

Jefferson County Circuit Court
Case Files - Civil
November 1857 No. 23

Box

9 Folders 39

Ogle, Thomas M
Ogle, Lucinda
VS

Burgess, James, SR
Burgess, Mary
Burgess, Simeon
Burgess, Mary, et al

Partition

80 acres in 59742 RSE; other
defendants Nancy Rankin, Augustus
Rankin, Eliza Hensley, William
Hensley, Butler Burgess

Thomas M Ogle &
Lucinda his wife Plaintiffs
against

James Burges Sr. &
Mary Burges his wife
Simeon Burges & Mary
his wife - Nancy ~~Dukes~~
~~Roush~~ & her husband
Augustus Roush ~~her husband~~
Elyse Dursly & William
Dursly her husband &
Butler Burges Defendants

In the Circuit Court
of Jefferson County
Missouri

Plaintiffs state, that John Burges a son
of defendant James Burges died about the
year 1847 or 1848 leaving a widow the above
named Lucinda Ogle but no children, that
said John Burges died seized of the following
described tract of land in Jefferson County
Missouri to wit the S.W. 1/4 of S.E. 1/4 & S.E. 1/4
of S.W. 1/4 of Section No. 9. Township No. 42
of Range 5 East containing eighty acres.
that said deceased left at his death the
said James Burges Sr. his father & the said
Mary his mother. Simeon & Butler Burges
his brothers and Nancy Dukes or Duse & Elyse
Dursly his sisters & that said deceased left
no descendant capable of inheriting said
land. Plaintiffs further say that said
Lucinda afterwards married the plaintiff
Thomas Ogle.

They therefore say that the said
Lucinda as widow of the said John Burges

is intitled to and owns one undivided half
absolutely of said tract of land as tenant in
common, and that she and her said husband are
interested in said land to the extent of one half
absolutely. That the said James Bungee and his
wife Mary Simon Bungee. Nancy ^{Rankin} ~~Rankin~~
the husband, Eliza Bungee the husband
William Bungee & Butler Bungee each
own and are interested in one twelfth of
said tract of land. Plaintiffs pray the
Court for a partition and division of said
tract of land according to the respective
rights of the parties as above set forth &
if it shall appear that division cannot
be made without great prejudice to
the owners that the same may be sold.

P. Pipkin att^o for ptffs.

Thomas Ogle on oath states that the above
petition and the matters therein as stated
be true to be true.

Attest A. P. Hefner

Thomas M. ^{his} Ogle
made

Sworn to & Subscribed before me.

October 7th 1857 Alfred T. Hefner

Clerk Co. Clk.

1822

Thomas Ogil & Co
his wife

Agnew

James Burp

Henry Burp

Leicester Burp

Henry ~~the~~ ^{the} ~~the~~
the husband —

~~the~~ ~~the~~

~~the~~ ~~the~~

the husband, the

husband, the

husband, the

Burp —

free to the young Co
for the husband, the

the husband

P. P. P. P.

the

the husband

the husband

Thomas M Ogle & Lucinda his wife, Plaintiffs
Against

James Burgess Senr. & Mary Burgess his wife
Simeon Burgess & Mary his wife
Nancy Oakes or Oure & her husband
Oakes or Oure, Eliza Hensley &
William Hensley her husband &
Butler Burgess. Defendants.

In the
Circuit
Court of
Jefferson
County

Missouri

Plaintiffs State, that John Burgess, a son of defendant, James Burgess, died about the year 1847 or 1848, leaving a widow, the above named Lucinda Ogle, but no children, that said John Burgess died seized of the following described tract of land in Jefferson County Missouri to wit: the S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ & S.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of Section No 9, Township No 42, of range 5 East, containing eighty acres, that said deceased left, at his death, the said James Burgess Senr his father & the said Mary his mother, Simeon & Butler Burgess his Brothers, and Nancy Oakes or Oure & Eliza Hensley his Sisters & that said deceased left no descendant, capable of inheriting said land; Plaintiffs further say that said Lucinda afterwards married the plaintiff Thomas Ogle; They therefore say that the said Lucinda as widow of the said John Burgess, is entitled to and owns, one undivided half absolutely of said tract of land as a tenant in dower and that she and her said husband are interested in said land to the extent of one half absolutely — that the said James Burgess and his wife Mary, Simeon Burgess, Nancy Oakes or Oure, her husband, Eliza Hensley her husband, William Hensley, & Butler Burgess each own and are interested in one twelfth of said tract of land, Plaintiffs pray the Court for a partition and division of said tract of land

according to the respective rights of the parties as
above set forth, if it shall appear that division
cannot be made without great prejudice to the
owners, that the same may be sold

P. Pepkin att^o for Plffs

Thomas Ogle, on oath States that the above petition
and the matters therein as stated he believes to be
true

Attest A P Sheper Thomas M^{his} + Ogle
Sworn to & Subscribed before
one October 7th 1857
Alfred P Sheper clerk Co Ct }
mark

Entered, "Filed Oct. 8" 1857

Elias J. Honey clerk

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

In Testimony whereof I hereto set
my hand and affix the Seal of
Said Court at office Oct 8th 1857
Elias J. Honey Clerk

Thomas M Ogle & Lucinda his wife Plaintiffs
against

James Burges Sen & Mary Burges his wife
Simeon Burges & Mary his wife
Nancy Oakes or Ore & her husband
Okus or Ore, Eliza Hensley &
William Hensley her husband &
Butler Burges. Defendants

In the
Circuit Court
of Jefferson
County
Missouri

Plaintiffs state, that John Burges, a son of defendant, James Burges, died about the year 1847 or 1848, leaving a widow, the above named Lucinda Ogle but no children, that said John Burges died seized of the following described tract of land in Jefferson County Missouri, to wit: the S.W. 1/4 of S.E. 1/4 & S.E. 1/4 of S.W. 1/4 of Section 20th 9th Township N. 42 of range 5 East, containing eighty acres; that said deceased left at his death, the said James Burges Sen. his father & the said Mary his mother, Simeon & Butler Burges, his brothers, and Nancy Oakes or Ore & Eliza Hensley his sisters & that said deceased left no descendants capable of inheriting said land, Plaintiffs further say that said Lucinda afterwards married the plaintiff Thomas Ogle: They therefore say, that the said Lucinda as widow of the said John Burges, is entitled to and owns one undivided half absolutely of said tract of land as tenant in dower, and that she and her husband are interested in said land to the extent of one half absolutely, that the said James Burges and his wife, Mary, Simeon Burges, Nancy Oakes or Ore, her husband, Eliza Hensley & her husband, William Hensley, & Butler Burges each own, and are interested in one twelfth of said tract of land. Plaintiffs pray the Court, for a partition and division of said tract of land.

according to the respective rights of the parties as
above set forth, & if it shall appear that division can
not be made without great prejudice to the owners
that the same may be sold

P. P. Phipps att^y for Plffs.

Thomas Ogle, on oath states that the above petition and
the matters therein as stated he believes to be true.

Attest A. P. Hepler

Sworn to & Subscribed
before me October 7th 1857
Alfred P. Hepler
Clerk Co. Ct.

Thomas M^{rs} Ogle
int^{est}

Endorsed,

"Filed Oct. 8th 1857 Elias F. Hooney Clerk"

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

In Testimony whereof I hereto set my
hand and affix the seal of said
Court at office Oct 8th 1857
Elias F. 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 James Burges, Jr. Mary
Burges Simeon Burges Nancy, Chas or Cuse, (her husband)
Chas or Cuse & Butler Burges 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 November
next, then and there to answer unto Thomas M Ogle
and Lucinda his wife

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

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

Elias Hovey
CLERK CIRCUIT COURT.

11023

Jefferson Council Court.
November Term 1857

In Case & wife
vs
Jesse Harrison

James Burgess Senr
Mary Burgess
James Burgess
Nancy Jackson or Jane &
her husband Peter or David &
Butler Burgess

Sheriff's fees \$6.00

I Executed the within writ at the county of Jefferson on Simeon Burgess on the 22nd day of October 1857 by delivering to him a true copy of the within writ and the annexed petition (as furnished by the clerk) and also on James Burgess Senr Mary Burgess Butler Burgess Ojuse Rankin and Nancy Rankin his wife on the 23rd day of October at 1857 by reading the within writ in their presence and hearing
Augustine Wiley Sheriff

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon James Burges Senr
Mary Burges Senr on Burges Nancy Chas House

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 November
next, then and there to answer unto Thomas Mc Cyle
and Lucinda his wife

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

CLP

Chas J Honey
Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighth
day of October A. D. 1857

Chas J Honey
CLERK CIRCUIT COURT.

Wm. W. Oglethorpe

James Burges

Alma Oglethorpe
Attended Oglethorpe

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon James Burges Mary Burges
Samuel Burges Nancy Cuker or Cure, and her husband
Oscar or Cure, & Butler Burges 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 November
next, then and there to answer unto Thomas M. Ogleasson
Lucinda his wife

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



Elias P. Honey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighth
day of October A. D. 1857

Elias P. Honey
CLERK CIRCUIT COURT.

The Ogle family
to
Jensen Burgholm

A true copy of the original.
Attest E. J. Stone, Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of ~~Jefferson~~ ^{Montgomery} -- Greeting:

We command you, that you summon William Hensley
and Elena Hensley his wife

----- 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 November
next, then and there to answer unto Thomas M Ogle
and Lucinda his wife

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

Elias F Honey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eighth
day of October A. D. 1857

Elias F Honey

CLERK CIRCUIT COURT.

W-23

So. Jefferson Circuit Court

November Term 1857

Thomas M. Dyle & wife

vs. Susanora

William Hensley

Eliza Hensley

W. H. Hensley

Filed Nov. 17th 1857
Elias J. Honey & Co

Executed the within writ by leaving a copy of writ & petition
for William Hensley & copy of writ for Eliza Hensley at their
usual place of abode with a white person of the family
over the age of fifteen years done this 10th day
of Nov 1857 in Montgomery County leaving Messrs
D. H. Hensley & S. H. Hensley

Thomas Ogle & wife
vs
James Burgess et al

} In the Circuit of Jeff
erson County Mo

The defendant James Burgess for answer states and denies that his son John Burgess died seized of the SW¹/₄ of SE¹/₄ & SE¹/₄ of SW¹/₄ of Section 9 Township 42 Range 5 E & denies that he was the owner and states that the defendant James Burgess is the owner of said real estate. That in 1837 the defendant furnished the purchase money for the entry of this land and it was entered with the money of the defendant. That before the death of said John Burgess, he delivered to the defendant the patents for said land & thereby surrendered to the defendant the title and recognized the right of the defendant to said land in consequence of his furnishing the purchase money. The said Lucinda his wife was present and consented to her said husband surrendering up the patents to the defendant and after the death of said John Burgess she recognized the manner in which her said husband attempted to invest the defendant with the title and sanctioned it by her assent.

Defendant therefore denies that plaintiff is entitled to any part of said real estate also denies that the brothers & sisters are entitled to any part thereof but says that in equity & good conscience he is the owner. Defendant further states that he defendant has paid taxes on said real estate to a large amt for many years (Besides the said John Burgess was indebted to the defendant at his death in the

another sum of about two hundred ^{and eighty} dollars which have never been received. It has been presented against the estate of John Burgess in 1848 but has never been pressed to judgment and at least is inferred that the estate has never been advertised for final settlement. ~~Should~~ ^{Should} I ~~therein~~ that defendant cannot establish his right to the land in consequence of the payment of the purchase money & surrender of the deeds as aforesaid, then defendant asks for an account to be taken of the taxes paid by this defendant interest paid also the indebtedness of John Burgess to this defendant and subject the land to the payment of said indebtedness pursuant to the order of the estate in 1848 which was within three years after the administration of said estate was taken out and which claim was never acted on by the County Court nor with the ~~man~~. Having answered all he considers material, he prays to be dismissed with proper costs.

James Burgess

James Burgess being sworn says that the foregoing answer & the matters as therein stated he believes to be true

Sworn to before me

November 4th 1857

Elias D. Honey, clerk

James Burgess

Thos Ogden et al
vs

James Douglass et al

Answer of James Douglass

Adm. Rec. 26th 1854
Chas O'Henry
Clerk

Thos Agle & wife
24
Samy Buzgatal }

Plaintiffs come and move the court to strike out defendant Samy Buzgatal answer in this cause because said answer constituted no defense to plaintiffs cause of action or right to partition of the premises therein described.

Because said answer is not responsive to the allegations in petition alleged,

R. Pipkin atty,
for plaintiffs

Thomas Apple Swift

by

James P. Burges to the

Motion to strike
out opinion of
James Burges -

Filed for 28th 1857

Chas. J. Hordley Clerk

Thomas Ogles wife }
vs } In the circuit court of
James Burgess et al } Jefferson County Missouri

Amended Answer of James Burgess

The defendant James Burgess for answer to plaintiffs petition denies that John Burgess died seized of the South West qr. South East qr and South East qr of the South West qr of Section 9 Township 42, of Range 3 East containing eighty acres. Defendant admits that deceased left defendant his surviving relations as stated but denies that he at any ^{time} was owner of said tract of land. States that about the year 1837 this defendant furnished the purchase money for the entry of said tract of land at the land office in St Louis and it was accordingly entered and paid for with the money belonging to this defendant, ^{and it was not an advancement to his said son} that although the legal title was nominally in John Burgess, yet in equity & good conscience, the land belonged to this defendant, who is the owner thereof, neither the plaintiffs nor the brothers & sisters of said John are owners and tenants in common of said land but this defendant is the entire owner by virtue of paying the purchase money aforesaid. Said John Burgess in his lifetime attempted to convey the land to defendant on account of his having furnished the purchase money aforesaid but was prevented from effecting a proper legal conveyance by an act of providence.

This defendant states further that he has paid the taxes on said land for many

years to a large sum but cannot render a specific account

Defendant further states that the Estate of John Burgess is indebted to him in the sum of about \$218. on an existing & unsatisfied account which is still justly due him after allowing all just credits and offsets

That the Estate of said John is still unsettled and defendant is not barred in his claim ^{as he believes}. That there is no personal estate of deceased to pay the debts and no real estate belonging to deceased nor any alleged to belong to him except the tract in controversy

Should defendant be unable to sustain his answer setting up payment of purchase money aforesaid, then defendant asks the Court for an account to be taken of the taxes paid and interest aforesaid and to allow & adjust his account of \$218. against the Estate of John Burgess and subject the proceeds of sale to the payment of said taxes interest and account of \$218.00 and defendant here sets up all of said claims and asks the Court to award ^{them} and protect defendant in his demands and for all ~~other~~ other & further relief as he may be entitled to in equity

Having fully answered prays to be dismissed with costs and will ever pray as aforesaid

J A Real Atty
for Defendant

J A Real Atty for Jas Burgess makes oath & says that the foregoing answer & the matters therein stated he believes to be true. J A Real

Sworn to before me }
July 22nd 1858.
Elias J. Honey Clerk

Mr Delestruc

as

per August 1858

and answer

Attest July 22nd 1858

Wm J. Henry att

COUNTY OF JEFFERSON.

The State of Missouri,

To Hon Richard W. Linnick
Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before me Leinick Court for the
County of Jefferson, on the 29th day of April 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, between
Thomas C. Linnick Plaintiff and
Thomas C. Linnick Defendant on the part
of John

and herein you are in no wise to fail.
Witness, THOMAS C. LINNICK Clerk of our said Court.

with the said Sheriff thereof appeared at office this

19 day of March A.D. 1858

John Linnick Clerk.

I executed the within writ at the County
 of Jefferson on 15th day of April 1858
 by leaving a true copy at George Hendrickson
 Place of a head in Jefferson County with
 a true copy to me under my true family name
 the age of 34 years old
 August 1858
 Sheriff

Sobercut Court
 April Term 1858
 Mrs. Mc Gayle wife
 vs.
 James Burges Deft
 for Deft
 Wm Richmond 34
 Caroline Richmond
 Geo Hendrickson 17
 Sheriff Dec 8 1858

I executed the within writ at the County
 of Jefferson on 15th day of April 1858
 by leaving a true copy at George Hendrickson
 Place of a head in Jefferson County with
 a true copy to me under my true family name
 the age of 34 years old
 August 1858
 Sheriff
 by J. C. Burges Deft

COUNTY OF JEFFERSON.

The State of Missouri,

To say before, Ben Johnston Chamber Wilson
Greeting:

You are hereby commanded, that setting aside all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 29th day of April next
at St. Albans, then and there to testify, and the truth to say in a
certain matter of controversy, now pending in our said Court, wherein
Marion de Cade and wife are Plaintiffs and
James Burgess Jr. et al Defendants on the part
of Plaintiffs and herein you are in no wise to fail.

Given at St. Albans
THOMAS C. FLETCHER, Clerk of our said Court.

with the said Sheriff's depute appeared, at office this

19th day of March A. D. 1858

Edw. J. Henry

Clerk.

To Circuit Court,
April Term 1858

Thos. M. Oglesby

vs
James Burgess et al

for debt

Lucy Belen. +

Ben Johnston¹²

Chas. W. Wilson¹⁴

Sheriff. Fee \$1.25

I Executed the within writ at the County
of Jefferson on 12th day of April 1858
by Reading the same in the Presence
and Hearing of B Johnston also
on the 14th day by Reading the same
in the Presence and Hearing of Chas
Wilson. Lucy Belen not found
in my County April 14th 1858
Augustine Wiley
J. B. Pomeroy Sheriff

COUNTY OF JEFFERSON.

The State of Missouri,

To

Wm. G. Walker & Jas. J. A. Burgess

Greeting:

You are hereby commanded, that asking aid all manner of
excuse and delay, you appear before our Circuit Court for the
County aforesaid, on the 29th day of April 1858
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
Thos. M. Cole & wife Plaintiff and
Jas. Burgess et al Defendant on the part
of Deft. and to give your aid and aid to just.

Witness,

~~THOMAS J. COLE~~
Jas. J. A. Burgess

Clk of our said Court

with the Seal thereof hereto affixed, at office this

29th

day of March A. D. 1858

Geo. D. Hooley

Clerk.

I. Executed the within writ on Jas S. A Burgess on
the 6 and on William L. Walker on the 13th day of
April 1858 by receding in their presence and hearing
Augustine Wiley Sheriff

Do Council Court
April Term 1858

Sho. W. Ogden

James Burgess

for debt
Jm L Walker 13th
Jas S. Burgess

Sherriff fees \$1.00

County of Jefferson.
The State of Missouri

To. James. Barges. Sr.
Greeting: You are hereby commanded, that
setting aside all manner of excuse and de-
lay, you appear before our Circuit Court for
the County aforesaid on the 30th day of
April next, at Hillsboro, and bring with
the Patents for the S. E $\frac{1}{4}$ of S. W. $\frac{1}{4}$ and
S. W. $\frac{1}{4}$ of S. E $\frac{1}{4}$ of Section No. 9 Township
42. Range. 5 East. Containing 80 acres en-
tered by John J. S. Barges, then and there
to testify, and the truth to say in a certain
matter of Controversy, now pending in our
said Court wherein, Thomas M. Ogle and
wife are Plaintiffs and James Barges Sr
and others are defendants on the part of
the defendants, and herein you are in no wise
to fail.

Witness Elias J. Honey Clerk
of our said Circuit Court, at
office this 9th day of April
A.D. 1858.

Elias J. Honey Clerk.

Do Doreid Doreid.
April Doreid 1858

The H. De H. H.
 m. H. De H. H.
 H. H. De H. H.

For debt
James Burgess senior and
Thomas with him Patents
for and entered by John
J. Burgess.

Shrift fee 5005

Thomas Ogle & Wife
Against
James Benge & al

In the circuit court
Jeff Co Mo
Apr Term 1858.

The plaintiffs come and move the court
to strike out the amended answer of the
defendant James Benge in this cause
for the reason that said answer constitutes
no answer to plaintiffs petition and
because said answer sets up the same
matters of defence contained in, and struck
out of, the original ~~petition~~ answer in this
cause

Pipkin & Hagan
Atty's.

Thomas Ogilby Esq
Esq^r

James Burroughs Esq

Proctor to the
act under the name
of James Burroughs—

Filed April 26th 1815
Clerk of the Court
Clerk

Sustained

Thomas Ogletree

vs

James Burgess et al

} In the Circuit Court
of Jefferson County Mo

The defendant James Burgess came,
and amended that part of his answer which sets up the
payment of the purchase money by James Burgess for
John Burgess and says that John Burgess did not die seizer
of the South West 1/4 South East 1/4 and South East 1/4 of
the South West 1/4 of Section 7 Township 22 S Range
5 East. Defendant admits that second left defendant's
his surviving relatives as charged. But he denies that
he at any time owned said tract of land. He states
that about 1837 the defendant furnished the purchase
Money for the entry of said tract of land at the land
office in St Louis and it was accordingly entered with
the money of defendant James Burgess that this was
not ~~intended~~ ^{furnished} by James Burgess as an advancement
to his son John Burgess ^{it was} declared by John Bur-
gess at different times that the purchase money was
not an advancement by his father per him.

Defendant charges that in equity the land
is his and not the property of plaintiffs and
the codefendants but is his own.

Subscribed to and Sworn before me
this 29th day of April 1858
A. P. Hefner Clerk, Co. Ct.

James Burgess

Thos Applewhite
as

his Pungas and

Amended answer of
his Pungas -

dated April 29th 1818

Geo J. Honey etc

Thos Oglewille

vs

James Burgess et al

} In the circuit court of Jefferson
County Mo

Be it remembered that at the April
Term of this court for 1858, the plaintiffs filed
a motion to strike out the amended answer
of defendant James Burgess in words as follows (here
copy motion to strike out) which being seen
by the court was sustained & the amended answer
was stricken out, to which decision of the court
striking out said amended answer defendant
objected & excepted and here tenders his bill of
exceptions which are signed sealed & made
a part of the record

John W. Stone Seal

Wm. S. S. S.

188

for charges

List of Exemptions

Filed May 4th 1888

Chas. J. Honeycutt

Thomas Ogden and wife In The Jefferson
vs. Circuit Court
James Burgess et al Oct. Term 1858.

To The Honorable
The Circuit Court of
Jefferson County,

Your Petitioners, Thomas
Ogden and Lucinda Ogden, would respect-
fully represent that there is now pending
in this Court a proceeding in Partition
between your Petitioners as Plaintiffs &
James Burgess et al as Defendants
for the purpose of dividing the S W $\frac{1}{4}$ of S E $\frac{1}{4}$
& S E $\frac{1}{4}$ of S W $\frac{1}{4}$ of Sec. 9, Town. 42 N. 5 East
among the heirs of John Burgess dec'd.
that the right of your petitioners, to a re-
covery of their proportionable part of said
real estate depends upon a Patent
issued in favor of said John Burgess for
said Land ~~in that~~ James Burgess one
of the Defendants in said proceeding has
now in his possession and under his
control the Patent for said Land together
with all the title papers and that said
Patent and other title papers to said
Land will become upon the trial
of said Cause, material evidence
for your Petitioners: and that the said
James Burgess, although requested
so to do, has failed and refused and
still fails and refuses to produce
and deliver over to your Petitioners for
the purposes of evidence or other ~~use~~ ^{said Patent} -
Your Petitioners would therefore

pray the Court to compel said James
Burgess a Party Defendant to said pro-
ceeding in this Court, to produce in
open Court said Patent and other title
papers to said Land for the purposes of evi-
dence on the trial of said cause & for
other relief.

Thomas Ogle
Lucinda Ogle.

Thomas Ogle one of your Petitioners
makes oath & says that he believes the
foregoing petition and the matters as
therein stated are true -
sworn to & subscribed
before me this 28th } Thomas Ogle
day of Oct. 1888.
Elias & Honey Clerk }

Thomas Claiborne
James Burgess & Co
Petition to the
Free Press.

Filed Oct 28th 1858
Chas J Honey

Thomas Agle & others } In the Circuit
vs. } Court Jefferson
James Burgess & others } County,

Supplemental Answer of James
Burgess, filed by leave of the Court.

This defendant, James Burgess, for
further answer to plaintiffs petition, says
that he has held the peaceable and un-
interrupted possession of the Land de-
scribed in plaintiffs petition for more
than twenty years, before the commence-
ment of this suit, - that he held the
same adversely to plaintiffs all during
that time, under a ~~valid~~ claim of
title; and therefore he denies the right
of plaintiffs now to disturb him in
the possession of the same, either by
partition or otherwise.

} Beal & Green
} Attys for Defs.

James Burgess, the above defendant
makes oath and says the above an-
swers and the matters therein as
stated he believes to be true,

Sworn to and Subscribed }
before me Oct 29th 1888 } James Burgess
Elias J Honey atk }

The Age & Mue

is,

Jamies Burgess
do there

Supplemental

Answers of

Jamies Burgess

at least Oct 29th 1858

Eliza & Henry etc

Thomas Ogle }
Against }
James Beugis } 3

Plaintiff comes and moves
the court to strike out defendants
supplemental answer filed in this
cause for the reason that the plea
of the Statute of limitations does
not aver that the possession was an
actual notorious possession under color
of title adverse to the title of the
plaintiffs.

Pickin atty
for ptffs.

Overruled Oct 30th 1858
Book No 44, page 203

Appl
w
Dangers

Motion to Strike
out Supplemental
Answer

Filed Oct 29th 1858
Chas & Honey etc

overruled. Book 4, Page
203. Oct. 30th 1858

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *Wm. Richman* *Landrie* *Richman*

A. L. Wilson

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Circuit* Court for the County aforesaid, on the *fourth day of June next* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Thomas M. Cole and wife* Plaintiff and *James Burdick et al* Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

29th day of *April* A. D. 1859

Elias Honey

Clerk.

I executed the within Spa in the county of
Jefferson on W^m Richmann & Caroline Richmann
by reading the same to them on the 24th day of May
1859

Oscar Dover Sheriff

I executed the within Spa in the county of Jefferson
state of Missouri on A. C. Wilson by reading the same
to him on the 18th day of
1859

To Percent Court
June Term 1859

Thos. Mc Oglesby

James Burgesperals

for Pff
Wm Richmann
Caroline Richmann
A. C. Wilson
Sheriff fee \$ 1.50

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *George Henderson, June 13 Over*
A. L. Wilson, do do Burges

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Sevic* Court for the County aforesaid, on the *Ninth day of June 1859* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *Thomas M. Wade & wife* are Plaintiff and *James Burges, do do do* Defendant on the part of *defendant* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

3d day of *June* A. D. 185 *9*
Elias F. Honey
Clerk.

To Circuit Court

June Term 1859

Wm. W. Cagle wife

vs

James George et al

for debt

George Henderson

James Power

J. L. Wilson

Jos. J. George

Shewitt

I executed the within writ in
the County of Jefferson on the 4th day
of June 1859 by Reading the same
in the presence and hearing of
J. B. Daves and J. A. Burges
also J. L. Wilson on the 4th day of
June 1859 J. L. Power Deputy
Shewitt

I executed the within writ in the
County of Jefferson on the 4th day of June
1859 by Reading the same in the presence
and hearing of J. B. Daves and J. A. Burges
also J. L. Wilson on the 4th day of June
1859 J. L. Power Deputy
Shewitt

Thomas M Ogle wife } Judgt of Palatka June
 as } 1857
 James Barge & et al }
 For Bill.

Honey Clerk. 4 copies per. \$3.00 - 4 Cents each 2¢
 2 writs \$2.00. 4 copies 40¢ Docket 20¢ Part 10¢
 answer 25¢ aff. 15¢ leave 10¢ Contine 50¢
 Amended ans 25¢ Supplemental ans 25¢
 2 aff. 30¢. Petition for Papers 25¢. aff. 15¢
 Rule order 10¢ Rule copy 50¢ 3 motions 75¢
 3 Judgs on same \$1.50 Bill exceptions 25¢
 trial 50¢. Decree \$1.50. 6 Spas 3¢ Index 10¢
 make Cots 25¢ Copy order Sale 50¢ Cts. 50¢
 File 12 papers 60¢. Report. 25¢.

allowance to atty	10 ^c	\$20.30
Honey motion 25¢ Judgs on same 50¢		75
At Wiley sheff serve. 6 defts \$6.00. 7 witnesses 3.50		\$21.05
2 nonets on Spas. 50¢		\$10.00
P. Pepkin atty paid sheff Montg. Co		2.00
O. Dover sheiff serve 7 witnesses \$3.50. Calls. 55.		\$4.05
P. Pepkin atty be allowed		30.00
A. C. Nelson witness \$6.90. Ben Johnston \$4.10		11.00
Wm Richman 6.50 Geo Henderson 3.90		10.50
O. Dover barrif on 600 \$12 Notice 14		13.00
		~~\$26.55~~
		\$91.60

State of Missouri }
County of Jefferson } In the Circuit Court
Friday June 10th A.D. 1859.

Thomas M. Ogle and Lucinda his wife
vs.
James Burges Sr. Mary Burges his wife
James S. A. Burges and Mary his wife
Nancy Rankin and her husband August
Rankin, Eliza Hensley and her husband
William Hensley and Butler Burges
Defendants. } Order
of
Sale

Now again come the parties aforesaid
by their respective attorneys and neither party requiring
a jury, all and singular the matters at issue between
the said parties for trial are submitted to the Court;
And the court after hearing the proofs and allegations
doth find that plaintiffs and defendants are the
owners in common of the following described
real estate, to wit: The South West quarter of the South
East quarter, and the South East quarter of the South
West quarter of Section No. Nine, Township No.
forty-two, range five east, containing Eighty
acres: That Lucinda Ogle, wife of Thomas Ogle is
entitled to the one undivided half part thereof, and
the said James Burges Sr. Mary Burges, James
S. A. Burges, Nancy Rankin wife of August Ran
kin, Eliza Hensley wife of William Hensley and

Builer Burgess, are each entitled to the one undivided twelfth part thereof. It is therefore considered by the court, that partition of the lands in plaintiffs petition as aforesaid, be ordered and adjudged among the parties aforesaid according to their respective rights and interests therein as above ascertained, and it further appearing to the satisfaction of the court, that a partition and division of said real estate cannot be made without great prejudice to the owners thereof. It is further ordered by the court, that the Sheriff of Jefferson County proceed to sell the real estate hereinbefore described, at Public Auction to the highest bidder at the Court House door in said County and State for ten 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 ten per cent per annum, and that for the deferred payment he take from the purchaser or purchasers thereof a bond or note with good security, and that said Sheriff pay first all the costs that have accrued in this cause, and next to the parties herein the balance of said purchase money, according to their interests as herein set forth and report his proceedings herein, that said sale take place on some day during the sitting of the Circuit Court of said County, Notice thereof being given by the Sheriff, in the same manner provided by law.

for sales of real estate under execution and be governed in all things prescribed by law for such sales.

I, Elias D. Honey, Clerk of the Circuit Court in and for the County of Jefferson aforesaid hereby certify that the foregoing is a true copy of the order of said Court in the Case of Partition wherein Thomas M. Ogle and Lucinda his wife are Plaintiffs and James Burgep. Senior and others defendants. as fully as the same remains of record in said Court.

In Testimony whereof I have here to signed my name and affixed the Seal of said Court at Office in Hillsboro this 21st day of September A.D. Eighteen hundred and Fifty Nine

Elias D. Honey Clerk

Wm Jefferson Lewis & Co
December Denver 1859

Monmouth Yale & wife
as 1/2 Order of Sale
James Burgess Sen at al

Don Shantz

Filed June 20th 1860
Clerk of the court etc

State of Missouri }
County of Jefferson }
Thomas M. Gyle and Lucinda his wife

In the Circuit Court
June Term 1860.

vs.
James Burges, Esq, Mary Burges his wife,
James S. Burges, and Mary his wife, Nancy
Rantier, and her husband August Rantier,
Ely's Hensley and her husband Wm Hensley
and Rattles Burges Defendants

Report of Sale
Real Estate June 15th 1860

To the Hon. the Circuit Court of Jefferson County, Missouri, the undersigned Sheriff of said County, would respectfully report, that in obedience to the Annular order of Sale issued from the office of the Clerk of said Court; That having previously given not less than twenty days notice of the time, terms and place of Sale, and what real Estate was to be sold and where situated as the law directs, by at least six hundred bills signed by me said Sheriff and put up in public places in different parts of said County, a copy of which hand bill is herewith filed and made apart of this report; I did on the Fifteenth day of June, A.D. 1860, at the Court House door in the Town of Hillboro between the hours of Nine O'Clock in the forenoon and five O'Clock in the afternoon of said day, and during the Session of the Circuit Court, at the June Term thereof for said year, agreeable to said advertisements, expose to sale publicly the following described Real Estate; To Wit: The South West quarter of the South East quarter and the South East quarter of the South West quarter of Section No. 9, Twp. No. 44th, Range 5, East, containing 80 Acres. And at said Sale John Zimmerman became the highest and last bidder for the above described tract and parcel of land at and for the Sum and price of Six Hundred and the same was struck off and sold to him the said John Zimmerman for that Sum, and he the said John Zimmerman having paid to me ten percent of the purchase money, and given his Note, with approved security, for the balance, agreeable with the terms of said Sale. This Report is respectfully submitted, this June, 16th 1860.

Oscar Dover Sheriff

Sheriff's Sale

in Partition

Thomas Mc Gile and Lucinda Gile
vs

James Burgess sen^r, Mary Burgess his wife
James S. A. Burgess and Mary his wife
Nancy Rankin and her husband August
Rankin, Eliza Hensly and her husband
William Hensly and Butler Burgess Defendants

In the Circuit
Court of Jefferson
County Mo

By virtue and authority of an order made by the
Circuit Court of the County of Jefferson State of Missouri
I will on Friday 15th day of June next A.D. 1860 At the
Court House door in the Town of Hillsboro between the hours
of nine o'clock in the fore noon and five o'clock in the
afternoon of that day offer for sale at public auction to
the highest bidder the following Described Tract of Land
To wit the South West quarter of South East quarter and
South East quarter of South West quarter of section no 9
Township no 42 Range 5 East containing eighty Acres
and lying in Little Rock Township - For the purpose
of making partition between said parties - For which
the purchaser will be required to pay ten per cent of
the purchase money in hand the residue in twelve months
the purchaser giving his note with approved security bearing
interest at the rate of six per cent per annum from date
This April 28th A.D. 1860

Oscar Dover Sheriff

Abrahamson
Friday 15

455 Adams St. N. York

Thomas Ogle wife

vs

James Burgess & al

Now again came the parties
aforesaid by their respective attorneys and
with the party representing a jury all and
singular the matters at issue between the said
parties for trial are submitted to the court
and the court after hearing the proofs and
allegations doth find that plaintiffs and
defendants are the owners in fee as tenants
in common of the following described real
estate to wit the S^W 1/4 of the S⁶ E 1/4 & the S⁶ E 1/4
of the S^W 1/4 of section No 9 T. No 42 Range
5 East containing 80 acres, that said Lucinda
Ogle wife of Thomas Ogle is entitled to the
one undivided half part thereof and the said
James Burgess, Mary Burgess, James S. A. Burgess,
Nancy Rankin wife of August Rankin, Eliza
Stansley wife of William Stansley and
Pettie Burgess are each entitled to the one
undivided twentieth part thereof. It is therefore
considered by the court that partition of the
land in plaintiffs petition described
as aforesaid be made amongst the parties
according to their respective rights be made
as above ascertained and in further appear-
ing to the satisfaction of the court that a
partition and division of said real estate
cannot be made without great prejudice
to the owners thereof it is ordered that the same
be sold by the Sheriff of Jefferson County
Missouri and that the same be sold
at the next term of this court by the
Sheriff of Jefferson County Missouri for two

per cent of the purchase money in cash and
the residue on a credit of twelve months,
the purchaser giving bond with sufficient
security bearing ^{interest} ~~at the rate of~~ five per cent per annum
and that said sheriff pay first all costs which
have accrued in the cause and next to
the parties herein the residue of said purchase
money ~~according~~ according to their respective rights
as above ascertained

Dyle Sheriff

24

Burgess

de erec

Thos. M. Ogil & wife
vs.
Jann, Bings
et al. —

3

In the Circuit Court
of Jefferson County
Missouri

Now come the plaintiffs and move
the Court to retax the costs in
this case for the following
reasons.

1. Because the said Jann, Bings
set up that he was the owner
of the land in controversy
and sundry witnesses were
summoned and other costs
incurred to try that question,
failed to sustain his plea
2. Because the plaintiffs are not
liable for the costs incurred
in trying the issues made by
the defendants answers —

Pipkin Atty for
Ogil & wife

1.
Thos M. Ogle Street

2.
Alma Fingert
et al.

3.
Proctor & Alton
Carr

4.
Wesley Smith 1860
Geo. J. Harey
Clark

5.
Wesley Smith 20 1860
Book No page

Thomas M Ogle
Lucinda Elizabeth Ogle
against
James Burgess & others

} Partition Sale in
the Circuit Court
of Jefferson County
Missouri

For value received I assign &
Convey to James A Real one half of the
proceeds of Sale in the above entitled cause
that being the interest of myself & of my
wife in that Cause. The amount of
Sales was \$600 out of which the costs
of \$91.00 is to be deducted leaving \$509.
net proceeds; the one half of which net
proceeds being the interest of my wife
I hereby sell (\$254.50) and I hereby
warrant that I have not transferred the
Claim to no other person & that neither
I nor my wife will transfer the same to
any other person & I hereby direct the
Sheriff of Jefferson Co to pay to James
A Real the one half of the proceeds of
Sale together with the interest thereon

Witness my hand & seal this 19 of
July 1860

Witness

Joseph P. Hesser

Thomas M Ogle
his mark

Filed July 19th 1860
Geo. A. Brown
Clerk

To the Hon Circuit Court of
Jefferson County Missouri
The undersigned would represent
That on the Petition of Thomas
Agle & wife against James Burges
an the 10th June 1859 an order of
sale in Partition was made of
the following described real estate
viz: The South West qr of the South
East qr and the South East qr
of the South West qr of Section
Nine in Township Forty Two N. of
Range five East and John
Zimmerberg became the purchaser
thereof at the price & sum of
Six hundred dollars that the
said Zimmerberg ~~became~~
~~the purchaser~~ complied with the
Terms of sale by paying the same
cash & giving his note & security
for the balance, he further
states that the Sheriff brought
suit on said note against
said Zimmerberg & his securities
and that the above land was
sold under an execution
~~rendered~~^{issued} on said judgment &
bought by his security H. H. Longoberry

and that said Langehenning paid
the balance of said judgment
which fully paid the purchase
of money of said tract and
said Zimmermanberg paid back
to said Langehenning what he
paid for him as afore said & the
bid on said land under
said execution & that said
Langehenning executed to said
Zimmerberg a deed for said
land & since that time the
said Zimmermanberg deeded said land
to your petitioner and that your
petitioner is now the owner
of said Real Estate. Your petitioner
further states that the Sheriff
making said sale in Partition
as aforesaid departed this
life some time since without
having made a deed to said
Zimmerberg for said land. Your
petitioner would therefore ask
that this Court make an order
on the present Sheriff John
Williams to make a deed to
said John Zimmermanberg for said

real estate and in duty bound
will ever pray

Chas. Lilkenmeyer
By John L. Thomas, of his
his attys

240-1842

Thomas Ogden Hall,

against

James Burges Hall,

Petition of
Chas. Tiltkenmeyer
to have said matter
by present title

Filed May 28th 1877,

@ Geo. Morine

clerk