

Jefferson County Circuit Court
Case Files - Civil
September 1873, No. 14

Folder 1 of 2

Box 31 Folder 58

Cadwalader, Ezra, et al

vs.

Pollard, Samuel, et al

Partition

Heirs of Isaac Cadwallader; various tracts of
land; other plaintiffs Caroline, Belinda, Mary E., Horatio
P., David A., Franklin F., Charles Cadwallader, Louisa
Lamden, Rebecca + Solomon Krepps, John Evans, Evaline J.,
Edward J. McClashy, Mary + Seth Benner, Caroline
Armstrong, William Fritter, Catharine M. + Thomas J.
Pollard, Charles L. R. Evans, Elizabeth Wilson, Mary
Ann + Thomas Burgess, Mary + John Smith, Austin Williams,
Hannah + George Kidd, John R. Sipleley; other defendants
Missouri A. Pollard, Sarah B. + Dennis Wilson, Eliza +
George W. Perry, Mary J. + Jesse B. McNally, Catharine +
John Gillman, Evaline + George W. Hughes, Samuel T.
Glover, John E. Kimball, Daniel D., Thomas A., Virgil M.
Cadwallader, Samuel M. Barrows; survey map

1

170

In Jefferson County
Circuit Court
September Term 1873

Jefferson County

Ezra Cadwallader, Caroline Cadwallader,
Belinda Cadwallader & Mary E. Cadwallader
Louisa Loomis, Rebecca Kripps and Sol-
mon Kripps her husband, John Evans, Evaline J.
McCluskey and Edward J. McCluskey her
husband, Horatio P. Cadwallader, Mary
Benner and Seth Benner her husband, Car-
oline Armstrong, William Fitter, Catharine M.
Pollard⁺ and Thomas J. Pollard her husband
David W. Cadwallader, Franklin F. Cadwallader,
Charles L. R. Evans, Elizabeth Wilson, Mary Ann
Burgess and Thomas Burgess her husband
Mary Smith and John Smith her husband
Austin Williams, Charles Cadwallader,
Winnah Kidd and George Kidd her
husband and John R. Mappley.

Plaintiffs

and Missouri Pollard his wife
Samuel Pollard, Sarah B. Wilson and
Dennis Wilson her husband Eliza Perry
and George M. Perry her husband, Mary J.
McA. Hally and Jesse B. McA. Hally her
husband, Catharine Hillman and John
Hillman her husband.

Kimball
out of City
Toller will
get him to
acknowledge
service

George N. Hughes her husband, Samuel T. Hovey
and John R. Shepley composing the firm of Hovey
and Shepley. John E. Kimball Daniel D. Cad-
wallader, Thomas W. Cadwallader and Vergie
M. Cadwallader and James M. Barrows
any other parties in-
terested in said estate and the property
hereinbefore described.

Defendants

Plaintiffs state that on or about the

fifteenth day of October 1864 Isaac
Cadwallader being owner in fee of the
following described real estate dec'd in-
testate as to the same, which real estate is
described as follows: to wit: one tract piece
or parcel of land beginning at the corner
of fractional sections 7 and 18 on the Eastern line
of Survey No. 420, Township 41 North, Range 6 East of
the 5th principal meridian, and running thence East
along the line between said fractional sections
7 and 18 twenty-nine (29) chains and sixty-two (62)
links, to the North East corner of the West half of the North
East fractional quarter of said fractional section 18,
thence South along the line between the East half
and West half of the North East fractional quarter
of said fractional section 18, twenty nine (29) chains
to the South East corner of said West half of the
North East fractional quarter of fractional sec-
tion 18 on the Northern boundary line of Sur-
vey No. 266, thence South $83\frac{3}{4}$ degrees West along
said line of Survey No. 266 twenty (20) chains
and seventeen (17) links to a stake at the inter-
section of said line of Survey No. 266, with the
Western line of the St Louis and Carrollton
State Road, thence North twenty one degrees and
22 $\frac{1}{2}$ minutes West, along the Western line of
said State road ten (10) chains and eighty (80)
links to a stake, thence North 28 degrees and

37½ minutes West, along the Western line of
said State road eight (8) chains and forty three
X (43) links to a stake, thence North 33 degrees
and 37 minutes West along the Western line of
said State road Seven (7) chains and fifty nine
(59) links to a stake on the Northern line of
that part of Survey No. 420 belonging to the estate
of Isaac Cadwallader deceased, thence North
84½ degrees East along said Northern line
three (3) chains and forty three (43) links to
the North East corner of said part of Survey
No 420 on the Eastern line thereof, thence
North 62 degrees East along said Eastern line
of Survey No 420 six (6) chains and seventy
seven (77) links to the beginning corner con-
taining seventy nine (79) acres and thirty seven
(37) hundredths of an acre. X also on tract,
✓ piece or parcel of land beginning at the
North East corner of this tract, which is also
the North West corner of the town of Pevely on
the Southern line of the Railroad land and
running thence South 7 degrees and 5 minutes
East, ^{the Western line of} along the Pevely tract twenty one (21) chains
and twenty two (22) links to the South West
corner of the Pevely tract on the Southern bound-
ary line of survey No. 266, thence South 84 de-
grees and 7 minutes West, along said boundary
line of Survey No. 266, thirty two (32) chains

and eighty four (84) links to the most Southern
Corner of said Survey No. 266, thence North
 4 degrees and 37 minutes West, along the
 Western boundary line of said Survey No.
 266, thence (12) Chains to the most Western
 Corner of said Survey No. 266 on the South-
 ern line of Survey No. 420, thence South $84\frac{1}{2}$
 degrees West along the Southern line of said
 Survey No. 420 One (1) Chain and 20/20 twenty
 links to the Corner to fractional Sections 13
 and 18 on the Range line between Ranges
 5 and 6 East, of the 5th Principal Meridian,
 X thence South 37 minutes West, along the Range
 line twenty (20) Chains and seventy (70) links
 to the Corner to Sections 13 and 24 T. 41. R. 3,
 thence North 89 degrees and 56 minutes West
 along the line between said Sections 13 and 24
 thirty three (33) Chains and forty eight (48) links
 to the Corner of fractional Sections thirteen
 and twenty four, on the Eastern boundary
 line of Survey No. 421, thence North 7 degrees
 and 5 minutes ^{East}, along said boundary line
 of Survey No. 421 Seven (7) Chains and fifty
 three (53) links to its intersection with the
 thence North Eastwardly along the Southern line of the Rail Road land,
 Southern line of the Rail Road land, with
 the curvature thereof to the place of beginning
 containing one hundred and eighteen (118)
 acres and forty seven hundredths of an acre

be the same more or less. Also one tract
piece or parcel of land beginning at the
North Western corner of fractional Section
13 T. 41 N. R. 6 E. of the 5th Principal Meridian
and running thence North $80^{\circ}\frac{3}{4}$ degrees East
along the line between Survey No. 932 and
fractional Section thirteen, (13) fifteen chains
and ten (10) links to its intersection with
the Northern line of the Rail Road land,
thence South $60^{\circ}\frac{3}{4}$ degrees West along said
Northern line of the Rail Road land sixteen
(16) chains and ninety seven (97) links to
its intersection with the Eastern line of Sur-
vey No. 421, thence North 7 degrees and 5
minutes East along said Eastern line of
Survey No. 421 Six (6) chains and thirty
nine (39) links to the beginning corner
containing four (4) acres and fifty three
(53) hundredths of an acre. Also one tract
piece or parcel of land being the North frac-
tional half of Section 25 in Township 41 North
Range 5 East of the 5th Principal Meridian
containing one hundred and two (102)
and nine hundredths acres be the same more
or less. Also one tract piece or parcel of
land beginning at the intersection of the Nor-
thern line of the Rail Road land with the
Western line of the 40 acre tract in Survey No.

932 conveyed by Jabez Warner to Isaac Bad-
wallader, and thence running North $6\frac{1}{2}$ degrees
West along said Western line forty five (45) chains
and ten (10) links to the North West corner of
said tract: thence North $84\frac{1}{2}$ degrees East along the
northern line of said tract Eight (8) chains and
seventy five (75) links to the North East corner
of said tract on the old line between Survey No^o
420 and Survey No 932 - thence North $6\frac{1}{2}$ degrees West
along said old line ten (10) chains and six (6) links
to the North West corner of the 300 arpens in Survey
No 420 formerly belonging to Isaac Badwallader
- thence North $84\frac{1}{2}$ degrees East along the northern
line of said 300 arpens sixty eight (68) links to
the North West corner of Mrs. Charles' 200 acres: - thence
South $6\frac{1}{2}$ degrees East along the Western line of
Mrs. Charles' 200 acres forty three (43) chains and
seventy seven (77) links to the South West corner
of said 200 acres: - thence North 80 degrees East, along
the Southern line of Mrs. Charles' 200 acres thirty
four (34) chains and thirty nine (39) links: - thence
South $10\frac{1}{4}$ degrees East in a direction perpendicular
to the Northern line of the Rail Road depot ground
two (2) chains and sixty six (66) links to a stone at
the North West corner of the depot ground: - thence

Continuing South $10\frac{1}{4}$ degrees East along the Western End line
of the depot ground one hundred feet to the South West corner of the depot
ground, on the Northern main boundary line of the Rail Road land: thence
with the Northern boundary of the Rail Road land, in a Southwesterly direction to
the place of beginning containing fifty eight (58) acres and four (4) hundredths
of an acre. All of which described North East is situated in the 11th Range and 15th Township

Plaintiffs further state that all the above mentioned Real Estate

descended to the following named persons, who at the time of the death of the said Isaac Cadwallader were his only heirs to wit: Sonja Landen, Ezra Cadwallader, Eliza Cadwallader, Caroline Cadwallader, Belinda Cadwallader, Ellen D. Cadwallader, Mary E. Cadwallader, Rebecca Krapps, wife of Solomon Krapps, John Evans, Mary E. Evans, Evaline J. McElasky wife of Edward J. McElasky, Hermitis Cadwallader, Mary Benner wife of Seth Benner, Caroline Armstrong, Daniel D. Cadwallader, Thomas A. Cadwallader, Virgil M. Cadwallader, Samuel Pollard, Sarah B. Wilson wife of Dennis W. Wilson, Charles L. B. Evans, Eveline Hughes wife of George W. Hughes, Catharine M. Pollard wife of Thomas J. Pollard, David A. Cadwallader, Franklin F. Cadwallader, Elizabeth Wilson, Mary Ann Burgess, wife of Thomas Burgess, Eliza Perry wife of George W. Perry, Nancy J. Mc A. Nally wife of Jesse B. Mc A. Nally, Mary Smith wife of

John J. Smiol, Austin Williams, Charles
 Cadwallader, Catharine Gillman wife of
 John Gillman and Hannah Kidd wife of
 George Kidd and plaintiffs further state
 that the above mentioned John Cadwalla-
 der and his wife, Louisa Sanders, Eliza
 J. Cadwallader, Caroline Cadwallader, Be-
 linda Cadwallader, Ellen D. Cadwallader, Mary
 E. Cadwallader Rebecca Krapps and her hus-
 band Solomon Krapps, John Evans and his wife
 Mary Evans, Evaline J. McCluskey and Ed-
 ward J. McCluskey her husband, Horatio P.
 Cadwallader and his wife, Mary Benner and
 Seth Benner her husband, Caroline Arm-
 strong, Samuel Pollard and his wife, Sarah
 B. Wilson and Dennis W. Wilson her husband,
 ✓ Evaline Hughes and her husband George W.
 Hughes, Catharine M. Pollard and her hus-
 band Thomas J. Pollard, Elizabeth Wilson and
 her husband Amos B. Wilson, Mary Ann
 Burgess and her husband Thomas Burgess
 ✓ Nancy J. Mc Aulley and her husband Jesse
 B. Mc Aulley, Mary Smiol and her husband
 John J. Smiol, Austin Williams and his wife
 Charles Cadwallader and his wife, Catharine
 Gillman and her husband John Gillman and
 Hannah Kidd and her husband George
 Kidd her husband each sold and conveyed

to Daniel F. Potter by their deeds duly executed one third part of the right and interest of each of them in said real estate above mentioned and that the above mentioned David A. Cadwallader and his wife and Franklin F. Cadwallader and his wife each sold and conveyed to said Potter by their deeds duly executed, two thirds part of the right and interest of each of them in said real estate above mentioned and that all the right and interest so conveyed by said heirs to said Potter was twelve thousand nine hundred and fifteen thirty seven thousand four fourths ($\frac{12915}{37044}$) part of the above mentioned real Estate. Plaintiffs further state that the said Daniel D. Cadwallader, Thomas A. Cadwallader and Virgie M. Cadwallader by their deeds duly executed each sold and conveyed all his right and interest in the above real estate to William Fitter: that said Mary E. Evans died intestate on or about the 1st day of August 1869 leaving as her only heirs the said John Evans and ^{the said} Rebecca Kripps wife of Solomon Kripps, and that said Eliza J. Cadwallader died on or about the 13th day of February 1872 and that the said Ellen D. Cadwallader died on or about the 17th day of November and that the said Eliza and said Ellen each died

11

✓ died intestate leaving as their only heirs the said Ezra Cadwallader, Louisa Sanden, Caroline Cadwallader, Belinda Cadwallader and Mary E. Cadwallader.

Plaintiffs also state that said Daniel T. Potter by his deed duly executed and dated October 1st 1872 conveyed his undivided right and interest in the above described real estate to the extent of three hundred and forty eight ^{thirteen} ~~hundred~~ hundred and twenty three ($\frac{348}{1323}$) part thereof to Joseph N. Scitton and Nathaniel Myers as trustees to secure ✓ to John R. Shepley the payment of a promissory note made to him by D. T. & L. H. Potter for the sum of \$1600⁰⁰ and also the payment of two promissory notes made by said D. T. & L. H. Potter and endorsed by said John R. Shepley which notes were for the sums of \$600⁰⁰ and \$400⁰⁰ respectively.

Plaintiffs further state that said Daniel T. Potter by his deed duly executed and dated November 13th 1872 — conveyed his undivided right and interest in the above described real estate to the extent of three hundred and forty eight ^{thirteen} ~~hundred~~ hundred and twenty three ($\frac{348}{1323}$) part thereof, (subject to the above mentioned encumbrances) to Joseph N. Scitton and Nathaniel Myers) to Henry B. Orledge as trustee to

Secured to John E. Kimball the payment of a
promissory note made to him by ^{David T. Potter} ~~Said~~ ^{David T. Potter}
for the sum of \$1184⁰⁰ and bearing date
November 13 1872 -

Plaintiffs further state that said David T.
Potter by his deed duly executed and dated
March 15 1873 - conveyed his undivided
right and interest in the above described
real estate to the extent of the undivided one
ninth ($\frac{1}{9}$) part of the same being the one third
($\frac{1}{3}$) part of said Potters interest in the same
to Samuel T. Glover and John R. Shepley
comprising the firm of Glover and Shepley
and plaintiffs further state that said John R. Shepley also acquired
under a Sheriff's Sale made at Hillsboro Jefferson County Mis-
souri May 14th 1873 on an execution issued against said David T.
Potter all the right and interest of said Potter in the above
described real estate subject to the above mentioned conveyance
and plaintiffs further state that the above mentioned conveyances
to O'Reilly trustee of Kimball and to Glover and Shepley were
not placed upon Record as required by law until after the trans-
cript of the judgment upon which said execution was issued
had been filed with the Clerk of the Circuit Court of Jefferson
County and had become a lien upon said property; and that
said conveyances are for said reason void as against said
the sale under said execution to said Shepley. And plaintiffs further state
that Samuel M. Barrows acquired under Sheriff's Sale at Hillsboro Jefferson County
Missouri May 3rd 1873 on an execution issued against said Samuel Pollard
all the right and interest of said Pollard in the above described real estate.

Plaintiffs further state that they and the de-
 fendants - Samuel M. Barrows, Missouri
 Pollard, Sarah B. Wilson, Eliza Perry, Nancy J.
 McAnally, Catharine Silliman and Eveline
 Hughes own and possess the above described
 real estate as tenants in common and that
 they are desirous of a partition of the same;
 that the plaintiffs Ezra Cadwallader, Louisa
 Lunden, Caroline Cadwallader, Belinda Cad-
 wallader and Mary E. Cadwallader each have
 an estate of inheritance therein, as heirs of said
 Isaac Cadwallader and of said Eliza J. Cadwal-
 lader and Ellen D. Cadwallader of two undivided
 one hundred and fiftieths ($\frac{2}{105}$) interest in the fee
 thereof; that the plaintiffs Rebecca Shepps and
 John Evans each have an estate of inheritance
 therein as heirs of said Isaac Cadwallader and
 heirs of said Mary E. Evans of an undivided
 forty second ($\frac{1}{42}$) interest in the fee thereof; that
 plaintiffs Evaline J. McElastery, Cora W. P.
 McElastery Cadwallader and Mary Benner
 each have an estate of inheritance therein
 of an undivided twenty first ($\frac{1}{21}$) interest
 in the fee thereof; that the plaintiffs Caroline
 Armstrong and Catharine M. Pollard and the
 defendant Eveline Hughes each have an
 estate of inheritance therein of four undivided
 one hundred and forty seconds ($\frac{4}{147}$) interest

in the fee thereof: that the plaintiff William Frit-
ter has an estate therein of six undivided
one hundred and forty seventh ($\frac{6}{147}$) interest
in the fee thereof: that the defendant Missouri
Pollard has ^{an undivided} ~~the~~ dower interest as wife of
Samuel Pollard in the fee undivided four
hundred and forty first ($\frac{4}{41}$) interest in the
✓ fee thereof: that the defendant Sarah ~~Brown~~ ^{Wilson}
has an estate of inheritance therein of four
undivided four hundred and forty firsts
($\frac{4}{41}$) interest in the fee thereof: that the
plaintiff Charles L. Evans has an estate
of inheritance therein of six undivided
four hundred and forty firsts ($\frac{6}{41}$) interests
x in the fee thereof: that the plaintiffs David W.
Leadwallader and Franklin F. Leadwallader
each have an estate of inheritance therein
of two undivided one hundred and forty
sevenths ($\frac{2}{147}$) interest in the fee thereof:
that the plaintiffs Elizabeth Wilson, Mary
Ann Burgess, Charles Leadwallader, and Han-
nah Kead and the defendant Katherine
Gillman have each an estate of inheritance
therein of two undivided fifty thirds ($\frac{2}{63}$)
interest in the fee thereof: that the Plaintiff
Mary Smith and Austin Williams and the
defendant Nancy J. Mc Allally have each
an estate of inheritance therein of one V.

undivided one hundred and twenty sixths
(126) interest in dufe thereof: that the defen-
dant Eliza Perry has an estate of inheritance
therein of three undivided two hundred and
fifty seconds ($\frac{3}{252}$) interest in dufe thereof.
that the defendant Samuel M. Barrows has
an estate therein of four undivided four
hundred and forty firsts ($\frac{4}{441}$) interest in
dufe thereof subject to the ^{mechanic's right of} dower interest
of the said Missouri Pollard, and that the
Plaintiff John R. Shipley has an estate there-
in of twelve thousand nine hundred and
fifteen undivided thirty seven thousand forty
fourths ($\frac{12915}{37044}$) interest in dufe thereof
subject to the above mentioned conveyances to
Butten and Myers as trustees and to O'Neil-
ley as trustee and to Glover and Shipley.

Wherefore Plaintiffs ask
judgment for partition and division of
said real estate according to the respec-
tive rights of the parties aforesaid, or if par-
tition cannot be had without material injury
✓ to the rights of the parties, then for a sale of
✓ said premises and a division of the proceeds
between the parties according to their respective
rights and interests

David T. Butler Attorney for Plaintiff

Ezra Cadwallader et al

vs

Saml Pollard et al

Samuel T Potter atty. for plaintiffs makes oath and says that he believes the Defendants Eliza Perry & George W Perry are non-residents of the State of Missouri, and that the matters as stated in the above petition are true as he verily believes

Sworn to and subscribed before me July 17th 1873

Samuel T. Potter

Notary Public

By C. H. Horine Dep. Notary

Eliza Perry
Geo W Perry
order pub

Saml Glover
Morr Shepley
Jno C Kimball

Filed July 17th 1873

Notary Public
C. H. Horine Dep.

Ezra Cadwallader

vs

Sp

ab

In Jefferson County
Circuit Court
September Term 1873.
Jefferson County J.

Erza Cadwallader, Caroline Cadwallader, Behinda Cadwallader
Mary E Cadwallader, Luisa Lunden, Rebecca Kiepps and Solomon
Kiepps her husband, John Evans, Eraline J McClaskey and
Edward J McClaskey her husband, Noratio P Cadwallader,
Mary Berner and Seth Berner her husband, Caroline Armstrong,
William Fritter, Catharine M Pollard and Thomas J Pollard
her husband, David A Cadwallader, Franklin F Cadwal-
lader, Charles L R Evans, Elizabeth Wilson Mary Ann Bur-
ges and Thomas Burges her husband, Mary Smirl and
John Smirl her husband, Austin Williams, Charles Cadwallader
Hannah Kidd and George Kidd her husband and John R Shepley
Plaintiffs

= VS =

Samuel Pollard, and Miss Fannie A Pollard his wife Sarah R Wilson
and Dennis Wilson her husband, Eliza Perry and George H Perry
her husband, Mary J McAnally and Jesse B McAnally her husband,
Catharine Hillman and John Hillman her husband, Ereline Hughes
and George H Hughes her husband, Samuel T Glover and John
R Shepley composing the firm of Glover and Shepley, John
E Kimball, Daniel S Cadwallader, Thomas A Cadwallader
and Virgil M Cadwallader, Samuel H Parsons and any
other parties interested in said Estate and the property
hereinbefore described, - Defendants.

Plaintiffs state that on or about the Fifteenth
day of October 1864 Isaac Cadwallader being owner in
fee of the following described real estate died intes-
tate as to the same, which Real Estate is

described as follows [✓]four. One tract piece or parcel of land beginning at the corner of fractional Sections 7 and 18 on the Eastern line of Survey to 420 Township 41 North Range 6 East of the 5th principal meridian and running thence East along the line between said fractional Sections 7 and 18 twenty nine (29) chains and sixty two (62) links to the North East corner of the west half of the North East fractional quarter of said fractional Section 18 thence South along the line between the East half and west half of the North East fractional quarter of said fractional Section 18 twenty nine (29) chains to the South East corner of said west half of the North East fractional quarter of fractional Section 18 on the Northern boundary line of Survey to 266, Thence South $83\frac{3}{4}$ degrees West along said line of Survey to 266 twenty (20) Chains and Seventeen (17) links to a stake at the intersection of said line of Survey to 266 with the western line of the St Louis and Mercantile State Road thence North twenty one degrees and $22\frac{1}{2}$ minutes West along the Western line of said State Road ten (10) Chains and Eighty (80) links to a stake, thence North 28 degrees and $37\frac{1}{2}$ minutes West along the Western line of said State Road Eight (8) Chains and forty three (43) links to a stake, thence North 33 degrees and 37 minutes West along the Western line of said State Road Seven (7) Chains and fifty nine (59) links to a stake on the Northern line of that part of Survey to 420 belong to the Estate of Isaac Cadwallader deceased, thence North $84\frac{1}{4}$ degrees East along said Northern line Three (3) chains and forty three (43) links to the North East corner of said part of Survey to 420 on the Eastern line thereof, thence North $6\frac{1}{2}$ degrees East along

said Eastern line of Survey to 420 six (6) chains and seventy seven (77) links to the beginning corner, containing seventy nine (79) acres and thirty seven (37) hundredths of an acre, Also one Tract piece or parcel of land beginning at the North East corner of this tract which is also the North West corner of the town of Pevety on the Southern line of the Rail Road land and running thence South 7 degrees and 5 minutes East along the Western line of the Pevety tract twenty one (21) chains and twenty two (22) links to the South West corner of the Pevety tract on the Southern boundary line of Survey to 266 thence South 84 degrees and 7 minutes west along said boundary line of Survey to 266 thirty two (32) chains and eighty four (84) links to the most Southern corner of said Survey No 266, Thence North 4 degrees and 37 minutes, west along the Western boundary line of said Survey to 266, twelve chains to the most Western corner of said Survey to 266 on the Southern line of Survey to 420, thence South 84 $\frac{1}{2}$ degrees West along the Southern line of said Survey to 420, one (1) chain and (20) twenty links to the corner, to fractional Sections 13 and 18 on the Range line between Ranges 5 and 6 East of the 5th principal meridian, Thence South 27 minutes West along the Range line twenty (20) chains and seventy (7) links to the corner to Sections 13 and 24, T. 41 R. 5, Thence North 89 degrees and 56 minutes West along the line between said Sections 13 and 24, thirty three (33) chains and forty eight (48) links to the corner of fractional Sections thirteen and twenty four, on the Eastern boundary line of Survey to 421, Thence North 7 degrees and 5

minutes East along said boundary line of Survey No 421
seven (7) chains and sixty three (63) links to its Section with the
Southern line of the Railroad land thence northeasterly
along the Southern line of the Rail Road land with the curva-
ture thereof to the place of beginning containing one hundred
and eighteen (118) acres and forty seven hundredths
of an acre, be the same more or less, Also one tract
piece or parcel of land beginning at the North
Western corner of fractional Section 13 T. 41 R. 6 E.
of the 5th principal meridian and running thence
North $80^{\frac{3}{4}}$ degrees East along the line between Survey
No 932 and fractional Section Thirteen, (15) fifteen
chains and ten (10) links to its intersection with the
Northern line of the Rail Road land thence South
 $60^{\frac{3}{4}}$ degrees West along said Northern line of the Rail
Road land Seventeen (17) chains and ninety seven (97)
links to its intersection with the Eastern line of
Survey No 421 thence North 2 degrees and 5 minutes
East along said Eastern line of Survey No 421, Six
(6) chains and thirty nine (39) links to the beginning corner
containing four (4) acres and sixty three (63) hundredths
of an acre, Also one tract or parcel of land being the
North fractional half of Section 25 in Township 41
North Range 3 East of the 5th principal meridian
containing one hundred and two (102) and nine hundredths
acres be the same more or less, Also one tract piece or parcel
of land beginning at the intersection of the Northern line of the
Rail Road land with the Western line of the 40 acre tract in
Survey No. 932 conveyed by Jabez Warner to Isaac Badwal-
lader and thence running North $6^{\frac{1}{2}}$ degrees West along said
Western line forty five (45) chains and ten (10) links to the North

west corner of said tract. Thence North 84 degrees East along the Northern line of said tract eight (8) chains and seventy five (75) links to the North East corner of said tract on the old line between survey no 420 and survey no 932. Thence North 6 $\frac{1}{2}$ degrees west along said old line ten (10) chains and six (6) links to the North west corner of the 300 arpens in survey no 420 formerly belonging to Isaac Badwallader. Thence North 84 $\frac{1}{2}$ degrees East along the northern line of said 300 arpens sixty eight (68) links to the North west corner of Mrs. Charles 200 acres. Thence South 6 $\frac{1}{2}$ degrees East along the western line of Mrs. Charles 200 acres forty three (43) chains and seventy seven (77) links to the South west corner of said 200 acres. Thence North 80 degrees East along the Southern line of Mrs. Charles 200 acres thirty four (34) chains and thirty nine (39) links. Thence South 10 $\frac{1}{4}$ degrees East in a direction perpendicular to the northern line of the Rail Road depot ground two (2) chains and sixty six (66) links to a stone at the North west corner of the depot ground. Thence continuing South 10 $\frac{1}{4}$ degrees East along the western end line of the depot ground one hundred feet to the South west corner of the depot ground on the northern main boundary line of the Rail Road land. Thence ~~west~~ with the northerly boundary of the Rail Road land in a Southwesterly direction to the place of beginning containing fifty eight (58) acres and four (4) hundredths of an acre, all of which described Real Estate is situated in Jefferson County, State of Mississippi. Plaintiffs further state that all of the above mentioned Real Estate descended to the following named persons who at the time of the death of said Isaac Badwallader were his only heirs to wit; Louiza Landen, Ezra Badwallader, Eliza J. Badwallader, Caroline Badwallader, Betinda

Cadiwallader, Ellen D Cadiwallader, Mary E Cadiwallader
Rebecca Krepps wife of Solomon Krepps, John Evans, Mary
E Evans, Evaline J McClaskey wife of Edward J McClaskey,
Horatio D Cadiwallader, Mary Benner wife of Seth Benner,
Caroline Armstrong, Daniel D Cadiwallader, Thomas
A Cadiwallader, Virgil M Cadiwallader, Samuel Pollard
Sarah B Wilson wife of Dennis W Wilson, Charles L R Evans
Evaline Hughes wife of George W Hughes, Catharine M
Pollard wife of Thomas J Pollard, David A Cadiwallader
Franklin F Cadiwallader, Elizabeth Wilson, Mary
Ann Burgess wife of Thomas Burgess, Eliza Perry
wife of George W Perry, Nancy J McAnally wife of
Jesse B McAnally, Mary Smith wife of John J Smith
Austin Williams, Charles Cadiwallader, Catharine Gill-
man wife of John Gillman and Hannah Kidd wife
of George Kidd, and Plaintiffs further state that the
above mentioned Ezra Cadiwallader and his wife Louisa
Lamden, Eliza J Cadiwallader, Caroline Cadiwallader
Belinda Cadiwallader, Ellen D Cadiwallader, Mary
E Cadiwallader Rebecca Krepps and her husband Sol-
omon Krepps John Evans and his wife Mary E Evans
Evaline J McClaskey and Edward J McClaskey her hus-
band, Horatio D Cadiwallader and his wife, Mary Benner
and Seth Benner her husband Caroline Armstrong, Samuel
Pollard and his wife, Sarah B Wilson and Dennis W Wilson
her husband, Evaline Hughes and her husband George
W Hughes, Catharine M Pollard and her husband Thomas
J Pollard, Elizabeth Wilson and her husband Livingston
W Wilson, Mary Ann Burgess and her husband Thomas
Burgess, Nancy Jane McAnally and her husband
Jesse B McAnally, Mary Smith and her husband

John Smil, Austin Williams and his wife, Charles
Badwallader and his wife, Catharine Gillman and her
husband John Gillman and Hannah Kidd and her hus-
band George Kidd her husband each sold and conveyed to
Daniel Potter by their deeds duly executed one third part
of the right and interest of each of them in said real estate
above mentioned and that the above mentioned David A
Badwallader his wife, and Franklin F. Badwallader and
his wife each sold and conveyed to said Potter by their deeds
duly executed two thirds parts of the right and interest
of each of them in said real estate above mentioned and that
all the right and interest so conveyed by said heirs to said
Potter was twelve thousand nine hundred and fifteen thirty
seven thousand forty fourths $\frac{12915}{37044}$ part of the above men-
tioned real estate. Plaintiffs further state that the said
Daniel D. Badwallader, Thomas A. Badwallader and Virgil
M. Badwallader by their deeds duly executed, each sold and
conveyed all his right and interest in the above Real
Estate to William Fritter. That said Mary E. Evans
died intestate on or about the 1st day of August 1879
leaving as her only heirs the said John Evans and the said
Rebecca Krepps wife of Solomon Krepps, and that said
Eliza F. Badwallader died intestate on or about the 18th
day of February 1872 and that the said Ellen D.
Badwallader died on or about the 17th day of November
and that the said Eliza and said Ellen each died
died intestate leaving as their only heirs the said
Ezra Badwallader, Louisa Lamden, Caroline
Badwallader, Betinda Badwallader and Mary E.
Badwallader. Plaintiffs also state that said Daniel
Potter by his deed duly executed and dated October

12th 1872 conveyed his undivided right and interest in the above described real estate to the extent of three hundred and forty eight thirteen hundred and twenty third (³⁴⁸/₁₃₂₃) part thereof to Joseph N. Lutton and Nathaniel Meyers as trustees to secure to John R. Shepley the payment of a promissory note made by D. T. & L. M. Potter for the sum of \$1600.⁰⁰ and also for the payment of two promissory notes made by said D. T. & L. M. Potter and indorsed by said John R. Shepley which notes were for the sums of \$600.⁰⁰ and \$400.⁰⁰ respectively. Plaintiffs further state that said Daniel T. Potter by his deed dated duly executed and dated November 13th 1872 conveyed his undivided right and interest in the above described real estate to the extent of Three hundred and ^{forty} eight thirteen hundred and twenty third (³⁴⁸/₁₃₂₃) part thereof (subject to the above mentioned conveyance to Joseph N. Lutton and Nathaniel Meyers) to Henry B. Reilly as trustee to secure to John E. Kimball the payment of a promissory note made ~~by~~^{to} him by said Daniel T. Potter for the sum of \$1184.⁰⁰ and bearing date November 13th 1872. Plaintiffs further state that said Daniel T. Potter by his deed dated duly executed and dated March 15th 1873 conveyed his undivided right and interest in the above described real estate to the extent of the undivided one ninth (¹/₉) part of the same being the one third (¹/₃) part of said Potters interest in the same to Samuel T. Glover and John R. Shepley composing the firm of Glover and Shepley. The Plaintiffs further state that said John R. Shepley also acquired under a Sheriffs sale made at Hillsboro

Jefferson County, Meipoun May 14th 1873, on an execution issued against said Daniel T Patter all the right and interest of said Patter in the above described Real Estate subject to the above mentioned conveyances, and Plaintiffs further state that the above mentioned conveyances to A Reilly, trustee of Kimball and to Glover and Shepley were not placed upon record as required by law until after a transcript of the judgment upon which said execution was issued had been filed with the Clerk of the Circuit Court of Jefferson County and had become a lien upon said property, and that said conveyances are for said reason void as against the sale under said execution to said Shepley, and Plaintiffs further state that said Samuel M Barrows acquired under Sheriffs sale at Hill shore Jefferson County Meipoun May 5th 1873, on an execution issued against said Samuel Pollard all the right and interest of said Pollard in the above described real estate. Plaintiffs further state that they and the Defendants Samuel M Barrows, Meipoun Pollard Sarah B Wilson, Eliza Perry, Nancy J McAnally, Catharine Gillman and Eraline Hughes own and possess the above described real estate as tenants in common and that they are desirous of a partition of the same, that the plaintiffs Ezra Cadwallader, Louisa Lamden, Caroline Cadwallader Belinda Cadwallader and Mary E Cadwallader each have an estate of inheritance therein as heirs of said Isaac Cadwallader and of said Eliza J Cadwallader and Ellen D Cadwallader

of two undivided one hundred and fiftieths ($\frac{2}{100}$) interest in the fee thereof. That the plaintiff Rebecca Kepps and John Evans, each have an estate of inheritance therein as heirs of said Isaac Cadwallader and heirs of said Mary & Evans of one undivided forty second ($\frac{1}{42}$) interest in the fee thereof, that Plaintiffs Eveline J. McClaskey, Moratio P. Cadwallader and Mary Penner each have an estate of inheritance therein of one undivided twenty first ($\frac{1}{21}$) interest in the fee thereof, that the plaintiffs Caroline Armstrong and Catharine M. Pollard and the defendant Eveline Hughes each have an estate of inheritance of four undivided one hundred and forty sevenths ($\frac{4}{147}$) interest in the fee thereof, that the Plaintiff William Butler has an estate therein of six undivided one hundred and forty sevenths ($\frac{6}{147}$) interest in the fee thereof, that the defendant Miriam Pollard has a dower interest as wife of Samuel Pollard in the four undivided four hundred and forty first ($\frac{4}{441}$) interest in the fee thereof, That the Defendant Sarah R. Evans has an estate of inheritance therein of four undivided four hundred and forty firsts ($\frac{4}{441}$) interest in the fee thereof. That the Plaintiff Charles L. Evans has an estate of inheritance therein of six undivided four hundred and forty firsts ($\frac{6}{441}$) interest in fee thereof. That the Plaintiffs David A. Cadwallader and Franklin P. Cadwallader each have an estate of inheritance therein of two undivided one hundred and forty sevenths ($\frac{2}{147}$) interest in the fee thereof, that the plaintiffs Elizabeth Wilson, Mary Ann Burges, Charles Cadwallader and Hannah Kidd and the defendant Catharine Gillman have each an estate of inheritance therein of two undivided sixty thirds ($\frac{2}{63}$) interest in the fee thereof, that

The plaintiff Mary Smil and Austin Williams and the defendant Nancy J McAnally have each an estate of inheritance therein of one undivided one hundred and twenty sixth ($\frac{1}{126}$) interest in the fee thereof, that the defendant Eliza Perry has an estate of inheritance therein of three ~~hundred~~ undivided two hundred and fifty seconds ($\frac{3}{252}$) interest in fee thereof, that the defendant Samuel M Barrows has an estate of four undivided four hundred and forty firsts ($\frac{4}{441}$) interest in the fee thereof subject to the dower interest of the said Mipoun Pollard and that the Plaintiff John R Shepley has an estate therein of twelve thousand nine hundred and fifteen undivided thirty seven thousand forty fourths ($\frac{12,915}{37,044}$) interest in the fee thereof subject to the above mentioned conveyances to Seittan and Meyers as trustees and to O'Reilly as trustee and to Gloner and Shepley.

Wherefore Plaintiffs ask judgment for partition and division of said real estate according to the respective rights of the parties aforesaid, or if partition cannot be had without material injury to the rights of the parties, then for a sale of said premises and division of the proceeds between the parties according to their respective rights and interests.

Dan T Potter attorney for Plaintiffs
Daniel T Potter atty. for Plaintiffs makes oath and says that he believes the defendants Eliza Perry and George W Perry are non-residents of the State of Illinois and that the matters as stated in the above petition are true as he verily believes,
Sworn to and subscribed before me July 17th 1873. } Dan T Potter
(W B Boyce Clerk) }
By C M Worine Deput

✓ This copy of the original petition
Witness W. S. Boyce Clerk of said court with the
seal thereof hereunto affixed at office,
July 17th 1873

W. S. Boyce Clerk
By C. H. Morine Depy

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 *Samuel Gollard, Missouri*
Gollard, Sarah B. Wilson, Dennis Wilson, Mary J. McAnally,
Jesse B. McAnally, Catharine Gullman, John Gullman, Evaline Hughes,
George Hughes, Daniel D. Cadwallader, Thomas Cadwallader,
Virgil M. Cadwallader & Samuel M. Barrows

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 September next, then and there
to answer unto

Ozra Cadwallader and others

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 af-
fixed, at office, in Hillsboro, this *17th*

day of

July

A. D. 1873

W. S. Boyce

Clerk Circuit Court.

By

W. H. Corine

Deputy.

I Executed the within writ at the County of Jefferson
 State of Missouri by Delivering a true copy to Each
 of them as follow Cothran. Gillman John Gillman the
 11 day of Aug 1873 and on Thomas Goodwallader
 and Sam Goodwallader the 9 day of Aug. 1873
 and Sam Barrows Jesse B McNalley and his
 wife Nancy J. McNalley on the 5 day of
 Aug 1873 Sarah B Wilson. L. Wilson on the
 5 day of Aug. 1873 by Delivering Each of
 them a copy as furnished me by the
 Clerk of the Court. ^{Mo Policing} B. Mo Sheriff
 and Evelyn Hughes Geo Hughes out found in
 my county this the 25 day of Aug 1873 J.B.M.

14

3871

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

September TERM, 1873.

Ezra Goodwallader
 et al

vs
 Samuel Pallard
 et al

(original)

Sheriff for 10.50

The State of Missouri,
COUNTY OF JEFFERSON.

SS.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF *St. Louis* ~~JEFFERSON~~---GREETING:

We command you, that you summon

Samuel T. Glover
John R. Shepley, and John E. Kimball

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 *September* next, then and there to answer unto

Ozra Cadwallader and others

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 af-
fixed, at office in Hillsboro, this *17th*

day of *July* A. D. 18*73*

W. S. Boyce

Clerk Circuit Court.

By

W. S. Boyce

Deputy.

3891 ✓

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

September Term, 1873.

Egna Goodall v. et al.

Saml. T. Glover et al.

(original)

Executed this writ in St. Louis County on the 5th day of July 1873, by delivering a copy of the writ and petition as furnished by the Clerk, to John R. Shepley, and on the same day by leaving a copy of the writ as furnished by the Clerk, at the usual place of a bond of Samuel T. Glover, with a white person of his family over the age of fifteen years, John E. Kimball cannot be found in my County

Philip C. Taylor Sheriff
of St. Louis County Mo.
B. A. Hinlen Deputy

Mr Kimball, is not in the City & will not return for some weeks, he has a room & and takes his meals at an other place.

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 *Samuel Glover*

John R. Shepley and John E. Kimball

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 *September* next, then and there to answer unto

Ezra Cadwallader and others

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

LS

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *17th*

day of *July* A. D. 1873

W. S. Boyce

Clerk Circuit Court.

By

C. H. Horine

Deputy.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

TERM, 187

1227, Charles
John E. Kimball

Copy

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~~ as before you were commanded
that you summon Samuel Pollard, Mifflin Pollard
Evaline Hughes George W Hughes and Virgil
M Cadwallader

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 May next, then and there to
answer unto

Ezra Cadwallader et al

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 19th
day of march A.D. 1874

W. S. Boyce Clerk Circuit Court.

By C. Tho. Horine Deputy.

I executed the within summons at the
 county of Jefferson state of Missouri
 on the within named George M Hughes
 Evaline Hughes by delivering to each of them
 a true copy the original summons on the
 9th day of April 1874 and Missouri Pollard
 Sam Pollard Virgil Cadwallader not
 found in my county

J. B. Mass Sheriff
 By J. A. Williams Dep

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1874.

Geo W Cadwallader et al

vs

Sam B Pollard

Missouri Pollard et al

Evaline Hughes et al

George M Hughes et al

Virgil M Cadwallader

original

Sherriff fees \$2.50

[In the Circuit Court in vacation, March 12, 1874.]

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

Ezra Cadwallader, Caroline Cadwallader, Belinda Cadwallader, Mary E. Cadwallader, Louisa Landen, Rebecca Krepps and Solomon Krepps, her husband, John Evans, Evaline J. McClasky and Edward J. McClasky, her husband, Horatio F. Cadwallader, Mary Bemer and Seth Bemer, her husband, Caroline Armstrong, William Fritter, Catharine M. Pollard and Thomas J. Pollard, her husband, Daniel A. Cadwallader, Franklin F. Cadwallader, Charles L. R. Evans, Elizabeth Wilson, Mary Ann Burgess and Thomas Burgess, her husband, Mary Smiri and John Smiri, her husband, Austin Williams, Charles Cadwallader, Hannah Kidd and George Kidd, her husband, and John R. Shepley, Plaintiffs;
against

Samuel Pollard and Missouri Pollard, his wife, Sarah B. Wilson and Dennis Wilson, her husband, Eliza Perry and George W. Perry, her husband, Mary J. McNally and Jesse B. McNally, her husband, Catharine Gilman and John Gilman, her husband, Evaline Hughes and George W. Hughes, her husband, Samuel T. Glover and John R. Shepley, composing the firm of Glover & Shepley, John E. Kimball, Daniel D. Cadwallader, Thomas A. Cadwallader, and Virgil M. Cadwallader, Samuel M. Barrows, and any other parties interested in said estate and the property hereinbefore described, Defendants.

NOW Daniel T. Potter, attorney for plaintiffs, having filed in the office of the clerk of the circuit court for the county of Jefferson, and State of Missouri, on the seventeenth day of July, A. D. 1873, a petition and affidavit, stating, among other things, that said defendants Eliza Perry and George W. Perry are non-residents of the State of Missouri, it is thereupon ordered by the clerk aforesaid, in vacation, that said defendants be notified by publication, that an action has been commenced against

by petition in the circuit court of said Jefferson county, the object and general nature of which, is to obtain a decree for partition and division of the following described real estate, situate in said county and State, and that the interest therein of said Eliza Perry is three undivided two hundred and fifty seconds (3-252) to-wit:

One tract, piece or parcel of land beginning at the corner of fractional sections 7 and 18, on the eastern line of survey No. 420, township 41, north of range 6 east, of the 5th Principal Meridian, and running thence east along the line between said fractional sections 7 and 18, twenty-nine (29) chains and sixty-two (62) links, to the north-east corner of the west half of the north-east fractional quarter of said fractional section 18; thence south along the line between the east half and west half of the north-east fractional quarter of said fractional section 18, twenty-nine (29) chains to the south-east corner of said west half of the north-east fractional quarter of fractional section 18, on the northern boundary line of survey No. 266; thence south 88½ degrees west, along said line of survey No. 266, twenty (20) chains and seventeen (17) links to a stake at the intersection of said line of survey No. 266, with the western line of the St. Louis and Herculaneum State road; thence north twenty-one degrees and 22½ minutes west, along the western line of said State road ten (10) chains and eighty (80) links to a stake; thence north 23 degrees and 37½ minutes west along the western line of said State road eight (8) chains and forty-three (43) links to a stake; thence north 33 degrees and 37 minutes west, along the western line of said State road, seven (7) chains and fifty-nine (59) links, to a stake on the northern line of that part of survey No. 420, belonging to the estate of Isaac Cadwallader, deceased; thence north 84½ degrees east, along said northern line three (3) chains and forty-three (43) links, to the north-east corner of said part of survey No. 420, on the eastern line thereof; thence north 6½ degrees east, along said eastern line of survey No. 420, six (6) chains and seventy-seven (77) links, to the beginning corner, containing seventy-nine (79) acres and thirty-seven (37) hundredths of an acre. Also one tract, piece or parcel of land beginning at the north-east corner of this tract, which is also the north-west corner of the town of Pevely, on the southern line of the railroad land, and running thence south 7 degrees and 5 minutes east, along the western line of the Pevely tract twenty-one (21) chains and twenty-two (22) links, to the south-west corner of the Pevely tract, on the southern boundary line of survey No. 266; thence south 84 degrees and 7 minutes west, along said boundary line of survey No. 266, thirty-two (32) chains and eighty-four (84) links, to the most southern corner of said survey No. 266; thence north 4 degrees and 37 minutes west, along the western boundary line of said survey No. 266, twelve (12) chains to the most western corner of said survey No. 266, on the southern line of survey No. 420; thence south 84½ degrees west, along the southern line of said survey No. 420, one (1) chain and twenty (20) links to the corner, to fractional sections 18 and 19, on the range line between ranges 5 and 6 east, of the 5th Principal Meridian; thence south 27 minutes west, along the range line, twenty (20) chains and seventy (70) links, to the corner, to sections 18 and 24, township 41, range 5; thence north 89 degrees and 56 minutes west, along the line between said sections 18 and 24, thirty-three (33) chains and forty-eight (48) links, to the corner of fractional sections thirteen and twenty-four, on the eastern boundary line of survey No. 421; thence north 7 degrees and 5 minutes east, along said boundary line of survey No. 421, seven (7) chains and sixty-three (63) links to its intersection with the southern line of the railroad land; thence north-eastwardly along the southern line of the railroad land with the curvature thereof, to the place of beginning, containing one hundred and eighteen (118) acres and forty-seven hundredths of an acre, be the same more or less. Also one tract, piece or parcel of land beginning at the north-western corner of fractional section 13, township 41, north range 6 east, of the 5th Principal Meridian, and running thence north 80½ degrees east, along the line between survey No. 932 and fractional section thirteen, fifteen chains and ten (10) links to its intersection with the northern line of the railroad land; thence south 69½ degrees west, along said northern line of the railroad land, seventeen (17) chains and ninety-seven (97) links, to its intersection with the eastern line of survey No. 421; thence north 7 degrees and 5 minutes east, along said eastern line of survey No. 421, six (6) chains and thirty-nine (39) links to the beginning corner, containing four (4) acres and sixty-three (63) hundredths of an acre. Also one tract, piece or parcel of land being the north fractional half of section 25, in township 41, north range 5 east, of the 5th Principal Meridian, containing one hundred and two (102) and nine hundredths acres, be the same more or less. Also one tract, piece or parcel of land beginning at the intersection of the northern line of the railroad land with the western line of the 40 acre tract in survey No. 932, conveyed by Jabez Warner to Isaac Cadwallader, and thence running north 6½ degrees west, along said western line forty-five (45) chains and ten (10) links, to the north-west corner of said tract; thence north 84 degrees east, along the northern line of said tract eight (8) chains and seventy-five (75) links, to the north-east corner of said tract, on the old line between survey No. 420 and survey No. 932; thence north 6½ degrees west, along said old line, ten (10) chains and sixty-six (66) links to the north-west corner of the 800 arpens in survey No. 420, formerly belonging to Isaac Cadwallader; thence north 84½ degrees east, along the northern line of said 800 arpens, sixty-eight (68) links to the north-west corner of Mrs. Charles' 200 acres; thence south 6½ degrees east, along the western line of Mrs. Charles' 200 acres, forty-three (43) chains and seventy-seven (77) links, to the south-west corner of said 200 acres; thence north 80 degrees east, along the southern line of Mrs. Charles' 200 acres, thirty-four (34) chains and thirty-nine (39) links; thence south 10½ degrees east, in a direction perpendicular to the northern line of the railroad land, two (2) chains and sixty-six (66) links to a stone at the north-west corner of the depot ground; thence continuing south 10½ degrees east, along the western end line of the depot ground, one hundred feet, to the south-west corner of the depot ground, on the northern main boundary line of the railroad land; thence with the northerly direction, to the place of beginning, containing fifty-eight (58) acres and four (4) hundredths of an acre, all of which described real estate is situated in the county of Jefferson and State of Missouri aforesaid.

And unless said defendants be and appear at the next term of our said circuit court, to be holden at the court house in Hillsboro, within the county of Jefferson, on the second Monday of May next, and on or before the sixth day thereof, judgment will be rendered according to the prayer of said petitioners. It is further ordered that a copy hereof be published in the JEFFERSON DEMOCRAT, a newspaper published in said county of Jefferson, for four weeks successively, the last insertion to be at least four weeks before the commencement of the next term of said court.

A true copy from the record. Witness my hand and seal, this 12th day of March, 1874.
W. S. BOYCE, Clerk.
By C. THO. H. [Signature]

STATE OF MISSOURI. County of Jefferson.

Be it Remembered, That on this 16 day of May 1874, before the undersigned Clerk of the Co. 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 20 day of March, 1874, and the last insertion on the 16 day of April, 1874, as follows, to-wit:

In No. 11.	March 20,	1874
In No. 12	23,	1874
In No. 13	April 3,	1874
In No. 14	10,	1874
In No.	4	187

R. W. McMullin

Sworn to and Subscribed before me this

16 day of May, 1874

Printer's Fee, \$5.00

Affidavit,

\$.....

W. R. Small

Received Payment.

Cadwalader
 &
 Pollard

ffidavit of Publication

Ms 19

107 24 31 12 6 4 6 4 107 31 24 4
 108 42 21 147 147 1441 1441 147 123 126 1252 441

12915
 37044

Deposition of witness produced, sworn and examined on the 4th day of May in the year of our Lord 1874 between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of that day at my office in Lewisburg, County of Mifflin, and State of Pennsylvania, before me a Notary Public for the County and State aforesaid being duly sworn, in a certain cause now depending in the District Court of the County of Jefferson in the State of Missouri, between Ezra Cadwallader et al plaintiffs and Samuel Pollard et al defendants on the part of the Plaintiffs. Horatio P. Cadwallader, of lawful age being produced, sworn and examined on the part of the Plaintiffs deposes and saith, I knew Charles Cadwallader, he lived with my father several years before his death, and died at his home in Centre County Pennsylvania, Charles Cadwallader had ten children John, Mary, Isaac, John, Polly, David, Amor, Keere Ezra and Eli - John and Mary were children by his first wife - I never knew John and Mary personally - I knew all the others, all of them are now dead, Isaac Cadwallader went to Jefferson County Missouri, I saw him there in 1839 - He died in the year 1864 - John died in Bedford County Pennsylvania and was never married, He died before 1864, Polly died before 1864 - She was never married, David was my father he died in 1857 or 1858 - He left three children living namely myself Horatio P. Cadwallader, Eveline J. McClaskey, Mary Benner, and Ann Evans, my half sister, who left three children Rebecca Kaefer, John Evans, and Mary E. Evans. Mary died unmarried - I knew little of Ezra, I am informed that he died without issue, Keere died in Jefferson County Missouri before 1864, he was never married. I knew the children of Charles Cadwallader, because I saw and knew all the children of his second wife, in the lifetime of my grandfather Charles Cadwallader, and I also saw their Births and

names registered in my grandfather's Bible on any
time - this Bible was in my father's possession before the
death of my grandfather and after it - It is now lost - I have
made inquiry after it but cannot learn where it is.

H. P. Cadwallader

Certs \$7.50

State of Pennsylvania }
Mifflin County } ss.

I William P. Elliott Notary Public for the
County of Mifflin in the State of Pennsylvania
do certify that in pursuance of the annexed
commission and notice came before me at
Lewisport, in the County and State aforesaid
Horatio P. Cadwallader, who was by me
sworn to testify the whole truth of his

knowledge touching the matter in controversy aforesaid; that
he was examined, and his examination reduced to writing
and subscribed by him, in my presence, on the day between
the hours and at the place, in that behalf first mentioned
and his said deposition is now herewith returned.

In testimony whereof I have hereunto subscribed my
name and affixed my Notarial Seal this 4th day of May
1874

W. P. Elliott Notary Public.

I further certify that the foregoing deposition was taken
by me in pursuance of a commission which I attached to a
deposition taken by me on the 28th day of April 1874
by a mistake and sent to the Clerk of the Circuit Court
of Jefferson Co. Mo. - Witness my hand and official
seal.

W. P. Elliott Notary Public

Wm. H. Bratton

State Prince

35 =

I am in Bratton

Prothonotary of the Court
of Common Pleas for the
County of Sussex and
County of Kent at A. B. Court

before whom the annexed deposition
was taken - was and is duly
examined as a Notary Public
and that his signature to the
foregoing Certificate are in
his own proper handwriting
and that due faith & credit
should be attached to the same
Witness my hand & Seal
this 11. May. 1874.

W. H. Bratton, Pro.

Richard Wallaker
was

20
Dallard
and
Dallard

Richard Wallaker, 18-1874
W. J. Joyce
Dear

County of Jefferson

The State of Missour to William P Elliott
a Notary Public of the County of Mifflin
in the State of Pennsylvania, Greeting:

Know ye, that we, in confidence of your
prudence and fidelity, do by these presents
authorize you to cause to come before you, to
be examined as witnesses in a cause depending
in our circuit Court of Jefferson County, in the
State of Missouri, wherein Ezra Cadwallader
and others are plaintiffs and Samuel Pollard
and others are defendants, all and every such
person, and at such time and place as shall be
named to you for that purpose by the said Ezra
Cadwallader et al, their attorney or agent, And we
command you to examine all and every such
person upon his oath or solemn affirmation,
first made or taken before you, to testify
the whole truth touching his knowledge of
anything relating to the said matter in
controversy between the said parties, and
that you do take his examination and re-
duce the same to writing. When you shall
have taken his examination, you are to cause
the witness to sign the same, and to that
and each examination, at the foot thereof,
you are to append your certificate, setting
forth the facts that the examination was
subscribed and sworn to, or affirmed by the
witness and the day or week or month or year

hours of the day, on which it was done, and also, the place of residence of the witness (if known to you). Should any paper or exhibit be produced or proven, or be referred to by the witness, you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and to attach the same to his examination. The examination thus taken, you will cause to be accompanied by a certificate of your official character, attested by the seal of State; or should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the clerk of any court of record of any county of the State, district or territory, in which you reside, stating, also, in addition to the facts of his being clerk, and that the court is one of record, that at the time when the depositions were taken, you were an acting Notary Public and duly commissioned as such, and you will return the same, and all exhibits produced to you, annexed hereto, carefully closed up and under your seal, directed to the clerk of the circuit court of Hillsboro in and for the County of Jefferson Nebraska, with the names of the parties litigant indorsed thereon with all convenient speed.

Witness W. S. Boyce clerk of our
said court with the seal thereof

hereunto affixed at office in
Hillsboro this ninth day of April 1874
W. Boyce Clerk
By C. Ho. Hovey Depy.

Depositions of Witness, produced sworn and examined on the 28th day of April in the year of our Lord 1874 between the Hours of nine A.M. and four o'clock P.M. of that day at my office in Lewisburg in the County of Mifflin and State of Pennsylvania, before me a Notary Public in and for the County and State aforesaid in a certain cause now depending in the Circuit Court of Jefferson County in the State of Missouri wherein Ezra Cadwallader and others are Plaintiffs and Samuel Pollard and others are defendants on the part of the Plaintiff Horatio P. Cadwallader of lawful age being produced sworn and examined on the part of the Plaintiff deposes and saith, I knew Charles Cadwallader, he died at my father's house in Centre County Pennsylvania from 1832 to 1835 - He had ten children, two by his first wife namely John and Mary and eight by his second Wife namely Isaac John Pelly David Amos Revere Ezra and Eli - These children all died before Isaac's death who died in 1864 in the State of Missouri, they all died unmarried and without children except David Amos Eli and John David had four children, Eveline J. Horatio P. Mary and Ann, Eveline J. has intermarried with E. J. McCluskey Mary was intermarried with Seth Benner, Ann was intermarried with Ezekiel Evans, and died about 1834 leaving three children, namely Rebecca, John and Mary Rebecca was intermarried with Solomon Kaeffer, Mary died about 1870 without issue. I knew Isaac Cadwallader personally, he was an Uncle of mine, I knew him before he left Pennsylvania and visited him at his Home in Jefferson County Missouri in 1839 - I knew all the children of Charles Cadwallader, except John Mary & Pelly, there I never saw, but I have seen their names entered in the Family

Bible of Charles Cadwallader in his family Record
along with his other seven children before named Charles
Cadwallader lived with my father David Cadwallader
for several years and this Bible above referred to was left
in my fathers possession at his death and remained there
some years afterwards I have made inquiry amongst
the members of our family for this Bible frequently, but
have never been able to find it I think it is lost.
My grandfather Charles Cadwallader may have
died as early as 1831.

H. P. Cadwallader

State of Pennsylvania }
Mifflin County } ss

I William P. Elliott Notary
Public in and for the State and
County aforesaid duly commissioned
and qualified do certify that in
pursuance of the annexed Commission
Horatio P. Cadwallader the Deponent
whose place of residence is Lewisburg in the County
aforesaid was by me sworn to testify the whole truth
of his knowledge touching the matter in controversy
in the cause aforesaid, and that he was examined
and his deposition was reduced to writing by me, and
was subscribed and sworn to before me by him on this
28th day of April 1874 between the hours of nine o'clock
in the forenoon and four o'clock in the afternoon at my office
in the Borough of Lewisburg, and county aforesaid.
Attest my hand whereof I have hereunto set my hand and affixed my
Notarial, the day and year last above written.

W. P. Elliott Notary Public.

Given under my

H. P. Buchanan \$6.50

Wm. H. Bratton }
State of Penn^a } Ss

I, Wm. H. Bratton

Notary Public of the County of Berks, do hereby
certify that the P. Elect before whom
the above and foregoing declaration was
taken, was at the time of the taking
thereof and is now a Notary Public
in and for the County aforesaid duly
Commissioned and acting as such, that
his Certificate aforesaid is in his
proper hand writing and that due
faith & Credit are due to his acts
as Notary Public aforesaid

In Witness whereof I have
hereby set my hand and affixed
the Seal of the County aforesaid
this 28. day. 1874

W. H. Bratton, Pro.

Carlwallader
and

vs
Pollard et al

Filed July 13 1874

W. J. Boyce
Clerk

County of Jefferson ss.

The State of Missouri to William Byrd a
Notary Public of the County of Frederick
in the State of Virginia, Greeting:

Know ye, that we, in confidence of your
prudence and fidelity, do by these presents
authorize you to cause to come before you,
to be examined as witnesses in a cause depend-
ing in our circuit court of Jefferson County,
in the State of Missouri, wherein Ezra Cadwallader
and others are plaintiffs and Samuel Pollard
and others are defendants, all and every
such person, and at such time and place
as shall be named to you for that purpose
by the said Ezra Cadwallader et al, their
attorney or agent. And we command you
to examine all and every such person upon
his oath or solemn affirmation, first made
or taken before you, to testify the whole truth
touching his knowledge of anything relating
to the said matter in controversy between
the said parties, and that you do take his
examination and reduce the same to writing.
When you shall have taken his examination,
you are to cause the witness to sign the same,
and to that and each examination, at the foot
thereof, you are to append your certificate, set-
ting forth the facts that the examination was
subscribed and sworn to, or affirmed, by the
witness, and the day as well as between what

what hours of the day, in which it was done, and, also, the place of residence of the witness, (if known to you). Should any paper or exhibit be produced or proven, or be referred to by the witness, you are to describe the same in his examination, or cause it to be so marked by him as to establish its identity, and to attach the same to his examination. The examination thus taken, you will cause to be accompanied by a certificate of your official character, attested by the seal of State; or should it be more convenient, such authentication and proof of your official character may be made by the certificate and seal of the clerk of any court of record of any county of the state, district or territory, in which you reside, stating, also, in addition to the fact of his being clerk, and that the court is one of record, that, at the time when the depositions were taken, you were ^{an} acting Notary Public and duly commissioned as such, and you will return the same, and all exhibits produced to you, annexed hereto, carefully closed up and under your seal, directed to the clerk of the Circuit Court of Hillsboro in and for the county of Jefferson Missouri, with the names of the parties litigant indorsed thereon, with all convenient speed,

Witness M. S. Boyce clerk of our
said court with the seal thereof

herewith affixed at office
in Hillsboro this ninth
day of April 1874

W. J. Boyce Clerk
By C. Ho. Worine Depy.

Deposition of a witness, produced, sworn
and examined at the office of
William Byrd Eby in the town of
Winchester in the County of Frederick
in the State of Virginia before
me the undersigned Notary Public for
the said County of Frederick in the
State of Virginia, to be used as evidence
in a certain cause now pending in
the Circuit Court of Jefferson County
in the State of Missouri wherein
Ezra Cadwallader and others are
plaintiffs and Samuel Pollard and
others are defendants on the part
of the Plaintiffs - F W M Halladay Esq
appearing for Plaintiffs, commenced between the
hours of 10 in the forenoon and 4 in the afternoon of May 4th 1874
Ezra Cadwallader a witness of lawful
age being produced sworn and exam-
-ined this 4th of May 1874 on the
part of the Plaintiffs deposes and
says

1st Question by Plaintiffs Attorney
Who are the heirs of John Cadwallader
and how do you know?

Answer

The heirs of John Cadwallader died were
as follows - to wit

1st Lewis Cadwallader now living near

Winchester Frederick County Virginia, the
widow of Elyah Lumbden died, and
a daughter of the said John Cadwallader
died. Her husband was killed during
the late war in 1863 - 2^d Myself
my name is Ezra Cadwallader, and
I live in Winchester Frederick County Virginia.
I am a son of the said John Cad-
wallader died - 3^d Eliza Cadwallader
a daughter of the said John Cad-
wallader. She died unmarried and
without issue in Winchester Frederick
County Virginia about two (2) years
ago, when she resided at the
time of her death. She left no
will.

4th Belinda Cadwallader, also a daughter
of the said John Cadwallader died,
an unmarried woman who lives
in Winchester Frederick County Vi-
-rginia -

5th Ellen Cadwallader, also a daughter
of the said John Cadwallader died.
She died unmarried intestate and
without issue in Winchester Frederick
County Virginia during the last
year 1873, when she resided at
the time of her death.

6 Caroline Cadwallader also a daughter

of the said John Cadwallader decd,
an unnamed woman who lives
in Winchester 'Beduck' County Vir-
-ginia

7th Mary Cadwallader also a daughter
of the said John Cadwallader decd, an
unnamed woman, who lives in
Winchester 'Beduck' County Virginia

8th John Cadwallader, who married
my father the said John Cadwallader
deceased a year or two, and died
in Winchester Virginia without an
unnamed and white - He was
of course a son of my said father.
My father had three other children
David Isabella and Mendell who died
in infancy many years ago before
the death of my said father. All
the said surviving heirs of my
said father are of age. The above in-
cludes the names of all his heirs
I know their names because of their
relation to me - John Cadwallader my
said father died over fifteen (15) years
ago in Winchester Virginia white
and a widower."

Not being able to complete the taking
of said deposition commenced this May,

4th 1874, by reason of other and
prior professional engagements of the
Attorney for the Plaintiff, I adjourn
the further taking of the same till
to morrow then to be continued at the
same place, and between the same parties
and between the same horns. This adjournment

being made between the hours of 10 in the forenoon and 4 in the afternoon
of May 4th 1874, on which day the foregoing examination was
deposited to William Byrd in 1874
between said hours

Notary Public for
Bedford County Virginia

Pursuant to adjournment as above stated,
on the 5th day of May eighteen hundred
and seventy four between the hours of ten o'clock
in the forenoon and four o'clock in the afternoon
at the office of William Byrd Esq in the town
of Winchester in Bedford County Virginia
I continued the taking of said deposition
as follows - viz Ezra Cadwallader in con-
-tinuation of his deposition begun yesterday
on his oath further says

2^d Question by plaintiffs attorney

Who were the children of Charles Cadwallader -
- did the father of said John Cadwallader
die?

Answer. The said Charles Cadwallader had
two wives by whom he had two sets of
children. By the first wife he had the
following children - 1st John Cadwallader

my said father now dead, and 2^d
Mary Cadwallader generally called
Polly - She died in Pennsylvania very
many years ago unmarried without
issue and I think intestate - They were
the only children of my ^{grand} father by
his 1st wife - By his 2^d wife he had
the following children - viz 1st Isaac
Cadwallader who died in Jefferson
County Missouri - 2^d John Cadwallader
who some years ago according to
my information from members of
our family died in Pennsylvania
a single man, without issue, and
I think intestate - Isaac also died
single and without issue - 3^d David
Cadwallader who died in Pennsylvania
leaving six or seven children, whose
names I can't state except one
Horatio, who a year ago lived in
Pennsylvania but spoke of moving
to Omaha - 4th Amos Cadwallader
of whom I know nothing except that
he was a son of said Charles Cadwallader
died - 5th Eli Cadwallader of whom I
know nothing except that he was a
son of the said Charles Cadwallader
died - 6th Reuben Cadwallader who I
know nothing of except that he was a son of the said Charles Cadwallader

to Missouri and then died unmarried and without issue. The above includes the names of all the children of Charles Cadwallader died. His 2^d wife died long ago.

3 Question by Plaintiff's Attorney
State anything else in regard to the children of John Cadwallader died you may know
Answer

My father John Cadwallader died had another son, whom I omitted to mention~~x~~. His name was Isaac Newton Cadwallader. He died about thirty (30) years ago, and my father survived him a number of years. He died single without issue and without

4 Question by Plaintiff's Attorney
Have you omitted the names of any of the children of Charles Cadwallader died?
Answer

I omitted the name of Ezra Cadwallader, a son of Charles Cadwallader died. The said Ezra died about fifteen or twenty years ago ~~unmarried~~ without issue. He left a widow whose name I have forgotten. He had

Edinburg Shenandoah County but the
last I heard of her and further
deponent saith not

Ezra Cadwallader

I hereby certify that the cost of taking this deposition was
by Notary fees \$12.50 - 244 on fee \$1.00 charged in Court records
Wm Byrd Notary Public

I William Byrd Notary Public within and
for the County of Frederick in the State of Virginia
duly commissioned and qualified do hereby certify
that in pursuance of the annexed Commission
Ezra Cadwallader, the deponent, whose place of
residence is the town of Newtown Stephensburg
in the County of Frederick and State
of Virginia was by me sworn to testify the
whole truth of his knowledge touching the matter
in controversy in the cause aforesaid on the
4th day of May 1874, that he was
examined by me on that day, and the
taking of his deposition not being completed
by me on that day, was adjourned by
me to the next (this) day, on which day
the taking of the same was completed,
and that his entire deposition
commenced and completed as
aforesaid, thus taken by me,
was reduced to writing in
my presence, and was then
subscribed and sworn to by
him on this fifth (5th) day
of May eighteen hundred

and security form (1874) between
the hours of ten O'clock in the forenoon
and four O'clock in the afternoon
at the office of William Byrd Esq
in the town of Winchester of the
State of Virginia.

In testimony whereof I have
hereunto set my hand and affixed
my Notarial Seal the day and year
last above written

William Byrd
Notary Public

It is hereby certified that William Byrd was on the date
on which the foregoing deposition was taken and certified
and now is Notary Public within and for the County of Frederick
in the State of Virginia duly commissioned and acting
as such, and that full faith and credit are due to
his acts as such.

In testimony whereof I James P. Pugh Clerk
of the County Court of Frederick County Vir-
-ginia, the same being a Court of record have
hereunto subscribed my name and affixed the seal of
Office the 6th day of May 1874

James P. Pugh cc



Ezra Caswell & Co
Deposition of
Ezra Caswell
Saml Pollard
et al

Filed July 13 1874
W. S. Boyce
Clk

- 71
- 81
- 91

Ezra Cadwallader et al
vs
Samuel Pollard et al
Plffs
Defts

Default taken against
Sarah B Wilson
Dennis Wilson
Mary J. McNally
Jessie B. McNally
Catharine Gilman
John Gilman
Samuel T. Glover & Samuel T. Glover
Comprising firm of Glover & Shepley.
Daniel D. Cadwallader
Thomas A. Cadwallader
Samuel F. Barrows

Witness Sept 18th 1874

Landullovich
or
Pollard

Order of Default

Filed Sept. 18th 1874
W. S. Boyce
Clerk,

In Jefferson County Circuit Court.

Ezra Cadwallader et al }
Plaintiffs } September Term 1873
Samuel Pollard et al }
Defendants }

And now Come the Defendants Samuel Pollard
and Garrison A Pollard his wife Evelyn
Hughes and George H. Hughes her husband
John Kimball and Virgie M. Cadwalla-
der, and for Answer to Plaintiffs petition
herin admit the allegations in said
petition and consent to partition and
division of said real Estate mentioned in
said petition.

David T. Potter
Atty for said Defs.

14

Ezra Cadwallader & Co

as

Saml Holland & Co

Defendants' Answer

Filed Sept 18th 1874,

W S Boyce

CLK

In Jefferson County }
Circuit Court } September Term
1874

Ezra Cadwallader, Caroline Cadwallader
Befinda Cadwallader Mary E. Cadwallader
Leiza Landin Rebecca Kripps and
Solomon Kripps her husband John Evans
Evelyn J. Clasky and Edward J. Mc
Clasky her husband Cora L. Cadwallader
Mary Benner and Seth Benner her hus-
band Caroline Armstrong William Miller
Catharine M. Pollard and Thomas J. Pollard
her husband David A. Cadwallader Franklin
Cadwallader Charles S. Evans Elizabeth
Helen Mary Ann Burgess and Thomas
✓ Burgess her husband Mary Smith and John
Smith her husband Austin Williams Charles
Cadwallader Couch Kidd and George
✓ Kidd her husband and John R. Shufley
Plaintiff

vs
Samuel Pollard and Missouri Pollard his
wife Sarah B. Wilson and Dennis Wilson her
husband Eliza Perry and George W. Perry her
husband Mary J. McNally and Jane B.
McNally her husband Catharine Gillman
and John Gillman her husband Edward Hughes

and George H. Hughes her husband
✓ Samuel T. Glover and John R. Shipley
comprising the firm of Glover and Shipley
✓ John C. Kimball, Daniel D. Cadwallader
Thomas A. Cadwallader and Virgil M.
* Cadwallader Samuel M. Barrows and
any other parties interested in said estate
and the property hereinbefore described
Defendants.

In Partition

Commissioners Report To the Honorable Circuit Court in

The undersigned Isaac S. Baker, James
Burgess and Thornton Jarvis, who were
appointed by the Circuit Court of Jefferson
County as Commissioners in the above en-
titled cause to make partition and di-
vision of the several tracts of land among
the parties according to their respective
rights and interests as the same were
ascertained and determined by said
court and declared in ~~said~~ the decree
of said court rendered on the eighteenth
day of September 1874, which said tracts
of land are more fully described in
said decree. Respectfully Report that after

Having made Affidavit before Edward
Vollmar Esq. a Justice of the Peace within
and for ^{Joachim} ~~Central~~ Township in the County
of Jefferson and State of Missouri
honestly and impartially to execute the
trust reposed in them as such Commis-
sioners, which Affidavit is indorsed upon
the copy of the decree herewith filed
and to which this report is attached,
and after having given notice to the
Attornies of the Parties interested in
said cause of the time when they the
said Commissioners would proceed
to act and to perform their duties
under said Appointment, they did pro-
ceed to view and examine the lands
by the said Court ordered to be partition-
ed and divided, by going upon each
and every part of said land, and
that Isaac J. Baker an assaid Com-
missioner, who is a professional Surveyor
made a careful survey and measure-
ment of said land described in said
decree of said Court, and that after
having examined and considered the
character and situation of said tracts
of land and the number of the parties
among whom said land was to be di-

2
2
quited and the relative interests and
the quantity of the interests of the several
parties in the same, they find that
on account of the smallness of the in-
dividual interests of each of several
of the parties in said lands partition
of their shares cannot be made without
great prejudice to said parties and
they therefore recommend that the shares
of said parties be set off together and
that also of the same be ordered by
the Court.

✓
Said Commissioners further report
that in accordance with the above
recommendations and of the order
and decree of said Court they did
and assign to John R Shufley the
lot of land represented in the plat
herewith filed and marked "Plat A"
and made part of this report, contain-
ing 79.37 Acres and bounded as

✓
follows to wit Beginning at the cor-
ner of fractional sections 7 and 18 on
the Eastern line of Section 10, Twp. 42 N.
Ship 41 North, Range 6 East of the 5th
Principal Meridian and running
thence East. Along the line between said
fractional sections 7 and 18. Twenty Nine

(29) Chains and fifty-two (52) links to the
North East corner of the West half of the
North East fractional quarter of said
fractional Section 18-- thence South
along the line between the East half and
West half of the North East fractional
quarter of said fractional Section 18:
twenty-nine (29) Chains to the Southeast
corner of said West half of the North East
fractional quarter of fractional Section
18 on the Northern boundary line of Survey
No 266: thence South $83\frac{3}{4}$ degrees West
along said line of Survey No 266: twenty
(20) chains and seventeen (17) links to
a stake at the intersection of said line
of Survey No. 266 with the western line
of the Saint Louis and Mexican State
road: thence North 21 degrees and $23\frac{1}{2}$
minutes West, along the Western line of
said State road ten (10) chains and
eighty (80) links to a stake: thence North
28 degrees and $37\frac{1}{2}$ minutes West, along
the western line of said State road, eight
(8) chains and forty-three (43) links to
a stake: thence North 33 degrees and 37
minutes West along the Western line of
said State road: seven (7) chains and
fifty-nine (59) links to a stake on

the northern line of that part of
Survey No. 420 belonging to the estate
of Isaac Leachmiller deceased: thence
North $84\frac{1}{4}$ degrees East, along said Nor-
thern line: thence (3) Chains and forty-
three (43) links to the North-east corner
of said part of Survey No. 420 on the
eastern line thereof: thence North $6\frac{1}{2}$
degrees East along said eastern line
of Survey No. 420: Six (6) Chains and
seventy seven (77) links to the beginning
corner. And they also do let and assign
to said Sheslay Lot 1 in the Plat here-
with filed and marked "Plat B" con-
taining 14.34 acres and bounded as
follows to wit: Beginning on the line
between Survey No. 924 and fractional
Section 25, at a point 20 chains and
90 links South, $83\frac{33}{60}$ degrees East, from
the corner of fractional Sections 25 and
26 and running thence South and
parallel to the line between said frac-
tional Sections 25 and 26, 12 chains
and 73 links to a point in the middle
of Joachim Creek: thence down the
middle of said creek to the intersection
with the line between said Survey No.
924 and fractional Section 25: thence

North $83\frac{1}{2}$ degrees ^{and 33 minutes} West with said line
14 chains and 89 links to the place
of beginning, which two lots of land
are worth and equivalent to an undi-
vided, 3450 of all the land sought
to be divided, quantity and quality
relatively considered

And they further allot and assign
and set off together in one parcel to
Ezra Cadwallader, Louiza Sunder, Car-
line Cadwallader, Belinda Cadwallader
and Mary E. Cadwallader Lot 1. in the
Plat herewith filed and marked "Plat
C" containing 24.27 acres and bounded
as follows to wit: Beginning on the Range
line at the South East corner of fractional
Sectional 13 Township 41 North, Range 5
East of the 5th Principal Meridian and
running thence North 27 minutes East, along
said Range line 12 Chains and 43 links to
a stake; thence North 89 degrees 56 minutes
West, 19 chains and 63 links to a stake; thence
South 27 minutes West parallel to the
Range line 12 chains and 43 links to a
stake on the line between sections 13 and
24; thence South 89 degrees 56 minutes
East along said line between sections 13
and 24, 19 chains and 53 links to the

2
X beginning corner. Also Lot 2 in the Flat
herewith filed and marked "Flat B" containing
13,90 acres and bounded as follows to wit:
"Beginning on the line between Survey
No. 924 and Fractional Section 25, Town-
ship 41 North, Range 5 East of the ^{5th} Principal
Meridian, at a State for Corner, which State
is 9 Chains and 66 links South, 83 degrees
and 33 minutes East from the corner of frac-
tional sections 25 and 26 and running thence
South 83 degrees and 33 minutes East along
the line between said Survey No 924 and
fractional Sectional 25, 11 Chains and 24
links to a stake; thence South and par-
allel to the line between Fractional Sections
25 and 26, 12 Chains and 73 links to a point
in the middle of Joachims Creek; thence up
the middle of said Creek 11 Chains and 25
links to a point which is the corner of this
tract, thence north and parallel to the line
between fractional sections 25 and 26, 12
Chains and 14 links to the place of beginning
which two lots of land are worth and equiva-
lent to an undivided, 0943 of all the
land sought to be divided, quantity and
quality relatively considered)
And they further allot and assign and

set off together in one parcel to Rebecca Krepps, John Evans, Evelyn McClellan, Antonio P. Cadwallader and Mary Benner Lot 6 in the Flat herewith filed and marked "Flat C" containing 30.95 acres and bounded as follows to wit:

- V Beginning on the Southern Boundary line of Survey No 266 Township 41 North, Range 6 East, of the 5th Principal Meridian at a stake, which is 6 Chains and 45 links North 84 degrees and 7 minutes East from the most Southern corner of said Survey No 266 and running thence North 4 degrees and 37 minutes West and parallel to the western boundary line of said Survey No 266, 19 Chains and 5 links to a stake on the Southern boundary line of the Rail Road land: thence Eastwardly with said Southern line of said Rail Road lands 25 Chains and fifty links to a stone in Pevely Spring branch, which is the North East corner of this tract and the North west corner of the 18 acres sold by Isaac Cadwallader to Charles S. Rankin on which 18 acres the town of Pevely is located: thence South 7 degrees and 5 minutes East along the line between this tract and said 18 acres 21 Chains and 22 links to a stone on the Southern line of said

2

Survey No 266, which shows is the South West corner of said 18 acres and the South East Corner of this tract: thence South 84 degrees and 7 minutes West along the Southern line of said Survey No 266, 26 chains and 38 links to the beginning corner, which lot of land is worth and equivalent to an undivided, 1886 of all the land sought to be divided quantity and quality, ^{relatively,} considered

And they further allot and assign and set off together in one parcel to Charles Cadwallader, Catharine Gilman and Eveline Hughes Lot 2 in the Plat herewith filed and marked Plat D containing 16 acres and bounded as follows to wit:

Beginning at the Southwest corner of Mrs. West's (now Mrs Charles) 200 acres and running thence South 62 degrees East 7 chains and 27 links to a stake on the Northern line of the Rail Road land: thence eastwardly with the Northern line of the Rail Road land 35 chains and 20 links to the Southwest corner of the Rail Road Company's Switch ground, 800 feet in length: thence North 10 chains degrees and 22 minutes West 4 chains and 17 links to a stake on the

Southern boundary line of Mrs. West's
200 Acres, which stake is the north-
easterly corner of this lot; thence South
✓ 80 degrees West along said Southern
boundary line 34 Chains and 39 links
to the beginning corner. Also Lot 5 in
the Plat herewith filed and marked
✓N "Plat C" containing 12.37 acres and bound-
ed as follows To wit: Beginning at the
most Southern corner of Survey No 266
and running thence North 84 degrees
✓ and 7 minutes East along the Southern
boundary line of said Survey No 266
✓ 6 Chains and 45 links to a stake for
the South Easterly corner of this lot;
thence North 4 degrees 37 minutes West
parallel to the westward boundary line
of said Survey No 266, 19 Chains and 5
links to a stake on the Southern bound-
ary line of the Rail Road land; thence
Southwestwardly along the Southern line
of the Rail Road land with the curvature
thereof 7 Chains and 55 links to its inter-
section with the range line, between Range
5 and 6 East; thence South 27 minutes
West along the Range line 3 Chains and
36 links to the corner of fractional section
18 on the Southern boundary line of Sur-

Survey No 420; thence North $84\frac{1}{2}$ degrees
East along the line between fractional
Section 18 and Survey No 420, one Chain
and twenty links to the most western
corner of Survey No 266; thence South
4 degrees and 37 minutes East along
the Western boundary line of said sur-
vey No 266, 12 Chains to the beginning
corner. Also Lot 4 on Plat herewith
filed and marked "Plat O" containing
11,09 acres and bounded as follows
to wit: Beginning at the intersection of
the range line between Ranges 5 and
6 East with the Southern boundary line
of the Rail Road land and running thence
South $60\frac{1}{2}$ degrees west along said Southern
boundary line of the Rail Road land
10 Chains and 50 links to a stake for
the Northwest corner of this lot & thence
South 27 minutes West, parallel with
the Range line 8 Chains and 48 links
to a stake for the Southwest corner of
this lot; thence South 89 degrees and
56 minutes East parallel with the line
between fractional sections 13 and 24
Township 41 North Range 5 East, 9
Chains and 13 links to a stake on said
Range line; thence North 27 minutes East