah Ann Vinyard against John Vinyard and others, and described in the order hereto annexed, made by said Court appointing them Commissioners for the purpose aforesaid.

The Purpose of
Sponsors and Subscribers

before me May 16th 1873

J. S. Boyce Clerk

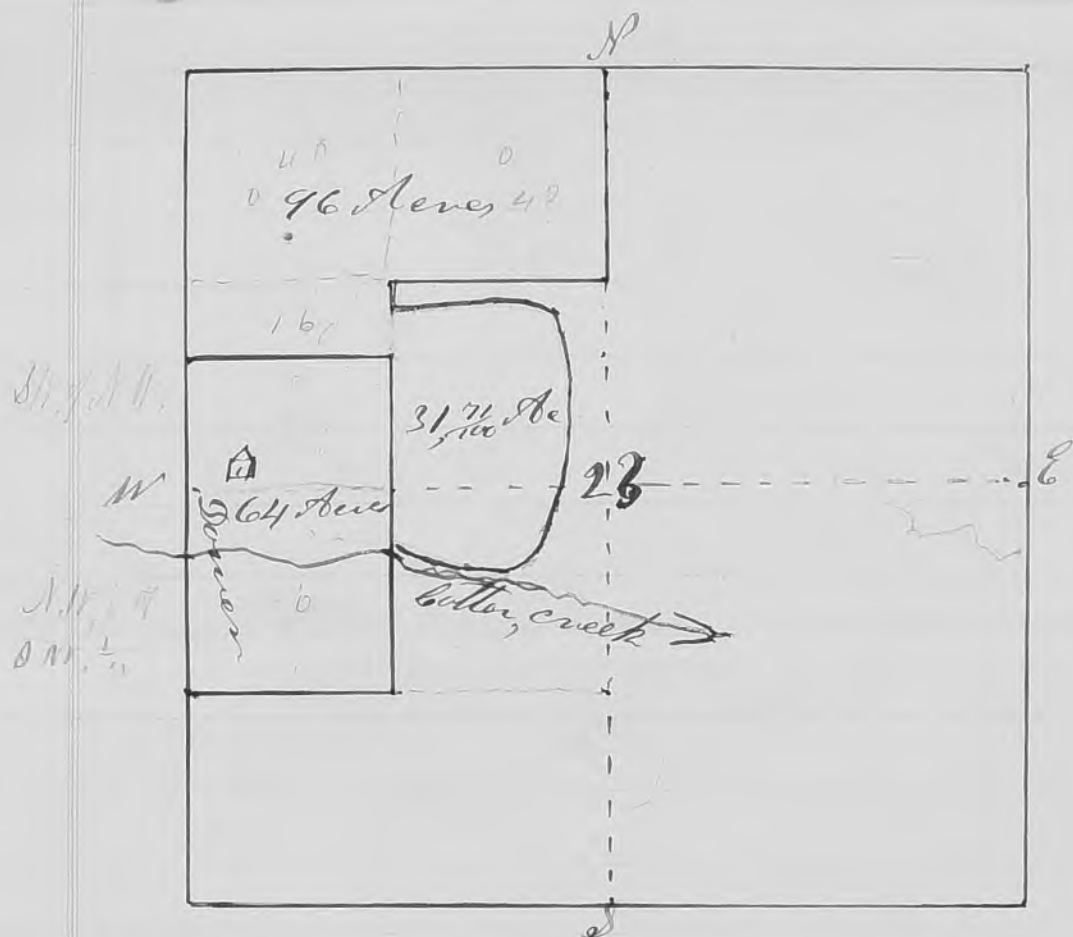
By Wm H. R. Home Dep.

J. B. Dozier

George Wilcz

John Carey

Plat. of Sarah Ann, Vineyard
 Down in Section 23 Township 40
 Range 40 East of the 5th P. Mer.



Beginning at the S. W. corner of the
 N. W. qr of the S. W. qr of section 23
 Thence East 20 chains to the S. E.
 corner of said Tract Thence north
 at 13 chains the north bank of cotton
 creek at 32 chains Set Post corner
 in field Thence West 20 chains
 to the west line of section 23 from
 which achinguapin oak 6 inches
 in diameter bears S 54° W 8 links
 Distant and Achinguapin 5 inches
 Bears S 60° E 47 1/2 links Distant Thence

South 32 chains to Place of
beginning containing 64 Acres

Commissioners Fees

J. B. Dyer Commissioner 2 Days	\$11.00
George Wiley " 2 "	4.00
John Carey " 2 "	4.00
J. B. Dyer Surveyor "	5.00
	<u>\$17.00</u>

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Sarah Ann Vinyard, Plaintiff
Against
John W. Vinyard, & others, Defendants
In the Circuit Court of
Jefferson County Missouri

To the Circuit Court of Jefferson County
Missouri,

We the undersigned Commissioners, appointed by the Circuit Court aforesaid at the May Term 1873, by an Order entered of record of said Court, a copy of which is hereto annexed, to all measure and set off the dower of the above Plaintiff in the Lands hereinafter described, do respectfully Report; - That, after making Affidavit for the faithful performance of the trust reposed in us, as required by law, (which affidavit is hereto annexed) we proceeded to all measure and set off the Dower of the said Sarah Ann Vinyard, widow of John Vinyard, deceased, it being one third of the following described Lands, situate in Jefferson County Missouri, to wit, Part of the South East quarter of the North West quarter, of Section Twenty Three in Township Forty of Range Four East, and part of the North East quarter of the

South West quarter of said Section, in the same Township and Range, containing Thirty one acres, and $\frac{11}{100}$ of an acre; - also the North West quarter of the South West quarter of section Twenty three in Township Forty of Range Four East, containing Forty acres; also, the North East quarter of the North West quarter of said Section, in the same Township & Range, containing forty acres, - also, the South West quarter of the North West quarter of same Section, in same Township & Range, containing Forty acres; - also, the North West quarter of the North West quarter of said Section twenty three, in the same Township & Range, containing Forty acres; also, a Lot of Land in the Town~~ship~~ of Victoria in Block No, Thir~~teen~~teen, - And we divided, and admeasured, and set off the One third part of the said several Tracts of Land, for the Dower of said Sarah Ann Dwyer - as follows, To wit, - Beginning at the South West Corner of the North West quarter of the South West quarter of section Twenty three, - thence East, Twenty chains to the South East Corner of said Tract, thence North fifteen chains, to the North Bank of Cotter Creek, at 32 chains, set a Post, Corner, in the field, - thence West 20 chains

to the West line of Section 23, from which
a Chingnepin Oak 6 inches in diameter
bears South 54 deg. W, eight links dis-
tant, on a Chingnepin 8 inches in di-
ameter, bears, S, 60.° E, 4 1/2 links distant,
- Thence South 32 Chains to the place
of beginning, containing Sixty four
acres, - And are admeasured and
allotted the same to the said Sarah
Ann Vinyard, for her Dower in the
Several Tracts of Land first herein ad-
above described, - a Plat of said
Land, ^{the part thereof set apart for} describing said Dower, is
hereto annexed, as part of our
report, All of which, is respectfully
submitted.

Given under our hands and
seals this 19th day of May 1873,

} Jerome B. Dover (Seal)
George Wiley (Seal)
John Carey (Seal)
Commissioners

State of Missouri }
County of Jefferson }

Be it remembered that Jerome B.
Dover, George Wiley, and John Carey, the above
named Commissioners, who are personally known

to the undersigned, Clerk of the Circuit Court
of the County aforesaid, to be the persons whose
names are subscribed to the above and fore-
going Report, assigning ower, as the Com-
missioners appointed for that purpose, this
day appeared before me, said Clerk, and ack-
nowledged, that they executed and delivered
the same as their voluntary act and report, for
the uses and purposes therein contained.

~~Given under my hand~~

Witness W. L. Boyce Clerk of said
said circuit court with the seal
thereof hereunto affixed at
office May 21st 1873

W. L. Boyce Clerk
By Chas. Horne Deput

3805
To Circuit Court
Jefferson County

Sarah Ann Vinyard
vs,
John Vinyard and
others

Report of
Com^{rs} setting
off Dower

Filed May 21st 1873
W. L. Boyce
Clerk