

Jefferson County Circuit Court
Case File-Civil

December 1860 No. 18

Box

12 Folder 71

Partney, Amiable

Murrell, John

McCulloch, Austin

vs.

McCulloch, Alvin

Partition

86 acres in T40, 41 R3E

Amiable Partney
 John Murrell, &
 Austin McCulloch, - Plaintiffs,
 Against
 Alvin M^c Culloch, - Defendant,
 { In the Circuit Court
 { Jefferson County,

Plaintiffs state that they and the Defendant hold the following described several Tracts of Land as Tenants in Common, To wit, the South East fractional quarter of Section No. Thirty four, in Township No. Forty one of Range No. Three East, containing Fifty acres and $\frac{89}{100}$ of an acre; also, the North East fractional quarter of the North East quarter (North of Negro Fork) of Section No. Three, in Township No. Forty, of Range No. Three East, containing Eighteen acres and $\frac{71}{100}$ of an acre; - also, the North East fractional quarter of the North West quarter (South of Negro Fork) of Section No. Thirty four in Township No. Forty one, of Range No. Three East, containing Eighteen acres, and $\frac{86}{100}$ of an acre.

Plaintiffs state that James M^c Culloch Jr, died seized in fee of the several Tracts of Land above described. That said Deceased left surviving him four children as his heirs, To wit Austin Elizabeth, Charlotte, and Alvin M^c Culloch, the last named being yet a minor, and Lucy M^c Culloch, his widow.
 Plaintiffs state that Amiable Partney

one of the plaintiffs, bought the share of Elizabeth (now married to Thompson Brown) and has a Deed therefor - and he is therefore entitled to an undivided interest of one fifth of the Lands afore-described - That John Murrell has Deeds for the interest of Charlotte (married to James Pomas) and Lucy McCulloch, the widow, she being entitled to a child's part; making two fifths of said Lands belonging to said Murrell. - That Austin McCulloch and the Defendant Alvin McCulloch, are each entitled to an undivided one fifth of said Lands.

Plaintiffs ask the Court for a decree for a division and partition of the Lands aforesaid, according to the respective rights of the parties interested therein, as above set forth, 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 the plaintiffs

Amiable Parkey, one of the Plaintiffs, makes oath and says the above Petition and the matters therein as stated, he believes to be true. A Parkey
Subscribed to and Sworn before me
this 17th September 1860
A. K. Hefner Clerk

of
the Circuit Court
of Jefferson County
Shirley J. Smith
Attorney,

Alvin M. S. Bellah

Of
petition for Smith's
Let A minor have
of you for
of all

Filed Sept 19. th. 1860
Elias J. Henry
clerk

Order Pub. ~~Pub.~~ page
num. page 446

Even. page 446

First Pub, defunct, near 28th

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

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

We command you, that you summon *Alvin McCulloch*

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 November
next, then and there to answer unto *Amiable Cartney, John
Murrell and Austin McCulloch*

upon *their* 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 *Seventeenth*
day of *September* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the County of Jefferson
State of Missouri on the 28th day of September A D 1860
on Alvin McColloch by leaving him A copy of this writ
and annexed petition as furnished me by the clerk
at his place of abode with A free white person of
the family over the age of fifteen years

Oscar Dovel Sheriff

No. 18

Jefferson Circuit Court

December Term 1860

Amiable Portney et als

vs. J. Summons

Alvin McColloch

Sheriff fee \$ 1.00

Amable Partney Plaintiff
against
Alvin McColloch Defendant,
in the Circuit Court.

This 6 Fletcher Guardian ad
litem for said defendant for
answer to plaintiffs petition
states that he has not a sufficiently
knowledge to enable him to form
a belief as to the truth of
the allegations of the petition
and requires proof thereof;

This 6 Fletcher
Guardian ad litem
for Defendant

Annals of Poetry
by
Alvin MacLeod.

Author of
Guards and Letters

Stated Dec 19th 1860
Geo. J. Hooley
Clerk

State of Missouri }
County of Jefferson }

In the Circuit Court
January 20th 1863

Amiable Partray }
John Murrell and } In Partition
Austin McCulloch } Order of Sale
vs
Alvin McCulloch }

And now again
at this day come said Plaintiffs by their
attorney, and the cause coming on to be
heard upon the petition and evidence sub-
mitted by said Plaintiffs, the Court doth
find that said Plaintiffs and said De-
fendant, are the owners as tenants in com-
mon, in the real estate and premises in the
petition of said Plaintiffs described as fol-
lows, to wit: The South East fractional qua-
rter of Section No thirty four in Town-
ship No forty one of range No three
east, containing fifty acres and $\frac{89}{100}$ of
an acre, Also the North East fractional
quarter of the North East quarter (North
of Negro fork.) of Section No three in
Township No forty of range No three
east, containing Eighteen acres and $\frac{9}{100}$
of an acre, Also the North East fractional
quarter of the North West. quarter (South
of Negro fork.) of Section thirty four in
Township No forty one of range No
three east, containing Eighteen acres and
 $\frac{24}{100}$ of an acre, in the following manner

Eions and Shares, the said Plaintiff, Amiable
Parkway, to one undivided fifth part of
said lands, the Plaintiff John Murrell
to two fifths thereof, and the said Plaintiff
Austin McCulloch to one fifth thereof and
the said defendant, Edwin McCulloch to
the remaining one fifth; And it appear-
ing to the satisfaction of the Court, that
partition in kind of said premises can-
not be made without great prejudice to
the said owners: It is ordered and de-
creed by the Court, that the Sheriff of Jeffers-
son County, do proceed to sell the said
lands hereinbefore described at Public
Vendue to the highest bidder, for ten per
cent. of the purchase money in cash
and the residue in twelve months and
for the deferred payment he take from the
purchaser or purchasers, a bond or Note
with good security bearing six per cent
interest per annum from date, that said
Sale take place on some day during the
sitting of the Circuit Court of said County,
at the Court House door, and be governed
in all things in the manner required
by law, for sales of Real Estate under execu-
tion, Notice thereof being given by the
Sheriff in the manner provided by law for
such sales, and pay over the proceeds of
such sale to the several parties, according
to their respective rights and interests as
is herein ascertained by the Court, and
this cause is continued

State of Missouri }
County of Jefferson } 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 order of Sale made by said Court
in the case of Amable Partray, John
Murrell and Austen McCulloch against
Alvin McCulloch, for partition, as fully
as the same remains of record in my
office

In Testimony whereof I,
hereto set my hand and
affix the Seal of said Court
at office this Twenty fifth
day of March A.D. 1863
Elias F. Horsey
Clerk

Monday 9
To Jeff. Lewis's Court
June term 1863

Annelle Partney
John Mcnall
Sutton W. Bullock
or } Order of Sale
Abner W. Bullock

Filed June 18th 1863
Geo. F. Hooley
Clerk

Amiable Partney
John, Murrell
Austin McColloch
vs } Order of Sale
Alvin McColloch

In the Circuit Court of
Jefferson, County
State of Missouri
June Term 1863

To the Hon Circuit Court

Of Jefferson County Missouri

The undersigned Sheriff of Jefferson County
would Respectfully Report, that 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
notice of the time terms 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 said Jefferson
County Missouri; A copy of which advertise-
ments is herewith filed and make a part of
this Report, I, did agreeably with said
Advertisements at the Court House door in
the Town of Hillsboro on Tuesday the 9th Day
of June 1863 between the hours of Nine, O'Clock
in the forenoon and five in the afternoon of
said day and during the Session of the Circuit
Court, for said County at the June Term thereof
for the year eighteen hundred and sixty three
exposed to sale publicly by auction the following
described Real Estate to wit The S. E. 1/4 of
Section No. 34 in Township No. 41 of Range No. 3 East
containing 30 acres and 29/100ths also the N. E. 1/4
of the N. E. 1/4 (north of Negro fork) of Section

No. 3 in Township No. 40 of Range No. 3 East containing
18⁹/₁₀₀ acres also the N. E. 1/4 of the N. W. 1/4
(South of Negrofork) of Section No. 34 in Township
No. 41 of Range No. 3 East containing 18²⁶/₁₀₀ acres
and James O. McColloch, ^{John P. McColloch} became the purchaser at
and for the price and sum of Seven hundred
and five Dollars on 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 this report ~~is~~ is Respectfully
Submitted

Jerome B. Bowen Sheriff

SHERIFF SALE IN PARTITION.

Amiable, Bartney et al

vs
Min, McColloch

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 January Term, A. D. 1863, I will, on the 9th day of June next, 1863, 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

South East fractional quarter of Section No. thirty four, in Township No. 41 of Range No. 3 East containing 30 and 89/100 acres also the North East fractional qr of the North East qr (north of negro fork) of section No. 3 in Township No. 40, of Range No. 3 East containing 18 and 9/100 acres, also the North East fractional qr of the North West qr (South of Negro fork) of section No. 34 in Township No. 41 of Range No. 3 East containing 18 and 26/100 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 20th day of April 1863

JEROME B. DOVER, Sheriff.

Amiable Partray et als }
 " } In the Jefferson
 Abram M. Colloch. } Circuit Court
 for Partitions

Fee Bill

Elias F. Morrey Clerk, 1 copy petition 75¢
 least seal 50¢, writ copy \$1.20 affd. 10¢
 Order app. guard 50¢ ans. 25¢ Cont 50¢
 trial 50¢ Judgt. 50¢ Order sale 50¢ Copy
 \$5¢ Cont seal 50¢ Cont. 50¢ docketts 50¢
 Report 25¢ atty fee. 25¢ dock. Judgt 25¢
 Index 20¢ makeup costs 25¢ Fee Bill 75¢

Apr 15¢

O. Dover sheriff Serve deft 1/4 calls 20¢ 120
 A Green attorney fee allowed — 3500
 O. B. Dover sheriff

advertising \$1.00 commission on

747.30 @ 2%

1494
 760.79

A Partray share of the \$136.45

A. Paulsen
in the
Alum Lake