

Jefferson County Circuit Court
Case Files - Civil

Box

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May 1857, No. 24

McCollbald, James

vs

Wideman, Eliza
Wideman, John Francis
Wideman, Mark, Jr.

Land Partition

106 acres on Big River at
mouth of Dry Creek near
"Wideman's old mill"

James McColloch. Plaintiff
 a/gt
 Eliza Wideman
 John Francis Wideman
 + Mark Wideman Jr. Defendants

In the Circuit Court
 Jefferson
 County

Plaintiff States, that he is the owner in fee simple, and a tenant in common with the defendants of the following described tract of land in the County of Jefferson and State of Missouri: to Wit: One hundred and Six acres + $\frac{82}{100}$ of an acre, lying and being on the west end of larger tract or survey confirmed to John Wideman on Big River, at the mouth of Dry Creek near Widemans old Mill and a part of the same tract on which Jacob Wideman Jr. was living, at the time of his death, the said One hundred and six + $\frac{82}{100}$ acres, being the same tract or parcel of land set apart, and apportioned to Eliza Wideman, Mary Ann Wideman John Francis Wideman + Mark Wideman in a Suit for assignment of dower and partition brought heretofore in the said Jefferson County Circuit Court, by Elisha Hurt, against said Eliza, Mary Ann John Francis + Mark, as well more fully and certainly appear by reference to the papers on file and the proceedings in that cause. The boundaries to said tract of land are as follows "Beginning at the North West corner of the dower tract (assigned by commissioners to said Eliza) on the bank of Big River, thence South, 34 Chains to the S. W. corner of Widows dower aforesaid, thence W. 27 Chains 28 links to west boundary line of said original Survey thence North, to the river bank, thence down the river to the beginning.

Plaintiff further States, that he purchased on

the day of 185. all the right title interest and claim of the said Mary Ann, and her then husband Robert Husky in and to said one hundred and six acres $\pm \frac{82}{100}$ as well as their right title interest and claim in & to that portion set apart as aforesaid as the said Eliza's dower. Plaintiff further States that the interests of the parties to this suit are as follows, - The plaintiff and the said John Francis & Mark Jr is each the owner of and interested in $\frac{1}{2}$ of said one hundred and six $\frac{82}{100}$ acres, and the said Eliza is the owner and interested in $\frac{1}{2}$ of said land. Plaintiff prays Judgment of partition of said lands according to the several interests herein set forth, and if it shall appear to the Court, that partition cannot be had without great prejudice to the owners, that a sale thereof may be made.

Pipkin att for Plaintiff

P. Pipkin, on oath States that the foregoing petitions and the matters therein as stated he believes to be true.

Sworn to and subscribed } P. Pipkin
before me April 28th 1857 }
Elias J. Hooney Clerk }

Endorsed

"Filed April 28th 1857 Elias J. Hooney Clerk

A true copy of the original petition and affidavit on file in my office

Witness my hand and the seal
of said Court at office April
29th A.D. 1857

Elias J. Hooney Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Eliza Wideman, John
Francis Wideman and Clark Wideman Jr.

----- if they be
found in your County, that they be and appear before the Hon.
Judge of our Circuit Court, on the first day of the next term thereof,
to be begun and held at the town of Hillsboro, within and for the
County of Jefferson, on the fourth Monday of May
next, then and there to answer unto James M. Colloch

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

Elias J. Hovey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 29th
day of April A. D. 1857

Elias J. Hovey

CLERK CIRCUIT COURT.

I Executed the within writ at the county of Jefferson on the 2nd
Day of May 1857 by Delivering to Eliza Wiedemann a true copy of
the within writ and the annexed petition as furnished by the clerk
and also on John Frs Wiedemann and Mark Wiedemann Jr by reading
the within writ in their presence and hearing

Augustine Wiley Sheriff

No 24.
To Jefferson Circuit Court
May Term 1857

1578

James McColloch

H } Summoned

Eliza Wiedemann

John Frs Wiedemann

Mark, Wiedemann Jr.

Sheriff's fees \$ 3.00

Filed May 4th 1857

Eliza Wiedemann clk

James McCulloch, Plff }
 Against }
 Eliza Wideman }
 John Francis Wideman } Defts }
 I Mark Wideman }

In the Circuit Court,
 Jefferson County

Eliza Wideman, defendants, for herself, and as Guardian of John Francis Wideman, I Mark Wideman, for answers to the petition of Plaintiff, states that the rights of the parties to the land therein described is correctly set out ⁱⁿ said petition. That the said John F. and Mark Wideman are each entitled to eleven ^{10 6 8 11 00} forty fifths of said ^{acres of} land and she is entitled to two ^{forty} fifths of the same. She states that she believes it would be best for the interests of her said wards, that the interests of Dependents be set off in a body, without any subdivision, and that plaintiffs be set off to itself, and she believes it is not necessary to order a sale to have such partition; — and asks the

Alben Green
 Atty for Defts,

Eliza Wideman, defendants, makes oath, and says the above answer and the matters therein as stated she believes to be true.

In Circuit Court
Jefferson County

James McCallister
vs,

Eliza Probenman
& others

Shuman

Filed May 30th 1857
Geo H. Hensley Clk



State of Missouri } In the Circuit Court
County of Jefferson } June 2nd 1854

James M. Colloch } In Partition
vs } appointment of
Eliza Wideman et al } Commissioners

Now at this day comes said Plaintiff by his attorney, and presents, his petition for partition of certain real estate therein mentioned, and the answer of the defendants herein being filed, and by the Court seen and understood, It is considered, by the Court, that partition and division of the lands and premises in plaintiffs petition described as follows, to wit, One hundred and six acres and 82/100. of an acre lying and being on the west end of larger tract or Survey confirmed to John Wideman on Big River at the mouth of Dry Creek near Wideman's old mill and a part of the same tract of land on which Jacob Wideman Jr. was living at the time of his death, be made, among said parties, according to their respective rights and interests therein, and the Court proceeding to settle and determine the rights and interests of said parties doth declare the same as follows; The said James M. Colloch is entitled to and interested in Eleven forty fifths of said land, John Francis and Mark Wideman Jr. are each entitled to the like quantity and the said Eliza Wideman is the owner, and interested in two forty fifths thereof. And the Court, doth further find that said land is bounded as follows; Beginning at the North West corner of the lower tract (assigned by Commissioners to said Eliza) on the Bank

of Big River, thence South 34 Chains to the S.
West. corner of widows dower aforesaid, thence west,
27 chains 28 links to the west boundary line of
said original Survey, thence North, to the river
Bank, thence down the river to the place of begin-
ning. And it is ordered by the Court, that
Orsai Dower, Henry P Bates and Eli Wiley
be appointed Commissioners to make said par-
tition and division among said parties, accor-
ding to their respective rights and interests of
said parties, designating the several shares by
metes and bounds paying due regard to
quantity quality and value thereof, and
make report of their proceedings to the Court
and this Cause is Continued

J. Elias J. Hoovey clerk of the Circuit
Court, within and for said County hereby Certify
that the foregoing is a true copy of the order of
said Court, appointing Commissioners to make
partition and division of the lands and
premises therein mentioned and described

In Testimony whereof I hereto set
my hand and affix the Seal of
said Court, at Office in Rockham
September Second A D Eighteen
hundred and fifty seven
Elias J. Hoovey clerk

Jamy M. Colloeb

^{vs}
Eliza Mideman et al

Eli Wiley

H. P. Bates & Oscar Dover Commissioners
appointed to make partition and division
of the real estate mentioned in this Cause
on oath state that they will honestly and
impartially execute the trust reposed in them
as Commissioners aforesaid
Sworn to & subscribed } H. P. Bates
before me this 30th day } Oscar Dover
of November 1857 }
Elias J. Honey Clerk

W. Sealbach

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Elega. Hidenmannstr.

Office of the Secretary of the
Board of Education

James M. Colloch } In the Circuit Court
 vs. } Jefferson County
 Eliza Midman } Nov^r Term 1857,
 and others

The undersigned commissioners
 duly appointed and qualified to make
 division and partition of the real estate
 in the order of the said Court made at
 the May term thereof, report that they have
 carefully examined the land and considered
 the interests of the several parties therein
 and find that the said land is not
 susceptible of division among the
 parties interested, in kind, without
 great prejudice to the owner of said
 land Given under our hands this
 30th day of November 1857.

Henry P. Bates.

Sworn to and Subscribed
 before me Nov 30th 1857
 Elias J. Honey clk

Oscar Dover

Commissioners fees

HP Bates Two day	3.00
Oscar Dover. do do	3.00
Harvey McK Chain Carrier	1.00
Surveyors fee	2.00

James M. Leitch

1857

Edwin Widenau
and Others

Communion Report

Filed Dec 30 1857

Edw. Widenau

Approved

James M. Kellogg
vs { Partition

Edgar Medeman et al.

Green Dover
Henry P Bates
Eli Wiley
Deacons of the same