

Jefferson County Circuit Court
Case file - CIVIL 145 19

Box

12 Folder 72

December 18th 1919

Murrell, John

Partney, Amiable

McCulloch Austin

VS

McCulloch Arvin

Grozier, Jane, unknown heirs of

Partition

Heirs of Charlotte McCulloch;

40 acres in S34 T41 R3E

John Murrell,
Amiable Portney &
Austin M^c Bulloch, - Plaintiffs

Against
Alvin M^c Bulloch &
The Unknown Heirs of
~~Andrew~~ Crozier, - Defendants

In the Circuit Court
Jefferson County
Missouri.

Plaintiffs state that Charlotte
M^c Bulloch died seized of the follow-
ing described tract of Land, situate
in Jefferson County Missouri, To wit, The
South East quarter of the South West
quarter of Section No. Thirty four in Town-
ship No. Forty one of Range No. Three,
East, Containing Forty acres, more or less.

That the said Charlotte M^c Bulloch, de-
ceased, left Eight children and heirs
surviving her, To wit, William A. Martha, who
married Barney McKee, - Eliza, (married to John Wiley),
Elizabeth married to Norris McKean, - Sarah married to Ami-
able Portney &
James M^c Bulloch, who has since died
leaving four children as his heirs, To wit,
Austin, Alvin, (a minor) Elizabeth and
Charlotte, and Lucy M^c Bulloch, the wid-
ow, - and Jane M^c Bulloch, (who married
Andrew Crozier) ^{and his wife} who have both died, leav-
ing some children surviving them whose
names are unknown to Plaintiffs

Five of the heirs of Charlotte M^c Bulloch
decd., To wit, William A. M^c Bulloch, Martha M^c,
Kee & her husband, Eliza Wiley, & her husband, Elizabeth

McKean & her husband, & Mary McKean & her husband
and Elizabeth, one of the heirs of James McCulloch, ^{do}
have sold and conveyed ^{their} interest in said
Land to Amiable Partney, one of the plain-
tiffs, who, is therefore entitled in fee to the
undivided ^{thirty one fortieths} ~~one eighth~~ of said Land,
John Moorell, one of the Plaintiffs, has pur-
chased & received Deeds for the interests of
Charlotte McCulloch, and Lucy McCulloch, the widow, to said Land, each being
entitled to the one fortieth of the same. The
widow having a child's part, making
an undivided interest of two fortieths of
said Land belonging to said John Moorell,
Austin McCulloch, and Alvin McCulloch
are each entitled to the undivided one for-
tieth of said Land, and the Defendants
- the unknown heirs of said ~~James Cro-~~
zier ^{do}, are entitled to the undivided one
eighth or five fortieths of said Land.

Plaintiffs therefore state that they
and the Defendants hold said Tract of
Land as Tenants in Common, in the pro-
portions herein before stated. They therefore
pray the Court for a decree for a division
and partition of said Land, 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 preju-
dice to the owners thereof.

} Abner Green
Attorney for the plaintiffs

Amiable Partney, one of the Plaintiffs,
makes oath and says the above pe-
tition and the matters therein as
stated he believes to be true; and
this Affiant further states that
the unknown heirs of Jane Crozier
are non-residents of the State of Mis-
souri,

Subscribed and Sworn before me } A Partney
this 17th September 1860
A. R. Hefner, Clerk, C. C. C. B }

order Put back No 4/page
turn it out/page 446

Transcribed page 1446

Defunct with. Myra Anne 1874

In Circuit Court
 Jefferson County
 John Marshall
 vs
 John W. Black
 & others
 Petition for Dissolution
 - Set Announcements
 for John Marshall
 - Publication, as to
 the English and
 French for the
 17th, 1860
 Geo. D. Henry
 Clerk

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

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

We command you, that you summon *Abner McCulloch*

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 November
next, then and there to answer unto *Jehro Murrell, Amiable
Partney and Austen 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 *Nineteenth*
day of *September* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

I executed the within summons 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 Doved Sheriff

No 1

Jefferson Co Court

December Term 1860

John Howell et al

vs
Summons

Alvin McColloch

Sheriff's fee \$1.00

STATE OF MISSOURI, }
County of Jefferson, } ss.

In the Circuit Court,
In Vacation.
SEPTEMBER 17th, 1860.

John Murrell, Amiable Partney and
Austin McCulloch, plaintiffs,
against

Alvin McCulloch and the unknown
heirs of Jane Crozier, defendants.

Order
of
Publication.

THE plaintiff herein having filed their petition, verified by affidavit, as required by law, and stating that the unknown heirs of Jane Crozier are non-residents of the State of Missouri: It is thereupon ordered, by the undersigned Clerk of said Court, that said unknown heirs of Jane Crozier be notified, by publication, of the commencement of this action, the object and general nature of which is to obtain a decree of said Court for the partition and division of the following described land, situate and lying in the county of Jefferson, and State of Missouri, to-wit: the southeast quarter of the southwest quarter of section number thirty-four, in township number forty-one of range number three east, containing forty acres, more or less, and for a sale thereof, if it shall appear that partition cannot be made without great prejudice to said owners; 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 in November next, and on or before the sixth day of said term, answer the petition of said plaintiffs, the same will be taken as confessed against them. And it is further ordered that a copy of this order be published in the Missouri Republican for four weeks successively, 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 and
{ L S } affix the seal of said Court, at office, September
19th, 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 Shrapf who, being duly sworn,

deposeeth 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 *twenty second* day of *September* 1860 and the last insertion on the *twenty sixth* day of *October* 1860 as follows:

<i>Sept</i>	<i>22</i>	<i>10</i>	<i>22</i>	<i>7</i>	<i>Daily</i>
"	<i>28</i>	"	<i>38</i>		<i>Weekly</i>
<i>Oct</i>	<i>5</i>	"	<i>39</i>		"
"	<i>12</i>	"	<i>40</i>		"
"	<i>19</i>	"	<i>41</i>		"
"	<i>26</i>	"	<i>42</i>		"

John Shrapf

Sworn to and subscribed before me, this *13th*

day of *November* 1860

Printer's Fee,

Affidavit,

7.00
2.25
\$7.25

Leahy & Co
Notary Public

Filed Dec 19th 1860
Oliver P. Hooley
Clerk

In the Circuit Court in Vacation, September 17th, 1860

STATE OF MISSOURI, } ss.
County of Jefferson,

John Murrell, Amelia Partney and Austin

McCulloch, Plaintiffs

against

Alvin McCulloch and the unknown heirs

of Jane Crozier, Defendants

Order
of
Publication.

THE plaintiffs herein, having filed their petition, verified by affidavit as required by law, and stating that the unknown heirs of Jane Crozier are non residents of the State of Missouri; it is thereupon ordered by the undersigned, Clerk of said Court, that said unknown heirs of Jane Crozier, be notified by publication, of the commencement of this action, the object and general nature of which is to obtain a decree of said Court, for the partition and division of the following described land, situate and lying in the county of Jefferson and State of Missouri, to-wit: the south east quarter of the southwest quarter of section number thirty-four, in township number forty-one, of range number three east, containing forty acres more or less, and for a sale thereof, if it shall appear that partition cannot be made without great prejudice to said owners; and unless they be and appear before said Court on the first day of the next term thereof, to be begun and held on the second Monday after the fourth Monday of November next, and on or before the sixth day of said term, answer the petition of said plaintiffs, the same will be taken as confessed against them; and it is further ordered that a copy of this order be published in the Missouri Republican for four weeks successively, the last insertion to be at least four weeks before said next term.

Attest: ELIAS F. HONEY, Clerk.

A true copy from the record.

L. S. } In witness whereof, I hereto set my hand and affixed the seal of said Court, at office the day and year aforesaid.

se27 w4t

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 Brink who, being duly sworn,

deposeeth 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 *twenty seventh* day of *September* 1860
and the last insertion on the *twenty sixth* day of *October* 1860

as follows: *Sept 27 40 231 Daily*

<i>Oct 28</i>	"	<i>38</i>	<i>twenty</i>
<i>Oct 3</i>	"	<i>39</i>	"
" <i>12</i>	"	<i>40</i>	"
" <i>19</i>	"	<i>41</i>	"
" <i>26</i>	"	<i>42</i>	"

Sworn to and subscribed before me, this *13th*

day of *November* 1860

John Brink

Printer's Fee,

Affidavit,

7.00
1.25
8.25

Notary Public
John Brink

John Murrell et al

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Alvin McCulloch

In the Circuit Court,
This C. Fletcher Guardian ad litem
for said defendant Alvin McCulloch
for answer to plaintiffs petition
states that he has not a sufficient
knowledge to enable him to form a
belief as to the truth of the allegations
in petition and requires proof.

This C. Fletcher
Guardian ad litem

Bro Russell etc
as

Alvin M. Follock

Secretary of
Quar. and Lit. Com.

Sold Decr 19th 1865
Evan. A. H. Conley
Clerk

John, Munnell
 Amiable, Partney
 Austin McColloch } In the Circuit Court June
 vs } Order of Sale } Term 1863,
 Alvin McColloch } To the Hon Circuit Court
 unknown heirs of } of Jefferson County Missouri
 Jane Crozier Decd.

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 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 said Jefferson County Missouri a copy of which advertisement is herewith filed and makes a part of this report. I did agreeably with said advertisements at the Court house door in the town of Hillsboro on Thursday the eleventh day of June A.D. 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 expose to sale publically by auction the following described Real Estate situate in said Jefferson County to wit: The South East qr of the South West qr of Section No. thirty four in Township No. forty one of Range No. three East containing forty acres more or less and Austin McColloch became the purchaser of said Land at and for the price and sum of four hundred and one 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 Respectfully Submitted

Jerome B. Dowers Sheriff

SHERIFF SALE IN PARTITION.

John Merrill et al
vs
Alvin McColloch and
unknown heirs of Jane Breziers

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 11th 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

The South East quarter of the South West quarter of Section No. thirty four in Township No. forty one of Range No. three East containing forty acres more or less.

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 29th day of April 1863

JEROME B. DOVER, Sheriff.

State of Missouri }
County of Jefferson }
In the Circuit Court
January 20th 1863.

John Murrell
Amiable Partway and
Austin McCulloch } In Partitions
vs
Alvin McCulloch and
the unknown heirs of } Order of Sale
Jane Crozier

And again at
this day comes said Plaintiffs by their at-
torney, and this cause coming on to be
heard upon the petition and evidence
submitted by said Plaintiffs, the Court
doth find that said Plaintiffs and
said Defendants are the owners as ten-
ants in common, in the real estate and
premises in the plaintiffs petition men-
tioned and described as follows, to wit:
The South East quarter of the South West
quarter of Section No Thirty four in Town
ship No Forty one, of range No three east,
containing Forty acres, more or less in the
following proportions and shares, that is to
say, the said Plaintiff Amiable Partway,
is entitled to an undivided interest of
thirty one fortieths, the said John Murrell
to two fortieths thereof, the said Austin
McCulloch to one fortieth thereof and the
said Alvin McCulloch to one fortieth there-
of, and the unknown heirs of Jane

longer decreed to the undivided eighth
or five fortieths thereof. And it appear-
ing to the satisfaction of the Court, that
partition and division of said lands
cannot be made in kind, without great
prejudice to the said owners: It is ordered
and adjudged by the Court, that the same
be sold for the purpose of partition. It
is therefore ordered by the Court, that the
Sheriff of Jefferson County do proceed
to sell said land at Public Vendue to the
highest bidder at the Court House door on
some day during the session of the
Circuit Court, for said Jefferson County
for ten percent of the purchase money in
cash at the time of sale, and the residue
in twelve months, and that he take from
the purchaser or purchasers thereof a bond
or note for the deferred payment, bearing
interest at the rate of six per cent. per
annum with good security, Notice there
of being given by the Sheriff in the man-
ner provided by law, for sales of real es-
tate under executions, and be conducted
in all things in the manner prescribed
by law for such sales and make report
of his proceedings herein, and this cause
is continued

State of Missouri }
County of Jefferson } p. I, the undersig-
ned, Clerk of the Circuit Court, within
and for said County 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 John Murrell, Amiable Partray
and Austen M. Culloch against, Alvin
M. Culloch and the Unknown heirs of
Jane Crozier deceased for the purposes of
partition as fully as the same remains
of records 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. Eighteen hun
dred and Sixty three
Elias P. Honey Clerk

Shedden
To Jefferson Levee & Levee
June Term 1863

John Mournell
Amiable Postmaster
Auction M. Bullock
as { order of Sale
Alvin M. Bullock
Unknown. heir of
Euse Langier deed

Sold June 18th 1863
Euse Langier deed

John Murrell et al } In the Circuit Court
 v. } of Jefferson County
 Albin M. Collochet et al } for Partition
 Dec. Bill.

E. F. Honey Clerk, 1 copy petition 45¢ Cert 15¢ 50¢
 aff. d. 10¢ writ copy \$1.20, Order Pub. 30¢
 copy same 50¢ Cert Seal 50¢, default 50¢

order appt guard 50¢, ans of guard, 25¢ off

proof pub. 25¢, court 50¢, trial 50¢ Judgt 50¢

order sale 50¢ copy same 45¢ Cert Seal 50¢

court 50¢, Rept Sheriff 25¢ atty fee. 25¢

Docketts. 50¢ Index. 20. dock Judgt 25¢

make costs 25¢ make fee Bill 45¢

\$11.95

Memphis Republican. Winter

7.25

Q. Dover Sheriff

Serv. 1 dept 18 calls 20¢

1.20

A Green atty fee

25.00

Jerome B Dover Sheriff

advertising 1/2 comp on A. 425-21850.

9.50

\$54.70

James Mearns
m & Geo. B. C.
Chas. M. Mearns