

Jefferson County Circuit Court
Case Files - Civil
November 1852, No. 9

Box 7 Folder 40

Burns, Elizabeth

v.
Johnston, Benjamin
Eastwood, Leonard

Partition

Heirs of Daniel Eastwood; 282 $\frac{41}{100}$ acres
in various locations and slaves Gabriel,
Louis, Aaron, William, David, Matilda,
Eliz, and Ellender; survey map included

In the Circuit-Court of Jefferson County
November Term 1852

Elizabeth Burns
against
Leonard Eastwood &
Benjamin Johnston

Plaintiff ^{states} that her brother Daniel
Eastwood died some months ago seized of an estate
in fee of the following lands situate in Jefferson County
to wit- the west-fractional half of section six and
the North West-Fractional quarter of section seven
in Township forty North Range three East (West of
Big River) containing one hundred and thirty nine
and thirteen hundredths acres also the NE quarter
of the NE qr and NE quarter of SE quarter of Section
one Township 40 North Range 2 E containing eighty
four acres and fifty two hundredths of an acre. Also
the NE qr of SE Fractional quarter (in the head
of Big River) of Section 12 T 40 N Range 2 East-
containing twenty three and sixteen hundredths acres
all entered by the said Daniel Eastwood. Also
the one undivided third part of the NW Fractional
quarter of NW quarter (East of Big River) of section
7 Town 40 N Range 3 East containing thirty five
and sixty hundredths acres entered by John Eastwood
Also the undivided half of SE 1/4 of NW 1/4 of sec 12 Town 40 N Range 2 East
containing 40 acres that legal title being in John Eastwood
now deceased. That she is entitled to the one undivided
and half of all said land and Leonard Eastwood to
the other undivided half they being the only heirs
of said Daniel and John Eastwood.

She further states that said Daniel also died
seized of the following slaves to wit- Gabriel aged
about sixty years Louis aged about twenty nine

years Aaron aged about twenty six William aged about twenty four David aged about twenty two Matilda aged about eighteen Eli aged about ten and Ellender aged about four. That all of said slaves are heirs and her brother Leonard in equal shares as the sole heirs of their brother Daniel That neither said land or slaves are necessary to pay debts the said Daniel owing little or nothing at the time of his death.

Plaintiff further states Benjamin Johnson as administrator of said estate is in possession of said land and negroes.

She ~~prays~~ further states that Leonard Pastwood is not a resident of or residing in this State.

She prays for a partition of said land and slaves according to the rights above set forth and for a sale of the same if partition cannot be made without great prejudice to the owners.

M. & Fripell

M Fripell for the plaintiff makes oath and says that the foregoing petition and the matters therein as stated he believes to be true and further that Leonard Pastwood is a non resident of this State.

Sworn to and subscribed before me
the undersigned Clerk of the Circuit Court for
St Francis County Mo Sept. 4th 1852
John Leoble Clerk

M Fripell

1209

Elizabeth Brown
against -

Samuel Easton
Beverly Church

Petition for partition
of lands & shares

Set a commission
Jury against B
Whiston and one other
of publication signed
J Easton

Filed Sept 7th 1852
The Clerk of the Court

Order paid made Sept 7th 1852
with fees & copying sent to B & C

In the Circuit Court of
Jefferson County

November Term 1852

Elizabeth Burns

against

Leonard Eastwood &

Benjamin Johnston

Plaintiff states that her brother
Daniel Eastwood died some months ago -
seized of an estate in fee of the follow-
ing lands situate in Jefferson County to
wit the west fractional half of section
six and the North west fractional -
quarter of section seven in Township -
forty North Range Three East (West of Big
River) containing one hundred and thirty
nine and thirteen hundredths acres also
the N. E. quarter of the N. E. qr and N. E. quarter
of S. E. quarter of section one Township
40 North Range 2 E. containing Eighty -
four acres and fifty two hundredths of
an acre, Also the N. E. qr of S. E. fractional
quarter (in the bend of Big River) of section
12 T 40 N Range 2 East containing twenty
three and sixteen hundredths acres, all
entered by the said Daniel Eastwood,
Also the one undivided third part of the
N. W. fractional quarter of N. W. quarter
(East of Big River) of section 7 Town
40 North Range 3 East containing thirty
five and sixty hundredths acres
entered by John Eastwood now deceased
that she is entitled to the one un-
divided half of all said lands

and Leonard Eastwood to the other undivided half they being the only heirs of said Daniel and John Eastwood

She further states that the said Daniel also did possessed of the following slaves to wit Gabriel aged about sixty years, Louis aged about twenty nine years Aaron aged about twenty six, William aged about twenty four David aged about twenty two Mahilda aged about eighteen Eli aged about ten and Ellender aged about four

That all of said Slaves are hers and her brother Leonard's in equal shares as the sole heirs of their brother Daniel

That neither said Lands or Slaves are necessary to pay debts the said Daniel owing little or nothing at the time of his death

Plaintiff further states that Benjamin Johnston as administrator of said Estate is in possession of said land and negroes

She further states that Leonard Eastwood is not a resident of or residing in this state She prays for a partition of said Land and Slaves according to the rights above set forth and for a sale of the same if partition cannot be made without great prejudice to the owners

Wm. T. Russell

Mr. J. M. [unclear] for plaintiff makes
oath and says that the foregoing
petition and the matters therein
~~set~~ stated he believes to be
true and further that Leonard
Eastwood is a non resident of
this state

M. Brewster

Given to and subscribed
before me the undersigned
Clerk of the Circuit Court
for St. Francis County this -
Sept 4th 1852

Notable Clerk

A true copy of the original petition and affi-
davit on file in my office in said cause
In Testimony whereof I hereto
set my hand and affix the
seal of said court at office
Sept 15th 1852

Thos C. Fletcher
CLK

No 9

To Lewisit Court
at or near 1852.

Elizabeth Burns
as }
Benjamin Shuckles

Merick Street 1850

The State of Missouri.

To the Sheriff of the County of Jefferson, Greeting,
We command you that you summon Benjamin Johnston
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 said County on the fourth Monday of
November next, then and there to answer unto
Elizabeth Burns upon her original petition a
copy whereof is hereto annexed, and have you
then there this writ.

Witness the C. Fletcher Clerk of our
said Circuit Court at Hillsboro
this 15th day of September A.D.
1852
The C. Fletcher
Clerk C.C.

I executed the foregoing writ in the County of
Jefferson on the 21st day of Sept 1852 by
reading the same and by offering to read
the petition hereto annexed in the presence
& hearing of Benjamin Johnston which
he refused to hear
James McIlvick Sheriff

*In the Circuit Court of Jefferson County, in vacation,
September 7th, 1852.*

Elizabeth Burns against Leonard Eastwood and Benjamin Johnston.

TO Leonard Eastwood, a non-resident, the plaintiff herein having this day filed in the office of the Clerk of the Circuit Court, within and for the county of Jefferson, and State of Missouri, her petition duly verified by affidavit, and stating, that you are a non resident of said State, It is, therefore, ordered that you be notified, by publication of the commencement of said suit, the object of which is to obtain partition of the following described property, to wit: The west fractional quarter of section seven, in township 40 north, range 3 east, (west of Big River), containing 139 13-100 acres; also the north-east quarter of the north-east quarter, and north-east quarter of south-east quarter, of section one, township 40 north, range 2 east, containing 84 52-100 acres; also, the north-east quarter of south-east fractional quarter, of section 12, township 40 north, range 2 east, containing 23 16-100 acres; also, one undivided third part of north west fractional quarter of north-west quarter (East of Big River), of section 7, township 40, range 3 east, containing 35 60-100 acres, all situate in Jefferson county, Missouri; also, the following named slaves, to wit: Gabriel, aged about 60 years; Louis, aged about 29 years; Aaron, aged about 25 years; William, aged about 24 years; David, aged about 22 years; Matilda, aged about 18 years; Eli, aged about ten years, and Ellender, aged about four years, and unless you appear at the next term of said Court to be begun and held at Hillsboro', in said county of Jefferson, on the fourth Monday of November next, and on or before the sixth day thereof answer the plaintiff's petition, the same will be taken against you, as confessed, and judgment entered accordingly. It is further ordered, that a copy hereof be published, according to law, in the Weekly Missouri Republican newspaper. A true copy, test

THO. C. FLETCHER, Clerk.

FRISSELL & NOELL, Attorneys for Plaintiff.

s10w8t

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

Elizabeth Burns

Leonard Eastwood et al } Now at this day comes
said plaintiff by her attorney and proves to the
satisfaction of the court the due publication
of a notice herein to seize defendant as required
by law, and the said defendant though three
times solemnly called comes not neither
hath he answered to the petition of said pl-
=aintiff, and said defendant Benjamin
Johnston though duly served with process
and being three times solemnly called comes
not, neither hath he answered to the petition
of said plaintiff whereby the same remains
wholly undefended, and said plaintiff pre-
=sents her petition praying for partition and
division of the following described land, -
to wit, the west fractional half of section
six and the north west fractional quarter
of section seven in township forty North
Range three East (West of Big River) con-
=taining one hundred and thirty-nine
and thirteen hundredths acres, also the
N. E. quarter of the North E quarter and
the N. E quarter of the S. E. quarter of section
one township 40 North Range 2 East
containing eighty-four acres and fifty-two
hundredths of an acre, also the N. E. quarter
of the S. E. fractional quarter (in the bend
of Big River) of section 12 Township 40
N. Range 2 East containing twenty-three
and sixteen hundredths acres, all entered by

the said Paul Eastwood, also the undivided third part of the N.W. fractional quarter of the north west quarter (East of Big River) of Section 7 Township 40 North Range 3 East containing thirty five and sixty hundredths acres, also the following named slaves, to wit, Gabriel aged about sixty years, Louis aged about twenty nine years, Aaron aged about twenty six years,

William aged about twenty four years, David aged about twenty two years.

Matilda aged about eighteen, Eli aged about ten and Ellender aged about four years, all slaves for life - Which being seen and heard it is considered by the Court that partition of said land and slaves be ordered, and adjudged between the said parties according to their respective rights and interests therein, and the Court proceeding to ascertain and settle the rights of said parties in and to said land and slaves, does decree and adjudge the same as follows, the said Elizabeth Burns is entitled to one half of said land and slaves, and the said Leonard Eastwood is entitled to one half thereof, and the Court does appoint Jerome B. Dover, Newman Pounds and E. F. Frost commissioners to make partition and division of said lands between the said parties according to their respective rights therein as herein before declared and set forth, if the same can be done without prejudice to said owners; that they take with them for that purpose the County Surveyor of Jefferson County and

make report of their proceedings to the next term of this Court. And it appearing to the satisfaction of the Court that partition in kind of said slaves cannot be made without great prejudice to their said owners, It is further ordered by the Court that the Sheriff of Jefferson County do proceed to expose the said slaves to sale to the highest bidder on the day of next for cash in hand at the time of sale and that said sale be governed by the same regulations and notice thereof be given by the said Sheriff, in the same manner as prescribed by law for such sales under executions and pay over to Elizabeth Burns one half of the proceeds of said sale and the remaining one half being the share and interest of the said Leonard Eastwood, pay over to the Clerk of this Court and make report his proceedings herein to the next term of this Court - and it is further ordered, by the Court that the said Clerk loan out on good Real Estate as security the said money of said Leonard Eastwood so directed to be paid over to him as aforesaid until the further order of this Court.

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 27th 1833

Thos C. Fletcher Clerk

Elizabeth Perkins
as
Leonard Eastwood

Copy order for Com^o

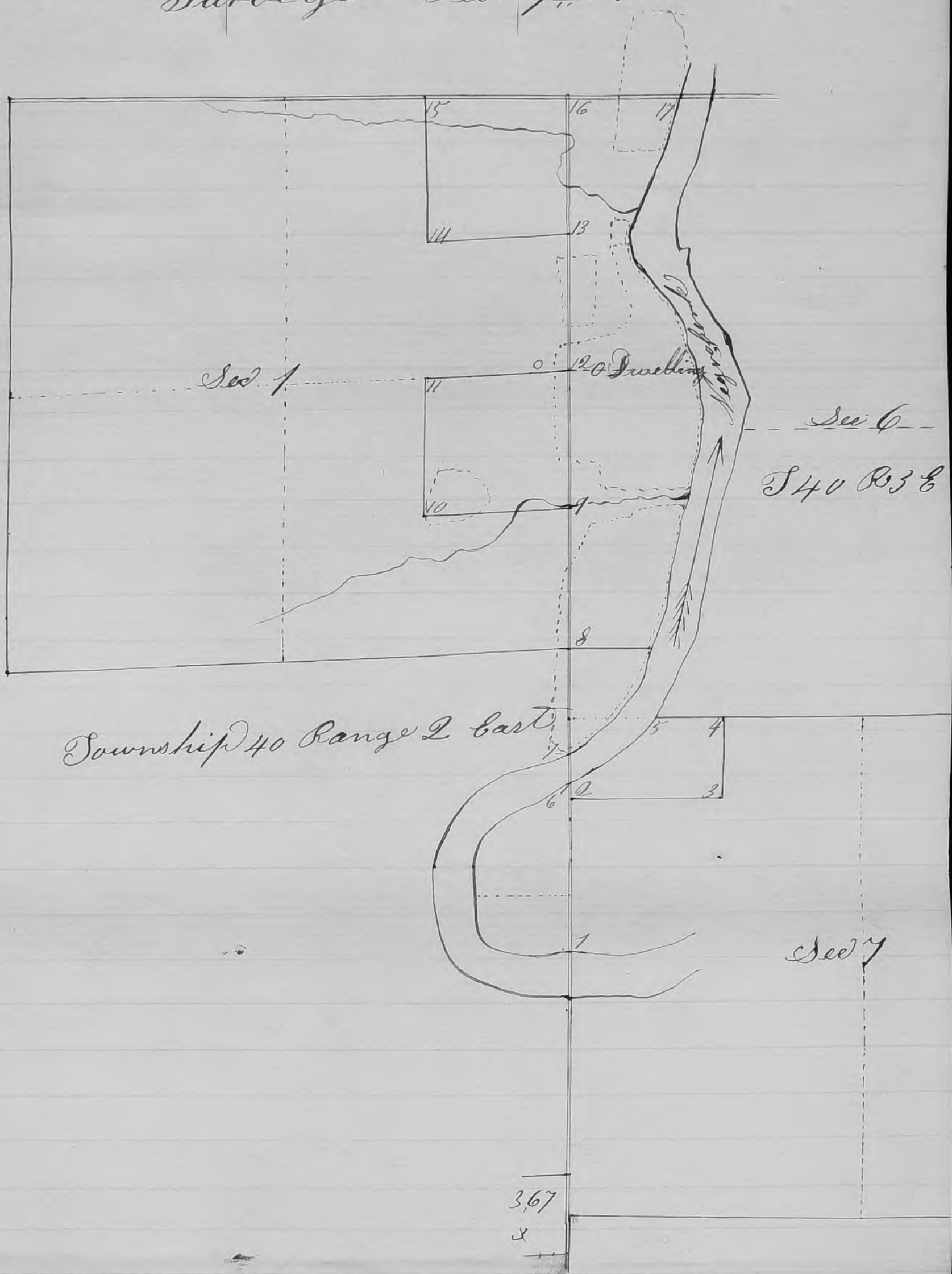
Deemed to Dover
Newman Perudo
to 4 streets

Com^o

4 5 0 0



Surveyed Feb 7th 1853



To the Hon^l the Circuit Court of Jefferson County Missouri we the Commissioners appointed by your Honor to make partition and division of the lands specified in the order between the heirs of Daniel Eastwood beg leave to report to your Honor that they have examined the premises and from the diversity of different interests

Survey of the $W\frac{1}{2}$ of sec 6 west of Negro Fork
 & $NW\frac{1}{4}$ of sec 7 in T40 North of Range three East
 (west of Big river) containing one hundred and thirty
 nine and thirteen hundredths acres also the NE quarter
 of the NE quarter and the NE quarter of the SE q^r
 of sec one Township 40 Range 2 East containing eighty
 four acres and fifty two hundredths of an acre also the
 NE q^r of the SE q^r (in the bend of Big River) of section
 12 T40 N R2 East containing twenty three and sixteen
 hundredths acres also the NW q^r of the NW q^r of sec
 7 East of Big River Township 40 N of R3 East

Neuman Pounds
 E J Frost
 J B Dover } Commissioners

Patrick Thomas fore chainman
 Leroy Dover hind chainman
 John Dover axman

Beginning at Township corner between
 T40 and 41 & between Range 2 and 3 East Thence $E 16,60$
 ch to river bank an Elm 12 inches diameter bears $N 70^{\circ} W$
 10 links distant I went back to same corner ^{marked 16} A black oak
 12 inches diam bears $S 54^{\circ} W 60$ links dist & A white oak 8 inches
 diam bears $N 53^{\circ} E 24$ links dist Thence $S 81,50$ ch to sec corner
 between sees 1 & 6 "7 & 12 ^{marked 8 with red ink} Thence on $S 18,10$ ch to river bank
 corner marked 7 an Elm 10 inches diam bears $S 5^{\circ} E 50$ links dist
 & A white walnut 3 inches diam bears $S 12\frac{1}{2}^{\circ} W 30$ links dist
 I then went back to corner marked 12 past corner Thence
 $S 78^{\circ} 10' W$ through sec 1 to $\frac{1}{4}$ sec corner and west boundary
 and found it to be 82,00 ch went back $\frac{1}{4}$ distance and
 made A corner A W oak 10 inches diam bears South 63 links dis
 and A Black oak 3 inches diam bears $N 56^{\circ} E 8$ links dist corner
 marked 11 Thence $S 20,37\frac{1}{2}$ ch corner marked 10 A Black waln
 4 inches diam bears $S 12\frac{1}{2}^{\circ} E 13$ links dist & A cherry tree 10 inch

diameter bears $N 86\frac{1}{2}^{\circ} W 43\frac{1}{2}$ links dist, Thence $N 78^{\circ} 10" E 20.35$
 cha to corner marked 9 on S bank of branch A white Locust
 10 inches diam bears $S 1^{\circ} W 13$ links dist & an Elm 9 inches diam bears
 $N 80^{\circ} W 30$ links dist, Thence $N 40.75$ cha to corner marked 13 A
 Post oak 16 inches diam bears $S 38\frac{1}{2}^{\circ} W 5$ links dist do 8 in diam be
 $N 38\frac{1}{2} E 20$ links dist Thence $S 78^{\circ} W 20.38$ cha A hickory 4 in
 diam bears $S 86^{\circ} W 18$ links dist corner marked 14 & A hickory
 4 inches diam bears $N 78\frac{1}{2}^{\circ} E 9$ links dist Thence $N 24.62$ cha to
 corner marked 15 A black oak 14 inches diam bears $N 65^{\circ} E 62$
 links dist do 10 inches diam bears $S 49^{\circ} W 42$ links dist
 Thence $E 20.20$ to place of beginning

I then went on East side of river where the
 Range line struck the river corner marked 6 A Boak
 18 inches diam bears $S 13^{\circ} W 36$ links dist & A Sugar tree 12 in
 diam bears $N 21 E 59$ links dist Thence $S 23.24$ cha to river
 bank corner 1 A White oak 15 inches diam bears $19^{\circ} W 45$ links
 & A Boak 11 inches diam bears $N 60 E 53$ links, I then went
 1/4 Sec corner on N boundary of Sec 7 and run $N 31.90$
 cha to river bank at $D 20.30$ corner marked 4 A Boak 12
 inches diam bears $S 45\frac{1}{2}^{\circ} E 19$ links dist & A post oak 8 inches
 $N 13\frac{1}{2} E 29$ links Thence $S -$ cha to corner marked 3 A w 14
 inches north 20 links do 10 inches $N 41 E 30$ links Thence $N 21.20$
 to corner marked 2 A w oak 5 inches $N 10^{\circ} E 9$ links dist do 6
 inches diam bears $S 16\frac{1}{2}^{\circ} W 47$ links dist

Jerome B Doven
 County Surveyor

Fees

Commissioners	E F Frost	4 days	\$ 6 00
	Neuman Pounds	4 days	\$ 6 00
	J B Doven	4 days	\$ 6 00
	for Surveying		10.00
			16.00
chaincarriers and axman	Patrick Thomas	3 days	\$ 3 00
	Leroy Doven	3 days	\$ 3 00
	John Doven	3 days	\$ 3 00
			43 00

set out in the petition they find the same
is not susceptible of division in
kind ^{without prejudice to the donors} given under our hands this
25th day of May AD 1853

Jerome B. Dover
Newman Pounds
E. J. Frost

E. J. Frost.
Jerome B. Dover and Newman Pounds
being by me duly sworn upon their
oaths say that the matters and things
as stated in the foregoing report are
true as herein stated to the best of
their belief.

Sworn to before me May 25 1853

Thos B. Hatcher
clerk

Elizabeth Burns plaintiff } In the Jefferson Circuit Court
Against } May Term A.D. 1853

Leona Eastwood Defendant.
J.B. Johnston —

William Woodcock & his wife Mary Ann Woodcock
formerly & before her intermarriage with William Wood-
cock Mary Ann Eastwood daughter of Elijah Eastwood
comes & pray to be made parties defendant to plaintiff's
petition herein for partition & division, & also of
certain negroes purporting to belong to the estate of
Danie Eastwood ^{deced} but who in fact belong to the
Children of Elijah Eastwood deceased

And also set forth that said Mary Ann
& William Woodcock were lawfully married sometime
about the year 1843. That said Mary Ann was the
daughter of said Elijah Eastwood. That said Elijah died
leaving said Mary Ann Eastwood and Elizabeth who
afterwards intermarried with Joseph Webb, infant,
& minor at the time of his death.

After the death of said Elijah, said
Elizabeth intermarried with Mr. Joseph Webb.
That they were the only children of said Elijah.
That Elijah did leave several slaves to wit Lewis,
Louis who has since died, & Lewis, Aaron, Will-
iam, David, Matilda ^{Eli} & Sally, all of whom were
descendants of said Lewis & ^{& also} Eliza an old man
That said slaves absolutely belonged to
said Elijah. & were at a time belonged to Danie
Eastwood

That said slaves have been taken into
possession by the Public Adm. of Jefferson County
and he is proceeding to divide & apportion them

The property of Daniel Eastwood deceased

Plaintiff has filed a Petition for partition of said slaves or for sale thereof as the property of said Daniel L. is asking for the benefit an order to see said slaves as the property of Daniel Eastwood.

That upon the death of said Eliza, the property here sought to be sold or, conveyed to the title thereof vested in the children of said Eliza.

The plaintiff altho claiming said slaves or the half thereof ~~as~~ as the sister of said Daniel is not entitled to any part of them, because said slaves ~~on~~ ^{and} ~~clearly~~ belong to said Eliza.

Nor is said plaintiff nor said Leonard whom she has sought to make defendant the only brother & sister or the descendants of Daniel Eastwood — but that said Daniel had other brothers & sisters to wit John Eastwood, Catharine Eastwood, and Eliza Eastwood and their descendants.

And the said William Woodcock surfs most emphatically over the said Daniel was never entitled to said slaves or to any part of them.

That the said Mary, the husband William Woodcock are entitled to the one half of said slaves & the descendants of Joseph Eliza to the other half absolutely.

They ask to be heard in the premises.

upon their rights.

And pray that the Court
upon a full hearing of all the matters then
putting to law property claims, may make such
order judgment, decree as may be just &
proper to grant all such other further relief
as may be just & proper.

William Woodcock
Sons his atty —

William Woodcock being duly sworn upon
his oath states that the facts set forth above
are true as therein stated to the best of his belief

Subscribed and sworn to
on this 15th day of March 1833
Wm C. Fletcher
Clerk

William ^{his} Woodcock
mark

To the Hon. Secy
of the Navy —

E. B. Brown.

a. J. Eastman.

Amount of Work done
Certs

Filed Apr 12th 1853
Thos. C. Nichols
Secy

Mary F. Walsh &
Margaret J. Walsh by
their Guardian

James B. Walsh

Elizabeth Burns
Leonard Eastwood
Catherine Johnson &
William Woodcock &
Mary his wife &
Benjamin Johnson

In Circuit Court
Jefferson County
May Term 1853

Plaintiffs state that
they are the only surviving
children of Elizabeth
Walsh deceased, who was
a daughter of Elijah
East^{wood} deceased, who was a
brother of Daniel Eastwood

deceased state of the County of Jefferson in
the State of Missouri.

Plaintiffs further state that their mother
the said Elizabeth, & their father, Joseph W. Walsh,
are both dead.

Plaintiffs further state, that the above
defendant Benjamin Johnson, public adminis-
trator of Jefferson County has taken in charge
and administered upon the estate of the
said Daniel Eastwood. deceased

Plaintiffs further state that, at the
November Term of the Circuit Court, 1853, for
said Jefferson County, on petition for partition
of Elizabeth Burns aforesaid, against the said
Johnson & the above named Leonard Eastwood
the places belonging to said deceased were
ordered to be sold & the real estate of said
deceased was ordered to be divided, for the
purpose of a division & partition of said places
& said real estate between said Elizabeth
Burns & said Leonard Eastwood, the said
places & real estate are the same mentioned
& described in said petition of said Elizabeth Burns

Plaintiffs further state that they have heard, but cannot tell whether it is true or not, that the slaves aforesaid properly belong to the Estate of this grandfather the said Elijah Eastwood & not to Daniel. If this be true, & the Court shall so find, then plaintiffs are entitled to one half of said slaves, and the above named defendants Mary Woodcock & William Woodcock are entitled to one half, which they claim.

Plaintiffs further state that the ascendants of Daniel Eastwood are as follows - to wit, Elizabeth Burns, Leonard Eastwood, Catherine Johnson, formerly Catherine Eastwood, Mary Woodcock formerly Mary Eastwood, & the above named plaintiffs, children of Elizabeth Burns formerly Elizabeth Eastwood.

If it shall be found, that the said slaves are the property of said Daniel & not of said Elijah, then the above named persons, as ascendants aforesaid, are interested in the real estate & slaves above referred to as follows.

Elizabeth Burns owns one fourth
Leonard Eastwood owns one fourth
Catherine Johnson owns one fourth
William & Mary Woodcock in right of said slaves further said Elijah own one ^{half of one} fourth, & plaintiffs in right of this said ~~mother~~ grandfather own one half of one fourth.

Plaintiffs pray the Court to make them parties to said suit in partition, that their interest may be ordered adjudged & decreed to them according to their respective rights, & for such other and further relief as to the Court shall seem meet.

and the proof may warrant and as in duty
bound they will ever prayth.

James B. Halch
Guardian

By Pipkin atty.

Philip Pipkin attorney for the above named
plaintiff makes oath and says that the
 foregoing petition & the matters therein as stated
 he believes to be true.

Sworn to and Subscribed before
me May 2nd 1853.

Thos C Fletcher CEN

Philip Pipkin

1209

Mary J. Whitely
Margaret J. Whitely
Henry J. Whitely Jr.

Elizabeth Owens

Petition to be heard
as to the estate,

J. P. Whitely
att'y,

Filed May 2nd 1883
H. C. Decker

Cell

Elizabeth Burns } Petition in partition
against } of land and slaves
Leona and Eastwood &
Benjamin Johnson }

In the Jefferson Circuit Court May
Term A. 1853

Defendant Benjamin Johnson moves the
Court to set aside the order made at the
last Term of this Court making partition
and ordering the sale of the slaves in the
above entitled cause for the following reason
to wit,

1st

The rights of parties in interest are not
properly set out.

2^d

All the parties in interest are not made
parties to this proceeding, to wit, the heirs
of Elijah Eastwood deceased who was a brother
to Daniel Eastwood deceased, also Catharine
Johnson formerly Catharine Eastwood, a sister
of the said Daniel who intermarried with
one Johnson

D. D. Gale for Defendant
Johnson

Elizabeth Burns

W.

Leonard Carlbrook &
Benjamin Johnson

Motion to set
aside the opening
date

Filed May 23^d 1853
The Clerk

(cell)

Elizabeth Burns

Leonard Eastwood et al

In Jefferson
Circuit Court
May term 1853

The plaintiff in the above
Cause states to the Court, that, the official
bond of the Defendant Benjamin Johnston as
public administrator of Jefferson County is
not taken according to law. So as to hold his
securities responsible for the property in his
hands belonging to the Estate of Daniel Eastwood
dec'd. the subject matter of this suit - that the
penalty of said bond is not large enough to
cover the liabilities of said public Adminis-
trator for said property and other estates in his
hands as such. And that, the securities in
said bond, are not solvent for the amount
of said bond. And that the owners of said
property will be in danger of losing the same
unless this Court requires said Johnston to
give sufficient security for the forthcoming of
said property or make some other proper
order for the protection of the parties. The
plaintiff for the reasons above stated moves the
Court to require said Johnston who has the
property in possession to give sufficient se-
curity for its forthcoming. And if he fails
& refuses so to do to appoint receivers to
take charge of and manage said property
untill this suit is determined.

Fripell & Howell for plff

Leonard Beeler being duly sworn states that
that he believes the matters and things in the
foregoing petition are true as therein

stated,

Geo Beeler

Donor to & Subscribed before me }
May 28th 1853
The C. F. Fletcher Clerk

Beeler
v
Fletcher

The May 28 1853
The C. F. Fletcher
Clerk

State of Wisconsin } In the Circuit Court,
County of Jefferson } November 27th 1852.

Elizabeth Burns
Leonard Eastwood et al } Now at this day, comes said
plaintiff by her attorney and proves to the satisfaction of
the court the due publication of a notice herein to
said defendant as required by law, and the
said defendant though three times solemnly call-
ed comes not neither hath he answered to
the petition of the said plaintiff, and said defendant
Benjamin Johnston though duly served with pro-
cess and being three times solemnly called co-
mes not neither hath he answered the petition of
said plaintiff, whereby the same remains wholly
undefended, and said plaintiff presents her
petition praying for partition and division of the
following described land, to wit, the west fra-
ctional half of section six, and the north west
fractional quarter of section seven in Town-
ship forty north, Range three east (West of Big
River) containing one hundred and thirty
nine and thirteen hundredths acres, also the N.E.
quarter of the North E quarter and the N.E. quarter
of the S.E. quarter of sections one Township 40
North Range 2 East containing eighty four
acres and fifty two hundredths of an acre, also
the N.E. quarter of the S.E. fractional quarter
(on the bend of Big River) of section 13 Town-
ship 40 N. Range 2 East containing twenty-
three and sixteen hundredths acres, all entered
by the said Jan^c Eastwood, also the undivided
third part of the N.W. fractional quarter of the
North west quarter (East of Big River) of section
7 Township 40 N. Range 3 East containing forty-

-five and sixty hundredths acres, also the follow-
-ing named Slaves to wit, Gabriel aged about sixty
years, Louis^{aged} about twenty nine years, Aaron aged
about twenty six years, William aged about twenty
four years, David aged about twenty two years,
Matilda aged about eighteen, Eli aged about
ten and Ellender aged about four years, all
slaves for life - which being seen and heard,
it is considered by the Court that partition of
said land and slaves be ordered, and ad-
-judged between the said parties according to
their respective rights and interests therein,
and the Court proceeding to ascertain and
settle the rights of said parties in and to said
land and slaves, does decree and adjudge the
same as follows, the said Elizabeth Burns is entitled
to one half of said land and slaves, and the
said Leonard Eastwood is entitled to one
half thereof and the Court does appoint
Jerome D. Jones, Newman Pounds and E. F.
Frost commissioners to make partition and
division of said lands between the said parties
according to their respective rights therein as
herein before declared and set forth, if
the same can be done without prejudice to
said owners; that they take with them for that
purpose the County Surveyor of Jefferson County
and make report of their proceedings to the next
term of this Court. And it appearing to the satisfac-
-tion of the Court that partition in kind of said
slaves cannot be made without great prejudice
to their said owners, It is further ordered by the
Court, that the Sheriff of Jefferson County do
proceed to expose the said slaves to sale to the

highest bidder in the like manner as under executions
next for cash in hand at the time of sale
and that said sale be governed by the same reg-
ulations and notice thereof be given by the
said Sheriff, in the same manner as prescribed by
law for such sales under executions, and pay
over to Elizabeth Burns one half of the proceeds
of said sale and the remaining one half being
the share and interest of the said Leonard East-
wood pay over to the Clerk of this Court, and
make report his proceedings herein to the next
term of this Court - And it is further ordered
by the Court that the said Clerk loan out an
good real Estate as security the said money
of said Leonard Eastwood so directed to be
paid over to him as aforesaid until the
further order of this Court.

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
31st 1852. Thos H. Fletcher

Clerk

the foregoing & within order of sale was set aside
by the Circuit Court of Jefferson County Mo
at the May Term thereof 1853 and this order not
complied with for that reason,
James McFallock Sheriff



Elizabeth Dunn
as
Leonard Eastwood

Copy order for sheriff

25

Filed May 31st 1853
Jno C. McFallock
clerk

17

State of Michigan
County of Jefferson

C. S. Beeler being duly
sworn states that he is informed that one
Catharine Johnson formerly Catharine
Eastwood a sister of Daniel Eastwood, and
interested in the suit in Partition of Henry Burns
against Leonard Eastwood as a party entitled
to a partition of the property in said suit
mentioned and described is a non resident of
the state of Michigan, that the name of Johnson
the husband of said Catharine is unknown to
affiant, & that if said Catharine be dead, her
ascendants if she have any are unknown
to affiant & that affiant is interested in said suit
as the assignee of said Henry Burns

Sworn to & Subscribed

before me June 21st 1883.

Thos C. Helcher clk

C. S. Beeler

Elizabeth Parsons
vs
Catharine Johnson

Filed June 21st 1853.
Wm. McLehose
Clerk

C. S. Beeler - makes oath and swears
that there should be and he believes
there is in the possession of Benjamin
Johnson as the administrator of
Daniel Pastwood a paper purporting
to be a bill of sale from ^{Daniel}~~Elyah~~ Pastwood for a negro woman
named Louise dated about the year
1816 or 1817 - That said Paper is
material evidence for him as he is
advised and he prays that a subpoena
duces tecum may issue ordering the
said B. Johnson to bring said paper into
court to be used in the case now on trial
wherein Elizabeth Burns is plaintiff and
Leonard Pastwood is defendant -

Sworn to & subscribed
before me Dec 6th 1853.
Chas. C. Fletcher C.W.

C. S. Beeler
attorney of E. Burns

James
Eastwood

affo for dpa dices beam

Recd Dec 6th 1853
2nd & 3rd Rehearsal

This motion was sustained except,
as to James 4. 5. & 6 Dec 7. 1853. Book # 3 page 345

Elizabeth Burns
against
Leonard Eastwood

The plaintiff by her
attorneys move the court to set
aside the verdict and judgment in
this cause and grant a new trial
for the following reasons

1st Because the verdict is against
law

2^d Because the verdict is against
the evidence

3^d Because the verdict is against
the weight of evidence

4th Because the verdict is against
the instructions of the court

5th Because the court refused to give
legal & pertinent instructions asked by
plaintiff

6th Because the ^{court} gave instructions
asked by defendant which were illegal
and improper

Frederick & Noel
for plaintiff

Elizabeth Burns
of and
Leonard Batters

Proctor for
a new tract

File of Dec 7th 1853
Chas & Alchies

11

COUNTY OF JEFFERSON.

The State of Missouri,

To Benjamin Johnston

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our said Court for the
County aforesaid, on the 23rd day of May next
at St. Louis, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Elizabeth P. Wood is Plaintiff and
J. C. Ashworth & A. A. Ashworth are Defendants on the part
and that you have now then and there to appear personally to a bill of sale from & Ashworth to
David P. Ashworth for a negro woman named Dora, dated about August 1816 or 1817.
And herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 23rd day of Feb

A. D. 1854.

Thos C. Fletcher
Clerk.

I executed the within ²Writ on Benj^r
Johnston by reading it in his presance
and hearing on the 21st 1854

James McFollock Sheriff

to Lincolns Bank
May Term 1854.

Elizabeth Burns
vs
Jenard Eastwood

vs
Shues Deam for

Ben Johnston

Shewill Dec 4, 50

2nd day

Elizabeth Burns plaintiff } In the Jefferson Circuit Court
against } in the State of Missouri
Leonard Eastwood Defendant On partition
William Woodcock & Mary his
wife & the minor heirs of Joseph & Elizabeth
Walsh by their Guardian applying to the
Court parties thereto to show their interest
in the property in controversy.

To Elizabeth Burns,

You are hereby notified, that de-
positions of witnesses to be read in evidence in the above cause
proceeding now pending in the Jefferson Circuit Court aforesaid
on the part of William Woodcock & Mary his wife, & the minor heirs
of Joseph & Elizabeth Walsh parties in said proceeding shall
be read in evidence in the above cause will be taken
at the Court House in the Town of Union in the County
of Franklin and State of Missouri on the twenty ninth
day of March

in the year one thousand eight hundred & fifty four between
the hours of eight o'clock in the forenoon and six o'clock
in the afternoon of said day, and that the taking
of said depositions, if not completed on that
day will be continued from day to day **at the**
same place between the same hours, till completed
Feb 17. 1854.

William Woodcock & Mary Woodcock
by Charles Jones their attorney & minor heirs
of Joseph & Elizabeth Walsh by Philip Sefton
their Guardian and attorney.

Know the within notice on the said Elizabeth Biers in the
County of Jackson in the State of Missouri on the 15th
day of March in the year 1854 by delivering to
her a true copy of this notice & of the within & by reading to her
said notice in her presence and hearing a County clerk
after and.

Joab Scott Sheriff
of Jackson County Mo
per satisfied

COUNTY OF JEFFERSON.
The State of Missouri,

To James Bonds, ^{Plaintiff} versus James Bonds

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our ^{Sacred} Court for the County aforesaid, on the 23^d day of May next.

at Willbore, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

Elizabeth Starn

Plaintiff and

Levi and Quaker

Defendant on the part

of ~~Starn~~ and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of April

A. D. 1854

Thos Fletcher

Clerk.

I executed this writ on James Tourads & on
James Evans by reading it in their
presence & hearing on the 22 day of April
1854 James McCulloch Sheriff

27. *Vircid. Leand*

May 1854

Elizabeth Burns

Her
} she
Demond's daughter

for
204

James Donaldson

Human Hands

James Levens 27

$$\begin{array}{r} 48 \\ 15 \overline{) 720} \\ \underline{60} \\ 120 \\ \underline{120} \\ 0 \end{array}$$

2ⁿ day

I presented the petition that in December
 found by reading the his presence
 and hearing on the 16th of May 1884
 of the same date Mr. J. Williams
 before me 22nd May 1884
 me & others
 to be

COUNTY OF JEFFERSON.

The State of Missouri,

To *Dr. Joseph M. Levine (Living in Washington)*

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Deicid* Court for the County aforesaid, on the *23^d* day of *May next* at *St. Louis*, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Elizabeth Turner* Plaintiff and *Samuel L. Turner* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this *18th* day of *April*
A. D. 1854

Thos Fletcher
Clerk.

To Council Court.

May Term 1834

Elizabeth Perry

vs } Sher
Dea and Executors of

for Debt

vs. Elizabeth Perry

Served the within Spec
in the County of Franklin
May 5th 1834. and by
the said Elizabeth Perry
by reading the same
to him and in his
hearing

Wm. Perry
of the County of Franklin
Shall be 5000

Friday

COUNTY OF JEFFERSON.

The State of Missouri,

To

John Over and John Denny

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our District Court for the County aforesaid, on the 22^d day of May next at Millboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Elizabeth Jones* Plaintiff and *Lemuel Callaway* Defendant on the part of Plaintiff and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 18th day of April
A. D. 1854

Wm. Fletcher

Clerk.

Executed the within writ on John Dover by reading
it in his presence and hearing on 13th day of
May 1854 also on John Barney by
reading it in his presence + hearing
on 15th of May 1854

James McColloch
Sherriff

To Sir Cecil Sturt.

May 1854

Elizabeth Sturt

at the
Dewar's Court

To Mr

John Dover.

John Barney

Sherriff for \$100

2nd day

COUNTY OF JEFFERSON.

The State of Missouri,
To, Saml. B. Hummard, Dea Woodcock & Oliver Hunt.

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Sevicil Court for the
County aforesaid, on the 23^d day of May next.
at Stillmore, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Elizabeth Hunt Plaintiff and
Samuel Caldwell Defendant on the part
of Defend^t and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 22^d day of April
A. D. 1854

Thos. Fletcher
By Anthony sept. Clerk.

Dr. Vincent Lewis.

May Term 1834.

Elizabeth Duran

no { she

Leeward District

for debt.

Saml B Thurmond

dear Woodcock

Elizabeth Duran

2^d May

Presented the within subpoena

COUNTY OF JEFFERSON.

The State of Missouri,

To Martha Couch, David Bennett & Geo. Horvick

Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Verdict Court for the
County aforesaid, on the 23rd day of May next
at St. Louis, then and there to testify, and the truth to say in a certain
matter of controversy, now pending in our said Court, wherein
Elizabeth Burns Plaintiff and
Samuel Gaetzman Defendant on the part
of defendant and herein you are in no wise to fail.

Witness, **Thomas C. Fletcher**, Clerk of our said

Court, with the Seal thereof hereto affixed,
at office this 22nd day of April
A. D. 1854

Thos Fletcher
Clerk.
by Attesty

I executed the within writ on Thomas-
Hornum by reading it in his presence
& hearing on the 2 day of May 1854

I executed the within writ on David
Brewitt by reading it in his presence &
hearing on the 14 day of May 1854 also on
Martha Couch by her acknowledging its
service on the 14 day of May 1854

James McColloch Sheriff

To. David Brewitt

May Term 1854

Elizabeth Burns

vs

Demand. Eastman

for debt.

Martha Couch 17

David Brewitt 14

Thomas Hornum

Sheriff's fee \$1,50

2 on day

Depositions of witnesses produced sworn and examined at the Court house in Union in the County of Franklin State of Missouri before me the Clerk of the Circuit Court of the County of Franklin State of Missouri in a certain cause now pending in the Circuit Court of Jefferson county State of Missouri between Elizabeth Burns plaintiff and Leonard Eastwood, William Woodcock & Mary his wife & the minor heirs of Joseph and Elizabeth Walsh by their guardian applying to be made parties thereto & to show their interest in the property in controversy defendants on the 29th day of March A D 1834 between the hour of eight o'clock in the forenoon and six o'clock in the afternoon of said day

Said depositions being taken on the part of the defendants and in pursuance of the annexed notice defendant being William Woodcock and Mary his wife and the minor heirs of Joseph & Elizabeth Walsh

George W Frick of lawful age being ^{produced sworn and examined} ~~deposed~~ ^(on the part of the defendants) according to law, deposes and says as follows —

Question — What did you hear Daniel Eastwood say about the negroes now in controversy between the parties to this suit

Answer — I heard Daniel Eastwood say ~~that~~ and he told me that those negroes were not his, but that they belonged to the Estate of Elijah Eastwood with the exception of one negro named Jack which he claimed. They belonged to Mary Eastwood a daughter of Elijah Eastwood and heir of his estate — This is what he told me some time in the year 1838 and told it to me several times and that Mary Eastwood was the only one entitled to them.

Are you acquainted with the negroes in controversy in this suit Elizabeth Burns is plaintiff and Leonard Eastwood & others are defendants —

If you state what you know concerning them?

Answer I am acquainted with the negro woman called Louiza and she is the mother of the following children ~~Louis~~ Saron Will David Matilda and Eli and Nelly which are the negro⁽ⁱⁿ⁾ controversy. I became acquainted with them in the year 1838 and have known them ever since.

Did you ever have any conversation with Daniel Eastwood about these negroes and if so what was it & when was it?

Answer I had a conversation with Daniel Eastwood in the year 1838 and some two or three times afterwards about these negroes & the property belonging to Elijah Eastwood's Estate and he said those negroes belonged to Elijah Eastwood and now belong to Mary except one named Jack whom he claimed by virtue of a contract between him and Elijah Eastwood and he intended she should have them as they belonged to her father Elijah Eastwood - that he told him this as often as two or three times afterwards. About three years before his death Daniel Eastwood came to my house in St Louis County and in course of conversation said that ~~there were~~ some persons were urging him to make a will but he said he had nothing to will except his land for the negroes did not belong to him, except Jack ~~but~~ - that his sister Elizabeth Burns took ~~him~~ a good many years ago ~~at~~ the death of his mother every thing belonging to his mother, ~~and~~ that the negroes belonged to Elijah Eastwood and were now Mary's.

That the mother of said Daniel Eastwood lived
with him and his brother John at the time of her
death and Elizabeth Burns came and took
everything from the house while they were in
the diggings and away from home and further this
deponent saith not — George W. Lundy
Sworn to and subscribed before me this 29th day
of March A.D. 1854 and I do hereby certify
^{C. S. Jeffries Clerk By E. B. Jeffries D.C.}
that George W. Lundy the deponent whose place
of residence is Franklin County in the State of
Missouri was by me sworn to testify the whole
truth of his knowledge touching the matter in
controversy in the cause aforesaid. That deponent
was examined and his examination reduced to
writing and subscribed by said deponent in my
presence on the 29th day of March in the year
eighteen hundred and fifty four at the Court house
in Union in Franklin County Missouri between the hours of
eight o'clock in the forenoon and six o'clock in the afternoon
of that day.

Witness my hand and seal of office
as Clerk of the Circuit Court of
the County of Franklin State of Missouri
this 29 day of March A.D. 1854

C. S. Jeffries Clerk
By E. B. Jeffries D.C.

John Woodcock of lawful age being produced
before me and examined on the part of the defendants
deposes and says —

Did you ever have any conversation with
Daniel Eastwood about the negroes in controversy
Answer After the death of Elijah Eastwood
and in the year 1848 he had a conversa-
tion with Daniel Eastwood and Eastwood said
people were getting too much interfering with
his business — Mr. Walth had been at his
house to administer on Elijah Eastwood's

Erst and he had ran him off - He said
he had burned up two bills of sale - one of
Louiza and one of old Gabe for fear the
public administrator would interfere - He said
he was derved if any man could find a
scratch of a pen betwixt him and Elyah
Eastwood in the count or state -

Who is Louiza the negro of whom he has been speaking - Answer - She is the Mother of all the negroes in controversy except Gabe and is the woman of whom Estwood was speaking. ~~Is further information~~

How did the above conversation above relate originate?

Answer That witness was working in
Blacksmith Shop at Daniel Eastwoods and
Ben Horine came there and said that
the blacksmith tools belonged to him and
witness replied how is that and he said
Elyah Eastwood had bought them but
never paid for them and he intended to
have them and when he told Eastwood
what Horine said then Eastwood told
him what witness has above related
and further Dependent saith not —

Jesse Woodcock
 sworn to and subscribed before me this 29 day of
 March A.D. 1854 and I hereby certify that
 the said Jesse Woodcock whose place of residence
 in Franklin County State of Missouri was by me
 sworn to testify the whole truth of his knowledge
 touching the matter in controversy in the cause
 aforesaid, that deponent was examined and
 his examination reduced to writing and sub-
 scribed by said deponent in my presence

on the 29th day of March Eighteen hundred
and fifty four between the hours of eight o'clock
in the forenoon and six o'clock in the afternoon
of that day at the Court house in Union in
Franklin County Missouri—

Witness my hand and seal of the
Circuit Court of Franklin County
Missouri at office in Union
this 29th day of March
A D 1854 C. S. Jeffries CLK
J. E. B. Jeffries W.C.

State of Missouri }
County of Franklin } I C. S. Jeffries
Clerk of the Circuit Court of the County aforesaid
hereby certify that in pursuance of
the annexed notice came before me at
the Court house in Union in the County of
Franklin State of Missouri George W. Bush
and Jesse Woodcock who were there by me
sworn and examined and such examination re-
duced to writing and subscribed by them respectively
in my presence and there said depositions are
now herewith returned

Given under my hand and seal
of said Circuit Court at office
in Union this 29th day of
March A D 1854—
C. S. Jeffries CLK
J. E. B. Jeffries W.C.

Elizabeth Burns

in

Leonard Eastwood
rather

Deposition of
deponent

Filed & opened by me
April 22nd 1852,
Wm. McKee
clerk

Elizabeth Burns
against
Leonard Pastwood
and others

Plaintiff moves the court
to order the costs of in this case
adjudged against the plaintiff
at the last term of this court.
The taxation of the clerk being
erroneous in this.

The attendance ^{of Bliska Hart} at court
the subpoena and service are wrong-
fully taxed against plaintiff for the
reason said Hart was not examined
nor, as plaintiff believes, was he
summoned for the purpose of being
examined but for other purposes.

Doell & Fairpell
for plaintiff

Benj. Brown
against
Leonard Barker
and others

Motion to stay
costs

Filed May 26th 1837
Wm. McKim
clerk

Elizabeth Eastwood } In Jefferson Circuit Court
" } May term 1884
Leonard Eastwood Votter }

The said Leonard Eastwood
Comes and moves the Court to suppress the depositions
taken in the above Case in behalf of Wm
Woodcock Votter for the following reasons

1. There was no notice to the parties claiming
adversely to said Woodcock Votter
2. The depositions were taken before a Deputy
Clerk who is not an officer authorized
by law to take depositions
3. The notice is insufficient
4. The said depositions are not properly certified

The full testimony for
Leonard Eastwood et al

Elizabeth ~~Brace~~

4

Levin ~~Estlin~~ 1846

William L. Burleigh

Definition

Filed May 23^d 1854

Wm L. Burleigh
1846

we the Jury find that Daniel Eastwood was
the owner of the slaves mentioned in the
Petition and died possessed of them in 1851
leaving as his Heirs Leonard Eastwood and
Elizabeth Burns and the Co Defendants the
Heirs of Elijah Eastwood. That Leonard Eastwood
is entitled to one third Elizabeth Burns is entitled
to one third and the Co Defendants the Heirs
of Elijah Eastwood to the remaining third.

Willis Hopson Foreman

James

E^r Leetwood

March

Filed 24th May 1834
Hobbs & Wilekes
CLC

Sheriff's Sale

Elizabeth Burns
 against
 Leonard Eastwood et al } In the Circuit Court
 May Term 1834
 Order of Sale.

Pursuant to an order of the Circuit Court of
 Jefferson County Missouri made on the 24th day of May
 1834. directed to the Sheriff of Jefferson County and to me
 said Sheriff delivered. I will on Wednesday the 21st
 day of June A.D. 1834. at the Court house door in the town
 of Hillsboro in said County during the sitting of the County
 Court for said County. Expose to sale publicly to the high-
 est bidder for cash in hand, the following Negroes (Slaves)
 belonging to the Estate of Daniel Eastwood deceased
 for the purpose of partition and division. To Wit.

Gabriel	aged about	60 years
Lewis	" "	29 "
Ann	" "	26 "
William	" "	24 "
David	" "	22
Mattilda	" "	18
Poli	" "	10
Ellender		4.

May 27th 1834

James McColloch
 Sheriff Jeff County

Elizabeth Burns }
 vs } In Partition in her Court
 Leonard Eastwood } May Term 1834
 Costs in General.

Thos. C. Fletcher clerk	\$ 15.95
James McCulloch Sheriff	5.00
Chambers & Harapp Printers	8.75
Comis. E. F. Frost 64 N. Pound #6. J. B. Dover #6.	18.00
J. B. Dover. Surrendering lands	10.00
Pat Thomas. 34 Leroy Dover #3. Wernman Ins Dover 34	9.00
This fee Bill	30
	<u>\$ 67.20</u>

State of Missouri }
 County of Jefferson }

I Thomas C. Fletcher clerk of the Circuit Court in and for said County Certify that the foregoing is a true account of the fees due in the above entitled Cause. In the Circuit Court in general.

In Testimony whereof I here to Set my hand affix the Seal of said Court at office June. 22nd 1834.

Thos C. Fletcher

per E. H. H. H.



Sheriffs Sale

By virtue of an order of the circuit court of Jefferson County Mo. made at the May Term 1854 a copy whereof has been to me the Sheriff of said county delivered I will on Wednesday the 29th day of November next at the Court House door in the Town of Hillsboro in said county during the Session of the circuit court Expose to Sale publicly to the highest bidder for Seven per cent of the purchase money in cash at the time of sale and the residue in twelve months bearing Interest at the rate of six percent per annum from the day of Sale the purchaser giving bond with approved security the following described Real Estate lying in Jefferson county Mo. to wit the west $\frac{1}{2}$ of Section 6 and N^W $\frac{1}{4}$ of Sec 7 Township 40 N Range 3 East containing $139 \frac{130}{100}$ acres the N^E $\frac{1}{4}$ of the N^E $\frac{1}{4}$ and N^E $\frac{1}{4}$ of S^E $\frac{1}{4}$ of Sec 1 Town 40 N Range 2 East containing $84 \frac{52}{100}$ acres the North East $\frac{1}{4}$ of S^E $\frac{1}{4}$ of Sec 12 Town 40 N Range 2 East containing $23 \frac{16}{100}$ acres also one undivided $\frac{1}{3}$ part of N^W $\frac{1}{4}$ of Sec 7 Town 40 Range 3 East containing $35 \frac{60}{100}$ acres also one undivided $\frac{1}{2}$ of S^W $\frac{1}{4}$ of N^W $\frac{1}{4}$ of Sec 12 Town 40 Range 2 East containing 40 acres for the purpose of partition and division among the heirs of Daniel Eastwood October 13th 1854
Augustine Wiley Sheriff

State of Missouri } In the Circuit Court
County of Jefferson } Nov. Term 1854.

Eliabeth Burns
vs }
Leonard Eastwood et al } in partition

I Augustine Wiley Sheriff of the County of Jefferson aforesaid do Certify That by Virtue of an order of Sale of Real Estate, Made at the May Term A.D. 1854 - of the Circuit Court of said County. Said proceedings in partition a copy of which said order is hereto attached as part hereof - I did on the thirteenth day of October A.D. 1854 Advertise the real Estate in said order mentioned for sale according to law by putting up six written hand bills in different parts and public places in said County signed by me at least twenty days before the day of Sale herein after mentioned a copy of which said Advertisement is hereto attached as a part hereof and after giving Notice by said Advertisements of the time terms & place of sale & of the Real Estate to be sold & where situate I did on the 29th day of November A.D. 1854 at the Court house door in the Town of Hillsboro in said County between the hours of nine o'clock in the fore noon and five in the afternoon of said day and during the sitting of the Circuit Court for said County - agreeable to said Order of Sale and Advertisements expose to sale at public Vendue to the highest bidder for ten per cent of the purchase money cash in hand at the time of sale & The residue in 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 from date
until ^{paid} at said Sale - Conrad Beeler became
and was then and there the highest & last bidder
for the West fractional half of section six and North
West fractional quarter of section seven Township
forty Range ~~three~~⁽³⁾ East and the North East quarter
of North East quarter and North East quarter of
South East quarter of Section one (1) Township forty
Range (2) two East - and the North East quarter of
the South East fractional quarter of Section twelve
Township forty Range two East - also the undivided
one third part of North West fractional quarter and
North West quarter of Section Seven, Township forty
Range three East and the undivided half of South
West quarter of North West quarter of Section
twelve (12) Township forty Range two (2) containing
in the whole - three hundred and sixty two -
Acres and forty one hundredths of an acre -
at and for the price and Sum of Seven hundred
and twenty seven dollars - and the said Beeler
have paid to me the said Sheriff in Cash - The Sum
of ~~my~~ Seventy two dollars & Seventy Cents - being ten per-
cent upon the amount bid - and have executed his
note or Bond for the Sum of Six hundred and fifty
four and thirty Cents - payable Twelve Months
from date bearing Six per cent per annum from
date - agreeable to the requisitions of said order of
Sale

all of which is

Respectfully

Submitted for approval

Augustine Wiley - Sheriff

State of Missouri } In the Circuit Court
County of Jefferson } May 24th 1854.

The following proceedings were had.

Elizabeth Burns
Leonard ^{vs} Eastwood & others } And now again at this day
comes the parties aforesaid by their respective attorneys
and it is here further considered by the Court that
partition and division of the lands and premises in
the petition of said plaintiffs described found by the
jury at the last term of this Court to be the property
of Daniel Eastwood at the time of his death, be ordered
and adjudged between the parties plaintiffs and defendant
according to their respective rights and interests therein
as found by the jury, to wit, the said Leonard Eastwood
to one third part, Elizabeth Burns one third part, Mary
Woodcock one sixth part thereof, Mary J. Walsh one twelfth
part and Margaret J. Walsh one twelfth part, and it further
appearing to the satisfaction of the Court, that par-
- tition of the lands and slaves in the petition of said
plaintiffs mentioned and described cannot be made
in kind among said owners according to their rights
as found by the jury herein empanelled and adjudged
by the Court without prejudice to the said owners. It
is ordered by the Court that the Sheriff of Jefferson County
do proceed to expose the said land and slaves to
sale to the highest bidder, to wit, the West fractional
half of Section Six and the North West fractional quarter
of Section Seven in Township forty N Range three East
(West of Big River) containing one hundred and thirty
nine and thirteen hundredths acres. Also the North
East quarter of the North East quarter and North East
quarters of South East quarter of Section one Township
40 North Range two East containing Eighty ^{four} Acres

and fifty two hundredths of an acre. Also the north East quarter of South East fractional quarter (in the bend of Big River) of section Twelve in Township forty N Range Two East containing twenty three and sixteen hundredths acres all entered by the said Daniel Eastwood, also the one undivided third part of the North West fractional quarter of North West quarter (East of Big River) of section 7 Township 40 N Range 3 East containing $35 \frac{6}{100}$ acres, entered by John Eastwood dec^d also one undivided half of the S W qr of S W qr of section 30 contained in Township 40 North Range 2 East containing forty acres. Also the following named slaves to wit, Gabriel aged about sixty years Louis aged about twenty nine years, Aaron aged about twenty six years, William aged about twenty four, David aged about twenty two, Matilda aged about eighteen Eli aged about ten and Ellender aged about four years, that said sale be in all respects conducted as under executions, that he sell said slaves for cash in hand at the time of sale, and sell said land for ten per cent of the purchase money in cash and the residue in twelve months and for said deferred payment take a bond or bonds from the purchasers thereof with sufficient security bearing interest at the rate of six per cent per annum from date, and that both said sale of said lands, and of said slaves be governed by the same regulations and notice thereof be given by the Sheriff in the same manner as prescribed by law for such sales under executions, and that he pay over to said Elizabeth Burns one third of the proceeds of the sale of both said slaves and lands that he pay over to Leonard Eastwood one third of the proceeds of said sales, that he pay over to William and Mary Woodcock one sixth of the proceeds of said sales and pay over to Mary D. Walsh one twelfth of the proceeds of sales, and pay over to Margaret D. Walsh the remaining one twelfth

part of the proceeds of such sales, and report his proceedings
herein to the next Term of this court

I certify that the foregoing is a true copy from the
records of the circuit court in my office of the
order of said court made in that cause,

In Testimony Whereof I hereto set my
hands and affix the seal of said
Court at office Oct 12th 1854.

This to Fletcher

Clerk Cir Ct



Elizabeth Burns
as
Leonard Davidson et al

Copy order made for sheets

Wm L. L. 2nd 1854
Wm L. L. et al



Wm L. L. et al

State of Missouri } In the Circuit Court,
County of Jefferson } May 24th 1854.

The following proceedings were had, to wit:

Elizabeth Burns
Leonard Eastwood & others } And now again at this day comes
the parties aforesaid by their respective attorneys and it is here further
considered and adjudged by the court that partition and division of
the lands and premises in the petition of said plaintiff described
found by the jury at the last term of this court to be the property
of Daniel Eastwood at the time of his death, be ordered and adjudged
between the parties plaintiff and defendant according to their respect-
ive rights and interests therein as found by the jury. to wit, the said
Leonard Eastwood to one third part, Elizabeth Burns one third part
Mary Woodcock one sixth part thereof, Mary & Walsh one twelfth part
and Margaret & Walsh one twelfth part and it further appearing to the
satisfaction of the court, that partition of the lands and slaves in the
petition of said plaintiff mentioned and described cannot be made in
kind among said owners according to their rights as found by the
juries herein empanelled and adjudged by the court, without prejudice
to the said owners. It is ordered by the court that the Sheriff of Jefferson
County do proceed to expose the said lands and slaves to sale to the
highest bidder, to wit, the West fractional half of section six and the
North West fractional quarter of section seven in Township forty of
Range three East (West of Big River) containing one hundred and thirty
nine and thirteen hundredths acres, Also the North East quarter
of the North East quarter and North East quarter of South East quarter
of section one Township 40 North Range two East containing eighty

four acres and fifty two hundredths of an acre, also the north east quarter of south east fractional quarter (in the bend of Big River) of section twelve in Township forty N Range two East containing twenty three and sixteen hundredths acres all entered by the said Daniel Eastwood, also the one undivided third part of the north west fractional quarter of north west quarter (East of Big River) of section 7 Township 40 N Range 3 East containing $35 \frac{5}{100}$ acres, entered by John Eastwood deceased, also one undivided half of the S W qr of S W qr of section No twelve in Township No forty Range 2 E containing 40 acres. Also the following named slaves, to wit, Gabriel aged about sixty years, Lewis aged about twenty nine years, Aaron aged about twenty six, William aged about twenty four, David aged about twenty two, Matilda aged about eighteen, Eli aged about ten (and) Elender, aged about four years, that said sale be in all respects conducted as under executions, that he sell said slaves for cash in hand at the time of sale, and sell said lands for ten per cent of the purchase money in cash and the residue in twelve months and for the said deferred payment take a bond or bonds from the purchasers thereof with sufficient security bearing interest at the rate of six per cent per annum from date and that both said sale of said lands and of said slaves be governed by the same regulations and notice thereof be given by the sheriff in the same manner as prescribed by law for such sales under executions, and that he pay over to said Elizabeth Burns one third of the proceeds of the sale of both said slaves and lands, that he pay over to Leonard Eastwood one third of the proceeds of said sales that he pay over to William and Mary Woodcock one sixth of the proceeds of said sales and pay over to Mary F Hale one twelfth of the

proceeds of sales and pay over to Margaret C. Hale the remaining one twelfth part of the proceeds of such sales, and report his proceedings herein to the next term of this court.

I Thomas C. Fletcher Clerk of the Circuit Court within and for the County of Jefferson in the State of Missouri, do hereby certify that the foregoing is a full and true copy of the order of sale made by said Court in said cause as the same remains on the records of said Court in my office.

In Testimony Whereof I hereto set my hand and affix the Seal of said Court at office in Hillsboro' May 24th A D 1854.

Thos C Fletcher

Clerk



Elizabeth Burns
in
Leonard Dabrowski's

copy order of sale

for sheriff



Price & approved
Dec 2nd 1854
The State of New York
cert

State of Missouri }
County of Jefferson }

In the Circuit Court
Nov. Term 1854

Elizabeth Burns }
Leonard Eastwood et al }

Report of Sale of Slaves, by Sheriff

I, the undersigned Sheriff of the County of Jefferson aforesaid would most respectfully report to the said Court that in pursuance to the annexed order of Sale issued from the office of the Clerk of said Circuit Court directed to the Sheriff of said County, and to me then and there Sheriff delivered, I did on the 27th day of May A.D. 1854, advertise the Slaves therein named for sale by putting up at least Six hand bills signed by me at Six Public places in different parts of said County at least twenty days before the date of sale, therein named. a copy of which said handbill is hereto annexed and made a part hereof. And did on the 21st day of June A.D. 1854 in pursuance of said order of sale and advertisement at the Court House door in the town of Hillsboro in said County expose to sale for cash to the highest bidder the following named Slaves. To Wit. One Negro man named ^(Larson) ~~Edward~~ aged about 26 years and at said Sale James L. Dunklin became and was then and there the highest and last bidder for said Negro man. and the same was stricken off and sold to him said Dunklin at and for the price and sum of \$1025.00 also at said Sale Louis Jas. Rankin being the highest and last bidder for a Negro man named William and the same was stricken off and sold to him said Rankin at and for the price and sum of \$1250.00. and also at said Sale George W. Higginbottom, became and was then and there the highest and last bidder for a Negro woman named Matilda and the same was stricken off and sold to him at and for the price and sum of \$1050.00

And also at said Sale Leonard Eastwood became
and was then and there the highest and last bidder for
a Negro Boy named Eli, and the same was stricken
off and sold to him said Eastwood at and for the price
and sum of \$840.00. Also at said Sale, John Stroup
became the highest and last bidder for a Negro
Girl named Ellender, and the same was stricken off
and sold to him at and for the price and sum of \$501-
making in the aggregate the sum of ————— \$4671.00
The other named Slaves in said order. To wit. Gabriel
Louis and David were not delivered into my hands
in custody and were not sold. — And the said Sheriff
has. Out of which said amount I have settled the costs
of the suit in general, except the fee, allowed Messrs
Noel and Tripell, and have paid over the residue
to the respective distributees in said order men-
tioned and have their respective receipts therefor
~~all of which is respectfully submitted~~
previous to the allowance made to said attorneys,
all of which is respectfully submitted
to said Court for approval
James McColloch Sheriff.

Elizabeth Burns

vs
Leonard Eastwood, Wm Woodcock
& Mary his wife, Defendants
& others.

} In the Jefferson
Circuit Court.
May Term.

Charles Jones attorney for W Woodcock & wife
Claims as attorney for the paid out of share of
said Woodcock & wife \$130.00. — for his services as attorney
to the case as for an Jefferson Circuit Court two trials
in said court. ————— \$100.00

Allowed for one hundred dollars and ordered to be certified
and paid out of the share of the Defendants William
Woodcock and Leonard Eastwood

May 31st 1853

John D. Stone Judge

1209
Burns

Eastward

allow of act, too
a had lower

Filed May 31 1855

We the jury find

1st

That Elijah Eastwood was the owner in his life time of the said slaves, and his heirs are entitled to them

2d That Elizabeth Burns and Leonard Eastwood, as surviving brother and sister of Daniel Eastwood are entitled to their each of his estate - and Mary S. Walsh - Margaret J. Walsh and ~~Woodcock~~ Mary Woodcock, as surviving heirs of Elijah Eastwood are entitled to the remaining one third part of Daniel Eastwood's estate

Shares to be passed on by the Surv —

1st That Anne Eastwood was the owner of the Shares
mentioned in the petition and she possessed of them
in 1851, leaving as her heir. Edward Eastwood, now
Eliakim Lewis, and the Co-Defendants the heirs of Eliakim
Eastwood, That Edward Eastwood is entitled to one
third, Eliakim Lewis is entitled to one third, and
the Co-Defendants the heirs of Eliakim Eastwood to the
remaining third

D. D. Fletcher

1833 To Mrs. Annenwald 182
June 27 To printing no bills
Sept 20 1833

Rockingham

William Allen

We the jury find issues No 3

" " " " " " No 5th

" " " " " " No 6th

issues not found No 2d
" " " " " " No 4th
" " " " " " No 4th

As Attested
Foreman

Adams
Leathwood & Chas

Ely Burns
vs
L Eastwood & others

Issue to be passed on by the Jury

1st That Daniel Eastwood died seized of the land in the petition mentioned

2nd Daniel Eastwood was the owner of the slaves mentioned in petition and died possessed of them in 1851 -

3rd That Elyah Eastwood was the owner in his lifetime of the said slaves and his heirs are entitled to them.

4th That Elizabeth Burns and Leonard Eastwood are the only surviving brothers of Daniel Eastwood, and are entitled to equal shares of his Estate being one half each -

5th That Elizabeth Burns and Leonard Eastwood, as surviving brother and sister of Daniel Eastwood are entitled to one third each of his Estate - and Mary J Walsh, Margaret J Walsh, ~~Catharine Johnson~~ and Mary Woodcock, as surviving heirs of Elyah Eastwood are entitled to the remaining one third part of Daniel Eastwood's Estate, and

6th That Mary J Walsh, Margaret J Walsh, ~~Catharine Johnson~~ and Mary Woodcock as surviving heirs of Elyah Eastwood are ~~and~~ entitled to ~~the one fourth part~~ of her Estate

7th 7th That the negroes, being the property of Eleyah and Elizabeth
Walsh having been barred by the Statute of limitation
Mary Woodcock is entitled to the one half ~~and Elizabeth~~
~~Barry, Leonard Eastwood, are each entitled each to the~~, And
to the one sixth of the Slaves. And Elizabeth Burns, Leonard
Eastwood, are ^{each} entitled to the one sixth, and Mary Walsh
and Margaret Walsh are each entitled to the one twelfth

Elizabeth Burns
vs
Leonard Eastwood & others

Instructions to the Jury.

- 1st That the undisturbed and undisputed possession of slaves for five years under an open and notorious claim of right confers upon the party thus in possession a title, good against all not disqualified from suing by reason of their being a married woman or minors.
- 2nd But if the jury shall find that Elizabeth Walsh was twenty one years of age at the time of her husband's death, or that she arrived to that age before her second marriage, and if they further find that Daniel Eastwood held possession of the slaves under an exclusive and notorious claim of right for five years after the said Elizabeth had arrived at full age, then her heirs and those claiming under her, are barred from making any claim except as heirs of Daniel Eastwood.
- 3rd No disability to sue will prevent the bar of limitation except ~~such as~~ ~~back as~~ existed at the time the right of action accrued.
- 4th That the accepting a deed of gift of a portion of the slaves from Daniel Eastwood are admitted to go to and be considered by the jury as a circumstance indicating her belief as to the ownership of the property. And if notwithstanding, the jury find that the slaves in controversy to have been the property of Elijah Eastwood, then the said Mary and the heirs of Elizabeth are entitled to them, and the accepting the said property from Daniel Eastwood, is no obstacle to their rights to the remaining property, nor a bar to their right of recovery in the Cause, & the jury will find issues nor. ~~to be true~~ 2nd to be true

5th If the jury find that the Slaves in Controversy to have been the property of Elijah Eastwood, and that Mary Woodcock & the Elizabeth Walsh were the natural Children of said Elijah by Polly Husky, and that he recognized them as his Children after his Marriage with said Polly, then they are entitled as heirs to his property and the Jury will find issues 3rd & 4th to be true.

6th But if the jury find that the Slaves were the property of Daniel, and that ^{the children of} Elizabeth Walsh & Mary Woodcock are the heirs to Elijah Eastwood as above, then they will find issues 1st 2nd & 3rd to be true.

7th If the jury find that the Children of Elizabeth Walsh and Mary Woodcock, are barred by the Statute of Limitation from claiming ^{as the property of Elijah} the share in the Slave property; then they will find the property to be the property of Daniel Eastwood to the extent ^{of one half} of his interest, and they will find issue 4th & 5th to be true No 1 to be true

Admitted
That the Jury in this case will find for the
Representatives of Elijah Eastwood, if they shall
believe from the evidence that the slaves in controversy
or any of them belonged to the estate of Elijah East-
wood. ~~Unless they are barred by the Statute of Limitations,~~

~~That if the Jury shall find from the evidence
that Elijah Eastwood purchased the slaves, or any
of them and for them obtained the possession of
said slaves, then said slaves belong to the
representatives of Elijah Eastwood, unless the
plaintiff shall prove that Daniel Eastwood
acquired title from Elijah Eastwood, or unless the
Statute has run against the Cla~~

show
That in order for possession to ripen into title of
said slaves, that possession of Dan Eastwood must
~~be adverse~~ under an exclusive claim of right in himself

same
That if the Jury shall find from the evidence that Eli-
jah Eastwood was the owner of said slaves, or any
of them & went to live with Daniel; ^{took the slaves to Daniel's} then Daniel
cannot set up such possession as adverse ^{disputing} ~~that~~
~~the time Elijah shall have lived with him~~
~~the possession continued in Elijah~~ ~~and~~

Refused
~~That the Statute of Limitations does not run &
can not be applied against infants or persons under
21 years of age or against married women.~~

same
That if the Jury shall find from the evidence that
Elijah Eastwood was the owner of the negroes in controversy
or any of them and died leaving them when he lived at
Daniel Eastwood's & at the time of his death his children
were minors under 21 years of age & ~~married~~ ~~for they~~
~~became of age & remain married, then the Statute of~~

limitations cannot run as against them. I must
find accordingly, unless they shall have arrived to the
age of 21 years.

Now
That title to slave property may pass vest in a party without
writing & can pass by delivery of possession, or by payment of money
if the Jury shall find from the evidence that Elyah Eastwood
purchased purchased the negroes in controversy or any of them then
they will find accordingly.

Now
That it is not necessary for the Representatives of Elyah
Eastwood to prove payment of the purchase money for
the negroes in controversy, it is sufficient for them to prove
that he purchased them
the payment of part of the purchase money, & delivery
of possession to Elyah Eastwood and if so proved
they will find accordingly.

~~That the true issue in this case is whether~~

2nd

That Elijah Eastwood was the owner of the Slaves mentioned in the petition, and died as such owner, and the Co-defendants as the heirs of said Elijah Eastwood are entitled thereto. To wit, Mary Woodcock is entitled to the one half of said Slaves and Mary Walsh and Margaret Walsh are each entitled to one fourth thereof.

1. If the Jury find from the evidence that Daniel Eastwood and his representatives have had possession of the slaves in controversy for more than five years next preceding the Commencement of this suit. Claiming to own the same, such possession gives them a perfect title, unless the persons claiming adversely to them were infants or married women

2. Although Elizabeth Walsh and Mary Woodcock may have been infants under the age of twenty one years at the time of the Commencement of the adverse possession of Daniel Eastwood and his representatives yet if they have become of age more than five years before the Commencement of this their right of action is barred by limitation, and their subsequent marriage after their right of action accrued will not prevent the Bar of the Statute

3. The said Elizabeth Walsh and Mary Woodcock ~~and their representatives~~ cannot avail themselves of the disability of Coverture unless such disability existed at the time of the Commencement of the adverse possession of Daniel Eastwood

4. The Bill of Sale of John Stanton to Daniel Eastwood for the negro girl Lurisia and her increase is evidence of the title of Daniel Eastwood to said Girl and her increase, and the fact that said Girl Lurisa may have been occasionally and temporarily at the house of Elijah Eastwood is no evidence of title in Elijah Eastwood

5- The plaintiff having established the title to the girl
Lerisa in Daniel Eastwood by the Bill of sale the
Burden of proof rests on them claiming under
Elijah Eastwood to show how he acquired title
from Daniel Eastwood and if they have failed to
do so the jury must find that the slave Lerisa
and such of the slaves in controversy as are her
children are the property of the Estate of Daniel
Eastwood

6- The acts and admissions of Elijah Eastwood in
regard to the slave Gabriel is evidence against
them claiming under him as to the title
of said negro

7- The jury in giving credit to the statements of
witnesses ~~may~~ may take into consideration
their relationship to the parties and all the
circumstances under which such statements
are made and give such weight to such
statements as under the circumstances they
may believe they are entitled to and if they
disbelieve any such statements they may
disregard them

Elizabeth Burns

at

Leonard Sutherland et al

}

vs James M. Colloch, dr.

For 2⁹⁰/₁₀₀ Commission on

1000⁰⁰/₁₀₀

20.00

" 1⁰⁰/₁₀₀ "

3671.8

36.71

" Each paid Bill & metre. bid for.

" printing advertisements

250

" Each paid Board of Staves the day

of sale

0.75

\$59.96