

Jefferson County Circuit Court
Case Files - Civil
December 1863

Box 15 Folder 9

Hicks, Samuel L., gdn

Hicks, John L.

Hicks, Elsy

vs.

Ellis, Alexander

Ellis, Charles

Ellis, Elisha

Partition

68 acres in S24 T41 R5E

Samuel L. Hicks, in his
own proper person, and
John L. Hicks and Elsy Hicks
by Samuel L. Hicks, their
guardian, Plaintiffs

Against
^{Ellis} Alexander, Charles Ellis
and ~~Eliza~~ Eliza Ellis
Defendants

Partition.

In the Jefferson Circuit
Court. Decr Term 1863.

Plaintiffs state that they and
Defendants are tenants in common of
the following described real estate
situate in Jefferson County, Missouri:
To wit: The North $\frac{1}{2}$ of North East $\frac{1}{4}$, Sec.
24, Township 41, Range 5 East, containing
thirty eight $\frac{46}{100}$ acres: that they are the
~~owners in common of a negro man named~~
Jeff. a slave for life: that Samuel L. Hicks
is entitled to curtesy interest in said land
one fourth of said land for and during
his natural life, John L. Hicks and
Elsy Hicks are each entitled to eighth
part of said land subject to the curtesy
interest of said Samuel Hicks and
Alexander, Charles and Eliza Ellis are
each entitled to one fourth of said
land and also one fourth each of the
value of said slave, and that the other
fourth of said slave belongs to John L.

Uly. Hicks in the proportions of one eighth
to each.

Plaintiffs therefore pray the Court to order
that said land & negro be divided among
the heirs aforesaid and that if partition
thereof in Kind cannot be made to enter
an order of record for the sale of said
property for other proper relief

Hendrickson & Thomas

Attys for Plaintiffs

Sam L. Hicks makes oath & says
that he believes the above partition
the matters therein stated are
true

sworn to & subscribed

before me ~~Sept~~ 1863

This 20 day of October 1863

Charles A. Craft J. P.

Samuel L. Wells & Co

3

Wm. Ellis & Co

Parletter

Filed Feb 23rd 1863

Edward J. Hooper
Clerk

\$3.00 paid by Otto
in cents

copy put
a record 30
Wm. Wells 1 200
Jule 55
Stock 50
Stamps 50
copy with 50
order and 10
Cmt 25
another 25
or no rule 50
Bentley 25

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

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

We command you, that you summon Alexander, Charles
Ellis, and Elisha. Ellis

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
Samuel L. Hicks, John L. Hicks and
Ely Hicks, by Samuel L. Hicks their
guardian

upon their 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 23d,

day of October A. D. 1863



Elias F. Honey

Clerk Circuit Court.

2177
TO JEFFERSON CIRCUIT COURT

December Term, 1863

Saml & Hockwitals

vs { Summons

Chas. Ellis

Leah Ellis

Elisha Ellis

A. B. Dyer Sheriff Fees \$3.00

Commissioners
Chas W Craft
John Craft
Wm. Farley
Thomas Farley

I, Executed this writ at the county of Jefferson
State of Missouri on the fifth day of November
1863 on Charles Ellis, by leaving a true copy of
this writ and annexed petition at his usual place of
abode with a white person of his family over the age of
15 ^{not being the first served} also on Elisha Ellis by leaving a true copy of this writ
at his usual place of abode with a white person of his
family over the age of 15 on the same day also on
Alexander Ellis on the same day by delivering
to him a true copy of this writ
Jesse B. Dyer Sheriff

Saml. L. Smith, et al,

Alexander Ellis
Charles Ellis and
Elisha Ellis

Partition

In the Circuit Court
of Jefferson County

Alex. & Chas. Ellis Come into Court by
their Guardian ad Litem and said
Guardian for answer to the petition
of plaintiff in this behalf says he
has examined the petition of
plaintiff as well as the evidence
of the title of the respective
parties and believe, the respect-
ive interests of the parties are
correctly set out

Wm. J. Williams
Guardian ad Litem for
Alex & Chas Ellis

J. A. Mearns
Esq.

Wm. Ellis, Esq.

Park View

Owner of Guadalupe
and Salina

14th Street June 7th 1864
To Wm. Mearns & Co.

State of Missouri }
County of Jefferson } & The Circuit Court,
June 18th 1864

Among other proceedings had in said Court,
this day the following remains of Record
to wit;

Samuel S Hicks in his own,
proper person and John S Hicks
and Elay Hicks by Saml Hicks
their Guardian Plaintiffs
against
Alexander Ellis Charles Ellis
and Elisha Ellis defendants
} Partition
} Order of Sale,
} Now again comes said
} plaintiffs by their attorney and the order
} herein made at this Term of the Court, appo-
} =inting Chat B Craft, John B Craft, and
} the J Warley Commissioners to make partition
} and division of the land and premises in
} plaintiffs petition described and sought
} to be divided is by the Court ordered to be
} set aside and for nought held as to the appoint-
} =ment, of said Commissioners; And thereupon
} the Court doth consider and order and ad-
} judge that partition and division of the follow-
} =ing described lands in petition of plaintiffs
} described as follows to wit; The north fractional
} half of the North East Quarter of section Twenty
} four Township forty one Range five East in

in Jefferson County Missouri be made among
said parties according to their respective
rights and interests therein and the Court
proceeding to ascertain and settle the
respective rights and interests of said
parties in and to said land doth declare
the same as follows The said Samuel Hicks
is entitled to a, courtesy interest in one
undivided one fourth of said land for and
during his natural life and the said
John L Hicks and Eliza Hicks are each entitled
to one undivided one eighth each of said land
subject to the courtesy interest of the said
Samuel L Hicks aforesaid, and the said Alexander
Ellis Charles Ellis and Elisha Ellis are each
the owners of one undivided one fourth of
said land, And it appearing to the Court
that said land is so situated that partition
thereof 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 land and premises
ought to be divided hereinbefore described
at public vendue to the highest bidder
for Twenty per cent of the purchase money
in cash at the time of sale and the residue
in Twelve months bearing interest at six

per cent per annum.

That said sale take place at the Court House door on some day during the session of the Circuit Court of said County notice thereof being given by the Sheriff in the manner provided by law, for sales of Real Estate under execution and that said sale be governed in all thing in the manner prescribed by law, for such sales and report his proceedings herein to the Court to abide the further orders of the Court herein. And it is further ordered that the Sheriff take for the deferred payment from the purchaser a bond or note with good security,

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

In Testimony whereof I have
hereunto set my hand and affixed the seal
of said Court this Eleventh day of
January A.D. 1863,
Elias F. Hovey Clerk

To Jefferson Davis's Court,
June Term 1863.

Samuel White et al
vs. } Partition
Charles Ellis et al

Order of Sale,
J. C. White



State of Missouri } In the Circuit Court
County of Jefferson } June 11th 1864

Among other proceedings
the following was had and remains of
record to wit

Samuel L Hicks in his own proper person and John L Hicks and Elsy Hicks by Sam L Hicks their Guardian against Alexander Ellis, Chas. Ellis and Elisha Ellis.	} Partition Order of Sale
--	------------------------------

Now again come said
Plaintiffs by their attorney, and the order
herein made at this term of the Court
appointing Charles A. Craft, John B
Craft, and Thomas J. Farley commis-
sioners to make partition and division of
the lands and premises in plaintiffs pe-
tition described and sought to be divi-
ded, It is by the Court ordered to be
set aside and for nought held as to the
appointment of said Commissioners
and thereupon, the Court doth consider
and order and adjudge that partition
and division of the following described
lands in the petition of plaintiffs des-
cribed as follows, to wit: The North frac-

tioned half of the North East quarter of
Section Twenty four, Township forty one
Range Five East, in Jefferson County
Missouri be made, among said par-
ties according to their respective rights
and interests therein, And the Court
proceeding to ascertain and settle the
respective rights and interests of said
parties in and to said land doth de-
clare the same as follows: The said
Samuel L Hicks is entitled to a coun-
terey interest in one undivided one
fourth of said land, for and during
his natural life, the said John L
Hicks and Eloy Hicks are each entitled
to one undivided one eighth each
of said land Subject to the counterey
interest of the said Samuel L. Hicks
aforesaid, And that the said Alexander
Ellis, Charles Ellis and Elisha Ellis are
each the owners of one undivided fourth
of said land, And it appearing to the
Court, that said land is so Situate that
partition thereof cannot be made with-
out great prejudice to the said owners
It is ordered by the Court that the Sheriff
of Jefferson County proceed to sell
the land and premises sought to be

divided herebefore described at public vendue to the highest bidder for twenty per cent of the purchase money in cash at the time of sale, and the residue in twelve months, bearing interest at six per cent per annum. That said sale take place at the Court House door, on some day during the Session of the Circuit Court of said County. Notice thereof being given by the Sheriff in the manner provided by law, for sales of Real Estate under executions and that said sale be governed in all things in the manner prescribed by law for such sales, and report his proceedings herein to the Court to abide the further orders of the Court herein. And it is further ordered that the Sheriff take for the deferred payment from the purchaser a bond or note with good security.

State of Missouri }
County of Jefferson } I, the undersigned
Clerk of the Circuit Court in and for
the County aforesaid hereby certify that
the foregoing is a full and true copy of
the judgment of partition and order
of sale made by said Court in the

above entitled cause of Saml. L. Hicks et als
against, Charles Ellis et als. as fully as
the same remains and appears of
Record in my office.

In Testimony whereof I
hereto set my hand and
affix the Seal of said
Court, at office October the
First. A D 1864

Elias F. Honey Clerk

Saml L Hicks et als In The Circuit Court
of Jefferson County Mo
Alexander Ellis }
Charles Ellis } To the Hon The Circuit
Elasha Ellis } Court of Said County

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 the Circuit Court of
Said County 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 given sold and
where situated by putting said advertisement
in the most public places in the County afores-
aid a copy of which advertisement is herewith
filed and make a part of this report I did
agreeably with said advertisement at the Court
House doors in Hillsboro on Wednesday the tenth
day of May A D 1865 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 for Said County
at the May term thereof for the year eighteen
hundred and sixty five expose to sale at public
auction the following described Real Estate
situate in Said Jefferson County To wit
North fractional half of the North East qr of Section
Twenty four Township forty one of Range five East
and Samuel L Hicks was there and there

The highest and last bidder The same
was stricken off and sold to him at once
for the sum of \$8.25⁰⁰ Eight Annas and
Twenty five Dollars and he the said
Samuel L. Hicks having paid me Eight
Annas and Twenty five Dollars This
report is Respectfully Submitted

C. C. Fletcher
Sheriff

SHERIFF SALE IN PARTITION.

Saml. L. Hicks et al. — 8,25 —

Alexander Ellis

Charles Ellis

Elisha Ellis

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 *June* Term, A. D. 1864, I will on the *Tenth* day of *May* next, 1865, 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

*North fractional half
of the North East qr. of Section Twenty four
Township Forty one of Range five East.*

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 *Thirteenth* ~~Dec 2nd~~ day of *April* 1865

CHAS. C. FLETCHER, Sheriff.

Saml L. Hicks

vs

Alex. Collier et al

Partition.

John L. Thomas, the Tenant of Saml L. Hicks
and others are allowed thirty days to appear, or they
shall be in the above entitled cause.

Wm. Johnson clerk.

Samuel L Hicks }
 John L Hicks } In Partition
 Elory Hicks. }
 a vs = } Free Bill

Alexr Ellis
 Charles Ellis
 Elesha Ellis

Certs paid by Plaintiff
 S. L. Hicks.

1 copy petition 30¢ Cert Seal 50¢

writ & copy \$1.20 Stamps 50¢

Order appoint heard 25¢

continuance 25¢

\$ 300

E. F. Mooney Clerk

Dockets 15¢ default 25¢ answer 25¢

Files 20¢ Submissions 25¢ trial 50¢

Judgt. 50¢ order appoint Comm 25¢

order Set aside 25¢ order Sale 25¢

copy same 37¢ Cert Seal 50¢

4402

" " 37 " " 50

489

J. B. Dover Sheff.

Serve 3 defendants @ 1¢

300

comp on or

@ 2%

advertising - -

State of Missouri } For the Circuit
County of Jefferson } Court.

Samuel L. Hicks
John L. Hicks
Elsy Hicks } In Partition

Alexander Ellis
Charles Ellis
Elisha Ellis } Fee Bill

E. F. Horney Clerk. Docketts 15¢ default 25¢
ans. 25¢ files 20¢ subscription 25¢

trial 50¢ judgt 50¢ order 25¢ order

sale 25¢ order 25¢ copy order sale 40¢

cert. deal 50¢ make fee Bill. 75¢

indexes. 40¢ report 25¢ atty fee 25¢

renewed copy order sale 40¢ ~~att~~ 50¢. \$ 6.20

J. B. Dover Sheriff

Serve 3 defendants. 3.00

Costs 40¢ advertising 2.00 2.40 5.40

atty.

Costs paid by S. L. Hicks 3.00

Costs.

Grand L. Michener
as Sec. Bill
Alexander
