

Jefferson County Circuit Court
Case files - Administrative
May 1875

Box 34 Folder 26

Graham, John M.
Herrington, John J., grd.
Herrington, Alice R. B.
Graham, Coralia J. R.
Herrington, Benjamin F.

Partition

374 acres in 513,247 41 R 3 E

To the Honorable the Circuit Court
of Jefferson County Missouri;

Your petitioners John M.
Graham in his proper person,
Alice R. B. Herrington a minor under
the age of Eighteen years by John J.
Herrington Guardian of her person
and Estate and Belia J. R. Graham
wife of Wilson P. Graham and said
Wilson P. Graham respectfully
show and state that they are the
Legal owners of and Tenants in common
in the following described Real Estate
Situate in Jefferson County Missouri
To wit, the South West fractional quarter
of Section Thirteen, and the East half of
the North East quarter of Section Twenty
four (24) and the West half of the
North East quarter of Section Twenty
four (24) and the South west
fractional quarter of Section Twenty four
(24) and the South East fractional
quarter of Section Twenty four, all
in Township Forty one (41) North
of Range three (3) East containing
in the whole Three Hundred and
Seventy four acres. that the rights
of said petitioners in said Lands are

as follows, To wit, Said John M. Graham owns the undivided one third of Said Land. That Alice K. B. Herrington owns the undivided one third of Said Land, and Belia J. R. Graham Wife of Wilson P. Graham owns the undivided one third of Said Land Subject to the marital rights of her husband therein given by Law in the same as her general property, — Petitioners say that Said Alice K. B. Herrington is a minor under the age of Eighteen years and that John J. Herrington by whom She joins in this petition is the Guardian of her person and Estate he having been duly appointed as such by the Probate Court of Said County of Jefferson Missouri and given Bond and duly qualified as such and taken upon himself the Execution of said Trust. Wherefore Petitioners pray the Court to Decree that partition of Said Real Estate be made between the petitioners in accordance with the Several rights and interests of Said petitioners therein which are as above set out the interest however of the petitioner

John M. Graham as set out above
being subject to a Deed of Trust
given thereon by said John M. Graham
and his wife Mary C. Graham to the
Trustee therein named bearing date
August 28th 1874 to Secure to Benjamin
F. Herrington the payment of a promissory
note bearing even date with said Deed of Trust
for the principal sum of one Thousand and
fifty Dollars due in Twenty four months
from its date bearing Ten percent interest
from its maturity and containing the stipul-
-ation that after maturity the interest shall
be paid annually or otherwise become a
principal when due annually and bear
the same rate of interest. Wherefore in
consequence of said Deed of Trust said
Benjamin F. Herrington joins also in
this petition as a party petitioner
consenting to the partition of said
Lands between the other petitioners
subject to his said note and Deed of
Trust on said John M. Graham's
interest therein as aforesaid - and
the said petitioners aver that
said Lands are not capable of
division division in kind between
the owners thereof ^{without great prejudice to their interests} wherefore they
pray the Court to order the sale

of Said Real Estate and that the
proceeds thereof be divided
between petitioners in accordance
with their respective rights and
interests therein -

John M. Graham

Alice R B Herrington by
John F. Herrington her Guardian
Wilson P Graham

attest as to
Benjamin F. Herrington }
John D. Hearst }
Belia J R Graham
Benjamin F. Herrington
mark

} Attorney for the
petitioners
Jos. Williams

John M. Graham one of the petitioners
on oath says the foregoing
petition and the matters stated
therein are true to the best of
his knowledge and belief

Sworn to and
Subscribed
before me May
13th 1875

John M. Graham

Thos. Norine Clerk Cir. Ct.

Say 10% cash
bal. in 12th

John M. Graham
& others

Ex parte petitioners
for Partition

Original

Files 10, Ent 17 file put 20 30
Sub 35 9. 48 57 11.10 35-
Order Sale 35, 1000 20
copy 75/10 50
order all our atty fees 35-
reprint 35- 1000 50
order 35- 35-
\$ 4.85

173 Mops Shuff Am 60.75-
order 500 500 60.75

for Williams 8000
1446.60
10.00
155.60

Filed May 13th 1885
A. Thos. W. or one
clerk

In the Circuit Court of Jefferson County State of
Missouri, May Term 1875.
~~Tuesday~~ Thursday May 13th 1875.

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

John M Graham in his own proper person, Alice R B Herrington a minor under the age of eighteen years by John J Herrington guardian of her person and estate and Felia J. R Graham wife of Wilson D Graham and said Wilson D Graham and Benjamin J Herrington who joins also in this petition as a party petitioner consenting to the partition of the lands between the petitioners, subject to a deed of trust in the interest of said John M Graham as hereinafter set out.

Ex parte.

Now on this day came the parties aforesaid by their attorney and present to the court here, their petition praying for partition of the following described lands situate in the County of Jefferson and State of Missouri, and now upon submission of the matters in said petition set forth, the court doth find that said petitioners are owners and tenants in common of the real estate in said petition described to-wit: the south west fractional quarter of Section Thirteen, and the east half of the north east quarter of Section twenty four and the west half of the north east quarter of Section twenty four, and the south west fractional quarter of Section twenty-

four and the south east fractional quarter of section twenty four, all in township forty one north of Range three east containing in the whole three hundred and seventy four acres, and the court further finding adjudge and settles the rights and interests of said parties in and to said real estate as follows viz, John Graham owns the undivided one third of said land subject however to a deed of trust given thereon by said John M Graham and his wife Mary C Graham to the trustee therein named bearing date August 28th 1874 to secure to said Benjamin F Herrington the payment of a promissory note bearing even date with said deed of trust for the principal sum of one thousand ~~dollars and~~ and fifty dollars due in twenty four months from its date bearing ten per cent interest from its maturity; that Alice B Herrington owns the undivided one third of said land and that Lelia J R Graham wife of Wilson P Graham owns the undivided one third of said land subject to the marital rights of her husband therein given her by law in the same as her general property. It is thereupon considered, adjudged and decreed by the court that partition and division of said real estate be made among the parties in accordance with their rights and interests as herein set out by the court, and it further appearing to the court that partition and

division thereof in kind cannot be made without great prejudice to said parties, it is ordered by the court that the sheriff proceed to advertise and sell said real estate at public auction to the highest bidder for ten per cent of the purchase money in cash and the balance in twelve months and for the deferred payment take from the purchaser a bond or note with good and sufficient security bearing interest at the rate of ten per cent per annum, that said sale take place on some day during the sitting of the circuit court and be governed by the same regulations prescribed by law for sales of real estate under execution, notice thereof being in the manner provided by law for ~~sales~~ such sales, and report his proceedings herein at the next term of this court,

A true copy from the record.
In testimony whereof I have hereunto
set my hand and affixed the seal of
said court at office June 4th 1875,
C. Tho. Morine, Clerk

4241
371, 419.432

In the Jefferson Circuit Court
Sept. Term 1876.

John M Graham
vs
Charles
Eysenbecker,

For Partition,
Order of Sale

Admitted

Aug 17

Filed Sept. 18 78 7/5
C. H. No. 1000
Clerk

John M Graham
Alice R. B. Herrington
minor by John J. Herrington
guardian, Cecelia J. R.
Graham wife of Wilson
J. Graham & Benjamin
J. Herrington Ex parte

In the Jefferson County Circuit Court.

September 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 *fifteenth* day of *September*, 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 *September* 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: *The South West fractional quarter of Section thirteen and the east half of the North east quarter of Section twenty four, and the west half of the North east quarter of Section twenty four, and the South west fractional quarter of Section twenty four, and the South east fractional quarter of Section twenty four, all in Township forty one north of range three east, containing in the whole three hundred and seventy four acres*

and at said sale John M Graham and Wilson O Graham were the highest and last bidder for said above described Real Estate at the price and sum of Five thousand One hundred and fifty dollars - And the same was stricken off and sold to them for that sum, of which they have to me in hand paid ten per cent and have given bond for the balance as required by the terms of sale

Sept 15th 1875

J. B. Mof Sheriff

Sheriff Sale in Partition.

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

John M. Graham, Alice R. B. Herrington, minor,
by John J. Herrington, guardian, Cecelia J. R.
Graham, wife of Wilson P. Graham, and Benjamin
F. Herrington, *ex parte*.

By virtue and authority of an order made by the
Circuit Court of the county of Jefferson, State
of Missouri, at its May term, A. D., 1875, I will on
Wednesday, the 15th day of September 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 south-west fractional quarter of section thir-
teen, and the east half of the north-east quarter of
section twenty-four, and the west half of the north-
east quarter of section twenty-four, and the south-
west fractional quarter of section twenty-four, and
the south-east fractional quarter of section twenty-
four, all in township forty-one north of range three
east, containing, in the whole, three hundred and
seventy-four acres. Situate in Jefferson county,
Missouri.

For the purpose of making partition between said
parties, for which the purchaser will be required to
pay ten per cent. of the purchase money in hand at
the time of sale, the balance in twelve months, the
purchaser giving his bond, with approved security,
bearing interest at the rate of six per cent. per an-
num from date, 18th day of August, 1875.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 20 day of Sept 1875, before the undersigned Clerk of the Circuit Court of Jefferson county, Mo. came R. W. McMULLIN; who, being by me duly sworn, says the annexed advertisement was published in the JEFFERSON DEMOCRAT, a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 20 day of Aug 1875, and the last insertion on the 10 day of Sept 1875, as follows, to-wit:

In No 33,	Aug 20,	1875
In No 34,	27,	1875
In No 35,	Sept 3,	1875
In No 36,	10,	1875

Sworn to and subscribed before me, this

20 day of Sept 1875.

W. R. Somers

W. R. Somers Co. Clerk.

Printer's Fee, \$10.
Affidavit, \$

Received Payment,

Johnell Graham et al }
 Ex parte }

Morie C.K.

Files ¹⁵ Sub ³⁵ Decree ⁵⁰ Orders ⁷⁰	\$ 1.70	
Copy ¹⁰⁰ cos ⁵⁰ order allow atty fee ³⁵	1.85	
Book ¹⁵ (cont. ⁷⁰ report sale ³⁵)	.75	
net ⁵⁰ \$13 ¹⁰ costs ⁵⁰	<u>1.10</u>	\$ 5.40

Jos Williams atty
 McNeillie Printer

80.00

10.00

Atlas Shff.

Com. on \$1000.00 at 2% \$ 20.00

Com on \$4000.00 @ 1% 40.00

" on 150.00 @ 1/2 of 1% .75

Order ¹⁰⁰ adver. ¹⁰⁰ 2.00

\$ 62.75
\$ 158.15