

August 1840

Johnston, Benjamin
vs

Bolton, Thomas
Bolton, Louisa
Bird, Benjamin B.
Bird, Mary, et al

Partition

Heirs of Benjamin Johnston, Sr.; 204
acres on Sandy Creek; other defendants
Thomas W., Lucinda Floyd, Christopher,
Caroline Dixon, Gabriel J., General W.,
James, Stephen, Eliza Jane Johnston,
James Jones

**ALL OVERSIZED
DOCUMENTS FOR THIS
CASE ARE LOCATED IN:**

Oversized Box: 1

Folder: 12

Number of Items: 1

To the Hon the circuit-Court of the County of Jefferson
in the State of Missouri: This petition of Benjamin
Johnson Jr. would respectfully shew and set forth
to Your Honor, that on or about the day of
in the year 1837 Benjamin Johnson Sr. died
in the County of Jefferson seized in fee of two
several tracts or parcels of Land, to wit two
hundred and four acres sixteen hundredths
of an acre, and the other containing fifty
one ~~acres~~ and a fraction of an acre, both
whereof lie on the waters of Sandy Creek
in the County of Jefferson aforesaid. The said
Benjamin also at the time of his death left
the following heirs to his estate, to wit Your
petitioner, Louisa married to Thomas Bolton,
Lucinda married to Thomas W Floyd, Gabriel
J Johnson, General W Johnson, James Johnson
Stephen Johnson & Eliza Jane Johnson, minor and
infant heirs of John H Johnson decd. — Mary
wife of Benjamin Bird, Caroline wife of
Christopher Dixon, James Jones a dau. of Charlotte
Johnson deceased late wife of Benjamin Johnson Sr.
deceased, whose interest if any is uncertain. Your
petitioner would further respectfully shew unto Your
Honor, that the said Benjamin Johnson Sr. deceased
left a will, and that Your petitioner is executor
thereof, but that the provisions of the same do not
interfer with the intent and object of this petition.
The aforesaid heirs being coparceners with the executor
of the representative of the said ^{Charlotte} ~~Charlotte~~, nor does your
petitioner know of any other heirs or representatives
of said ^{Charlotte} ~~Charlotte~~. than as above stated. Your petitioner
therefore prays for a division and partition of the premises
aforesaid, according to the respective rights of the parties

intended them and for a sale thereof if it shall
appear that partition cannot be made without
great prejudice to the owner, and Your petitioners
as in duty bound shall ever pray.

Benjamin Johnson Jr.

by

O. Cole atty

Jefferson County Feb 5

Personally appeared before the
undersigned Clerk of the Circuit Court within and
for the County of said, Benjamin Johnson for within
petitioner and made oath that facts stated
in the within petition are true.

Sworn to and subscribed

~~Subscribed~~ before me July 29th 1840

Geo. J. Matthews Clerk

Subscribed

B. Johnston

Benjamin Johnson Jr.

Thomas Bolton & Lucina
his wife Thomas W Floyd
and Lucinda his wife

Gabriel J. Johnson

General W Johnson

James Johnson, Stephen Johnson

Eliza Jane Johnson, heirs of

John H Johnson decd, Benjamin Bird

and his wife Mary Bird, Christopher

Pixon and Caroline his wife, James Jones

administrators of Charlotte Johnson deceased

Late wife of said Benjamin Johnson Sr. deceased

for partition
of real Estate
in the Circuit Court
of Jefferson County
August
Term 1840.

The undersigned in the above

come to wit Thomas Bolton and Louisa his wife
Thomas W Byrd and Lucinda his wife, Gabriel
J Johnson, General W Johnson, and James, Stephen
and Eliza Jane Johnson, heirs of John H Johnson
deceased, Benjamin Byrd & ~~Caroline~~^{Mary} his wife
Christopher Dixon and Caroline his wife and
Lower Jones administrator of Charlotte Johnson deceased
late wife of Benjamin Johnson deceased, being all
the parties who are known, and all other persons
unknown having any interest in the premises in the
petition mentioned. You and each of you will
take notice, that on the first day of the August
term next of the circuit court to be holden within
and for the county of Jefferson in the state of Missouri
or so soon thereafter as a hearing can be had, the
aforesaid petition for partition of real estate &c will
be presented to said circuit court in order to obtain
the prayer thereof; at which time & place you can
attend if you see proper to do so.

28th. July 1840.

Benjamin Johnson Jr

O Sole Atto

We waive notice on the within Petition

C. J. Johnston

M. Lloyd

L. A. Lloyd

G. M. Johnston

C. B. Dixon

B. B. Byrd

B. Johnston Guarant

for Stephen James &

Eliza James infant heirs

of J. H. Johnston

Jefferson County for personally appeared in open court,
Benjamin J. Jones, who being sworn states that Thomas
Barton & Louisa his wife, mentioned in the within
petition are not residents of the state of Mississippi
sworn to and subscribed

in open court Aug 11th 1840

W. H. Matthews

B. Johnston

Benjamin Johnston for

Thomas Barton & wife

et al heirs of Ben.

John Brown

Petition for partition
of said State.

filed Aug 11th 1840

W. H. Matthews

clerk

State of Mississippi

County of Jefferson

We waive notice on the within Petition

State of Missouri }
County of Jefferson }
Benjamin Johnston

In Jefferson Circuit Court
December Term 1840

Petition for Partition

Thomas Bolton and Louisa his wife
Benjamin B. Bird and Mary his wife
Thomas W. Floya and Lucinda his wife
Christopher Dixon & Caroline his wife
Gabriel W. Johnston, General W. Johnston &
James Johnston, Stephen Johnston & Eliza
Jane Johnston heirs of John W. Johnston, &
James Jones administrator of Charlotte Johnston deceased

Now at this day comes the said petitioner, and the above named defendants having been solemnly called, come not, but make default, neither have they or any of them answered the petition of the said petitioner, and the order of publication made at the last term of this court having been complied with, and the parties interested as far as are known who are residents of this State having been individually served with process according to law. Whereupon the Court proceed to ascertain the rights, titles and interests of the several parties petitioner and defendants, and do find and declare that the said petitioner Benjamin Johnston is entitled to one ninth part of the said lands and tenements in said petition mentioned that Louisa Bolton, Lucinda Floya, Caroline Dixon, Mary Bird, Gabriel W. Johnston, and General W. Johnston, are each entitled to the one ninth part of the lands and premises in said petition mentioned, and that James Johnston, Stephen Johnston and Eliza Jane Johnston heirs of John W. Johnston deceased are jointly entitled to the one ninth, or each to the one twenty seventh part of the lands and premises in said petition mentioned, and that James Jones administrator of Charlotte Johnston deceased the wife and relict of the late Benjamin Johnston deceased is entitled to receive the one ninth part of the lands and premises in said petition mentioned, which are as follows to wit,

Two several pieces, parcels or tracts of land situated in the County of Jefferson on the waters of Sandy Creek, the one containing two hundred and four acres, and sixteen hundredths of an acre and the other containing fifty one acres and a fraction of an acre

Therefore it is considered by the Court that partition of the lands and premises in the said petition mentioned be made between the parties thereto, according to the said several rights of said parties above set forth and declared, and the Court constitute and appoint Josiah Craft Lawson Cooley and William Hensley freeholders and residents of Jefferson County Commissioners to make partition as aforesaid and order that they make partition of the lands and premises aforesaid according to the respective rights and interests of the parties aforesaid, as above found and declared, and that they make report of their proceedings at the next term of this Court.

A true copy of the order

Attest

Wm. H. Weather, Clerk

State of Missouri
County of Jefferson 3 As the undersigned, Commissioners
appointed by the Circuit Court of Jefferson County, at its
December Term 1840, to make division or partition of
the Land of Benjamin Johnston late of Jefferson County
Deceased, as follows (to wit) two several pieces, parcels or
tracts of Land: Situated in the County of Jefferson
on the waters of Sandy Creek the one containing two
hundred and four acres and sixteen hundredths of an
acre, and the other containing fifty one acres and a
fraction of an acre, do hereby report that in obedi-
ence to said appointment, we have endeavored to make
partition of said Land, but it appearing to us that
partition of the premises aforesaid cannot be made
without great prejudice to the owners of the same

Given under our hands this fifteenth day
of March 1841

William Hensley
Lawson Cooley
Lorrah Craft
Commissioners

State of Missouri
County of Jefferson 3 This day personally appeared
before me, the undersigned, one of the Justices of
the County Court, for Jefferson County, William
Hensley & Lawson Cooley, the Commissioners above
named and made oath, that the above report
by them made is just and true

Given under my hand this 15th day of March
1841.

Julius Higgins J.C.

Whiston

Boston &c

Report of committee

May 1875/84

Wm. W. W. W.

W. W.

2418

Very much distressed

by

Thurs as Boston & others

Decree of Partition

Commencing

March 1841

William W. W. W.

21st Dec 41

Filed Dec 15th 1841

Wm W. W. W.

Benjamin Johnson
 vs
 Thomas Bolton & others

} Proof in petition
 to the Circuit-
 Court of Jefferson
 County July
 Jan 1841

Orrok Mose Sheriff of the county of said
 would respectfully report to the Circuit
 Court of said County, that in obedience
 to an order of said Circuit Court made
 at the March Term 1841, he in strict compli-
 ance with said order sold the Land in the
 said order and petition mentioned in two
 separate parcels. The first whereof was
 knocked down to ~~James Davidson~~ ^{Henry Davidson} for seven hundred
 and five dollars, and the second
 parcel or Lot of Land to the said ~~James Davidson~~ ^{James Davidson}
~~Davidson~~ for three hundred dollars, making
 in the whole two thousand and five
 dollars, for which sum he has taken
 the bond of said ~~Davidson~~ ^{Davidson} with approved
 surety, payable in twelve months which
 is herewith submitted. All which is
 respectfully

Orrok Mose
 Sheriff of Jefferson
 County.
 July 22^d 1841

Given July 22^d 1841

Wm. A. B. B. B.

Clark

Decree on Disagreement of Partition and
order of sale of real Montato Decree
Book No 2 page 320

No. 4 W. H. H. H. H.