

June 1860 No. 16

Howe, William S.

vs

Childs, Edward B.

Cushing, Benjamin

Smythe, Isaac

Whitmore, Henry, et al

Partition

E $\frac{1}{2}$ of Lot #1 & E $\frac{1}{2}$ of

Lot #2 of the NE $\frac{1}{4}$

of S6-T39-R6E; 80 acres;

Other Defendant: Lucian D. Baker

William S. Howe, - Plaintiff
Against
Edward B. Childs,
Benjamin Bushing,
Isaac Smythe,
William Gore,
Henry Whitmore
& Lucan D. Baker - Defendants.
In the Circuit Court
Jefferson County, Missouri,

The Plaintiff states that he and the Defendants hold the following described Tracts of Land as Tenants in Common, To wit, The East half of Lot No. one, and the East half of Lot No. two, of the North East fractional quarter of Section No. six, in Township No. thirty nine, of Range No. six East, containing eighty acres, both tracts situate in Jefferson County Missouri.

Plaintiff states that he is entitled to the undivided one eighth of said Land in fee, - that the said Edward B. Childs is entitled to the undivided two eighths of the same, - that Benjamin Bushing is entitled

to two eighths of the same, and that Isaac Smythe and William H. Gore have a mortgage of Record on the interest of said Edward B. Childs, to secure the payment of some Notes, the amount not known as appears of Record, - That Henry Whitmore is entitled to the undivided two eighths of said Land, and Lucan D. Baker is entitled to the undivided one eighth of the same, as appears of Record,

Plaintiff prays the Court for judgment for a division and partition of said Land according to the respective rights of the parties interested therein and for a sale thereof, if it shall appear that partition cannot be made without great prejudice to the owners thereof.

} Abner Green
Attorney for plaintiff
William S. Howe, Plaintiff, makes oath and says the above petition and the matters therein as stated, he believes to be true, and also, that the said Edward B. Childs, and Benjamin Cushing are non residents of the State of Missouri

Wm S. Howe

Sworn to and subscribed

before me April 30 1860

24250

In Circuit Court
Jefferson County

William D. Moore
vs,

Carwards, Charles
& others, —

Petition of partition

Let summons
issue to St. Louis County
for all the Dotts, except
Charles & Catherine,
a substituted as to
them, Green, Jr 1866

Filed April 30 1866
Claus J. Honey

2 copies pet.	1 00
2 6 orders	1 00
Print copy	1 20
Order Sub	1 50
Copy c 10	75
cf	10
check	20
Postage	44.75
3 copies sub	60
Print	1 20
2 copies	1 00
2 6 orders	1 00

William S. Howe, Plaintiff
against

Edward B. Childs
Benjamin Cushing
Isaac Smythe
William Gore.

Henry Whitmore &

Lucas D. Baker Defendants

In the Circuit
Court, Jefferson
County
Missouri

The Plaintiff states that he and the Defendants, hold the following described tracts of land as tenants in common, to wit: The East half of Lot No One, and the East half of lot No two of the North East fractional quarter, of section No six in township No thirty nine of range No six East, containing Eighty acres, both tracts situate in Jefferson County Missouri. Plaintiff states that he is entitled to the undivided one eighth of said land in fee, that the said Edward B. Childs is entitled to the undivided two eighths of the same, that Benjamin Cushing is entitled to two eighths, of the same, and that Isaac Smythe and William S. Gore, have a mortgage of record on the interest of said Edward B. Childs to secure the payment of some notes, the amount not known as appears of record, that Henry Whitmore is entitled to the undivided two eighths of said land and Lucas D. Baker is entitled to the undivided one eighth of the same

as appears of record. Plaintiff prays the Court
for judgment for a division and partition of
said land according to the respective rights of the
parties interested therein, and for a sale thereof
if it shall appear that partition cannot be made
without great prejudice to the owners thereof
Abner Green, Attorney for Plaintiff

William S. Howe, plaintiff makes oath and says
the above petition, and the matters therein as stated
he believes to be true, and also that the said Ed-
mond B Childs and Benjamin Cushing are
nonresidents of the State of Missouri

Sworn to and Subscribed

before me April 30 1860

Elias D. Honey Clerk. } Wm S. Howe

Filed April 30 1860

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

Witness my hand and the Seal
of said Court at office April
6th A D 1860
Elias D. Honey Clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

St. Louis

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

We command you, that you summon *Isaac Smythe*
William Gore, Henry Whitmore, Lucan D.
Baker

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 after the fourth Monday of *May*
next, then and there to answer unto *William S. Gore*

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



Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Sixth*
day of *April* A. D. 18 *60*

Elias F. Honey

Clerk Circuit Court.

A true copy of the writ

William J. Howe
or
Isaac Synghood

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

St Louis

Go the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon *Isaac Sengthe*
William Gore, Henry Whitmore Lucan D.
Baker.

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 after the fourth Monday of *May*
next, then and there to answer unto *William S. Howe*

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

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this *Sixth*
day of *April* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

No 16

Josephsonber Bank
June Term 1860

William J. Howe
or } Summons
doce, against
William Gore
Henry Whitmore
Susan A. Parker

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon Isaac Serrythe
William Gore, Henry Whitmore, Lucan
D Baker

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 after the fourth Monday of May
next, then and there to answer unto William S. Howe

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



Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this Sixth
day of April A. D. 1860

Elias F. Honey

Clerk Circuit Court.

A true copy of the writ.

E. F. Honey clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

St. Louis
To the Sheriff of the County of ~~Jefferson~~ *Jefferson* - Greeting:

We command you, that you summon *Isaac Serry the*
William Gore, Henry Whitmore Lucas
D Baker

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 after the fourth Monday of *May*
next, then and there to answer unto *William S. Howe*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this *Sixth*
day of *April* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

No 16

William & Howe

as

Deare, I am the
William Gore
Heavenly Mother's
Lucan & Baker are

Copy letters must be left
first done.

STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } ss.

In vacation of the Circuit Court, April 3d, A. D., 1860.

William S. Howe, Plaintiff,
vs.

In Partition
Order of
Publication.

Edward B. Childs,

Benjamin Cushing et. al. Defnd'ts.

NOW, at this day, comes said plaintiff, and files in the office of the undersigned, Clerk of the Circuit Court of said county, his petition, verified by affidavit stating, among other things, that the said Edward B. Childs and Benjamin Cushing, are non-residents of the State of Missouri. It is thereupon ordered by the undersigned Clerk, that said non-resident defendants, be notified by publication of the commencement of this action, the object and general nature of which is to obtain an order and decree for the partition and division of the following described lots or parcels of land, viz: East half of lot number one, and east half of lot number two, of the north east fractional quarter of section number six, in township number thirty-nine, of range six, east, containing eighty acres, situate in Jefferson county, Missouri, and for a sale thereof, if partition cannot be made without great prejudice to the owners thereof. And unless they be and appear before said Court, on the first day of the next term thereof, to be begun and held at the Court House in Hillsboro, in and for said county, on the second Monday after the fourth Monday of May next, and on or before the sixth day of said term, answer the petition of said plaintiff, the same will be taken as confessed against them. And it is further ordered, that a copy of this order be published for four weeks successively in the Weekly Missouri Republican, a newspaper printed and published in this State, the last insertion to be at least four weeks before said next term.

Attest,

ELIAS F. HONEY, Clerk.

A true copy from the record.

In testimony whereof, I hereto set my hand
{ L. S. } and affix the seal of said Court, at office, April
3d, A. D., 1860. ELIAS F. HONEY, Clerk.

STATE OF MISSOURI,
COUNTY OF ST. LOUIS.

Personally appeared before the undersigned, a Notary Public, within and for the County of St. Louis,

John Shrop who, being duly sworn,

deposeth and saith, that the annexed advertisement was published in the "Missouri Republican," printed in this

State, the newspaper of which he is printer, for *Six*

times, the first insertion being on the *North* day of *April* 18*60*

and the last insertion on the *Eleventh* day of *May* 18*60*

as follows: *April 9 to 85 Daily*

" *13 " 15 Weekly*

" *20 " 16 "*

" *27 " 17 "*

May 4 " 18

" *11 " 19 "*

John Shrop

Sworn to and subscribed before me, this *Tenth*

day of *May* 18*60*

Printer's Fee,

7.00

Affidavit,

2.25

Henry Smith

Notary Public

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

Saint Louis

Go the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon *Isaac Smythe Williams*
Gore Henry Whitmore Lucan D. Baker

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 after the fourth Monday of *November*
next, then and there to answer unto *William S. Howe*

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

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Twenty second*
day of *October* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

13 770

To Jefferson Circuit Court

December Term 1860

William S. Cowe

vs } Summons

30th Isaac Smyth

William Gore 12.

Henry Whitmore

5th Lucern & Baker

Enroute Executed this writ in the County of St Louis
On the 30th day of October 1860 by delivering a Copy
of writ and petition as furnished by Clerk to
Isaac Smyth Executed further On the 5th day
of November 1860 by delivering a Copy of writ as furnished
to Lucern & Baker Executed further On the 12th day
of November 1860 by delivering a Copy of writ as
furnished by Clerk to William Gore Henry
Whitmore not found in my County

Service 3.00
writ 50
\$3.50

Edw H Andrews Shoff
& Ed J Castello Sps

The State of Missouri, } SS.
COUNTY OF JEFFERSON.

Saint Louis

Go the Sheriff of the County of ~~Jefferson~~ Greeting:

We command you, that you summon

Henry Whitmore

if he be found in your County, that he
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 after the fourth Monday of May
next, then and there to answer unto William S. Howe

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in Hillsboro, this Twentieth
day of March A. D. 1861

Elias F. Honey

Clerk Circuit Court.

20 Jefferson Ser Court
June 20th 1861

William J. Howe
or his successors
Henry M. Moore et al

Henry D.

— -- -- R

Reed
— -- --

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

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

We command you, that you summon *Henry Whitmore*

if he be found in your County, that he
do 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 after the fourth
Monday of *May* next, then and there to answer unto
William S. Howe

upon *his* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *Twentieth*
day of *March* A. D. 1862

Elias F. Honey

Clerk Circuit Court.

TO JEFFERSON CIRCUIT COURT

Dated Jan'y, 1862

William A. Moore

vs { Alice Summers

Henry Whitmore

Executed this writ in the County of St. Louis, on the
5th day of May 1862 by delivering a copy of the writ
as furnished by the Clerk and by reading the petition
to Henry Whitmore the defendant.

\$1.00 paid by
City of St. Louis

John H. Andrews Sheriff
By J. M. Williams Deputy

Pl. paid by St. Louis City for 1862

State of Missouri }
County of Jefferson }

In the Circuit Court

December 12th 1863.

William S. Howe

vs

Edmund B. Childs

Ben^m Cushing

Isaac Smythe

William Gore

Henry Whitmore &

Lucas D. Baker

Order of Sale

Now, again at this day comes said Plaintiff, by his attorney, and now good reason having been shown for the setting aside the defaults of said defendants herein, And the cause coming on to be heard, upon the petition of said plaintiff, the court doth find, that said plaintiff and said defendants, are owners and tenants in common of the following described Real Estate, Situate in Jefferson County Missouri, to wit: The East half of Lot No. One, and the East half of Lot No. Two of the North East fractional quarter of Section No. Six in Township No. thirty nine of range No. Six East, containing Eighty acres: And the court proceed

-ing, to ascertain and settle the rights and interests of said parties in and to said Real Estate, doth declare the same as follows: The said Plaintiff William S Hoove is entitled to the undivided one eighth of said land that the said Edward B Childs is entitled to two undivided eights of said land. Benjamin Bushing is entitled to two eights of the same Henry Whitmore is entitled to the undivided two eights thereof, and Lucan D. Baker is entitled to the remaining one eighth thereof. It is therefore ordered and adjudged by the Court, that partition and division of said land be made between said parties, according to their respective rights and interests therein as herein ascertained and adjudged by the Court, and it appearing to the satisfaction of the Court, that said land is so situate that partition or kind cannot be made, without prejudice to the said Owners, It is ordered by the Court, that the Sheriff of Jefferson County proceed to sell said lands at Public Auction to the highest bidder, for twenty per cent of the purchase money in cash, at the

time of sale, and the balance in twelve months, bearing interest at the rate of six per cent per annum, that said sale take place on some day during the Session of the Circuit Court of said County notice thereof being given by the Sheriff, in the manner prescribed by law for sales of Real Estate under Execution, and that said sale, be conducted in the manner provided by law for such sales, and that said Sheriff take from the purchaser or purchasers thereof for the deferred payment a note with good security, and pay the proceeds of said sale to the respective parties according to their several rights and interests as herein set out by the Court, and make report of his proceedings herein to the Court.

I the undersigned Clerk of the Circuit Court within and for the County aforesaid do hereby certify, that, the foregoing, is a full and true copy, of the Judgment of partition and order of sale made by said Court, as fully as the same remains upon the record of said Court in my office

To Jefferson Ber Court
June Term 1864

William S. Hoover
vs 3 Cords of Bale

E. L. W. Childs et als

Hoover & Childs \$1.00

Approved
Owen
Judge

Filed May 1865
Samuel M. M.
Clerk



In Testimony whereof I
here to set my hand and
affix the seal of said Court
this 4th day of March

A. D. 1864

Elias F. Hooney Clerk

SHERIFF SALE IN PARTITION.

William S. Stone
W. J. order of Sale
Chas B Child 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. 1863, I will, on the Eighth day of June next, 1864, 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

East half of Lot No. one & East half of Lot No. 2 of the West fractional part of Sec. No. 6 Township 39th Range 6 East containing 80 acres

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 Ninth day of April 1864

JEROME B. DOVER, Sheriff.

William, S. Howe } In the Circuit Court
vs } Order of Sale } June Term 1864
Edw B. Child & ab }

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 County of Jefferson 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 Situate by putting up six advertisements in the most public places in the County aforesaid. A copy of which advertisements is herewith filed and make A part of this report I did agreeably with said advertisements at the Court House Door in Hillsboro, on Wednesday the Eighth day of June 1864 and while the Circuit Court for said County was in session expose to Sale publicly at auction the following describe Lands to wit East half of Lot No. One & East half of Lot, ~~Two~~ ^{Two} of the North East fractional gr. of Section No. 6, Township 39 of Range 6 East containing 80 acres and William, S. Howe became the purchaser of said Lands at and for the price and sum of fifty six Dollars of which Amount he has to me in hand paid ten per cent, and gave his note for the Balance as required by Order of Sale, and this report is Respectively Submitted,

Jerome B. Dover Sheriff

William S. Howe

vs
Edward B. Childs
Benj. Bushing
Isaac C. Smyth & Co

In Partition
Report Sale June term
1864

See Bill

E. J. Hooney Clerk 3 copies pet & 50¢ \$1.50
3 Cents 1 Seal \$1.50 3 writs 3/6 copies \$1.20 Order
pub. 50¢ copy 50¢ Ct Seal 50¢ Affd. 10¢
doctors 40¢ defunct 18¢ prof. pub. 25¢ Contem-
nances \$1.25 postage 25¢ Sub. 25¢ per adgt 20¢
Order sale 50¢ copy Court Seal \$1.50 Report 25¢
files 20¢ atty fee. 25¢ make fee Bill 75¢ \$1.50 \$0

J. H. Andrews Sheriff

Serve 3 defendants \$3.00 none at 50¢ 3.50

Missouri Republican printer fee paid & 10¢ 7.25

Almer Green atty \$10.00 Cts 18 11.00

Jerome B. Dover Sheriff

Advertising \$1.50 - Compt \$1.62 2.62

\$40.47

Wm D Howe

C. J. Wheelbar

Dec. 13th