

Jefferson County Circuit Court
Case Files- Civil

May, 1876, No. 54

Box

35

Folder 41

Flynn, Michael

vs.

Wilkerson, Ruth

Wilkerson, George W.

Wilkerson, Charles

Partition

180 acres in S29,30 T39 R4E;
survey map

Michael Flynn In the Circuit
 vs 2 Court of the
 Ruth Wilson 2 County of Jeff
 George W. Wilson 2 erson State
 Charles Wilson 3 of Missouri

The plaintiff states that he is the owner in fee simple, and joint tenant in common with the parties defendant in and to the following described tracts or parcels of land situated and being in the County and State aforesaid to wit, The South East quarter of the North East quarter of Section thirty, the North fractional half of the North East quarter of the South East quarter of same section, the West half of the North West quarter of section twenty nine and the North fractional half of the South West half of the South West quarter of same section twenty nine all in Township 39 North Range 4 East lying North of Big River.

Plaintiff states that he is the owner of and interested in said lands

and premises to the extent of one undivided half thereof, that the defendants George W. and Charles Wilkerson are ^{each} the owners of one undivided one fourth part of said land in fee simple and the said Ruth Wilkerson - the one third part of said land for and during her natural life -

Plaintiff states that the said Charles Wilkerson is under the age of twenty one years and prays that a guardian ad litem may be appointed by the Court to defend his interests in this suit.

Plaintiff further states that the taxes on said lands have not been paid for a number of years last past and amount to the sum of dollars which the plaintiff prays the Court order and adjudge to be paid out of the proceeds of the sale of said premises if the same shall be sold.

Plaintiff prays the Court for an

order and decree of partition
of said premises according to the
respective rights of the parties
as above set forth. and that the
taxes be adjudged to be paid
and that if said land cannot
be divided without great prejudice
to the parties interested that the
same be adjudged to be sold.

M. Flynn

By his atty.

P. P. Phipps

M. Flynn being duly sworn states
that the matters and things as stated
in the foregoing petition he
believes to be true.

Sworn to and Subscribed before Michael Flynn

me April 17 1876.

Chas. Horne Clerk Circuit.

Jefferson Circuit
Court
May Term 1876

W. F. Lyman

Ruth Milburn

George W. Milburn

Charles Milburn

Plaintiff in partition

Filed April 17th 1876

Chas. E. Norcross

Clerk

W. F. Lyman

for plaintiff

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

The State of Missouri,

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

*I do command you, that you summon Ruth Wilkerson
George W Wilkerson & Charles Wilkerson*

*if he be found in your County, that he 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*

Michael Flynn

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

Witness, C. THO. HORINE, Clerk of our said
Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *18* day
of *April*, A. D., 187*6*.

C. Tho. Horine Clerk Circuit Court.

5744248

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1876.

Michael Flynn

vs

Ruth Wilkerson

George W. Wilkerson

Charles Wilkerson

vs

Sherry Lee & Co

I Executed this writ at the County of Jefferson
in the State of Missouri this 18th day of April
1876 by delivering to the within named Ruth
Wilkerson a true copy of the within writ ^{and} Petition
She being the first served & further Executed
this writ at the time and place aforesaid
by delivering to the within named George W.
& Charles Wilkerson true copies of the
within writ of Summons as furnished me
by the Clerk

T. B. Moxley Sheriff
By H. J. Moxley Depy

Michael Flynn } In the
vs } Circuit
Charles Wilkinson } Court of
& others } Jefferson
Co. Mo,

Now at this day comes
the said Charles Wilkinson
a minor Defendant in
the Partition case
above described and
for by his Guardian
ad Litem and for
answer to the Motion
of Plaintiff says
that he is a minor
of tender years and
is wholly unadvised
of and concerning the
premises in the Motion
of Plaintiff contained and
prays that the Court
will protect his rights
and interests herein
admitting however that
the Trial of said Cause may
proceed at this Term of
Court=

Charles Wilkinson
By Jos. Williams
Guardian ad Litem

Michael Flynn
ms

Charles Wilkinson

Answer of

Chas. Wilkinson

By Guardian

Ad Litem

Filed May 15 1896

Chas. Wilkinson

clerk

State of Missouri } In the Circuit Court,
County of Jefferson } May Term 1876,
Monday May 15th 1876.

The following proceeding was had, viz:

Michael Flynn } For Partition
vs }
Ruth Wilkerson, George W Wilkerson } Now come the
and Charles Wilkerson } adult parties
in their proper persons as well as by attorneys
and the minor defendant by his guardian ad
litern, and this cause coming on to be heard
upon the pleadings and the evidence offered
by the parties and the matters herein were
submitted to the court, and the court doth
find that Michael Flynn is entitled
in fee simple to the undivided one half
of the lands described in the petition to wit:
the South East quarter of the North East gr.
of Section 30, the North East half of the North
East gr. of the South East gr. of same Section,
the West half of the North West gr. of Section
twenty nine, and the North fractional half
of the West half of the South West gr. of same
Section twenty-nine all in Township 39 North
Range 4 East lying North of Big River, and
the court further finds that said George W
Wilkerson and Charles Wilkerson are
each the owners of one undivided one fourth

part aforesaid land in fee simple, and that
the said Ruth Wilkerson owns the one third
part aforesaid land for and during her natural
life. It is thereupon considered and adjudged
by the court that partition and division of
said Real Estate be made among said par-
ties according to their respective rights
and interests herein declared by the court,
and the court doth appoint J. B. Dover
Geo W Hughes and John D. Hearst Com-
missioners to make partition aforesaid real
estate as aforesaid, and it is further
ordered by the court that if partition in kind
cannot be made between said parties
without prejudice, then said Commissioners
are ordered to set off the life estate of
said Ruth Wilkerson if that can be done
without prejudice to the other parties in
interest, and report their proceedings herein
at the next regular term of this court, and
this cause is continued,

A true copy from the record.

In testimony whereof I have
hereunto set my hand and
affixed the seal of said court
at office in Hillsboro July 8th 1876.

Wm H. Norine

Clerk

Sept. Term 1876

Michael Flynn

vs

Ruth Wilkerson
et al

Paction

Commissaries

J. B. Lovett

Geo W Hughes

Jno D Deane

Original

Shew of fee

\$3.00

I Executed this writ at the County of
Jefferson in the State of Missouri
this 9th day of July A.D. 1876 by delivering
a true copy of this writ to the within
named J. B. Lovett and by reading
the same to Geo W Hughes & John D
Deane

J. D. Moss Sheriff
By M. M. Deane

State of Missouri } In the Circuit Court,
County of Jefferson } May Term 1876.
Monday May 15th 1876.
The following proceeding was had, viz:

Michael Flynn } For Partition
Ruth Wilkerson, George W Wilkerson } (Now come the
and Charles Wilkerson } adults parties
in their proper persons as well as by attorneys and
the minor defendant by his guardian ad litem, and
this cause coming on to be heard upon the pleadings
and the evidence offered by the parties, and the matters
therein were submitted to the court, and the court
doth find that Michael Flynn is entitled in
fee simple to the undivided one half of the lands
described in the petition to-wit: The South East
quarter of the North East qr. of Section 30, The
North fractional half of the North East qr. of the
South East qr of same Section, The West half
of the North West qr. of Section twenty nine,
and the North fractional half of the West half
of the South West qr. of same Section twenty nine
all in Township 39 North Range 4 East lying
North of Big River, and the court further finds
that said George W Wilkerson and Charles
Wilkerson are each the owners of one undivided
one fourth part of said land in fee simple,
and that the said Ruth Wilkerson owns the

one third part of said land for and during her natural life, It is thereupon considered and adjudged by the court that partition and division of said real estate be made among said parties according to their respective rights and interests herein declared by the court, and the court doth appoint J. B. Dover, Geo W Hughes and John D Stearns Commissioners to make partition of said real estate as aforesaid, and it is further ordered by the court that if partition (in) kind cannot be made between said parties without prejudice, then said Commissioners are ordered to set off the life estate of said Ruth Wilkerson if that can be done without prejudice to the other parties in interest, and report their proceedings herein at the next regular term of this court, and this cause is continued,

A true copy from the record.

(L) In Testimony whereof I have hereunto set my hand and affixed the seal of said court at office in Hillsboro July 8th 1876.

E. Tho. Morris

Clerk,

Sept. 9 1876.

Michael Flynn
res

Ruth Wilkerson.
Chal

Partition

Commisfioners

J. B. Dover

Geo W. Hughes

Geo D. Stewart

Copied

Exhibit A

Michael Flynn } For Partition.
vs Ruth Wilkerson et al }

The State of Michigan vs.
County of Jefferson.

Be it remembered that
on this 3rd day of ~~Sept~~ 1876 before me
the undersigned Justice of the Peace of
Valle Township in said County,
personally appeared Jerome B Dover
John D Hearst, & Geo W Hughes and
made oath that they will, to the best
of their ability, honestly, faithfully
and impartially discharge the duties
devolving upon them as required
by law and that they will impartially
divide the land embraced in the annexed
order of Court, if the same can be
done without prejudice to the parties
in interest.

Sworn to & subscribed } J. B. Dover
before me date aforesaid } John D Hearst
Geo W Hughes

Thos Welch
Justice of the Peace Valle Township
Jefferson Co Mo

fee 40 cts

Michael, Flynn	) Partition
vs	
Ruth Wilkerson	
George, W. Wilkerson	
And Charles Wilkerson	) In The Jefferson Circuit Court September Term 1876

now at this day comes George W. Hughes,
John, D. Hearst, and Jerome, B. Dorer
Commissioners appointed at the
May Term of this Court, for 1876
To make partition and Division
of the Lands described in the Order
of Partition among the Parties named
therein, according to their respective
interests, in Said Land, A certified
copy of which Order of Partition is
hereto annexed, marked Exhibit A
and is made A part of this report,
and we Said Commissioners, submit
the following Report, of ~~their~~ ^{our} proceedings,
we were Sworn to honestly and impar-
-tially execute the trust reposed in
~~them~~ ^{us} under the Order of court above
referred to, marked Exhibit A. Before
Thomas, Welch, A Justice of the Peace
of Jefferson County Mo, on the 3rd Day of
September 1876 the affidavit herewith
filed, marked Exhibit B, and made A

Part of this report, said commissioners after making the affidavit as aforesaid proceeded to make partition of the Land Described in said Order of Partition marked Exhibit A, Described as follows viz; Being, the South East quarter of the north East qr of Section 30, the north full half of the north East qr of the South East qr of same section, The west half of the north West qr of section twenty nine and the north fractional half of the west half of the south West qr of same ~~Section~~ Section twenty nine all in Township 37 north Range 4 East Lying North of Big river, said commissioners proceeded to divide said Lands into two Equal Parts, as follows, We set off and admeasured one half of said Lands to Michael, Flynn, as follows, viz; Beginning at the north West corner of section 29 marked A on Plat of said Lands, hencewith filed and marked Exhibit B, and make A Part of this Report, Thence Eastward along the north boundary line of said section 29, seven chains to B, from which Point A Black oak 7 inches in diameter bears S $11\frac{1}{2}$ E 47 links distant and A hickory 9 inches bears N $15\frac{1}{4}$ W $34\frac{1}{4}$ links distant Thence S 1° W 30 chains and

8 links to corner marked, b. Thence N 64 W 5 chains to corner marked d Thence S 73 1/2 W 2 chains and 66 links to corner marked e Thence S 87 3/4 W 2 chains and 82 links to corner marked f Thence S 59 1/4 W 4 chains and 50 links to corner marked g, Thence S 24 1/4 E 17 chains to corner marked h, Thence Down the north Bank of Big River with the meanders thereof to corner marked i this being the South West corner of said Lands Thence N 1/2 E along the West Line of said Lands to corner marked j Thence Eastward along the north Line of the South East qr of the north East qr of Section 30 to corner marked k, Thence N 1/2 E along the section line Dividing sections 29 and 30 to Place of beginning containing 75 Acres more or less as Laid Down and Shown on said Plat herewith Returned and marked Exhibit b.

Said commissioners assigned set off and admeasured to George, W. and Charles Wilkerson the Balance of said Lands it being the Eastern Portion of said Lands as Shown on said Plat described as follows. Beginning at the North East corner of said Land marked L, Thence Westward

along the north boundary line of section
29 to corner marked B. Thence $S 1^{\circ} W$ 30 chains
and 8 links to corner marked C. Thence
 $N 64^{\circ} W$ 5 chains to corner marked D. Thence $S 73^{\circ} W$
2 chains and 66 links to corner marked E.
Thence $S 87^{\circ} W$ 2 chains and 82 links to corner
marked F. Thence $S 59^{\circ} W$ 4 chains and 30 links
to corner marked G. Thence $S 24^{\circ} E$ 17 chains
to corner marked H, on River Bank.
Thence up the River Bank with the
meanders thence to the South East
corner of said Land, in section 29 ~~thence~~
to corner marked M. Thence $N^{\circ} E$ along
the East boundary line of said Land to
place of Beginning containing 75 Acres
more or less, George W. Wilkerson and
Charles Wilkerson requested us not to
Divide their interests between them as
they wished to have it all in One Baddy,
We then proceeded to Lay off the Dower
of Ruth, Wilkerson Taking One half of
said Dower from Michael, Flynn and Paul
and the Other half from George, W. and
Charles Wilkersons Part, Described as follows
Beginning at the corner on the plat herewith
filed marked F. Thence $S 24^{\circ} E$ along the Dotted
line to River Bank to corner marked
N. Thence Down the River Bank with

With the meanders thereof to corner
on Plat marked Q, Thence N $24\frac{1}{4}$ W 17 chains
and 50 links to corner marked P, Thence
N $62\frac{3}{4}$ E 4 chains and 75 links to corner marked ^{Division Line} g on
Thence N $39\frac{1}{4}$ E 4 chains and 50 links to Place of beginning
containing 16 Acres represented on the map by
the Dotted Lines and being $\frac{1}{3}$ of the Bottom
Land, One half taken off of Flynns Part and
One half off of George, W. and Charles
Wilkersons Lands, we then proceeded to
Lay Out what we considered One third
of the Hill Land, in Value, as Balance of
Damer and described as follows, Beginning
on the north Boundary Line of Section
29 two chains and 35 links East of the North
West corner of said Sect 29 at corner marked
A Thence S 1° W along the Dotted Line on Plat
to corner marked D Thence S 64° E 5 chains
to corner marked C, Thence N 64° East 5 chains
to corner marked B Thence N 1° E to corner
marked S, Thence west along the north
Line of ~~Section 29~~ ~~of Section 29~~ of Section 29 to Place
of Beginning containing 26 $\frac{2}{100}$ Acres, all
of which we assign and set off to
Ruth Wilkerson as One third in Value
of the whole Lands including the Dwelling
In making said Partition ~~of~~ said Lands
~~between~~ said Parties we took into consideration

The quality as well as quantity and
Location and Kinds of timber, and
facilities &c, and gave to each their
shares as set forth in said petition
in value as near as practicable, and
This Report is Respectfully Submitted

John D Hearst
G. W. Hughes
Commissioners } J. B. Dover

State of Missouri }
County of Jefferson }

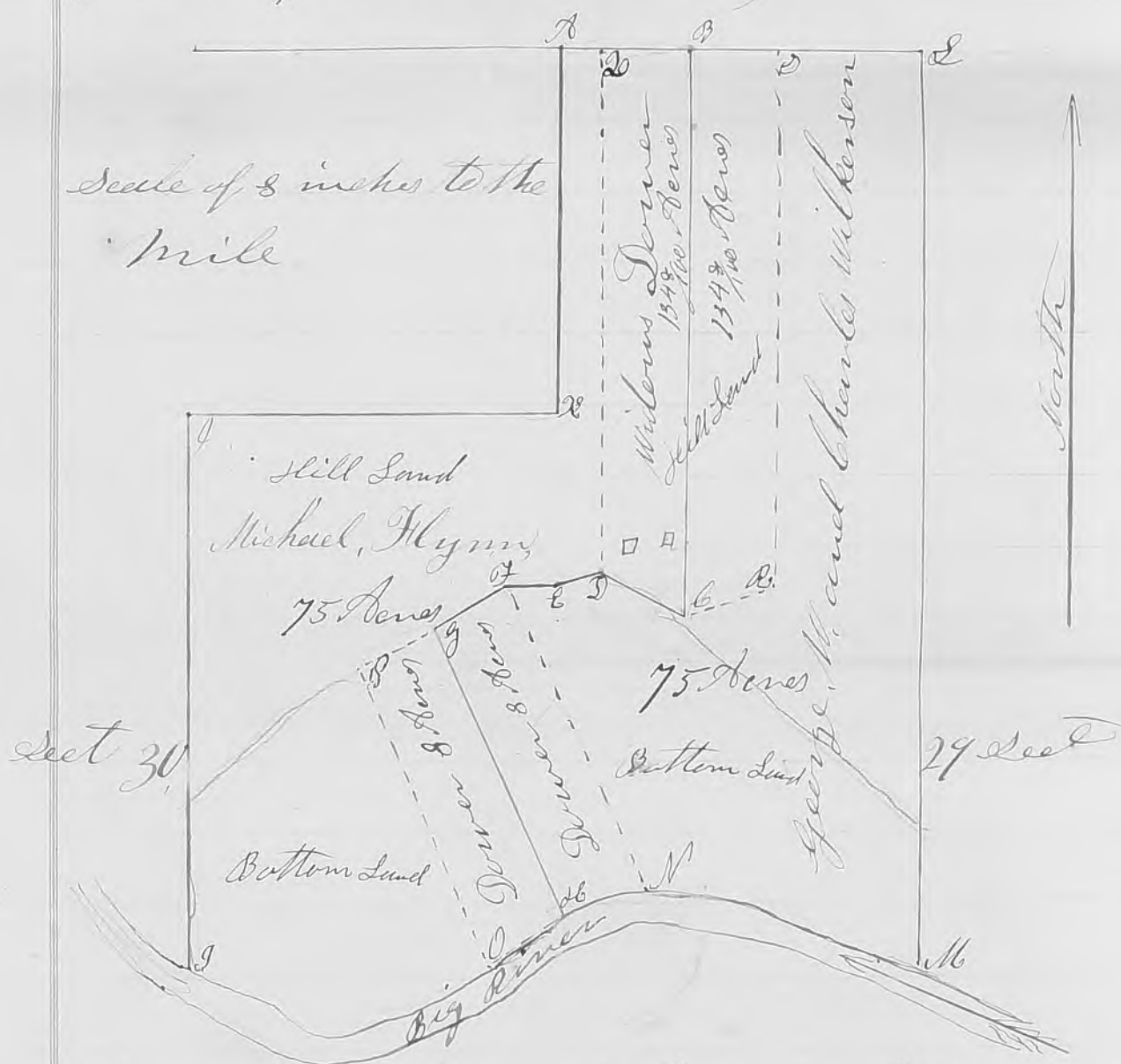
Be it remembered that on
this 12th day of September 1876 before me
the undersigned Notary Public duly com-
missioned and qualified personally appeared
John D Hearst. G. W. Hughes & J. B. Dover
who are personally known to me to be the
same persons whose names are subscribed
to the foregoing instrument of writing as parties
thereto and they severally acknowledged
the same to be their act and deed for the
purposes therein mentioned

Witness my hand and Notarial Seal
hereto affixed at Office in Hillsboro
Mo the date last aforesaid.

I was qualified as Notary Dec 17th
1872 and my term of office expires Dec 10th 1876

J. Ed. Walker
Notary Public
Jeff Co Mo

Plat of Division of Wilkerson Land
In Section 29 and 30 Township 39 Range
4 East of the 3rd Pl. Mer.



Division line between Flynn and
George W. and Charles Wilkerson.
Beginning on the north boundary
Line of Section 29. Seven chains East
of the north west corner from which
Point A Black oak 7 inches in diameter
bears S ¹¹/₁₆ E 47 links distant and thence
9 inches N ¹³/₄ W 34 ¹/₄ links distant Thence S ¹/₄ W
30 chains and 8 links. Thence S ¹/₄ E 5 inches N ¹/₄ W 4 ¹/₂

Links distant and. A cedar 3 inches S $20\frac{3}{4}$ E $22\frac{3}{4}$
Links distant Thence N $64\frac{1}{4}$ W 3 chains and
Over cup Oak 8 inches N $34\frac{3}{4}$ E 31 links dist,
and. A cedar 8 inches N $4\frac{3}{4}$ W $111\frac{1}{2}$ links dist
Thence S $73\frac{1}{2}$ W 2 chains and 66 links to A
Honey Locust 24 inches in diameter
Thence S $87\frac{1}{4}$ W 2 chains and 82 links Thence
S $39\frac{1}{4}$ W 4 chains and 30 links from which
Point the north end of A Large Bolder
Rock bears S $89\frac{1}{2}$ E 41 links Distant, Thence
S $24\frac{1}{4}$ E 17 chains to River Bank, from which
A mulberry 10 inches bears S $33\frac{1}{4}$ W 67 links
distant, and on Over cup oak 6 inches bears
N $32\frac{1}{2}$ E 167 links distant, giving one half of
The Bottom Land to Flynn, and the other
half to George W. and Charles Wilkerson.
We then proceeded to Lay off the One half
of the widows Dower off of Flynn's part
from the last corner we run S $56\frac{1}{2}$ W 4
chains and 75 links A Honey Locust 10 inches
S $62\frac{1}{2}$ W 31 links distant Thence N $24\frac{1}{4}$ W 17
chains and 30 links A Black walnut 10 inches
S 84 W 140 links distant Thence N $62\frac{3}{4}$ E 4 chains
and 75 links to Division line, containing
8 Acres this being $\frac{1}{2}$ of widows Portion of
The Bottom Land taken off of Flynn's Part
We then went to the North west corner

of Section 29 and measured Eastward 2
 chains and 35 links along the section line
 from which A Post Oak 18 inches in diameter
 bears ^{W 11° N} N 12 W 18 1/4 links distant Thence S 1/4 W
 28 chains to corner made on Division
 Line ^{marked D} Thence S 64 E 5 chains with division line
 to corner ^{marked E} Thence N E with Division line
 30 chains and 8 links to section line ^{corner marked B} Thence
 westward with section line 4 chains and 65
 links to place of beginning containing
 13 ⁴⁸/₁₀₀ Acres this being the One half of
 Dower taken from Hymus Part of
 The Hill Land and represented on
 the Plat by the Dotted Lines, and in-
 cluding the Dwelling House, Mrs
 Wilkerson and George, W, and Charles
 Wilkerson, wishing to have theirs all
 in one body we did not run the
 lines between theirs, but Dotted the
 lines on map representing the Dower,
 Surveyed on the 4th, 5th & 6 Days of September
 1876 by J. B. Dower Co, Surveyors
 Commissioners Fees

George W. Hughes 4 Days	\$8.00
John D. Hearst 4 "	8.00
J. B. Dower Com & Surveyor	20.00
Thomas Welch Justice of Peace	50
J. E. Walker Notary Public	50
	<u>57.00</u>

Michael Flynn In the Circuit
 as 3 Court of Jefferson
 Ruth Wilkerson 3 County Sep Term
 George W. Wilkerson 3 1876.
 Charles Wilkerson 3

Now comes Michael
 Flynn the above named Plaintiff
 and moves the Court to set aside
 the report of the Commissioners
 appointed at the last term of this Court
 to make partition and division of
 the real estate mentioned and described
 in the order of the Court heretofore
 made, and to appoint other Com=
 missioners in their stead, for
 the following reasons

1. Because said Commissioners did
 not honestly, faithfully, and impartially
 discharge the duties assigned them.
2. Because said Commissioners were
 influenced to lay off said lands
 to suit the parties defendant and
 not in compliance with the order
 of the Court.
3. Because said partition has been
 so made as greatly to prejudice

the parties in interest.

4. Because the so called meadows
downer has been laid off in
two separate tracts upon that part
of the land assigned to said Flynn
and ⁱⁿ two other tracts upon that
part assigned to George W. & Chas.
Millison greatly to the prejudice
of said parties.

4. Because the timbered land set
off to said Flynn is so separated
from the improved portion of the
land assigned to him as to be worthless
because inaccessible, on account
of high bluffs which separate
the improved land from the timbered
land.

5. Because the lines on the east and
south of the dwelling house & other
buildings are run so near to said
buildings as to greatly impair the
value of said property so assigned
to Flynn.

6. Because said report is vague &
uncertain and so describes the said

several tabs as to produce confusion in lines corners and distances & greatly to impair the marketable value of said property.

7. Because, the portion of tillable land to which each party is entitled is so small as to render said parts of little value.

8. Because said so called down was laid off to suit the "widow" instead of being laid off according to the justice of the case.

9. Because, the said tabs are laid off into such irregular shapes and forms, as to destroy the beauty as well as the marketable value, & ungallop them off.

10. Because a portion of said report is not acknowledged as required by law.

11. Because the quantity of land set apart to each share was not surveyed but guessed at as "75 acres more or less".

12. Because the order of Court to
set off to each party in interest his
share was disobeyed in this that the
shares of E. M. & Charles Wilkinson were
set off together.

P. P. Phipps
for P. P. P.

W. Flynn

my

Charles Wilkinson

chal

Motion to set
aside report
of Commissioners

Filed Sept. 13 1896

C. H. W. Waring

Clerk

M. Flynn	} In the Circuit Court of Jefferson County Missouri
vs	
Ruth Wilkerson,	
Charles Wilkerson & Geo. W. Wilkerson	

Now at this defendants come
and move the Court to set-
~~aside~~ modify the order of
the decree in partition
made last term so as
to authorize and direct the
commissioners to set off
the shares of Charles and
George W. Wilkerson in said
land either separately or
together as shall best
subserve the interests of
the parties and also to
set off plaintiff his share
and also to set off the share
of the widow if the same
can be done without
prejudice to the parties and
if said shares can not be
so set off that they set off
the share of defendant Ruth
Wilkerson if the same can

be done without injury
to the plaintiff and
defendants - and that
the Court recommend the
Report filed at this Term
of Court to the Commissioners
with orders to Report
their proceedings herein
to this Court —

2 Jos. Williams
3 Attorney for Ruth &
4 Geo. W. Wilkerson &
5 Guardian Ad Litem
6 for Charles Wilkerson

M. Flynn
vs

Ruth Wilkerson
& others

motion to modify
the decree in
this cause

Filed Sept 18-78
L. H. H. (H. H. H.)
Clerk

State of Meipoun Vp. In the Circuit Court,
County of Jefferson September Term 1876.
Saturday September 16th 1876,

Among other proceedings therein had,
the following appears of record viz:

Michael Flynn } For Partition
Ruth Wilkerson, George W Wilkerson }
and Charles Wilkerson } For on this

day came the plaintiff by his attorney and
the adult defendants by their attorney and
the minor defendant by his guardian ad litem,
and shew to the court here that the division
of the real estate as herein made by the
Commissioners is unsatisfactory to all par-
ties. It is ordered by the court that said
Commissioners do with Jerome B. Dover John
A. Hearst and George McK Hughes again proceed
to make a division of the Real Estate herein,
to wit: The Southeast quarter of the Northeast
quarter of Section thirty, the North fractional
half of the Northeast quarter of the South
east quarter of same section, the West half
of the North West quarter of Section twenty nine
and the North fractional half of the West
half of the South West quarter of same section
twenty nine all in Township 39 North
Range 4 East lying North of Big River
in Jefferson County Meipoun. But it is

ordered by the court that said Commissioners shall only set off the Estate of Ruth Wilkerson in and to said real ~~estate~~ property, which is one third thereof, for and during her natural life, and that in setting off said one third said Commissioners shall include the house, and it is further ordered by the court that said land be sold, subject to the life Estate of Ruth Wilkerson, by the Sheriff of said County at the next regular term of this court, in pursuance of the Statute in such case made and provided, for ten per cent of the purchase money cash, and the balance in twelve months, the purchaser to give a note with security to be approved by said Sheriff, for the deferred payment with interest from date at the rate of ten per cent per annum, and out of the proceeds of said sale he shall pay first the costs and expenses of this suit, and the balance he shall distribute to the parties to this proceeding in the proportions adjudged by court, and report his proceedings herein to the court.

A true copy from the record,
In witness whereof I have here-
unto set my hand as clerk

and affixed the seal of said
court at office in Hillsboro
Mo. Oct. 30th, 1876.
C. Ph. Nourse,
clerk.

January Term 1874

Michael Flynn

vs
John Williams

For Partition

Complainant

vs
John D. Hearst

Geo. W. Hughes

Original

John Williams
Sheriff fee \$3.00

I served the Within notice in Jefferson County Mo on the 25th Day of November 1876 Jerome B. Dover by Delivering to him a true copy of this notice and on John D. Hearst and George W. Hughes by reading the same to each of them

John Williams
Sheriff