

December 1859 No. 13

Carter Eligah

Carter Susan

Carter Deborah

vs

Cox, Ruby

Mitchell, James

McPherson, William

McPherson, Mary,

et al

Partition

Heirs of Lemuel, William Bartlett; 139 acres

on Isle au Bois Creek in U.S. Survey

2078, 80 acres in S12T39R6E, Lot 154

in Herculaneum; other defendants

William M., Laura Blackwell

Elijah Carter & Susan Carter the
wife of said Elijah, and Deborah
Carter. Plaintiffs,

against

Roby Cox, James Mitchell, William
M. McPherson and Mary McPherson
the wife of said W. M. and Larua
Blackwell Defendants.

In the Circuit Court

Jefferson County

Plaintiffs state that Samuel Bartlett
deceased, died the owner of one hundred and
thirty ~~eight~~^{nine} acres of land situate on Isle au
Bois creek, being a part of United States
survey number Two Thousand and seventy
eight, confirmed to Thomas Rarden under
James Maxwell, situated partly in Jefferson and
partly in the Genevieve counties, the greater
portion thereof being in Jefferson county, in
Township No 39 N Range 7 East.

Plaintiffs further state that William Bartlett
died seized of the following described tract of
land situate in the county of Jefferson Missouri
to wit, The west half of the South East quarter
of Section number Twelve in Township number
Thirty nine of Range Six East containing Eighty
acres, also of lot No 154 in the town of Esculaneum in said county.

That the said William Bartlett and Samuel
Bartlett were both unmarried at the time of their
respective deaths, and left no children or their
descendants surviving them, but left surviving
them five sisters, whose names are Susan;
Deborah, Roby, Mary and Rowena, to whom
their estates descended, that said Rowena died
unmarried and without any children or their

descendants in being and capable of inheriting her estate, that she left surviving her the other four named sisters to whom her estate descended,

that the said Mary married Edw^d Mitchell, that she and her husband are both dead, said Mary left surviving her three children, the defendant James Mitchell, Mary McPherson and Laran Blackwell,

Plaintiffs state that they are owners and interested in an estate of inheritance with the defendants in the land aforesaid, that they and the defendants are tenants in common thereof, that the plaintiffs Susan Carter and Deborah Carter are each owner and entitled to one fourth of said land,

that the defendant Roby Cox is entitled to one fourth thereof, and that the defendants James Mitchell, Mary McPherson and Laura Blackwell are together entitled to one fourth part thereof or each to one twelfth of said land, and that said land is undivided,

Plaintiffs pray for partition and division of said land among the said owners according to their respective rights & interests therein aforesaid, and for a sale thereof if it shall appear that partition cannot be made without prejudice to said owners.

Fletcher for Plffs.

Thos C Fletcher attorney for plaintiffs on oath states, that the foregoing petition and the matters therein as stated he believes to be true, and further states that the defendant Roby Cox is not a resident of nor residing in this state,

Signed & Sworn to before me
July 27th 1859.

Elias H. Honey Clerk

By James P. Heeper.

Thos C Fletcher

Elizah Carter & al.
vs.

Robt Lepp et al.

for Partition

Issue to Stephen Co for
Geo Mitchell, McPherson &
wife & James Blackwell,
make order paid to
Robt Lepp.

Sketch for 02/13

Dated Aug 4th 1859

Geo D Hooley
for H

Elijah Carter & Susan Carter the
wife of said Elijah, and Delorah
Carter

Plaintiffs

In the Circuit
Court

Jefferson County

against

Roby Cox, James Mitchell,
William M. Therson, and Mary
M. Therson the wife of said Wm M.
and Laura Blackwell Defendants

Plaintiffs state that Samuel Bartlett de-
ceased, died the owner of One hundred and thirty
nine acres of land situate on Isle au Bois Creek
being a part of United States Survey number two
thousand and seventy eight, confirmed to them
as Bardon, under James Maxwell. Situated part-
ly in Jefferson and partly in Ste Genevieve Counties
the greater portion thereof being in Jefferson County
in Township N^o 39. S. Range 7 East.

Plaintiffs further state that William Bartlett, died
seized of the following described tract of land, situ-
ate in the County of Jefferson, Missouri to wit: the
West half of the South East quarter of Section num-
ber Twelve in Township number thirty nine of
Range Six East, containing eighty acres, also lot
N^o 154 in the town of Mercersburg in said County

That the said William Bartlett and Samuel Bar-
lett, were both unmarried at the time of their
respective deaths, and left no children or their
descendants surviving them, but left surviving

them five Sisters, whose names are Susan; Delorah, Roly, Mary and Rowena, to whom their estates descended, that said Rowena died unmarried and without any children or their descendants in being and capable of inheriting her estate, that she left surviving her the other four named Sisters, to whom her estate descended; that said Mary married Edu: Mitchell, that she and her husband are both dead, said Mary left surviving her three children, the defendants James Mitchell, Mary M'Pherson and Laura Blackwell. Plaintiffs state that they are the owners, and interested in an estate of inheritance with the defendants in the land aforesaid, that they and the defendants are tenants in common thereof. That the plaintiffs Susan Carter and Delorah Carter are each owner and entitled to one fourth of said land, that the defendant Roly Cox is entitled to one fourth thereof, and that the defendants James Mitchell, Mary M'Pherson and Laura Blackwell are together entitled to one fourth part thereof or each to one twelfth of said land, and that said land is undivided. Plaintiffs pray for partition and division of said land among the said owners according to their respective rights & interests therein aforesaid, and for a sale thereof if it shall appear that partition

cannot be made without prejudice to said
owners

Hetcher for Plffs

The C. Hetcher, attorney for Plaintiffs on oath
states that the foregoing petition and the matters
therein as stated he believes to be true, and further
states, that the defendant Roby Cox is not a resi-
-dent of nor residing in this State

The C. Hetcher

Signed & sworn to before me.

July 27th 1859

Elias J. Honey Clerk

By James P. Keper

Filed Aug 4th 1859 Elias J. Honey Clerk

A true copy of the original pe-
tition and affidavit on file in my office
In Witness whereof I hereto set
my hand and affix the seal
of said Court Aug 4th 1859
Elias J. Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

Saint Louis
To the Sheriff of the County of ~~Jefferson~~—Greeting:

We command you, that you summon James Mitchell
Wm M^c Pherson and Mary M^c Pherson his wife
and Laura Blackwell 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 ^{second Monday} ~~fourth~~ Monday of November
next, then and there to answer unto Elijah Carter, Susan
Carter and Delurah Carter

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

Olias J Honey
Witness, ~~THE CLERK~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this fourth
day of August A. D. 1859

Olias J Honey

CLERK CIRCUIT COURT.

No 13

To Jefferson Circuit Court

December Term 1839

Elijah Carter et al

vs. J. Summons

Wm M. M. Person

Mary M. Person

Laurat Blackmeel

James Mitchell

Filed Aug 29th 1839

Chas J. Honey

Clerk

By virtue of this writ in the Court of
Law on the 18 day of August 1839
by delivery a copy of the writ & petition as
pursuant to that Act to Wm M. Person
also by delivery a copy of the writ as pursuant
to Mary M. Person also by being a copy of the
writ as pursuant to the Clerk at Laura
Blackmeel usual place & a note with a white
person of her family over the use of paper
seals (James Mitchell not found
in my County)

Sup 300

mc 50

\$3,50

W. L. Carter

J. H. Mear

STATE OF MISSOURI.

County of St. Louis,

SS.

Personally appeared before the undersigned, (a *Notary public* within and for the County of St. Louis,) *J. M. McKee* who, being duly sworn, depose and saith, that the annexed advertisement was published in the "*Missouri Democrat*," (printed within the said County and State, the newspaper of which he is the printer,) for *Five* times, the first insertion being on the *twelfth* day of *August* and the last insertion on the *thirteenth* day of *September* 18*59* as follows:

STATE OF MISSOURI, COUNTY OF JEFFERSON, ss.—In the Circuit Court, in Vacation, August 4th, 1859—Elijah Carter, Susan Carter, wife of said Elijah, and Deborah Carter, Plaintiffs, against Roby Cox and others, Defendants—Order of Publication.—The plaintiffs herein having this day filed in the office of the Clerk of said court their petition, verified by affidavit, stating, among other things, that the said Roby Cox is a non resident of the State of Missouri, it is therefore ordered by the undersigned, Clerk of said court, that said Roby Cox be notified, by publication, of the commencement of this action, the object and general nature of which is to obtain a judgment or decree for the partition and division of the following described real estate, situate partly in the counties of Jefferson and St. Genevieve, to-wit: One hundred and thirty-nine acres of land situate on Isle au Bois creek, being part of United States survey number two thousand and seventy-eight, confirmed to Thomas Rarden, under James Maxwell; also the following described tract of land, situate in Jefferson county aforesaid, to-wit: the west half of the southeast quarter of section number twelve, in Township number thirty-nine of Range six, east, containing eighty acres; also lot number one hundred and fifty-four, in the town of Herculaneum, in said county of Jefferson, and for a sale thereof, if it shall appear that partition thereof cannot be made without great prejudice to the owners thereof; and that unless they appear before said court on the second Monday after the fourth Monday of November next, and answer said petition, the same will be taken as confessed. And it is further ordered, that a copy of this order be published in the Weekly Missouri Democrat newspaper for four weeks successively, the last insertion to be at least four weeks before said next term.

A true copy from the record. Witness my hand, L. S. and the Seal of said court, August 4th, 1859. ELIAS F. HONEY, Clerk. Tho. C. Fletcher, Attorney for Plaintiffs. aug16-wit

Aug 16th 1859
23d "
30th "
Sept 6th "
13th "

Sworn to and subscribed before me, this *7th* day of *June* 18*60*

Liberty W. W. W.
Notary Public

Printer's Fee, *8.00*

Affidavit, *25*

\$ 8.25

WILLIAM

1881

to 1881

the first of the year

1881

Leather
in
Levy.
proof book

Dated June 16 1860
Edw. J. H. Conner
Clerk

1881

1881

to 1881

1881

the first of the year

1881

1881

State of Missouri }
County of Jefferson } In the Circuit Court
December 18th 1860

Elijah Carter & Susan Carter
the wife of said Elijah and
Deborah Carter

In Partition

= vs =

Ruby Cox, James Mitchell
William M. M. Pherson
Mary M. Pherson the wife of said
Wm M and Laura Blackwell.

Order of Sale

Now again at this day come said
plaintiffs by their attorney and the defendant James
Mitchell by attorney enters his appearance herein,
and the said defendants Ruby Cox William M. M.
Pherson and Mary M. Pherson the wife of said
William M., and Laura Blackwell, failing to ap-
pear and set aside their default herein entered
at the last term of this court whether have they an-
swered the petition of said plaintiffs: And this
cause coming on to be heard upon the petition and
evidence produced by said plaintiffs, the court doth
find, that said parties are interested in the lands
and premises in the petition described to wit: One
hundred and thirty nine acres of land situate on
Inleau Bois' creek, being a part of United States
Survey number two thousand and seventy eight,
conferred to Thomas Barber, under
Maxwell, situated partly in Jefferson, and partly
in St. Genevieve counties, the greater portion thereof

being in Jefferson County in Township No 39 N.
Range 7 East; the West half of the South East quar-
ter of Section number twelve in township number
thirty nine, of range, Six East, containing Eighty
acres: also lot No 154 in the town of Mercersburg
in said County of Jefferson, in the following shares
and proportions; the said Plaintiffs Susan Carter
and Delora Carter, are each the owner and entitled
to one fourth of said land, the Defendant Robt Cox
is entitled to one fourth thereof, and the defendants
James Mitchell, Mary McPherson and Laura
Blackwell are together entitled to one fourth part
thereof, or each one twelfth of said land, and that
said land is undivided. It is therefore considered
by the court, that partition and division of the
said lands and premises be ordered and de-
creed between said parties according to their
several rights and interests therein as before stated
and it appearing to the satisfaction of the court, that
partition in kind of the said lands and premi-
ses, cannot be made without great prejudice to
the said owners. It is ordered by the court, that the
Sheriff of Jefferson County proceed to sell the lands
and premises hereinbefore described at public
Vendue to the highest bidder for ten percent of the
purchase money in cash at the time of sale, and
the residue in twelve months, and that said Sheriff
take for the deferred payment, a bond or note from
the purchaser with good security bearing interest
from date at the rate of Six per cent per annum
that said sale take place on some day during the

sitting of the Circuit Court of said County, and
be governed in all things by the same regulations
provided by law, for the sale of real estate
under Execution, Notice thereof being given by
the Sheriff in the manner prescribed by law
for such sales, and pay over the proceeds of said
sale to the said parties according to their sever
al rights and interests as hereinbefore stated and
report his proceedings therein to the Court, and
this cause is continued.

State of Missouri }
County of Jefferson } I, the undersigned Clerk
of the Circuit Court within and for said County
hereby certify that the foregoing is a true and
complete copy of the Judgment of partition and
order of sale in the above entitled cause as fully as
the same remains of record in my office.

In Testimony whereof I have hereto
set my hand and affixed the seal
of said Court at office this Eighteenth
day of March A.D. 1861

Chas J. Honey clerk

Accepted
To Messrs Smith & Sweet
June 1861

Oliver Carter shals
as 1/2 Order of Sale
Jeddy Cox shals

Medland approved
June 11th 1864
Oliver J. Kearney Clerk

Sunday 11

Elijah Carter et al }
vs } Order of Sale } Jefferson Circuit Court
Reby Cox et al } June Term 1864

The undersigned Sheriff of Jefferson County
Would Respectfully report that in Obedience
to the annexed Order of Sale issued from the
Office of the Clerk of said Court that having
previously given not less than twenty Days
of the time Term and place of Sale and what
Real Estate was to be sold and where Situated
by setting up six advertisements in the
most public places in the County of Jefferson
A copy of which advertisement is herewith
filed and make A part of this Report I did
agreeably to said advertisements at the Court
House Door in Hillsboro on Tuesday the seventh
day of June 1864, between the hours of nine O'clock
in the forenoon and five O'clock, in the afternoon
of that day and during the Session of the Circuit
Court for said County at the June Term thereof
for the year A.D. 1864 expose to sale publicly
at auction the following described Real Estate
situated in said Jefferson County to wit, One hundred
and thirty nine acres of Land Situated on the
Coe River, Creek being part of United States
Survey No. 2078, conveyed to Thomas, Rarden
under Maxwell Situated partly in Jefferson
and partly in St Genevieve Counties the greater
portion thereof being in Jefferson County in
Township No. 39 Range 7 East The West half of
the South East quarter of Section No. Twelve
in Township No. 39 of Range Six East containing
Eighty acres also Lot No. 154 in the Town of Hamilton

in said County and Arthur L. North became the purchaser
of the first Described Tract and for the price and
Sum of five Hundred and thirty Dollars upon which
Sum he has to me in hand paid ten per cent and
gave his note for the balance of the money as
per order of Sale requires, and William B. Weaver
became the Purchaser of the second Described Tract
at and for the price and Sum of Twenty Dollars
upon which Sum he has to me in hand paid ten
per cent and gave his note for the Balance as
Required by terms of sale, and Thomas Brewster
became the purchaser of the Third Described Tract
at and for the price and Sum of Two Dollars and
five cents which he has to me in hand paid
in full and this Report is Respectfully Submitted
this 11th day of June 1864

Jerome B. Dowers Sheriff

SHERIFF SALE IN PARTITION.

Elijah Carter et al
vs
Roby Cot et al

In the Circuit Court of Jefferson Co., Mo.

By virtue and authority of an order made by the Circuit Court of the County of Jefferson, State of Missouri, at its *December* Term, A. D. 186*4*, I will, on the ~~Saturday~~ *Monday 7th* day of *June* next, 186*4*, at the Court House door, in the Town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit: ~~the~~ *one hundred and thirty nine acres*, of land situate on the *Ile au Bois* Creek being part of U.S. Survey ~~No 2078~~ *No 2078*, conveyed to *Thomas Bowler*, partly in Jefferson County and partly in St. Genevieve county, in Township No. 39 North of Range 7 East and also the *W/2* of the *SE 1/4* of Section No 10, Township 39, Range 6 East, containing 80 acres, also lot No. 154 in the Town of *Herculaneum* in Jefferson County, Mo.

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 at the time of sale, the balance in twelve months; the purchaser giving his bond, with approved security, bearing interest at the rate of six per cent. per annum from date, this *first* day of *May* *April* 186*4*

JEROME B. DOVER, Sheriff.

Elijah Carter & Susan Carter &
 Deborah Carter Plaintiffs
 Against
 Poly Cox, James Stutchell
 et als.

In Partition
 In the Jefferson Circuit
 Court.

Fee Bill

E. J. Honey clerk 2 copies petition @ 50¢	\$ 1 00
2 Certs & seals 1¢ unit & copy \$1.20. Order Pub. 50	2 70
copy same & Cert Seal 1¢. Proof. Pub. 50¢ Cont. 50¢	1 00
appearance 15¢ order Sale 50¢ trial 50¢ Judgt. 50	1 65
copy order sale. Cert & Seal.	1 50
aff. 25¢ file pro 15¢. orders 40¢ continuances 50	1 30
Report Sale 25¢ Docketts 40¢ Docket h. dgt 25¢	90
make costs 25¢ atty fee allowance 25¢	50
Indexes 20¢ make fee Bill.	75
M. S. Berre Sheriff St. Louis Co.	11 30
Serve 3 defendants 3¢ per return sums. 50¢	3 50
Hopour Democrat, Printer.	8 25
Fletcher Green city fee. allowed	30 00
O. Dover Sheriff advertising	2 00
J. L. Power " "	1 00
Jerome B. Dover " 3 times	3 00
Commission on \$552 ²⁵ / ₁₀₀ at 2% -	11 04
	14 04
	\$ 40 09

Eliza Carter et al
vs The Will
Georg Cox et al