

Jefferson County Circuit Court
Case Files - Civil

May 1852

Box

7

Folder 37

Byrnes, Samuel

v.

Harness, John;
Harness, Elizabeth;
Scott, William;
Mayfield, Levi; et al

Partition

Other defendants: Mary Mayfield, C.B. Scott,
Thomas Mattingly, Sarah White, and unknown
heirs of David and Joel White. Heirs of
Edward White, 450 acres in various
locations

The State of Missouri
To the Sheriff of the County of Jefferson,
Whereas Sophia Scott, William Scott,
Mary Scott - Scott, Elizabeth Scott, Jesse
Dowlin Sr & Thomas Mattingly on the 29th
day of May in the year of our Lord one
thousand eight hundred and forty eight at our
court hath recovered against David White -
Isaac White Lewis White Milton White Silas
White Jesse Harrod and Richard Stoddell
their proper costs and charges by them about
their defence in ~~the~~ suit in our said Court
on the chancery side thereof, laid out and expended
There are therefore to command you that of the
goods and chattels and Real Estate of the
said David White Isaac White Lewis White
Milton White Silas White Jesse Harrod and
Richard Stoddell, you cause to be made the
aforesaid costs and that you have the same
before the Judge of said Court on the 27th
day of November next to satisfy the costs
aforesaid and that you certify how you
execute this writ

Witness Johnson H. Alfred Clerk
of our said Circuit Court, at
Hillsboro this 25th day of July
AD 1848

Johnson H. Alfred Clerk
By Jas C Fletcher Depl^t



Rec^d this Execution July 26th 1848

Gas A Hammond Sheriff

By Gas A Hammond Deputy

I Joseph A Hammond Sheriff of the County of Jefferson in the State of Missouri do hereby certify that I executed the within writ on the 25th day of October AD 1848 by laying the same upon and seizing all the right title and interest and claim of David White Fort White Lewis White Milton White Silas White Lessee Harrod and Richard Stoddard of in and to the following described Real Estate to wit

40 acres	SW SW	Section 14	Township 42	Range 5	also
22 $\frac{86}{100}$	do	N $\frac{1}{2}$ NW	do 23	do	42 do 5 "
57 $\frac{53}{100}$	do	E $\frac{1}{2}$ S	do 3	do	42 do 4 "
3	do	SW corner NW	do 11	do	42 do 4 "
40	do	NE SW	do 11	do	42 do 4 "
40	do	SE SE	do 11	do	42 do 4 "
80	do	N $\frac{1}{2}$ NE	do 10	do	42 do 4 "
4 $\frac{50}{100}$	do	SE & N $\frac{1}{2}$ NW	do 11	do	42 do 4 "
80	do	E $\frac{1}{2}$ NW	do 11	do	42 do 4 "
160	do	SW q	do 3	do	42 do 4 "
88 $\frac{43}{100}$	do	NE q	do 22	do	42 do 5 "

all in the County of Jefferson Missouri, and on the 25th day of October AD 1848 I advertised the same for sale by six written and printed hand bills signed by me and put up in six of the most public places in the County of Jefferson at least twenty days previous to the day on which ^{the} said land was sold and on the 29th day of November AD 1848 at the Court House door between the hours of nine o'clock in the forenoon and five o'clock in the after

noon and while the Circuit Court was in session in the Town of Hillsboro I did offer for the above described tracts of Land for sale to the highest bidder for cash in hand and Samuel Byrnes was then and there the highest and last bidder for 57 ⁵⁵/₁₀₀ Acres

E 1/2 SW Section 3 Township 42 Range 4 3 Acres SW corner NW Section 11 Township 42 Range 4 = 40 Acres NE SW Section 11. Township 42 Range 4. 80 Acres W 1/2 NE Section 10 Township 42 Range 4 = 4 ⁵⁰/₁₀₀ SE 1/4 NW 1/4 NW Section 11 Township 42 Range 4 = 80 Acres E 1/2 NW Section 11 Township 42 Range 4. 88 ⁴³/₁₀₀ Acres NE 1/4 Section 22 Township 42 Range 5 at the price and sum of seventy dollars for all of said Tracts which said tracts were each sold separately one at a time and apart from ~~each~~ ^{the} others. And Isaac Herrington and John Herrington were then and there the highest and last bidding for the SE 1/4 of the SE 1/4 of Section (11) eleven Township (42) forty two Range (4) four, at the price and for the sum of twenty two dollars and fifty cents. All of which said sums of money to me in hand paid the receipt whereof is hereby acknowledged the said tracts of land was struck off and sold to the said Samuel Byrnes aforesaid and John Herrington and Isaac Herrington aforesaid for the said sums of seventy dollars and twenty two dollars and fifty cents.

Given under my hand this 29th day of November AD 1848

Jos A Hammond Sheriff

Sheriff Sale

By virtue and authority of An Execution issued from the Office of the Clerk of the Jefferson County Circuit Court returnable to the November Term thereof in favour of William Scott, & others and Against David White & others directed to the Sheriff of Jefferson County Missouri and to me said Sheriff delivered, I have levied on and seized the following described Real Estate to wit

40 Acres	SW 1/4 Sec 14	Town 12	Range 5
22 ⁵² / ₁₀₀ do	W 1/2 NW do	23	do 42 do 5
57 ⁵⁵ / ₁₀₀ do	E 1/2 SW do	3	do 42 do 4
3 do	SW corner NW do	11	do 42 do 4
40 do	NE SW ~~1/4~~ do	11	do 42 do 4
40 do	SE SE do	11	do 42 do 4
80 do	SW 1/2 NE do	10	do 42 do 4
4 ⁵⁰ / ₁₀₀ do	SE & W 1/2 NW do	11	do 42 do 4
80 do	E 1/2 NW do	11	do 42 do 4
160 do	SW gr do	3	do 42 do 4
88 ⁴³ / ₁₀₀ do	NE gr do	22	do 42 do 5

and I will offer the same for sale to the highest bidder for cash in hand at the Court House door in the Town of Hillsboro in said County on the 29th day of November next between the hours of nine O'clock in the forenoon and five O'clock in the afternoon of said day to satisfy said Execution and Costs

Given under my hand this 25th day of October
AD 1848

Jos A. Hammond
Sheriff

State of Missouri }
County of Jefferson }

In the Jefferson C^o Circuit Court
Thursday Decr 21. 1848.

Be it remembered that on this day
personally appeared in Open Court Jos A Hammond
Sheriff of Jefferson County and acknowledged the execution
of the within deed from him as Sheriff as aforesaid
to be his act and deed for the purposes therein men-
tioned, which acknowledgment is entered on the records
of said Court on that day, in Book No 3 page 132

In Testimony whereof I hereunto
set my hand and affix the seal
of said Court at office in
Hillsboro this 21st day of Decr.
AD 1848—

J H Alford Clerk C^o Ct.

State of Missouri }
County of Jefferson }

I Johnson H Alford Clerk of the
Circuit Court and Ex Officio Recorder within and
for the County of Jefferson aforesaid do Certify that the
foregoing and within instrument in writing was filed
for Record on the 21st day of Decr 1848 and was
duly recorded on the 10th day of January AD 1849
in Book II page 319 fol.

In Testimony whereof I have hereunto
set my hand and affixed the
Seal of said Court at office in
Hillsboro date last written

Johnson H Alford
Recorder

David White & others
Deed to by Sherriff

Samuel Byrnes

Sherriff fees

Paid \$2.

Filed Dec. 21st 1848

J. H. Agard es

ack in Court 0.50

Cost above 0.50

Recording & Cost 2.58

\$ 3.58

To the Honorable Circuit Court within &
for Jefferson County Missouri

Your petitioner Samuel Byrnes shows
that one Edward White now deceased was a resident
of Jefferson County and before his death made
his will which has been admitted to probate
in the County Court of Jefferson County
Mo by which will he bequeathed the whole
of his personal and real estate to six
persons in equal shares to wit, his
mother, Sarah White, David and Joel
White his brothers, Jesse Dowlin, James
Scott and Thomas Mattingly. Your
petitioner has purchased of Jesse Dowlin
his share or interest in the Estate and
by virtue thereof owns one sixth part of
the real Estate of Edward White hereafter
described. and owns the shares of David White
& Joel White by a purchase at Sheriffs
Sale in the following lands lying in said
County viz. 88 acres 48/100 N E 1/4 of Section
22 Township 42 Range 5 East also 59 ⁶⁸/₁₀₀
acres being E 1/2 of 1/4 of Section 3 Town
ship 42 R 4 East. 80 acres being W 1/2 N E 1/4 of
Section 10 Township 42 R 4 East. Your peti
tioner owns one half of these tracts and one
sixth of the following lands lying in
Jefferson County viz 160 acres being
E 1/2 of 1/4 of Section 3 Township 42 R 4
also 22 ⁵²/₁₀₀ acres being W 1/2 of 1/4 NW 1/4 of Section
23 T 42 R 5 also 40 acres being S W 1/4 of
Section 14 T 42 R 5. James Scott
David & Joel White are dead and petitioner
does not know any thing about Sarah

White the mother of Edward White but thinks
she is dead from what he can learn

The heirs of James Scott are entitled to
one sixth of all the above described tracts
of land, Thomas Mattingly to one sixth,
Sarah White of alive to one sixth
if dead her representatives, ~~David~~
Joel White, ~~her~~ heirs, who are unknown
to petitioner are entitled to one sixth
of the three tracts last above described
also David Whites heirs who are
unknown to petitioner are
entitled to one sixth of the last three
tracts above described.

The heirs of James Scott are
Wm Scott, Mary Mayfield wife of
Levi Mayfield, Elizabeth harness
& C B Scott.

Your petitioner prays
for an order of partition and divis-
ion of the real estate aforesaid among
the parties according to their respective
rights and in case partition of the
lands cannot be made, then for an
order of sale as the courts see

Samuel Byrnes
by J A Beal atty

To Thomas Mattingly, William Scott, Mary May-
field, Levi Mayfield, Elizabeth harness, John
harness, C B Scott. You are hereby notified
that I shall present the foregoing petition
to next circuit Court within and for Jeff

ession Court to be begun and held
in the town of Hillsboro on the 4th Mon-
day of May 1852, the Monday or so soon
thereafter as ~~an~~ heavy snow had
Mar 18 1852

Samuel Byrnes

I executed the above Notice on John Hanness
Elizabeth Hanness and William Scott by reading it in
their presence and hearing and delivering to each a copy
of the original Notice on the 22nd day of March 1852

James M. Colloch Sheriff

I executed the above Notice on Levi T. Mayfield and
Mary Mayfield the Wife of Levi T. Mayfield by
reading it in their presence and hearing and delivering
to them a copy of the original Notice on the 7th
day of April 4th 1852 James M. Colloch Sheriff

4-
1/2

5

|||||

1/6

9/16

1/6

1/6

1/6

1/6

Samuel Rogers

1833

Thomas Rutledge et al
Debtors

Petition for partition

Copy to each of the
debtors

29
29
7

Sherrill fees \$ 5.00

Filed May 22nd 1833
Jas C. Fletcher
Clerk

Samuel Byrns, Plaintiff,

Against

Thomas Mattingly, Et. al. Defendants

In the Circuit
Court, Jefferson
County,

John Barnes, & Elizabeth Barnes,
two defendants in the above Cause, demur
to the petition of Plaintiff, because it does
not state facts sufficient to constitute a cause
of action, in this.

1st - The Petition does not state the title
of the Cause, specifying the name of the
Court and County, in which the action is
brought, nor the names of the parties to the
action, plaintiffs and defendants.

2nd - There is no proof of any deed or title
papers, showing by what right Plaintiff
claims the interest he sets up, to the sev-
eral Tracts of Land described.

3rd - The Petition is in other respects, indef-
inite, informal, & insufficient.

A. Green

Atty for said

J. & E. Barnes, defts.

Saml Payne
vs,
J. Manning & Co
Deceased

Filed May 22nd 1852
Thos. G. Fisher
Clerk

Samuel Rogers

In Circuit Court

vs.
Thomas Mattingly & Co.

of Jefferson County
and of partition

Alfred Green, Guardian of the Person for
Thomas Mattingly, claiming a fee as
Attorney for him of \$200.00

and costs for \$133.37. 30c. - Mattingly is
entitled to 1/6 = \$22.50. 25c -

Alfred against Thomas Mattingly & Co
May 29th 1833 - True & Altem Aug

Byrns
v
mattingly et al

Filed May 27 1853
Thos C Fletcher
CLK

In the circuit court of Jefferson County
Missouri action for partition of lands
Amended by leave of the court
Samuel Byrns plaintiff
against 3

John & Elizabeth Harness

William Scott

Mary & Levi Mayfield

C B Scott

Thomas Mattingly

Sarah White

Unknown heirs of David
and Joel White

Defendants

Plaintiff states that one
Edward White died ^{about year 1845} at the county of Jeffe-
son Missouri seized of the real estate as
~~previously described~~ Before his death he
duly made his last will & testament which
was duly admitted to probate in the county
Court of Jefferson County Missouri on the
17th day of September 1845 a certified copy
of which is here exhibited & marked "A"
and made a part of this petition. He
bequeathed by the provisions of that will the
whole of his personal estate and the wh-
ole of his real estate to five persons
to wit, his mother, Sarah White, Joel &
David White (his brothers) Jesse Dowlin
James Scott and Thomas Mattingly to
those said estate each one sixth

Your petitioner owns the share or interest
of Jesse Dowlin in said Estate by virtue
of a deed here exhibited marked "B"

The lands of said Edward White of which
he died seized in Jefferson County Missouri
and which are bequeathed in said will
are as follows viz
1st 88 acres $48/100$ being NE $1/4$ gr Section
No 22 Township 42 Range 5 East
2^d $59\frac{65}{100}$ acres being E $1/2$ SW gr Sec
tion 3 Township 42 R 4 East
3^d 80 acres being W $1/2$ NE gr Section
No 10 Township 42 R 4 East
4th 160 acres being SE gr Section 3 Town
ship 42 R 4
5th $22\frac{82}{100}$ acres being W $1/2$ NW gr Sect
ion 23 Township 42 R 5
6th 40 acres being SW gr SW gr Section
No 14 Township 42 R 5 E

Your petitioner purchased the interest of
David & Joel White in the ^{first three} tracts of land
above described numbered '1' '2' & '3' at shun
offs sale as will appear by deed here
exhibited & marked 'C'.

David and Joel White have died
since the said will was admitted to
probate and left each a family of chil
dren as your petitioner is informed &
believes but he does not know where
to find them nor ~~can~~ does he know the
names nor number of their children
who are their heirs and may be entitled
to a part of the benefits of said will
nor does he know whether Sarah White
is alive but is inclined to believe that
she is dead considering her age, but

in case of his death your petitioner does not know who may be entitled to his share of the Estate. He has been informed that Sarah White had other children besides the testator and his two brothers Joel & David White, so that your petitioner does not know who are her heirs.

James Scott has also departed this life & ~~left the following~~ ^{his} heirs are William Scott, Mary Mayfield, wife of Levi Mayfield, Elizabeth Harness wife of John Harness, and C B Scott who are entitled to the share of James Scott in said lands being one sixth.

Thomas Matting is entitled to one sixth of said lands above described.

Sarah White if alive is entitled to one sixth of above lands - if dead her legal representatives are entitled to it.

David ~~and Joel~~ Whites heirs are entitled to one sixth of the last three tracts of land above described and numbered 4 5 6.

Joel Whites heirs are entitled to one sixth of the last three tracts of land above described numbered 4 5 6.

Your petitioner owns the shares of David & Joel White in the three tracts first above described numbered 1 2 3 being two sixths of same which with the share of Jesse Dowlin makes your petitioner own one half of the three tracts of land first above described and two one sixths of the three tracts of land last above described.

described. Your petition prays this court
for an order of partition and division
of said land above described among the
respective parties according to the right
of each and in case division of the land
can not be made among them, then for
an order of sale and for all such
other orders touching the premises as may
be necessary to effect justice among
all parties concerned &c

Samuel Byrnes

State of Missouri, ss
County of Lippson } James A Bial attorney
for Samuel Byrnes being sworn says that
he believes the foregoing petition and
the matters therein as stated are true
Sworn to & Subscribed } J A Bial
Before me June 26th 1852 } attorney for Byrnes
Chas C Melcher
Clerk

1759
Samuel Byrnes

vs

Thomas Mattingly et al

Amended Petition

Filed June 26th 1852
Chas C Melcher
Clerk

Samuel Byrns, - plaintiff } In Circuit Court
 Against } Jefferson County
 John, & Elizabeth Wamey, } amended, petition for
 Thomas Mattingly &c. al. - Defendants. } Partition

Thomas Mattingly, one of the de-
 fendants in the above action by Abner Green
 his guardian ad litem, ^{in answer to said action} states that his in-
 terest in the Lands described in Plaintiffs
 Petition, is correctly described in the same, -
 That he, said Thomas Mattingly is entitled
 to the ^{undivided} one sixth part of all the Tracts
 of Land, described in Plaintiffs Petition,
 and asks the Court to protect his interest

Thomas Mattingly
 By Abner Green, guardian
 ad litem

Abner Green, guardian ad litem of Tho-
 mas Mattingly, one of the Defendants in above
 suit, makes oath and says he believes the
 above Answer and the matters therein, as
 stated are true.

Sworn & Subscribed } Abner Green,
 before me Oct 23rd 1852. } Guardian ad litem of
 Tho. Mattingly }
 Tho. Fletcher }
 CLK Cir Ct }

Saml Rogers

17.

Thomas Wentworth Esq

Answer of

Wm. Wentworth, by
his Counselor

Dr

Paid Oct 23^d 1839,
Wm. E. Lecher

clear
(11)

State of Missouri,

COUNTY OF ST. LOUIS.

STATE OF MISSOURI,
County of Jefferson.
In the Circuit Court, June 3d, 1852.
Samuel Byrns
vs.

Thomas Mullingly and the unknown heirs of Sarah White,
David White, and Joel White and others.

ON motion of said plaintiff, it is ordered that said defendants, the unknown heirs of Sarah White, David White and Joel White, deceased, be notified that said plaintiff has filed, in the Circuit Court of Jefferson county, Missouri, a petition, stating that he is the legal owner of one-half of the following described tracts of land, in the county of Jefferson, Mo., to wit: 88 48-100 acres, being the north east fractional quarter of section No. 22, township No. 42, range 5 east. Also, 59 65-100 acres, being the west fractional half of south-east quarter of section No. 3, in township No. 42 of range 4 east. Also, 80 acres, being the west half of northeast quarter of section No. 10 in township 42 of range 4 east; and that he is the legal owner of one-sixth part of the following described lands, situate in said county, to wit: 160 acres, being the southeast quarter of section No. 3 in township No. 43 of range No. 4 east. Also, 22 82-100 acres, being the west fractional half of northwest quarter of section No. 23, township 42 of range 5 east; also 40 acres, being the southwest quarter of southwest quarter of section 14, in township 42, range 5 east; that the heirs of James Scott are entitled to one-sixth part of all the above described tracts of land; that Thomas Mullingly is entitled to one-sixth part of all said lands, and the heirs of Sarah White are entitled to one-sixth part of all said tracts of land; that the heirs of Joel White, deceased, are entitled to one-sixth part of the three tracts of land last above described, and that the heirs of David White, deceased, are entitled to one-sixth part of the three tracts of land last above described; and praying that partition of said lands may be made according to the respective shares of said parties; and if such partition cannot be made without great prejudice to the said owners, that the same be sold. Therefore, notice is hereby given, to said unknown heirs of Sarah White, David White and Joel White, that said petition will be presented to the Circuit Court for the county of Jefferson aforesaid, at the next term thereof, to be begun and held at the town of Hillsboro', on the fourth Monday of November next, and on the first day of said term, or so soon thereafter as a hearing can be had, and it is further ordered, that a copy hereof be published according to law.

A true copy. Attest —
THOS. C. FLETCHER, Clerk.
J. A. BEAL, Attorney for Plaintiff. 1852-53
Printer's fee, \$ 10.00

Affidavit, 0.25
\$10.25

Sworn to and subscribed before
the undersigned, this 12th
day of November 1852

Personally appeared before me, the undersigned, a ~~Justice of the Peace~~ ^{Notary Public} within and for the County aforesaid, RICHARD PHILLIPS, Publisher of the St. Louis Union, of the County and State aforesaid, who, being duly sworn, deposeth and saith that the annexed Advertisement "Samuel Byrns versus Thomas Mullingly and others" was published in the SAINT LOUIS UNION, the time below specified, on the following days, and in the following numbers, viz:

July	15 th	1852	No. 1 Vol 7
"	23	"	No 1 — " 7
"	30	"	No 1 — " 7
Aug ^t	6 th	"	No 1 — " 7
	13	"	No 1 — " 7
	20	"	No 1 — " 7
Sept.	27	"	No 1 — " 7
	3	"	No 1 — " 7
	10	"	No 4 — " 7

Richard Phillips

In Testimony whereof I have hereunto set my hand and affixed my Notarial Seal the day and Year above mentioned.

Notary Public
St. Louis County

I Edward White of the County of Jefferson
In the State of Missouri do make and
publish this my last will and testament
in manner and form following. that is
to say. First it is my will that my funeral
expenses and all my just debts be fully
paid. Second after my just debts are paid
I wish my whole Estate equally divided
between six heirs namely my Mother Sar-
ah White one share and David White
one share and Joel White one share and
James Scott whom I constitute an heir
in my Estate one share also Jesse Tow-
lin Sen whom I constitute an heir in
my Estate one share and Thomas Matingly
whom I constitute an heir in my Estate
one share and all my personal property to
be sold according to Law and my debts
paid out of my personal Estate and my
Real Estate kept till my heirs from Kentu-
cky comes or a legal agent then to be
divided or sold as they all think best.

And lastly I do hereby constitute and
appoint James Scott one of my heirs to
be the Executor to this my last will
and Testament revoking and annulling
all former wills by me made and ratifying
and confirming this to be (and no other)
my last will and Testament.

his
Edward White
mark

Signed published and declared by the above
named Edward White as and for his last
will and Testament in the presence of us
who at his request have signed as Witnesses

to the same Isaac Sullens. William Chandler.
State of Missouri } In the County Court.
County of Jefferson } Personally appeared in open
Court this 17th day of September 1845 Isaac Sul-
lens and William Chandler the subscribing
Witnesses to the foregoing last Will and Testament
of Edward White late of Jefferson County,
deceased who being duly sworn upon their oaths
declare that the said Testator executed the said
Will and Testament and that they subscribed
their names thereto as witnesses in presence of
said Testator and at his special instance
and request and the said Testator then ap-
peared to be of sound and disposing mind.

ES

In testimony whereof I hereto set my
hand and affix the seal of said Court
at Office in Hillsboro Sept 17th 1845

Jno S Mathews Clerk Co. Court
by Tho C Fletcher dep. Clk.

State of Missouri }
County of Jefferson } I do hereby certify that the
foregoing is a true copy of the will and proof
thereof of Edward White Dec^d as the same remaining
on the record in my office.

In Testimony whereof I hereto set
my hand and affix the seal of said
court at Office Oct 26th 1852.

Tho C Fletcher Clk.

(C)

Copy
last will of
Edward White

Filed Nov 26 - 1852
The Clerk

W. J.

State of Missouri } In the Circuit Court
County of Jefferson } Decr 27th 1852.

Samuel Byrns } Now at this day comes
Thomas Mattingly et al } said Plaintiff and proves
to the satisfaction of the court the due publication
of the notice herein as required by the order of
this court made herein at the last term and
said defendants though three times solemnly
called comes not neither have they answered
to the petition of said plaintiff whereby the same
remains wholly undefended, and the petition
of the said plaintiff praying for partition of
the following described tracts of land, to wit,
88 $\frac{48}{100}$ acres being the S. E. $\frac{1}{4}$ of section No 32.
Township No 42. R. 5. E. 160 acres being S. E. $\frac{1}{4}$ of
Section No 3 of Township No 42 R. 4. E. 59 $\frac{65}{100}$ acres
being the E $\frac{1}{2}$ of of S W $\frac{1}{4}$ of section No 3. Town-
-ship 42 Range 4 East. 80 acres being the W $\frac{1}{2}$ N. E. $\frac{1}{4}$
section No 10 Township No 42. R. 4. E. 160 acres being
S. E. $\frac{1}{4}$ of section No 3 Township No 42 R. 4 E. 22
 $\frac{82}{100}$ acres being W $\frac{1}{2}$ of N W $\frac{1}{4}$ of section 23 Town-
-ship 42 R. 5. E. and 40 acres being S W $\frac{1}{4}$ of S W $\frac{1}{4}$
Section 14 Township 42. R. 5. E. being seen and
heard by the Court. It is considered by the Court
that partition of said land be ordered and ad-
-judged between the said parties according to
their respective rights therein, and the Court pro-
-ceeding to ascertain and settle the rights and
interests of said parties in and to said land does
declare and adjudge the same as follows. The said
plaintiff Samuel Byrns is entitled to one
half of the three first described tracts of land,
and to one sixth part of the three tracts lastly
above described, That the heirs of James Scott.

are entitled to one sixth part of all the above described tracts of land, that Thomas Mattingly is entitled to one sixth part of all said lands, and the heirs of Sarah White are entitled to one sixth part of all said lands, that the heirs of Joel White are entitled to one sixth part of the three tracts last above described, and that the heirs of David White deceased, are entitled to the remaining one sixth part of the three tracts lastly above described, and it further appearing to the satisfaction of the Court, that partition and division of said lands cannot be made without great prejudice to the said owners thereof, It is ordered by the Court that the Sheriff of Jefferson County do proceed to expose the said lands to sale to the highest bidder for ten per cent of the purchase money in cash at the time of sale and the residue in twelve months, that said sale take place on some day during some day of the next term of this Court and be governed by the same regulations prescribed by law for sales of Real Estate under executions, notice thereof being given by the sheriff in the same manner as prescribed by law for such sales, and for the deferred payment aforesaid that he take a bond or bonds from the purchaser or purchasers, bearing interest at the rate of six per cent per annum from date, with sufficient security, and pay over the same to said parties according to their respective rights as hereinbefore declared and set forth and make report of his proceedings herein, to the next term of this Court, and this cause is continued.

State of Missouri }
County of Jefferson }

I do hereby certify that the foregoing is a true copy from the record of said Court of the order in said Cause made as the same remains in my office

In Testimony whereof I hereto set my hand and affix the seal of said Court at office

Decr 28th 1832.

Thos C. Fletcher

Clerk Circuit



✓ 1	I B cover. 1 track	$88 \frac{48}{100}$	\$ 410.00
✓ 5	200	5 Brentwood	$22 \frac{82}{100}$ 25.00
6	200	Lark	40. 30.00
✓ 4	Thos Byrnes 160 acres		700.00
✓ 2	H. Cook	$57 \frac{65}{100}$	62.50
✓ 3	Thos Byrnes	80.	10.00
			\$ 1237.50

Samuel W. Byrnes

or

the meeting at all

Copy order rate

25

Filed May 31st 1853
 Wm. C. Fletcher
 Clerk



Shaw's Report

State of Missouri }
County of Jefferson }

In the Circuit Court
May Term 1853

Samuel Byrnes

vs
Thomas Mattingly et al }

In Partition

I James McCulloch Sheriff
of the County of Jefferson aforesaid do certify that By
virtue of an order of sale of Real Estate made at the
November Term AD 1852 of the Circuit Court of said
County in said proceedings in partition, ^{a copy of} which
said order is hereto attached as part hereof I did
on the 14th day of February AD 1853 advertise the
Real Estate in said order mentioned for sale according
to law by putting up six written handbills in
different and public places in said County signed
by me at least twenty days before the day of sale
hereinafter mentioned a copy of which said ad-
vertisement is hereto attached as part hereof and
after giving notice by said advertisements of the
time terms and place of said sale and of the
Real Estate to be sold and where situate I did
on the 23th day of May AD 1853 at the Court house
door in the town of Hillsboro in said County between
the hours of nine o'clock in the forenoon and
five o'clock in the afternoon of said ~~and while~~
during the sitting of the Circuit Court at the
May term thereof AD 1853 agreeably to said
advertisements expose to sale at Public auction
to the highest bidder for Ten per cent of the
purchase money cash in hand at the time of
sale and the residue on a credit of twelve months
the purchaser giving bond or note with approved
Security bearing interest at the rate of Six per
cent. per annum until paid the Real Estate

in said order mentioned and at said Sale.
Jerome B. Dover. became and was then and there
the highest and last bidder for the N. E. $\frac{1}{4}$ of
of Section No 22. Township No 42 Range 5 East
containing $88\frac{4}{100}$ acres at and for the price &
Sum of Four hundred and ten dollars and
the same was Stricken off and Sold to him for
that sum, also for the fifth mentioned tract in
said order it being the W. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ of Section 33
Township 42. Range 5 East. Containing $25\frac{82}{100}$ acres
at and for the price and Sum of twenty five dol-
lars and the same was Stricken off and Sold to
him said J. B. Dover. for that sum, also for the 6th
mentioned tract in said order. ~~number~~ it being the
(S. $\frac{1}{4}$ of ~~S. W. $\frac{1}{4}$~~) South west quarter South west qua-
ter Section 14 Township 42. Range 5 East. contain-
ing 40 acres at and for the price and Sum of
Thirty dollars and the same was Stricken off and
Sold to him said J. B. Dover for that sum make-
in the aggregate the Sum of Four hundred and
Sixty five dollars of which amount he has paid
in cash the Sum of Forty Six & $\frac{50}{100}$ dollars and
has executed his Bond with approved Security
due twelve months after date for the Sum of -
Four hundred and Eighteen and $\frac{50}{100}$ dollars
And Thomas Byrns. became and was then and
there the highest and last bidder for ~~fourth~~ (14th)
mentioned tract in said order. it being the S. E.
of Section No 3. Township No 42 Range 4 E. con-
taining one hundred and Sixty acres. at and
for the price and Sum of Seven hundred dollars

and the same was Stricken off and Sold to him
Said Thomas Byrns for that sum. - Also for the
third mentioned tract in said order it being
the N. $\frac{1}{2}$ N E qr Section No 10 Township No 42 R. 4 E.
containing Eighty acres, at and for the price and
sum of Ten dollars. making in the aggregate the
sum of Seven hundred and Ten dollars of which
Said sum he has paid to ^{me} Seventy one dollars being
the amt. required by said order to be paid at the
time of sale and to secure the remainder he
has executed to me his bond with approved secu-
rity for the sum of Six hundred and thirty nine
dollars due twelve months from the date thereof
bearing interest at the rate of Six per cent per
Annum until paid agreeable to the directions
of said order. And also Henry Cook became
and was then and there the highest and last
bidder for second named tract in said order
mentioned it being the E. $\frac{1}{2}$ of of S. W. qr of Section
No 3 Township 42 Range 4 East containing 59 $\frac{15}{100}$
acres at and for the price and sum of Sixty
two and $\frac{50}{100}$ dollars and the same was Stricken off
and Sold to him Said Cook for that sum of which
Said sum he has paid to me Six dollars and 25^c
cents being ten per cent of the purchase money for
said tract and to secure the residue thereof he
has executed to me his bond with approved securi-
ty for the sum of Fifty six dollars and twenty five
cent due twelve months after date thereof bearing
interest at the rate of Six per cent per annum
until paid agreeable to the directions of said
order of sale. All of which is respectfully submitted
James McColloch Sheriff

State of Missouri }
County of Jefferson } Sheriff Sale in Partition of 3
Samuel Byrns } In the Circuit Court
November Term 1852

Thomas Mattingly et al } Order of Sale

By Authority of an order of Sale made in the above entitled cause by the Jefferson County Circuit Court on the 24th November 1852 the undersigned Sheriff of the County of Jefferson will on Wednesdayⁿ 25th day of May 18th next 1853 between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of said day at the door of the Court House in the Town of Hillsboro in the County of Jefferson a State of Missouri sell all the right title Interest claim estate and property of the above named parties of in and to the real Estate mentioned in said order to the highest bidder on the terms in said order mentioned to wit for ten per cent of the purchase money cash in hand at the time of sale the residue in twelve months the payment to be secured by note or bond to be given by the purchaser with approved security and bearing Interest at the rate of six per cent per annum from date untill paid which said real Estate is described as follows to wit 88 $\frac{48}{100}$ the N E $\frac{1}{4}$ of Section No 22 Township No 42 R 5 E. 59 $\frac{65}{100}$ acres the E $\frac{1}{2}$ of S W $\frac{1}{4}$ of Section No 3 Township 42 Range 4 East 80 acres the W $\frac{1}{2}$ N E $\frac{1}{4}$ of Section No 10 Township No 42 Range 4 E 160 acres the S E $\frac{1}{4}$ of Section No 3 Township No 42 Range 4 E. 22 $\frac{82}{100}$ acres the W. $\frac{1}{2}$ of S W $\frac{1}{4}$ of Section 23 Township 42 R. 5. E. and 40 acres being S W $\frac{1}{4}$ of Section 14 Township 42 R 5. E all of said Land Lying & being in the County of Jefferson a State of Missouri. February " 14. 1853

James McCalloch Sheriff of Jefferson
County mo

Byron
Hathaway