

September 1873, No. 14

Cadwalader, Ezra, et al

vs.

Pollard, Samuel

Partition

Heirs of Isaac Cadwallader; various tracts of
land; other plaintiffs Caroline, Belinda, Mary E., Horatio
P., David A., Franklin F., Charles Cadwallader, Louisa
Lambert, Rebecca + Solomon Hoops, John Evans, Evaline J.,
Edward J. McClaskey, 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. Shepley; 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. Bartons; survey map

along the Range line 13 chains and 63 links to the place of beginning. which three lots of land are together worth and equivalent to the undivided, 0898 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 Mary Ann Burges, Hannah Kidd and Caroline Armstrong Lot 1 in the Flat herewith filed and marked "Flat II" containing 42,04 acres and bounded as follows to wit: Beginning at the north westerly corner of Mrs. West's (now Mrs. Charles') 200 acres and running thence ^{Western} South $6\frac{1}{2}$ degrees East along the line of said 200 acres 43 chains and 77 links to the Southwesterly corner of said 200 acres; thence continuing South $6\frac{1}{2}$ degrees East 7 chains and 27 links to a stake on the Northern boundary line of the Rail Road land; thence South $60\frac{1}{2}$ degrees West along said Northern line of the Rail Road land 10 chains and 53 links to its intersection with the western boundary line of the 40 acres in Survey No 932. conveyed by Jabez Warner to Isaac Cadwallader; thence North $6\frac{1}{2}$

degrees West with the Western boundary line of said 40 acres 45 Chains and 10 links to the Northwest corner of said 40 acres; thence North 84 degrees East along the Northern boundary line of said 40 acres 8 Chains and 75 links to a stone on the Western boundary line of Survey No 420; thence North 63 degrees West along the Western boundary line of said Survey No 420, 10 Chains and 6 links to a stone, which is the Northwest corner of the land in Survey No 420, belonging to the Estate of Isaac Gudmullader deceased and the Southwest corner of lands now owned by James F. Foster in said Survey No 420; thence North 84 1/4 degrees East between the lands of said Estate and lands of said Foster 68 links to the beginning corner. Also the lot of land represented in the plat herewith filed and marked "Plat II" containing 4.63 acres and described as follows to wit - All that part of fractional Section 13, Township 41, North, Range 3 East of the 3rd principal Meridian lying ^{on the} Northwest side of the Rail Road land. Also Lot 3 in the Plat herewith filed and marked "Plat C" con-

aining 5,79 acres and bounded as follows to wit: Beginning on the southeasterly line of the Rail Road land at the state, which is the northwesterly corner of a tract of 10,09 acres, allotted in this report to Charles Cadwallader and others, and running thence south 27 minutes west along the western line of said tract 8 Chains and 48 links to the state, which is the south west corner of said tract; thence north 89 degrees 36 minutes west parallel to the line between sections 13 and 24, Township 41, Range 5 East of the 5th Principal Meridian 10 Chains and 30 links to a stake for the Southwest corner of this lot and which is also the northwest corner of the tract of 24.27 acres allotted in this report to Ezra Cadwallader and others; thence north 27 minutes East 2 Chains and 33 links to a stake on the southern boundary line of the Rail Road land thence north 60½ degrees East along the southern line of the Rail Road land 12 Chains and 20 links to the beginning corner: Which three lots of land are worth and equivalent to their undivided; 0.898 of all the land sought to be divided now-

city and quality relatively considered

And they further allot and assign
to Elizabeth Nelson Lot 2 on the Plat-
herewith filed and marked "Plat C"

Containing 13.02 acres and bounded
as follows to wit Beginning at the
intersection of the southeasterly line of
the Rail Road land with the line be-
tween fractional section 13 and Sur-
vey No 421 Township 41, Range 3 East
of the 5th Principal Meridian and run-
ning thence South 7 degrees 5 minutes
West along said line between Section
13 and Survey 421, 7 Chains and 63
links to the corner of fractional Sec-
tions 13 and 24 on the Eastern boundary
line of said Survey No 421, thence South
89 degrees 56 minutes East along the line
between fractional sections 13 and 24, 13
Chains and 95 links to a stake, which
is the Southeast corner of this tract
and the Southwest corner of a tract
of 24.27 acres allotted in this report
to Ezra Cadwallader and others; thence
North 27 minutes East along the west-
ern line of said tract of 24.27 acres,
12 Chains and 43 links to a stake
which is the Northwest corner of the

2

said tract of 24.27 acres and the southwest corner of the tract of 3.79 acres allotted in this report [✓] to Mary Ann Burgess and others: thence continuing North 27 degrees East along the western line of said tract of 3.79 acres 2 Chains and 53 links to a stake on the Southern line of the Rail Road land, which is the north-easterly corner of the tract or lot and the northwesterly corner of said tract of 3.79 acres: thence South 60 $\frac{1}{2}$ degrees west along said southerly line of the Rail Road land 14 Chains and 90 links to the beginning corner. This lot of land is worth land equivalent to .0314 of all the land sought to be divided quantity and quality relatively considered.

✓

And the Remainder of said land sought to be divided, which has not been [✓] herein allotted and assigned, consisting of Lot 4 in the plat herewith filed and marked "Plat B" containing 61.87 acres and described as follows ^(as designated on the plats of United States Land) [✓] to wit all that part of lot one, and the North fractional Section half of Fractional Section 25, Township 41, North Range 5

9

East of the 5th Principal Meridian
lying Southwardly and Eastwardly of
the middle of Joachim Creek And also
of Lot 3 in the plat herewith filed
and marked "Plat B" containing 11.78
Acres and bounded as follows to wit:
A part of lot number one (as designated
on the plats of the United States Survey) in
the north fractional half of ^{fractional} Section
25 Township 41 North, Range 5 East of
the 5th Principal Meridian, bounded as
follows: beginning at the corner of frac-
tional Sections 25 and 26 on the Southern
boundary line of Survey No 924 and
running thence South 83 degrees and
33 minutes East 9 chains and 66 links
✓ to a stake for the Northeastly corner of
this lot: thence South and Parallel
to a line between fractional Sections
25 and 26, 12 Chains and 14 links to
a point in the middle of Joachim
Creek, which point is the Southeastly
corner of this lot; thence westwardly up
the middle of Joachim Creek 9 chains
and 80 links to a point in the middle
of said Creek on the line between frac-
tional Sections 25 and 26, which point is
the Southwestly corner of this lot; thence

North along the line between fractional
sections 25 and 26, 13 chains and 3 links
to the beginning corner. Which two lots
are worth and equivalent to, 1611 of
all the lands sought to be divided
quantity and quality relatively considered
they report for the reasons hereinbefore stated
as incapable of division between the
remaining parties to this suit namely
Mary Smith, Austin Williams, Nancy J. Mc,
Anally, Williams & Co. Catharine M. Pollard,
David A. Hadamaster, Frank Hadamaster,
Isaac B. Wilson, Charles L. D. Evans, Samuel
Barnes, Rebecca Pollard, and Eliza Perry,
whose interests in the land sought to be
divided together amounts to, 1611 of all the
land sought to be divided, without great
prejudice to said parties and they recom-
mend and advise that the same be ordered
by the court be sold and that the proceeds
thereof be apportioned among said parties
last mentioned and to whom no land has
been allotted, as by law is provided, and
they further report that the plats hereinbefore
mentioned and herewith filed, are made
part of this Report. All of which is Re-
spectfully Submitted

Isaac S. Baker
Thornton & Harris

James B. Burgh

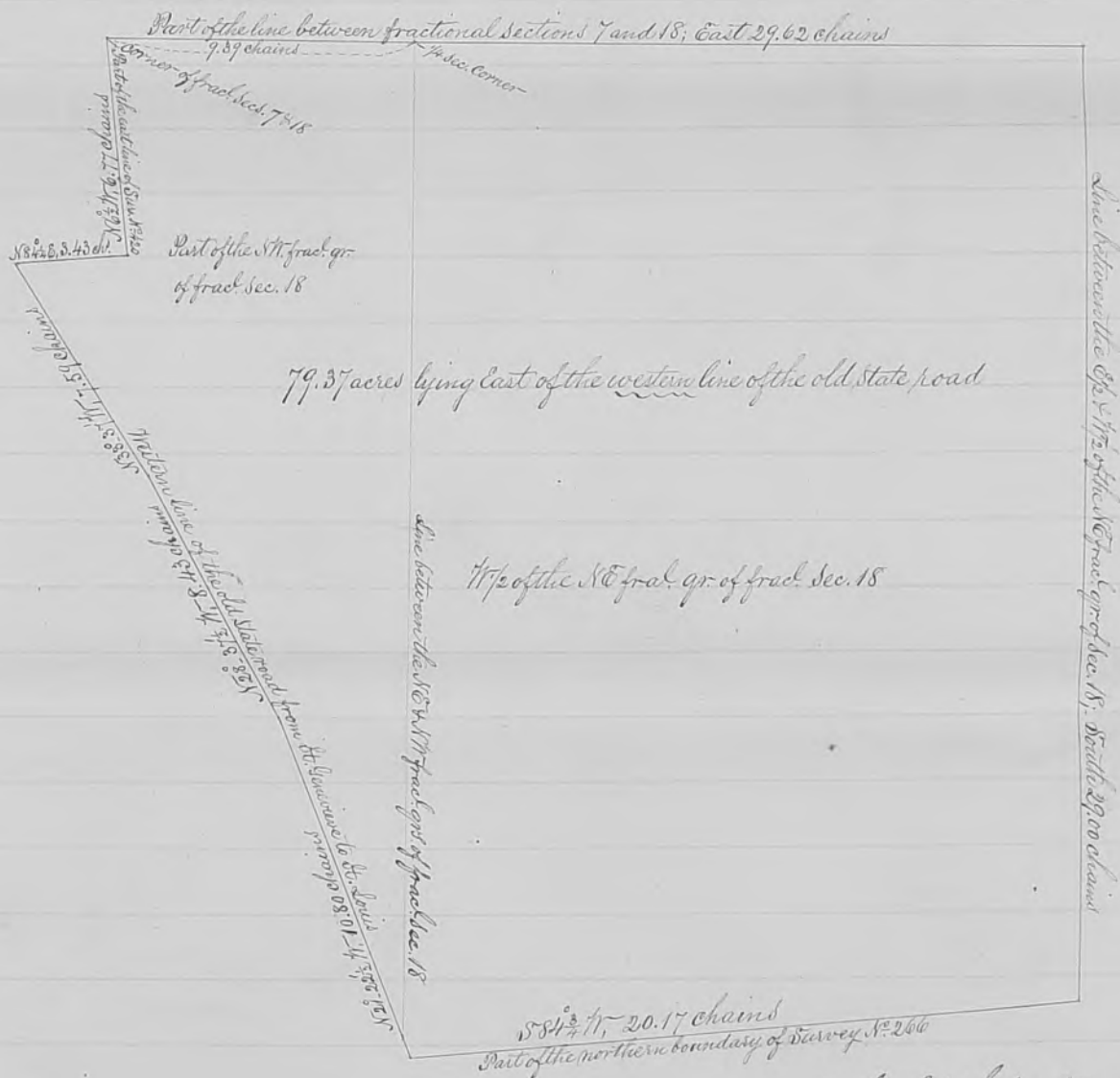
State of Missouri } Be it remembered that on
County of Jefferson this Eighteenth day of January
1875, before me the undersigned
Clerk of the Circuit Court ~~of the County of Jefferson~~, within and for the County
and State aforesaid, duly commissioned
and qualified, came Isaac S. Baker, James
Burgess and Thornton Jarvis, who are person-
ally known to me to be same persons whose
names are subscribed to the foregoing report
as Commissioners in the case of Ezra Caudwell
et al. vs Samuel Pollard et al, and they acknowledged
the same to be their act and deed as therein
described.

In Testimony whereof I have hereto
signed my name and affixed the
seal of said Court do this last aforesaid,

O. M. Horne
Clerk

Plat A

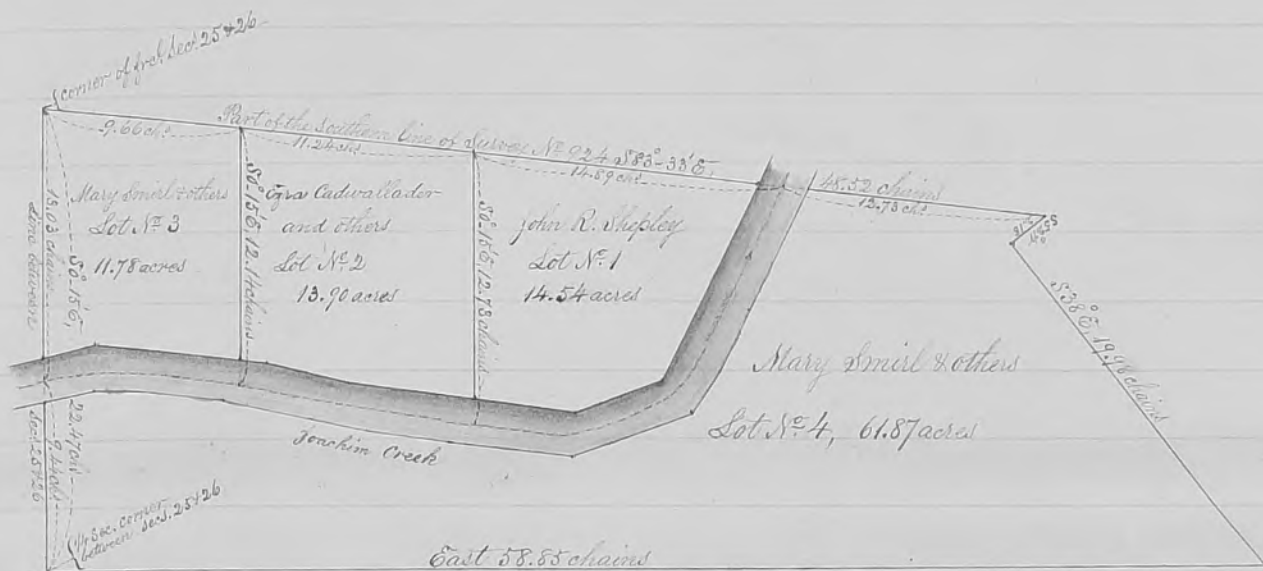
Plat of the West half of the North East frac. quarter, and a part of the North West frac. quarter of frac. Section 18; and a small part of Survey N^o 420 in Township 41 North, Range 6 East of the 5th principal Meridian



Scale of 6 chains to an inch

Plat "B"

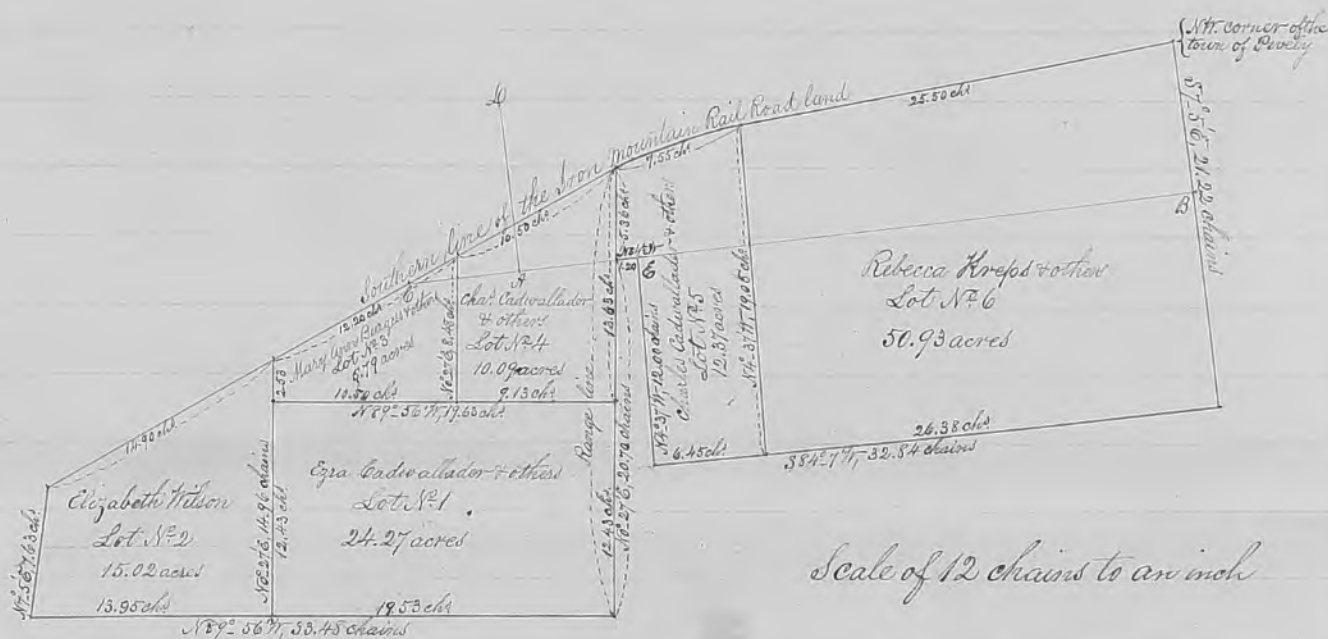
Plat of Lot N^o 1 (as designated on the plats of the United States surveys)
in fractional section 25 Townships 41 North, Range 5 East of the 5th
principal Meridian.



Scale of 10 chains to an inch

Plat C

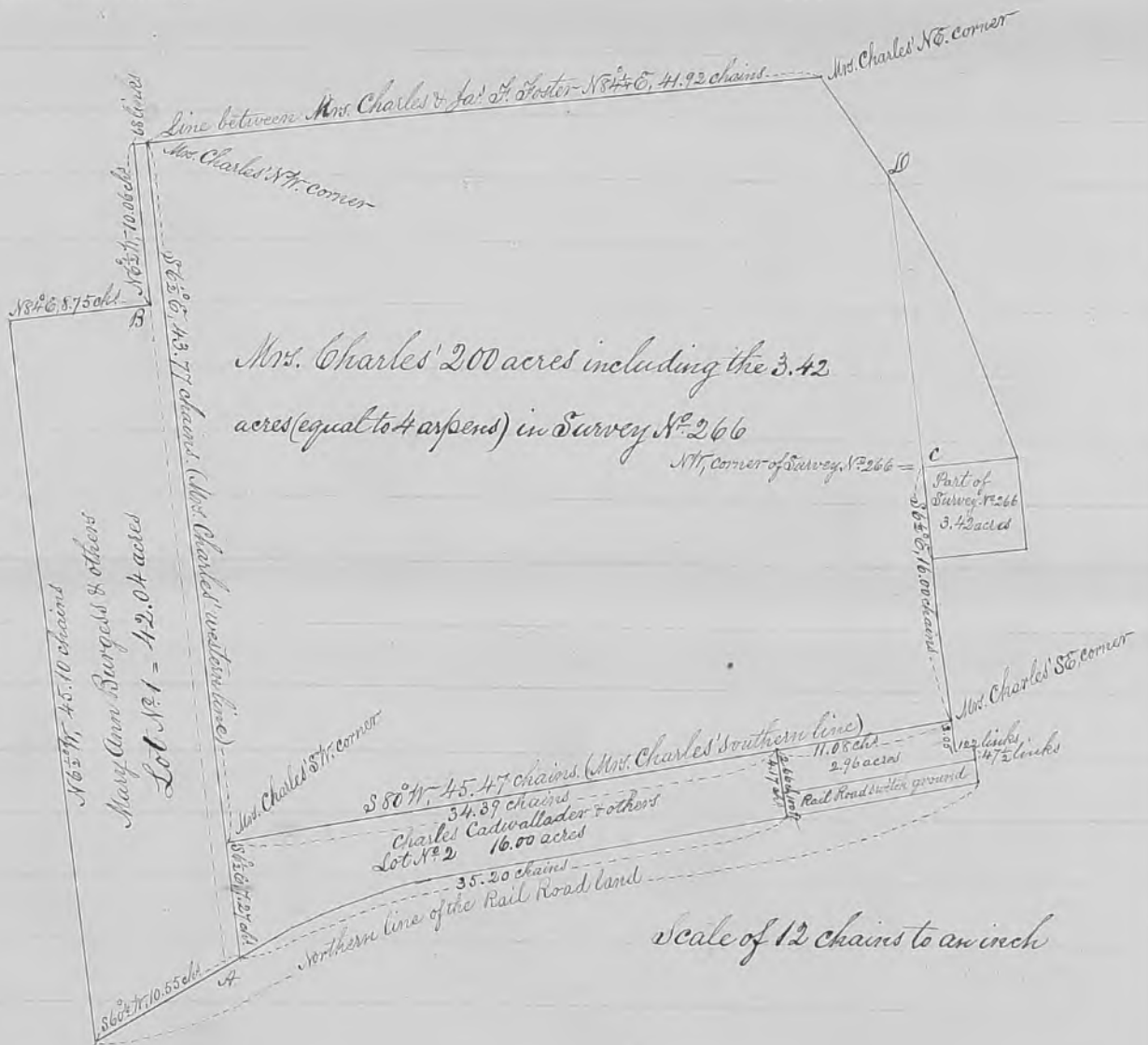
Plat of a part of Survey N^o 266; a part of Survey N^o 420; a part of Survey N^o 932 and a part of fractional Section 13, Township 41 North, Range 5 East of the 5th principal Meridian.



Note. The point A. represents the South-west corner of Survey N^o 420 and the South-east corner of Survey N^o 932 and the red lines AB, AC and AD are put down merely to show the positions of the original lines of those Surveys. - The line EB is part of the line between Survey N^o 266 and Survey N^o 420 - All that part of the red line drawn through the points A & C and west of the Range line (between Ranges 5 & 6 East) is in fractional Section 13 T41 R5

Plat "D"

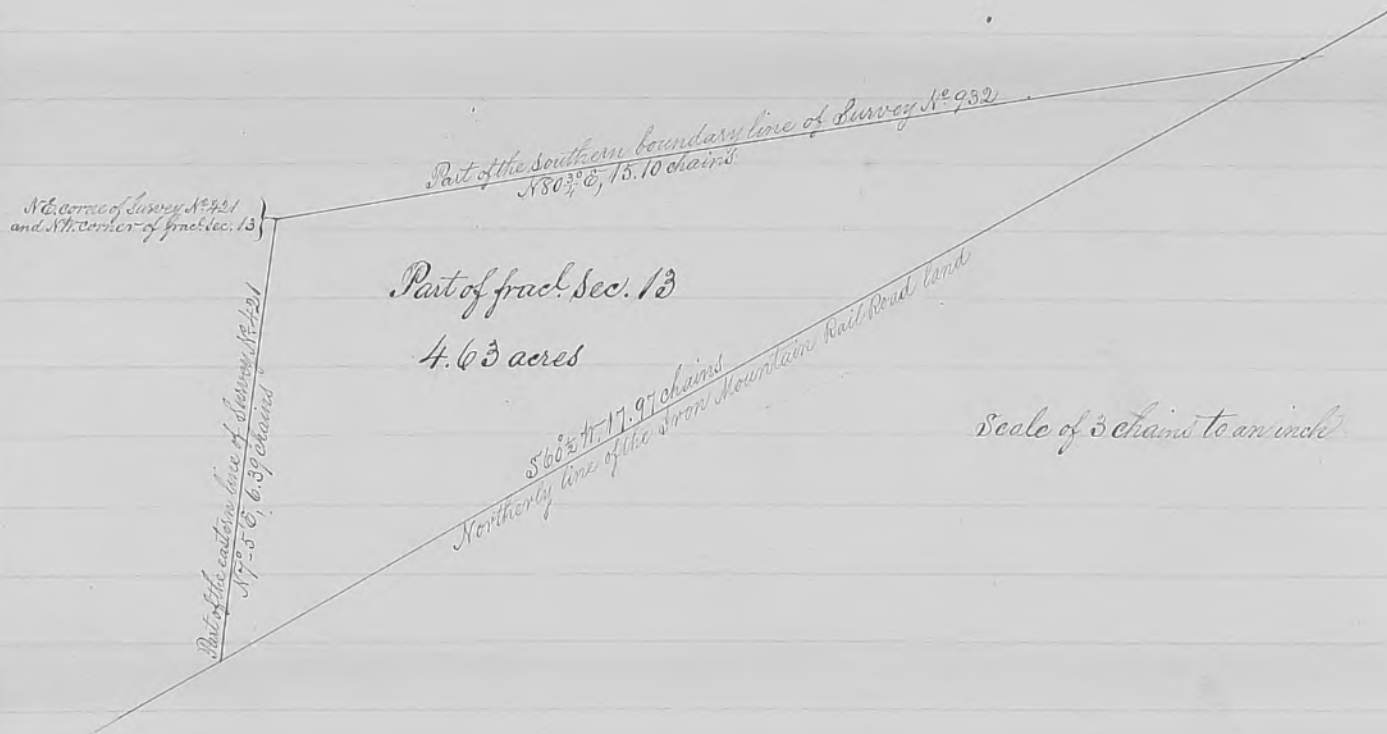
Plat of lands in Survey N^o 932 and Survey N^o 420; lying north of the Rail Road and South and West of Mrs. Charles' 200 acres; (belonging to the estate of Isaac Cadwallader deceased); in Township 41 North, Ranges 5 & 6 East of the 5th principal Meridian



Note - The red dotted line A.B. is put down merely to show the position of the old line between Survey N^o 932 and Survey N^o 420; - and the red line C.D. represents a part of the eastern boundary line of Survey N^o 420

Plat "E"

Plat of that part of fractional Section 13 Township 41 North, Range 5 East of the 5th principal Meridian



In the Jefferson Circuit Court, } September
26th Judicial Circuit of } Term
Missouri, } ad 1874

On the eighteenth day of September
ad 1874, among others, the following proceedings
were had to wit

Emma Cadwallader, ~~Caroline~~ Caroline Cadwallader,
~~Bella~~ ~~Caroline~~ ~~Cadwallader~~, Mary E Cadwallader,
Louise Lamden, Rebecca Krepps and Solomon Krepps
her husband, John Evans, Evaline J Mc Closky
and Edward J Mc Closky her husband,
Horatio P Cadwallader, Mary Benner and Seth
Benner her husband, Caroline Armstrong,
William Fritter, Catharine M Pollard and
Thomas J Pollard her husband, David A Cadwal-
lader, Franklin F Cadwallader, Charles D R
Evans, Elizabeth Wilson, Mary Ann Burgess
and Thomas Burgess her husband, Mary
Smirl and John Smirl her husband, Austen
Williams, Charles Cadwallader, Hannah
Kidd and George Kidd her husband and
John R Shepley Plaintiffs

Against

Samuel Pollard and Missouri A Pollard his
wife, Sarah B Wilson and Dennis Wilson her
husband, Eliza Perry and George W Perry
her husband, Mary J McAnally and Jesse
B McAnally her husband, Catharine Gillman
and John Gillman her husband

Eveline Hughs 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 M Barrows and any other parties interested in said estate and the property hereinbefore described Defendants

Now at this day comes said plaintiffs by their attorney and the said defendants Samuel Pollard, Missouri A Pollard Eveline Hughs George H Hughes John E Kimball, Virgil M Cadwallader having filed their answer admitting the allegations in plaintiffs petition and consenting to partition and division of said real estate mentioned in said petition and the said defendants Sarah B Wilson and Dennis Wilson, Nancy J Manally Jesse B Manally, Catharine Gillman, John Gillman Samuel T Glover and John R Shepley composing the firm of Glover and Shepley, Daniel S Cadwallader, Thomas A Cadwallader, Samuel M Barrows and said Eliza Perry and George H Perry failing to appear and set aside their default herein entered and said cause coming on to be heard, upon the petition, answers and evidence adduced the court doth find that said plaintiffs Ezra Cadwallader, Caroline Cadwallader, Belinda

1
1
1
Cadwallader, Mary E Cadwallader, Louisa Cadwallader, Rebecca Krepps, John Evans, Evaline J McLosky, Horatio P Cadwallader, Mary Berner, Caroline Armstrong, William Fritter, Catharine M Pollard, David A Cadwallader, Franklin F Cadwallader, Charles L R Evans, Elizabeth Wilson, Mary Ann Burgess, Mary Smith, Gustav Williams, Charles Cadwallader, Hannah Kidd and John R Shepley, and the said defendants Sarah B Wilson, Eliza Perry, Nancy J McAnally, Catharine Gillman, Evaline Hughes, Missouri A Pollard and Samuel M Barrows are tenants and owners in common of the following described real estate, situate in the County of Jefferson Missouri 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 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 in 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 St. Louis and Mercurianum 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 No. 420 belonging to the estate of Isaac Leaswallader 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 No. 420 on the eastern line thereof. thence north 6° 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 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 said and running thence South 7 degrees and 5 minutes east along the western line of the Pevely tract twenty one ~~the~~ (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 (20) twenty links to the corner to fractional sections 13 and 18 on the Range line between Ranges 5 and 6 East of the Principal meridian. Thence South 27 minutes west along the range line twenty (20) chains and seventy (70) 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 No 4211. thence north 7 degrees and 5 minutes east along said boundary line of survey No 4211 seven (7) chains and sixty three (63) links to its intersection with the southern line of the railroad land, thence northeasterly 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 T. 41 N 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 two (10) links to its intersection with the northern line of the railroad land thence south $60\frac{3}{4}$ 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 4211 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 by 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 Jacob Warner to Isaac Cadwallader 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 links to the north east corner of said tract in 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 arpents in survey No 420 formerly belonging to Isaac Cadwallader 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 $61\frac{1}{2}$ degrees east along the western line of Mrs Charles 200 acres forty three 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 chains and thirty nine (39) links. thence south $10\frac{1}{4}$ degrees east in a direction perpendicular to the northern line of the railroad 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 east corner of the depot ground on the northern main boundary line of the railroad land. thence with the northerly boundary of the railroad land in a southwesterly direction to the place of beginning containing fifty eight (58) acres and four hundredths of an acre and now the court proceeding to adjust and settle the rights and interests of said plaintiffs and defendants in and to said real estate doth declare the same

follows to wit: Ezra Cadwallader. Luisa
 Lauden. Caroline Cadwallader. Belinda
 Cadwallader and Mary E Cadwallader
 each have an estate of inheritance
 therein as heirs of said Isaac Cadwallader
 and of said Eleiza J Cadwallader and
 Ellen D Cadwallader of two undivided
 one hundred and fiftieths ($\frac{2}{100}$) interest in
 the fee thereof, that the plaintiffs Rebecca
 Krepps and John Evans each have an
 estate of inheritance therein as heirs of
 said Isaac Cadwallader and heirs of
 Mary E Evans of one undivided forty
 second ($\frac{1}{42}$) interest in the fee thereof
 that Evaline J McClosky. Horatio P
 Cadwallader and Mary Benner 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
 Evaline Hughes each have an estate of
 inheritance therein of four undivided
 one hundred and forty sevenths ($\frac{4}{147}$) interest
 in the fee thereof, that William Fritter
 has an estate therein of six undivided
 one hundred and forty sevenths ($\frac{6}{147}$)
 interest in the fee thereof, that the
 defendant Missouri Pollard, has an
 inheritance interest as wife of

Samuel Pollard in the four undivided
four hundred and forty firsts ($\frac{4}{441}$) interest
in the fee thereof, that the defendant Sarah
B Wilson has an estate of inheritance therein
of four undivided four hundred and forty
firsts ($\frac{4}{441}$) interest in the fee thereof, that
Charles L K Evans has an estate of
inheritance therein of six undivided four
hundred and forty firsts ($\frac{6}{441}$) interest in
the fee thereof; that David A 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 Elizabeth
Wilson, Mary Ann Burgess, Charles Lead-
wallader and Hannah Kidd and Catharine
Gillman have each an estate of
inheritance therein of two undivided
sixty thirds ($\frac{2}{63}$) interest in the fee thereof
that Mary Smirl, Austen Williams and
Sancy J McManally have each an estate
of inheritance therein of one undivided
one hundred and twenty sixth ($\frac{1}{126}$)
interest in the fee thereof, that Eliza Perry
has an estate of inheritance therein of
three undivided two hundred and fifty
seconds ($\frac{3}{252}$) interest in the fee thereof;
that Samuel M Barron has an estate therein
of four undivided four hundred and

forty firsts ($\frac{4}{44}$) interest in the fee thereof
subject to the inchoate right of dower interest
of the said Missouri Pollard and that
John R. Shepley has an estate therein of
twelve thousand nine hundred and
fifteen undivided thirty seven thousand
forty fourths ($\frac{12915}{37044}$) interest in the fee
thereof. it is therefore considered, adjudged
and decreed by the Court that partition
and division of said real estate be
made among the parties aforesaid accor-
ding to their respective rights and interests
as herein declared by the Court and the
Court doth appoint Isaac S. Baker, Thornton
Jarvis and James Burgess Commissioners
to make partition and division as
adjudged by the Court as aforesaid and
that said commissioners make report
of their proceedings herein at the next term
of this Court which report shall be in
manner and form as prescribed by
the statutes in such cases made
and provided and this cause is
continued.

"A true copy of the order from
the Record, Witness my hand and the seal
of said Court here to affixed at office this 7th
day of October A.D. 1874

Seal

W. S. Boyce Clerk

Ezra Cadwallader et al } In the Circuit
 Plaintiff } Court of Jefferson
 vs } County Missouri
 Sam Pollard et al }
 Defendants }

Isaac S Baker, Thornton Jarvis
 and James Burgess, Commissioners
 heretofore appointed in this case by the
 Circuit Court aforesaid to make partition
 and division of the real estate described
 in the order and decree of partition
 in the above entitled cause, on oath
 say that we will honestly and im-
 partially execute the trust reposed in
 us as such commissioners.

Sworn & subscribed to

before me this 30th day

of December 1874

W. H. Allen

Justice of the Peace

Isaac S. Baker

James Burgess

Thornton Jarvis
 Clerk

Commas

Rept re

Filed Jan 18th 1875
C. H. O. Morine
Clerk

Ezra Cadwallader et al.
 Plffs
 vs
 Samuel Pollard et al.
 Defts

Jefferson County
 Circuit Court

In Partition

And now Come the Plaintiffs in the above
 entitled Cause and move the Court that
 the Report of the Commissioners herein
 be confirmed; that the Sheriff be ordered
 to sell ^{at the next term of the Court} the land therein reported as
 not susceptible of division, consisting of
 Lots 3 and 4 in Plat B referred to in
 said Report; and that the proceeds thereof be
 divided among the parties to whom no
 land has been allotted in said report;
 that in selling said land the Sheriff be
 ordered to sell said Lots 3 and 4
 Separately; and on the following terms viz:
 One Third of the purchase money in cash
 and the remainder in notes of the purchas-
 ers payable ^{in equal portions} in one two and three years
 at 6 percent interest, said notes to
 be secured by deeds of trust on the
 property sold and by two good and
 solvent indorsers

Daniel T. Potter
 Atty for Plaintiffs

Cadwalader et al

vs

Dolland et al

for Partition

Motion to Confirm

~~Judgment~~ Decree is -

Deineis Report &c

for

Filed January 18th 1885

C. H. O. Adams

Clerk

Baduallader et al } In Jefferson County -
as } Circuit Courts
Pollard et al } In Partition -

Commissioners Fee Bill.

To Services Rendered as Commissioners in the
Above cause -

Isaac S. Baker = 5 days at \$2.50 per day \$12.50

Thornton Jarvis = 5 days at \$2.50 per day. \$12.50

James Burgess. 9 days at \$2.50 \$22.50

We hereby certify that we have served the
time stated in the above fee bill.

Isaac S. Baker }
James Burgess } Commissioners
Thornton ^{his} Jarvis }
mark }

Quadrall & Co
as

Holland & Co

Law Partitions

Commissions & Co

Filed January 18th 1856
Chas. H. Haines
Clerk

Badualladen et al } In Jefferson County
as } Circuit Court
Pollard et al }
In Partition

To Isaac S. Baker. for Services rendered
the Commissioners in assisting as Surveyor
in making Partition in the Above Entitled
Cause.

18½ days at \$5⁰⁰ pr day \$92.50

We hereby certify that Isaac S. Baker
rendered services as above in the Partition
in the Above Cause —

Thomson^{his} James
mark
James Burges

Quadrallades et al
vs
Pollard et al

In Partition

Survivors Bill

Filed Jan'y 18th 1870
Chas. Morris
Clerk

Ezra Cadwallader et al
as Plffs
Samuel Pollard et al
Defds } In Jefferson County
Circuit Court
In Partition

Affirmance of Comm^s Report
and Order of Sale -

Now at this day comes Isaac S. Baker,
James Burgess and Thornton Jarvis, who
were appointed by this Court as Commission-
ers in the above entitled Cause to make par-
tition and division of the tracts of land
described in the decree of said Court
rendered on the 18th day of September 1874
✓ Among the parties in said Cause according
✓ to their rights and interests as the same were
✓ ~~declared~~ described in said decree, and make and
file their report as such Commissioners in
writing, duly acknowledged, and no cause
being shown why said report should be set
aside, it is therefore considered and ad-
judged that said report be confirmed and
that final judgment be entered; and the
Court in conformity with said report
orders the sheriff to sell, at the next term
of this Court, the land therein reported as
not susceptible of division consisting of

Lots 3 and 4 in "Plat B" filed with
and, referred to, in said Report and together
containing 73.65 acres and described as
follows to wit Lot 1, "All that part of lot
✓ one, as described on the plats of the United
States Survey, in the north fractional half of
fractional section 25, Township 41, Range
5 East of the 5th Principal Meridian, lying
✓ southwardly and eastwardly of the middle of
Joachim Crute" Lot 2 "A part of lot number
one as designated on the Plats of the United
States Survey in the north fractional half of
fractional section 25, Township 41 North
✓ Range 5 East of the 5th Principal Meridian,
bounded as follows: beginning at the corner of
fractional sections 25 and 26 on the southern
boundary line of Survey No 924 and run-
ning South 83 degrees and 33 minutes East
of Chains and 66 links to a stake for the
✓ Northeastly Corner of this lot: thence South
and Parallel to a line between fractional
✓ sections 25 and 26, 12 Chains and 14 links
✓ to a point in the middle of Joachim Crute,
which point is the Southeastly Corner of this
lot: thence westwardly up the middle of
Joachim Crute 9 Chains and Eighty links
to a point in the middle of said Crute on

the line between fractional sections 25
and 26, which point is the Southwesterly
corner of this lot; thence North along the
line between fractional sections 25 and
26, 13 Chains and 3 links to the beginning
✓ corner; and the Sheriff is further ordered
✓ after the payment of costs in this case to
divide, ~~and pay over to the parties to whom~~
divide among, and pay over the proceeds
✓ of the sale to, the parties to whom no land
✓ was allotted in said report in proportion
to the respective rights and interests of
said parties, which parties with their
respective rights and interests in said
proceeds are as follows to-wit.

Mary Smith whose interest in said proceeds is $\frac{487}{10,000}$ of
the same.

Austin Williams, whose interest in said proceeds is $\frac{487}{10,000}$ of the same

Mary J. McNally, whose interest in said proceeds is $\frac{487}{10,000}$ of the same -

William Fitter, whose interest in said proceeds is $\frac{2578}{10,000}$ of the same -

Catharine M. Pollard, whose interest in said proceeds is $\frac{1678}{10,000}$ of the same -

David W. Cadwallader, whose interest in said proceeds is $\frac{839}{10,000}$ of the same -

Franklin F. Cadwallader, whose interest in said proceeds is $\frac{839}{10,000}$ of the same -

Sarah B. Wilson, whose interest in said proceeds is $\frac{546}{10,000}$ of the same -

Charles S. R. Evans, whose interest in said proceeds is $\frac{839}{10,000}$ of the same -

Samuel Barrows, whose interest in said proceeds is $\frac{545}{10,000}$ of the same -

And Eliza Perry, whose interest in said proceeds is $\frac{755}{10,000}$ of the same -

And the Sheriff is further ordered to sell said

✓ Lots 3 and 4 separately and on the following
terms viz. One Third of the purchase money in
cash and the remainder in Promissory Notes
of the Purchasers, Payable in Equal Portions,
in one, two and three years from the date
of the Sale at Six ^{per annum} percent interest. Said
notes to be secured by deeds of trust on the
Property sold and by two good and solvent
indorsers

David T. Potter
Attorney at Law

Radwall & Co. et al

vs
Pollard et al
In Partition

Office of Commrs' Rep's
and Order of Sale

Filed January 19 1875
Attest: H. H. Merine
Clerk

Ezra Cadwallader et al } In the Jefferson
Samuel Pollard et al } Circuit Court.

May Term 1875.

Now comes the attorney for Plaintiffs and asks that the court enter of record the following and distribution of cash in said cause, viz.

That Rebecca Krepps, John Evans, Erelene McClasky, Horatio P Cadwallader and Mary Berner are liable for

one hundred and fifty three & ⁴³/₁₀₀ dollars, That Ezra Cadwallader, Lavinia Samden Caroline Cadwallader Betinda Cadwallader & Mary E Cadwallader are liable for Seventy six & ⁷²/₁₀₀ dollars.

That John R Shepley is liable for Two hundred eighty & ⁶⁷/₁₀₀ dollars. That Chas Cadwallader, Catharine Gillman and Erelene Hughes are liable for Seventy three & ⁰⁶/₁₀₀ dollars.

That Mary A Burgess Hannah Kidd and Caroline Armstrong are liable for Seventy three & ⁰⁶/₁₀₀ dollars.

That Elizabeth Wilson is liable for Twenty five & ²⁰/₁₀₀ dollars, Mary Smith and others whose portion was sold are liable for one hundred and thirty one & ⁰⁶/₁₀₀ dollars.

Paul T. Potter. Attorney

3871

Ezra Cadwallader
no Etas

Saml Pollard
Etas

Order to be

Entered of
record

Filed May 1878

Chas. H. Stone
Clerk

Goodwillader et al
vs
Pollard et al } In Jefferson County
Circuit Court

In Partition

To Daniel T. Potter

For Professional Services as Attorney
in the above cases

\$500.00

Allowed

Jno B Robinson Judge

Laduralladen
rs

Dolland at ab

Althaus & Bin

Filed May 18 1895
Tho. Haines
clerk

In the Circuit Court of Jefferson County
State of Mississ.

January Term A.D. 1875.
Friday January 22nd 1875.

Among other proceedings
herein had the following appears of record viz,

Ezra Cadwallader et al Defts.	} Affirmance of Commis- sioners Report and Order of Sale,
^{vs} Samuel Pollard et al Defts.	

Now at this day comes Isaac S. Baker,
James Burges and Thornton Jarvis, who were ap-
pointed by this court as Commissioners in the above
entitled cause to make partition and division
of the tracts of land described in the decree of
said court rendered on this 18th day of September
1874 among the parties in said cause according
to their rights and interests as the same were de-
clared in said decree, and make and file their
report as such Commissioners in writing, duly
acknowledged, and no cause being shown
why said report should be set aside, it is
therefore considered and adjudged that said
report be confirmed and that final judg-
ment be entered: And the court in conformity
with said report orders the Sheriff to sell,
at the next term of this court the land therein
reported as not susceptible of division

consisting of Lots 3 and 4 in "Plat B" filed with and referred to, in said report and together containing 73.65 acres and described as follows to-wit: Lot 1. "all that part of lot one, as described on the plats of the United States Surveys in the North fractional half of fractional Section 25, Township 41. Range 5 East of the 5th Principal meridian, lying Southwardly and Eastwardly of the middle of Joachim Creek" Lot 2 "a part of lot number one as designated on the plats of the United States Surveys in the North fractional half of fractional Section 25, Township 41. North Range 5 East of the 5th Principal meridian, bounded as follows: beginning at the corner of fractional sections 25 and 26 on the Southern boundary line of Survey No. 924, and running South 83 degrees and 33 minutes East 9 chains and 66 links to a stake for the north easterly corner of this lot: Thence South and parallel to a line between fractional Sections 25 and 26, 12 chains and 14 links to a point in the middle of Joachim Creek, which point is the southeasterly corner of this lot: Thence westwardly up the middle of Joachim Creek 9 chains and eighty links to a point in the middle of said Creek on the line between fractional Sections 25 and 26, which point

is the Southwesterly corner of this lot: thence north along the line between fractional sections 25 and 26, 13 chains and 3 links to the beginning corner. And the Sheriff is further ordered after the payment of costs in this case to divide among, and pay over the proceeds of the sale to the parties to whom no land was allotted in said report in proportion to the respective rights and interests of said parties, which parties with their respective rights and interests in said proceeds are as follows to wit:

Mary Smirl whose interest in said proceeds is $\frac{487}{10,000}$ of the same,

Austin Williams whose interest in said proceeds is $\frac{487}{10,000}$ of the same,

Mary J. ~~Mc~~Donally whose interest in said proceeds is $\frac{487}{10,000}$ of the same

William Fritter whose interest in said proceeds is $\frac{2518}{10,000}$ of the same

Catharine McAllard whose interest in said proceeds is $\frac{1678}{10,000}$ of the same

David A. Badwallader whose interest in said proceeds is $\frac{839}{10,000}$ of the same

Maudie A. Badwallader whose interest in said proceeds is $\frac{839}{10,000}$ of the same

Sarah B. Nelson whose interest in said proceeds is $\frac{546}{10,000}$ of the same

Charles L. Evans whose interest in said proceeds is $\frac{839}{10,000}$ of the same

Samuel Barrows whose interest in said proceeds is $\frac{545}{10,000}$ of the same

and Eliza Perry, whose interest in said proceeds is $\frac{735}{10,000}$ of the same,

And the Sheriff is further ordered to sell said Lots 3 and 4 separately and on the following terms viz: One third of the purchase money in cash and the remainder in promissory notes of the purchasers, payable in equal portions, in one, two, and three years from the date of the

sale at six per cent interest per annum;
said notes to be secured by deeds of trust
in the property sold by two ~~gravel~~ good
and solvent indorsees.

A true copy from the record.

In Testimony whereof I, L. Tho. Merine
Clerk of our said circuit court
have hereunto set my hand and
the seal of said court at office
in Hillsboro. February, 9th 1875.

L. Tho. Merine
Clerk

Ezra Cadwallader
Etal

vs

Samuel Pollard etal

order of Sale

Filed Sept 18th 1875
L. Tho. Merine
Clerk

Printed 14.00

Sheriff's Sale in Partition.

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

Ezra Cadwallader *et al* Plaintiffs,

vs.

Samuel Pollard *et al* Defendants.

BY virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its January term, A. D., 1875, I will on the 15th day of May next, 1875, at the Court House door, in the town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit:

The lots 3 and 4 in "Plat B" filed with and referred to in the report of commissioners in partition in said cause, together containing 73 33 100 acres, and described as follows, to-wit: "Lot 1," all that part of 60 acres as described on the plats of United States Surveys, in the north fractional half of fractional section 24, township 41 range 5 east of the 5th principal meridian, lying southwardly and eastwardly of the middle of Joachim Creek, "Lot 2" a part of lot number one as designated on the plats of the United States Surveys in the north fractional half of fractional section 25, township 41 north of range 5 east of 5th principal meridian, bounded as follows: Beginning at the of corner fractional sections 25 and 26, on the southern boundary line of Survey No. 924, and running south 73 degrees and 33 minutes east, 9 chains and 56 links to a stake for the north-easterly corner of this lot, thence south and parallel to a line between fractional sections 25 and 26, 12 chains and 14 links to a point in the middle of Joachim Creek, which point is the southeasterly corner of this lot, thence westwardly up the middle of Joachim Creek, 8 chains and 25 links to a point in the middle of said creek, on the line between sections 25 and 26, which point is the south-westerly corner of this lot, thence north along the line between fractional sections 25 and 26, 14 chains and 3 links to 172° bearing corner.

Said lots will be sold separately or union at the Court.

For the purpose of making partition between said parties, for which the purchaser will be required to pay one-third (1/3) of the purchase money in hand at the time of sale, the balance in promissory notes of the purchasers, payable in equal portions in one, two and three years from the date of the sale; the purchaser giving his bonds with approved security, bearing interest at the rate of six per cent. per annum from date, this 20th day of March, 1875.

Ezra Badwallader
and others
against
Samuel Pollard
and others

In the Jefferson County Circuit Court.

May Term 1875

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

The undersigned Sheriff of Jefferson County would respectfully report that, in obedience to the annexed order of sale, issued from the office of the Clerk of said Court, that, having previously given not less than twenty days notice of the time, terms and place of sale, and what Real Estate was to be sold, and where situate, as the law directs, by advertisement in the *Jefferson Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on Wednesday, the Twelfth day of May, A. D. 1875, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of said day, and during the session of the Circuit Court of said County, at the May term thereof, for the year Eighteen Hundred and Seventy-five,

expose to sale at public auction, the following described Real Estate, situate in said County,

to-wit: Lots 3rd & 4th in "Plat B." filed with and referred to, in said report and together containing 13.65 acres and described as follows to-wit: Lot 1 "all that part of lot one, as described on the plats of United States surveys in the North fractional half of fractional section 25 Township 41 Range 5 east of the fifth principal meridian, lying southwardly and eastwardly of the middle of Joachim Creek "Lot 2" a part of lot number one as designated on the plats of the United States surveys in the North fractional half of fractional section 25 Township 41 North Range 5 east of the 5th Principal meridian, bounded as follows; beginning at the corner of fractional sections 25th & 26th on the Southern boundary line of survey to 92¹/₂ and running South 83 degrees and 33 minutes east 9 chains and 66 links to a stake for the north easterly corner of this lot; thence South and parallel to a line between fractional sections 25th & 26th, 12 chains and 14 links to a point in the middle of Joachim Creek, which point is the southeasterly corner of this lot thence westwardly up the middle of Joachim Creek 9 chains and eighty links to a point in the middle of said creek on the line between fractional sections 25th & 26th, which point is the south westerly corner of this lot; thence north along the line between fractional sections 25th & 26th, 13 chains and 3 links to the beginning corner.

and M. W. Greene and Wm. Dwyer were then and there the highest and last bidder for Lot 3 above described containing 11¹/₂ acres at the price and sum of five dollars per acre making in the aggregate fifty eight dollars and ninety cents. — and the same was stricken off and sold them for that sum.

— And M. W. Greene and Wm. Dwyer were then and there the highest and last bidder for Lot 4 above described, containing 61¹/₂ acres at the price and sum of Twelve dollars and twenty five cents per acre making in the aggregate the sum of Seven hundred and fifty seven dollars and sixty six cents. — and the same was stricken off and sold to them for that sum — making a total for both lots of Eight hundred and sixteen dollars and fifty six cents — of which sum they have to me in hand paid one third and have given their bond payable for the balance payable in

one, two ^{or} three years, bearing six per cent interest
as required by the terms of sale,

And this report is respectfully submitted
May 12th 1875

J. B. Mof Sheriff

Ezra Cadwallader Caroline Cadwallader [et al]
Plaintiffs as in Petition] Plaintiffs

vs

Samuel Pollard and Missions W. Pollard his wife.
[et al] Defendants.

Now at this day come said plaintiffs by their
Attorney and the said defendants Samuel Pollard
and Missions W. Pollard, Evelyn Hughes and
George W. Hughes, John E. Kimball and Virgil M.
Cadwallader having filed their answer ad-
mitting the allegations in plaintiffs petition
and consenting to partition and division of
said real estate mentioned in said petition
and the said defendants Sarah B. Wilson
and Dennis Wilson, Nancy J. Mc Aulley and
Jesse B. Mc Aulley, Catharine Gellman and
John Gellman, Samuel T. Glover and John R. Shep-
ley composing the firm of Glover and Shepley,
Daniel D. Cadwallader, Thomas W. Cadwallader
Samuel F. Barrows and said Eliza Derry and
George W. Derry failing to appear and
set aside their default herein entered.

And the Court proceeding to hear said cause
upon the petition answers and evidence
adduced doth find that said plaintiffs
Ezra Cadwallader ~~and all the other plaintiffs named~~

~~tenants in the petition~~ and the defendants,
~~Sarah B. Wilson and Dennis Wilson her husband~~
~~Elijah Perry and George H. Perry her husbands~~
Caroline Cadwallader, Belinda Cadwallader
Mary E. Cadwallader, Louisa Sanders, Re-
becca Knapps, John Evans, Eveline J. Mc
Cluskey, Horatio P. Cadwallader, Mary Benner
Caroline Armstrong, William Fitter, Catharine
Mc Pollard David W. Cadwallader, Franklin
P. Cadwallader, Charles L. R. Evans, Elizabeth
Thison, Mary Ann Burgess, Mary Smith
v Austin Williams, Charles Cadwallader
Hannah Kidd and John R. Shepley and
the said defendants Sarah B. Wilson, Elijah
Perry, Nancy J. Mac Anally, Catharine Gil-
man and Eveline Hughes ^{Margaret A. Pollard} and Samuel M.
Barrows are tenants and owners in com-
mon of the following described real Estate
situate in the County of Jefferson Missouri
to wit: [Here insert description of land in Petition
from "a" to "b" inclusive]

And now the Court proceeding to adjust
and settle the rights and interests of said
parties in and to said real Estate doth de-
clare the same as follows to wit: ~~Here insert~~
that the plaintiffs ¹ [Here insert from "a" to "b"]

It is ~~therefore~~ ¹¹¹¹ thereupon considered adjudged

and decree by the Court that the partition
and division of the real Estate aforesaid
be made between said Parties according
to their respective rights and interests herein
set out. And the Court doth appoint
Isaac S. Baker, Thornton Jarvis, and James
Burgess Commissioners to make Partition
and division as adjudged by the Court as
aforesaid and that said Commissioners
make report of their Proceedings herein
at the next term of this Court which report
shall be in manner and form as pre-
scribed by the Statutes in such cases made
and provided.

Eggs Cadwallader & Co

Samuel Pollard & Co

Partition

Price

Rebecca Crepps
John Evans
Eveline Mrs Clasky
Horatio Placowaller
Mary Benner

Crepps

Ezra Lead
Louisa Landen
Caroline Lead
Belinda Lead
Mary E Lead

John D. Shepley

John Lead
Catharine Gellman
Eveline Hughes

Mary Ann Burgess
Nannah Kidd
Caroline Armstrong

Elizabeth Wilson

No. 3871

Circuit Court.

Term, 18

Cadwallader

vs.

Cadwallader
Partition

Judgment, - - \$

Date

Fee Book No. Par

Judg't Docket,