

Jefferson County Circuit Court
Administrative Records

Box 39 Folder 29

January 1888

Miller, Charles
Miller, Edward
Weber, Henry
Weber, Edward
et al

Partition

160 acres in S34T42R4E; other
petitioners George, Emma, Albert &
Adolf Weber, Ellen, Mabel, Lillie &
Jennie Miller

Charles Miller, and Edward Miller
in their proper persons.

Henry Weber, Edward Weber,
George Weber, Emma Weber,
and, Albert Weber, Minors
by Adolf Weber, Curator of
their Estates. And

Ellen Miller, Mabel Miller,
Lillie Miller, and Jennie Miller
Minors,

By Edward Miller Curator of
their Estates, Ex parte Petitioners

In the Circuit Court of
Jefferson County Missouri
January term 1888.

The Petitioners state and show to the
Circuit Court of Jefferson County
Missouri that the Petitioners
Henry Weber, Edward Weber, George
Weber, and Albert Weber are minors
each under twenty one years of age
and that the Petitioner Emma
Weber, is a minor under eighteen
years of age; that all of said
Minors are and were prior to
the appointment of Adolf Weber
as Curator of their Estates residents
of the City of St. Louis Missouri

And Petitioners state that said Minors being residents of said City of Saint Louis the Probate Court of said City heretofore, to wit: in the year Eighteen hundred and Eighty Seven duly appointed Adolph Weber who is their father and Natural Guardian Curator of their Estates and that he at the time gave bonds as such Curator in the said Probate Court which were approved by said Court and duly qualified and is now Curator of their Estates.

Petitioners further state that the Petitioners Ellen Miller, Mabel Miller, Lillie Miller, and Jennie Miller, are all minors under the age of Eighteen years, and are and were prior to the appointment of Edward Miller as Curator of their Estates residents of Jefferson County Missouri. And Petitioners state that being residents of said County the Probate Court of Jefferson County Missouri heretofore appointed Edward Miller Curator

of their Estates and that he has
duely bonds as such curator in
said Probate Court which have
been approved by said Court and
that he having duely qualified is
now curator of the Estates of said
Minors.

Petitioners Charles Miller and
Edward Miller in their proper
persons, and Henry Weber, Edward
Weber, George Weber, Emma Weber,
and Albert Weber, by Adolf Weber
curator of their Estates. And Ellen
Miller, Mabel Miller, Lillie Miller,
and Jennie Miller by Edward
Miller curator of their Estates
state and show to the Court that
they are owners in fee simple as
tenants in Common of the following
described Real Estate situated in
Jefferson County Missouri, to wit:

The South half of the North West
quarter, and the South West quarter
of the North East quarter, and
the North West quarter of the South
East quarter of Section Number
Thirty four, in Township Number

Forty Two, North of the base line, in
Range Number Four, East of the
Fifth Principal Meridian. Containing
One Hundred and Sixty acres.

Said Petitioners State that they are
respectively entitled interested in
said Real Estate as follows, namely:
the Petitioner Charles Miller is the
owner of and Entitled to the undivided
one fourth part of said Real Estate,
in fee Simple. That the Petitioner
Edward Miller is entitled to, and
owns in fee Simple the undivided
one fourth of said Real Estate, and
that the Petitioners Henry Weber,
Edward Weber, George Weber,
Emma Weber, and Albert Weber
are each the owners in fee Simple
of, and Entitled to the undivided
one twentieth part of said Real
Estate. and that the Petitioners
Ellen Miller, Mabel Miller, Lillie
Miller, and Jennie Miller, are
are each the owners of, and entitled
to the undivided one sixteenth
of said Real Estate in fee Simple.

The Petitioners therefore pray
the Court to adjudge and Decree that

Partition of said Real Estate be made
between them if the same can be done
without great prejudice to their interests.
And that the Court will adjudge and Decree
that said Real Estate be sold and that the
proceeds thereof be divided between the
Petitioners, according to their respective
rights and interests therein if the same
can not be divided between them without
great prejudice to their interests.

Henry Weber

Edward Weber

George Weber

Emma Weber

Albert Weber

by Adolf Weber, Curator of their Estates.

Charles L. Miller

Ellen Miller

Habel Miller

Lili Miller and

Jennie Miller Minors

By Edward Miller

Curator of their Estates,

Edward Hilber

Jo. J. Williams

Attorney for Petitioners

No-37

Charles Miller

and others
petitioners

Ex parte Petition
for Partition of
Real Estate

Filed June 17th 1888

W.D. Nease

clerk

Ref'd February 28/88

~~W.D. Nease~~

W.D. Nease
clerk

CERTIFIED COPY OF ORDER.

(Rev. Stat., Sec. 2321.)

STATE OF MISSOURI, }
 COUNTY OF Jefferson } ss. January Term, 1888
 In the Circuit Court of said County, on the 5th
 day of March, 1888, the following, among other proceedings, were had, viz:

Charles Miller & Edward Miller
 in their proper persons Henry Weber
 Edward Weber, George Weber, Emma Weber
 and Albert Weber minors, by Adolph
 Weber, Curator of their Estates & Ellen
 Miller, Mabel Miller Lillie Miller
 & Jennie Miller, Minors by Edward
 Miller, Curator of their Estates
 Ex Parte Petitioners

Partition

Now at this day come the
 Petitioners Charles
 Miller & Edward
 Miller in their proper
 persons & Henry Weber,
 Edward Weber, George
 Weber, Emma Weber &
 Albert Webers minors by
 Adolph Weber curator of

their Estates & also Ellen Miller, Mabel Miller, Lillie Miller
 and Jennie Miller, by Edward Miller curator of their Estates
 and file their petition alleging among other averments that
 the petitioners Henry Weber George Weber, Emma Weber & Albert Weber
 are minors & that said Emma Weber is under the age of Eighteen
 years, & that said Henry Weber Edward Weber, George Weber & Albert
 Weber, are each under the age of twenty one years, and that they are
 all residents of the City of St. Louis, Missouri, and that said Adolph
 Weber is curator of their estates by appointment of the Probate
 Court of the said City of St. Louis, in which they, at the time of
 his appointment had, as they still have their residence, &
 by his duly giving bond and qualifying in said Probate Court
 as such Curator. And further alleging that the petitioners
 Ellen Miller Mabel Miller Lillie Miller & Jennie Miller are each under
 the age of Eighteen years, and all residents of Jefferson County, Mis-
 souri, and that Edward Miller is curator of their Estates by ap-
 pointment by the Probate Court of said County in which they
 at the time of such appointment had, as they still have
 their residence, and by duly giving bond in said Court
 as such Curator, and qualifying as such, And alleging
 further, that the petitioners, are owners in fee simple of
 and tenants in common in the following described Real Estate

situated in Jefferson County Missouri to wit: The South half of the North West quarter, and the South West quarter of the North East quarter, and the North West quarter of the South East quarter of Section Number Thirty Four in Township number Forty Two North of the Base line, in Range number Four East of the Fifth principal Meridian containing One Hundred and sixty acres; and that said petitioner Edward Miller is the owner in fee simple of the undivided one fourth part of said Real Estate and that the petitioner Charles Miller is also the owner in fee simple of the undivided one fourth part of said Real Estate; and that the petitioners Henry Weber, Edward Weber, George Weber, Emma Weber, and Albert Weber, are each owners in fee simple of the undivided one twentieth part of said real Estate, and that the petitioners Ellen Miller, Mahel Miller, Lillie Miller and Jennie Miller are each owners of the undivided one sixteenth of said Real Estate;

And praying for a decree that partition of said real Estate be made between said petitioners in accordance with their respective rights and interests in the same, as set out and stated in said petition, if the same can be done without great prejudice to their interests in the same;

And that the Court will adjudge and decree that said real Estate be sold and that the proceeds be divided between the petitioners in accordance with their respective rights and interests therein if the same cannot be divided in kind between them without great prejudice to their respective interests therein.

And the Court having seen and understood said petition, and the petitioners having proven to the satisfaction of the Court, that Henry Weber, Edward Weber, George Weber, Emma Weber, and Albert Weber, are minors as stated in said petition and that Adolph Weber is curator of their Estates, as in said petition stated, and also that Ellen Miller, Mahel Miller, Lillie Miller and Jennie Miller are minors, as stated in said petition, and that Edward Miller is Curator of their Estates as in said petition is stated: And petitioners having also proven to the satisfaction of the Court that they are owners in fee simple of and tenants in common in said real Estate as is in said alleged and that their rights and interests in the same are correctly set out and stated in said petition.

The Court doth thereupon find from the evidence in said cause that the petitioner Edward Miller is the owner in fee simple of and entitled to the undivided one fourth part of said real Estate, and that the petitioner Charles Miller is also the owner in fee simple of and entitled to the undivided one fourth part of said real Estate; and that the petitioners Henry Weber, Edward Weber, George Weber, Emma Weber and Albert Weber are each owners in fee simple of and entitled to the undivided one twentieth part of said real Estate; and that the petitioners, Ellen Miller, Mahel Miller, Lillie Miller and Jennie Miller are each the owners in fee simple of and entitled to the undivided one sixteenth part of said real Estate, and that said petitioners are entitled to partition of said real Estate as prayed in said petition, and it being apparent to the Court from the nature and amount of of the property sought to be divided, and the number of the owners of the same, that partition of said real Estate in kind cannot be made between said petitioners without great prejudice to said owners. It is thereupon considered and adjudged by the Court here that partition and division of said real Estate be made among the parties aforesaid according to their respective rights and interests as herein declared by the Court, and because said real Estate cannot be divided in kind it is ordered by the Court here that the Sheriff of Jefferson County State of Missouri proceed to advertise and sell said real Estate at public auction to the highest bidder for twenty five per cent of the purchase money cash in hand, and the balance in twelve months, or all cash, at the option of the purchaser, and for the deferred payments take from the purchaser a bond or note with approved security bearing interest, at the rate of six per cent per annum from date of sale until paid; that said sale take place on some day during the next regular term of this Court and be governed by the same regulations prescribed by law for sales of real Estate and execution notice thereof being given in the manner provided by law for such sales. And it is further ordered by the Court that out of the proceeds of said sale, he shall pay first the costs and expenses incurred in these proceedings, and the balance divide among the parties according to their interests as aforesaid, and report his proceedings hereunder to the Court at said next term.

Ordered that these proceedings be certified and cause continued for said report.

STATE OF MISSOURI,
COUNTY OF Jefferson } ss. I, D. B. Yeazey, Clerk
of the Circuit Court, in and for said County, hereby certify the above and foregoing
to be a true copy of the proceedings of our said Circuit Court, on the day and
year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, at office in St. Louis, this
the 10th day of April, 1888.

D. B. Yeazey
Clerk Circuit Court.

By _____ D. C.

No. _____

CERTIFIED COPY OF ORDER

—OF—

Jefferson County Court,
MADE AT

January Term, 1888
IN THE MATTER OF

Charles Miller Etal

Ex parte Petitioners

Sheriff's Sale in Partition.

Charles Miller and Edward Miller, in their proper person; Henry Weber, Edward Weber, George Weber, Emma Weber and Albert Weber, minors, by Adolf Weber, curator of their estates; and Ellen Miller, Mabel Miller, Lily Miller and Jenny Miller, minors, by Edward Miller, curator of their estates—ex parte petitioners.—In the Circuit court of Jefferson county, Missouri.

By virtue and authority of an order made by the Circuit court of the County of Jefferson, State of Missouri, at its January term, 1888, I will, on the 18th day of May, 1888, at the courthouse 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 half of the northwest quarter, and the southwest quarter of the northeast quarter, and the northwest quarter of the southeast quarter, of section number thirty-four (34), township number forty-two (42), north of the base line of range number four (4), east of the fifth principal meridian, containing 160 acres, situate in Jefferson county, Missouri,—for the purpose of making partition between said parties, for which the purchaser will be required to pay twenty-five per cent. of the purchase money in hand at the time of sale, the balance in twelve months, purchaser giving his bond with approved security, bearing interest at the rate of six per cent. per annum from date, or all cash at the option of the purchaser.

GEORGE W. McFRY,

April 25, 1888.

Sheriff.

STATE OF MISSOURI, } SS.

COUNTY OF JEFFERSON,

The 31st Memorial, That on this 16 day of May 1888

before the undersigned Clerk of the Jefferson Public 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 25 day of May 1888, and the last insertion on the 16 day of May, 1888, as follows, to-wit:

In No. 19,	May 25	1888
In No. 20,	May 2	1888
In No. 21,	" 9	1888
In No. 22,	" 16	1888

Produce

Sworn to and subscribed before me, this 16 day

of May, 1888

Ed. Prater Notary Public
My term expires May 7th 1892

Printer's Fee, \$9.50
Affidavit, \$2.50
9.75

Received Payment,

SHERIFF'S REPORT OF SALE.

To the Honorable, the Circuit Court,
County of Jefferson, in the State of Missouri,

May Term, 1888.
I, George W McTroy Sheriff of Jefferson

County, beg leave respectfully to report that in pursuance of an Order of Sale made at the
January Term, 1888, by the Circuit Court

in said County of Jefferson, in the cause of
Charles Miller & Edward Miller in their proper
persons, Henry Weber, Edward Weber, George
Weber, Emma Weber and Albert Weber minors
by Adolph Weber Curator of their estates & Ellen
Miller, Mabel Miller, Lillie Miller & Jennie
Miller minors by Edward Miller Curator of
their Estates Ex Parte Petitioners

in partition, a certified copy of which has been to me delivered, I did cause the Real Estate described
in said Order of Sale, to wit: The South half of the North West quarter

& the South West quarter of the North East quarter and
the North West quarter of the South east quarter of Section
number thirty four (34) township number forty two
(42) north of the base line of range number four
(4) east of the fifth principal meridian containing
160 acres, situate in Jefferson County Missouri

To be advertised for sale by advertisements in the Jefferson Democrat a newspaper
printed in said County of Jefferson containing a particular description of the
Real Estate to be sold, and stating the time, place and terms of said sale, for a period of not less than
twenty days next preceding the day of sale: that on the 18th day of May
1888, being the day by me appointed for sale, as stated in said notices, being the 5th day of the
May Term of the Circuit Court

for the year 1888, and while said Court was in session, between the hours of nine o'clock A. M., and five o'clock P. M. of said day, I did proceed to offer and expose to sale at public auction to the highest bidder, at the Court House door in the town of Hillsboro, in the said County of

Jefferson, the Real Estate above described, on the following terms, to wit: twenty five percent 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 percent per annum from date, or all cash at the option of the purchaser.

and having then and there publicly and openly cried the same for a long space of time, as aforesaid, and Edward Miller

being the highest, best and last bidder for the land as above described

For the sum of Eleven Hundred Dollars, and the same was struck off and sold to him for that price, and that the said Edward Miller has paid twenty five per cent. of the purchase money, the amount by him bid for said Real Estate as aforesaid, and has executed to me his note for the residue of the amount by him bid as aforesaid, with good and sufficient security, according to law, and the order of Court. All of which is respectfully submitted.

Sheriff of Jefferson County.

G. W. McCoy Sheriff.

REPORT OF SALE.

Chas Miller Edward
Miller et al vs Sparks

Filed *May 21st*, 18*88*

A. B. Mearns
CLERK.

By _____
DEPUTY.

Charles Muller et al
vs State

Bill of costs

D.B. Veazey Clerk

2 files¹⁰ / 2 Docs¹⁰ / Learn to file pet³⁰
Learn to withdraw³⁰ / Learn to refile³⁰
Lev²⁵ / Ord. Sale³⁰ / Ord to certify³⁰
Verd⁴⁵ / Judgt⁵⁰ / Copy decr¹⁵
order sale¹⁵⁰ C & I⁵⁰
Ord for atty fee⁸⁰ / final judgt⁵⁰
Fee bill¹⁰⁰ / Copy cert²⁵ / Cert²⁰

50

60

85

95

200

80

50

620

Geo W. McFry Sheriff
Calls¹⁰ / Ord Sale¹⁰⁰ / Advertising¹⁰⁰

210

Jos. J. Williams Atty fee

~~3000~~
5830

R H McMullin printer

975

George W McFry Commission on sale
on \$500 - ¹⁵⁰⁰ on \$600 ¹²⁰⁰

2700
9505