

To Ferson County Circuit Court
Case File - civil

Box

15 Folder 59

November 1864

Nolan, Hugh Nelsen, gdn.
Nolan, Sara

Nolan, William^{vs}
Fleshhart, Charlotte
Fleshhart, Michael
Dearing, Julia Ann, et al

Partition

Heirs of Randolph Nolan, Sr.; 40
acres in S21T43R5E; other defendants
William Dearing, John Nolan, George
Nolan, Cornelia Ann Gorton, Elisha
Gorton, Andrew Nolan, Randolph Nolan

Hugh Nelson Nolan,
and Sarah Nolan, By her }
Guardian, Hugh Nelson Nolan, - Plaintiffs
Against

William Nolan, Charlotte Fleshart,
and her husband, Michael Fleshart,
Julia Ann Dearing and her husband,
William Dearing, John Nolan,
George Nolan, Cornelia Ann Gorton,
and her husband, Elisha Gorton,
Andrew Nolan, and Randolph
Nolan, — Defendants,

{ In the Circuit Court of
{ Jefferson County Missouri,

The Plaintiffs state that some time
in the year 1858, Randolph Nolan Sr. died,
Seized in fee simple at the time of his
death, of the following described Land
situate in Jefferson County, Missouri,
To wit, the North West quarter of the North
West quarter, of Section Twenty one, in Town-
ship Forty three, of Range Five East, con-
taining Forty acres. - That said Randolph
Nolan, left surviving him, ~~ten~~ ^{ten} children

to whom said Land descended, as his heirs,
subject to the dower of his widow, Sarah
Nolan, - To wit, William Nolan, Charlotte
Nolan, (now the wife of Michael Fleshhart)
John Nolan, Julia Ann Nolan (now the
wife of William Dearing) George Nolan,
Cornelia Ann Nolan (now the wife of
Elisha Gorton) Martin^d Nolan ~~since de-~~
ceased) Andrew Nolan, and Randolph
Nolan, - That the Plaintiffs and the De-
fendants hold said Land as Tenants
in Common, - and that said Sarah
Nolan, the widow of said Deceased, (and
who is of unsound mind, and for whom
Hugh Nelson Nolan is Guardian) is
entitled to dower in said Land of one
third for & during her ^{natural} life; - That Hugh
Nelson Nolan is entitled in fee to the
undivided one tenth part of said Land,
- and William Nolan, Charlotte Flesh-
hart, John Nolan, Julia Ann Dearing,
George Nolan, Andrew Nolan, and
Randolph Nolan, are each entitled
in fee, to the undivided one tenth of
said Land, - and Cornelia Ann Gorton
is entitled in fee to the undivided one
tenth of said Land, and Elisha Gorton

is entitled in fee to the undivided one tenth of said Land, he having acquired the interest of Martin W. Nolan, dec'd., by bequest.

Plaintiffs therefore ask the Court for a decree for a division and partition of the Land aforesaid, according the respective rights of the parties interested therein, and for an order of sale thereof, if it shall appear that partition cannot be made without great prejudice to the owners thereof.

Abner Green

Attorney for Plaintiffs,

Hugh Nelson Nolan, plaintiff, and Guardian for Sarah Nolan, (a plaintiff) makes oath, and says the above petition and the matters therein as stated, he believes to be true, - and also, that the Defendants, William Nolan, John Nolan, and George Nolan are not residents of the state of Missouri.

Sworn to and Subscribed

before me, this 25th day of ~~March~~ ^{Nov} 1864.

October, A.D. 1864.

By ~~Reppy~~ ^{Reppy}

his
Nolan
mark

Saml. H. Reppy Clerk

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

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

We command you, that you summon Charlotte Fleckhart
Michael Fleckhart, ~~John~~ Ann Dearing William
Dearing, Cornelia Ann Gorton Elisha Gorton
Andrew Nolan and Randolph Nolan

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
Hugh Nelson Nolan and Sarah Nolan
by her Guardian Hugh Nelson Nolan

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 Twenty Sixth
day of October A. D. 1864

Elias F. Honey

Clerk Circuit Court.



2262

TO JEFFERSON CIRCUIT COURT

November Term, 1864

Hugh A. Nolan
Sarah Nolan by
Guardian

vs. Summerson

Charlotte Fleshhart
Michael Fleshhart

Julia Ann Deering
William Deering

Cornelia A. Gorton
Elisha Gorton

Andrew Nolan

Randolph Nolan

J. B. Dorer Sheriff \$7.50

I executed this writ at the county of Jefferson County Mo
on the 27th day of October 1864 on Juliana Deering by delivering
to her A true copy of this writ and annexed petition as provided
me by the clerk the being the first served also on William Deering
on the same day 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 years also on Elisha Gorton Cornelia A Gorton Randolph
Nolan and Charlotte Fleshhart & Michael Fleshhart by delivering
to each of them A true copy of this writ this 31st day of October 1864
Andrew Nolan not found in my county this 1st day of
November 1864

Jerome B. Dorer Sheriff

5 = 143-247-325-383-427

Hugh Nelson Nolan, & Sarah Nolan, By her Guardian	}	In the Circuit Court of Jef- ferson County Missouri
Hugh Nelson Nolan, — Plaintiffs		
Against		
William Nolan, and Others, — Defendants		

Supplemental Petition, filed by leave of
the Court,

The Plaintiffs state that, since the Commence-
ment of the above suit, Anareo Nolan, one of the
Defendants therein, has died, leaving no children,
nor their descendants; Consequently his share
of the Land described in the Original Peti-
tion, has descended to his mother, Brothers, and
Sisters. Plaintiffs therefore state that the parties
mentioned in ^{the} Original Petition, are entitled to the
Land therein described, as follows; To wit, That
Sarah Nolan, the widow is ^{entitled} to dower of one third
for life, - Hugh Nelson Nolan, Charlotte Flesh-
art (wife of Michael Fleshart) William Nolan, John
Nolan, Julia Ann Dearing (wife of William Deare-
ing) George Nolan, Cornelia Ann Gorton (wife of
Elisha Gorton) and Randolph Nolan, are each
entitled in fee simple to the ~~undivided~~ ten-nine-
tieths ($\frac{10}{90}$) of said Land subject to the widow's
dower, - and that Elisha Gorton, as ~~assignee~~ ^{devisee} of
the interest of Martin V. Nolan, deceased, is entitled
in fee to the nine-ninetieths ($\frac{9}{90}$) of said Land,
subject to the widow's dower, - and that the
widow, Sarah Nolan is entitled in fee to the
one-ninetieth ($\frac{1}{90}$) part of said Land.

Plaintiffs therefore pray the Court for a division

and partition of said Land, described in the Original petition, according to the respective rights, and interests of the parties interested therein, (as in this supplemental petition 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 Defendants

Abner Green Attorney for Plaintiffs makes oath and says that the above supplemental petition and the matters therein as stated he believes to be true.

Abner Green

Sworn to and Subscribed
before me, this 20th day
of November. 1865.

Samuel A. Reppy clk

Filed Nov 23-1865
Saml. A. Reppy clk

ORDER OF PUBLICATION.

State of Missouri, County of Jefferson.

IN the Circuit Court of Jefferson county, November term, 1866, among other proceedings the following were had:

Hugh N. Nolan, and Sarah Nolan, by her guardian H. N. Nolan, plaintiffs, against William Nolan, Charlotte Fleshart and her husband Michael Fleshart, Julia Ann Dearing and her husband William Dearing, John Nolan, George Nolan, Cornelia Ann Gorton and her husband Elisha Gorton, and Randolph Nolan, defendants. In partition.

Now again at this day comes the said plaintiff by her attorney, and it appearing to the satisfaction of the court that William Nolan, John Nolan and George Nolan are non-residents of the State of Missouri. it is therefore ordered by the court that they be notified by publication of the commencement of this action, the object and general nature of which is to obtain a judgment and decree of said court for the partition and division of the following described tract or parcel of land, viz: The northwest quarter of the northwest quarter of section thirty-one, in township forty-three, of range five east, containing forty acres, situate in Jefferson county, Missouri, and for sale thereof if it shall appear that partition and division cannot be made without great prejudice to the owners thereof, and that unless they be and appear before the Circuit Court in and for the county of Jefferson aforesaid, on the first day of the next term thereof, to be begun and held at the court house in the town of Hillsboro, in said county, on the second Monday in May 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 Jefferson County Leader, a paper printed and published in Jefferson county, Missouri, for four weeks successively, the last insertion to be at least four weeks before said next term.

A true copy from the record. In testimony whereof, I, Sam'l A. Reppy, Clerk of said Circuit Court, have hereto set [SEAL] my hand, and affixed the seal of said court, at office, this 5th day of March, 1866. SAM'L A. REPPY, Clerk.

State of Missouri,

County of Jefferson.

SS.

BE IT REMEMBERED, That on this 6th day of April, 1866, before me, the undersigned, Clark of

the Circuit Court of Jefferson County, came Chas. A. Clark who by me being duly sworn, says that the annexed advertisement

was published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for five times, the first insertion being on the 9th day of March, 1866, and the last on the 6th day of April, 1866.

1866, as follows, to-wit:

In No. 10,	March 9.	186 <u>6</u> .
In No. 11,	" "	186 <u>6</u> .
In No. 12,	" "	186 <u>6</u> .
In No. 13,	" "	186 <u>6</u> .
In No. 14,	April. 6,	186 <u>6</u> .
In No. ,		186 <u>6</u> .

Chas. A. Clark.

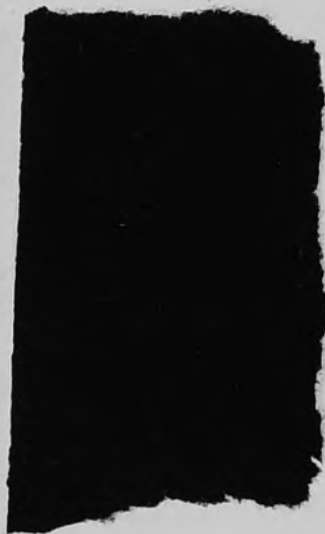
Sworn to and subscribed before me this, 6th day of April, 1866.

Samuel H. Peppy

Printers fee, \$14.00.
 Received Pay \$10.
Clark & Peppy

H. N. Nolan et al

^{vs}
Wm Nolan et al



Filed April 6 1866
Saml. A. Peppery clk

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 6th day of May, ... A. D. 1867 before me, the undersigned Clerk of the County. Court of Jefferson county, came Chas. A. Clark, who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON COUNTY LEADER**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for five times, the first insertion being on the 5th day of April, ... 1867, and the last on the 20th day of May, ... 1867, to-wit:

Sheriff Sale in Partition.

IN the Circuit Court of Jefferson county, Missouri. Hugh N. Nolan and others, plaintiffs, against Charlotte Flehart and others, defendants. By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its November term, A. D. 1866, I will on the seventh day of May next, 1867, 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 northwest quarter of the northwest quarter of section twenty-one, in township forty-three of range five east, containing forty acres, and situate in Jefferson county, in the State of Missouri.

For the purpose of making partition between said parties, for which the purchaser will be required to pay twenty per cent. of the purchase money in hand at the time of the 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. Dated this first day of April, 1867.

JOHN WILLIAMS, Sheriff.

In No. 14,	April 5	1867
In No. 15,	"	12, 1867
In No. 16,	"	19, 1867
In No. 17,	"	26, 1867
In No. 18,	May 3	1867
In No. ,		1867

Chas. A. Clark

is 6th day of May, ... 1867.

John Williams

Printer's fee, \$7.00.

Received Payment.

State of Missouri } In the Circuit Court.
County of Jefferson } November 12th 1866

Among other proceedings had this day in said Court are the following remains of record to wit

Hugh N. Nolan	}	Petition for Partition	
Against		}	Order of Sale
Charlotte Fleshhart			
Michael Fleshhart			
Julia Ann Dearing			
Carolina A. Gorton			
Elisha Gorton			
Randolph Nolan			

Now again at this day Comes said Plaintiff by his attorney and on his motion it is ordered that this action abate, as to Sarah Nolan and said defendants having failed to set aside their default herein entered at the last term of this Court, and this cause coming on to be heard upon the petition and evidence submitted by said plaintiff and defendants are the owners and tenants in common in the Real Estate and premises in the petition of said Plaintiff described as follows viz: The North west quarter of the North west quarter of Section Twenty one in Township Forty three of Range five East containing forty acres in the following proportions and Shares Hugh N. Nolan Charlotte Fleshhart William Nolan John Nolan Julia A. Dearing George Nolan Carolina Ann Gorton, Randolph Nolan are each entitled

in fee simple to the undivided ten Nineteenth ($\frac{10}{19}$)
of said land ^{and} it appearing to the satisfaction of the
Court that partition in kind of said premises cannot
be made without great prejudice to the said owners
It is ordered ^{and} decreed by the Court that the Sheriff of
Jefferson County do proceed to sell the said land
hereinbefore described at public Vendue to the highest
bidder for twenty per cent. of the purchase money
in cash ^{and} the residue in twelve months after
^{and} for the deferred payment he take from the purchaser
or purchasers a bond or note with good security bear-
ing six per cent interest per annum from date
that said sale take place ^{on} some day during the
session of the Circuit Court of said County ^{and} he
governed in all things in the same manner required
by law for the sales of Real Estate under executions
There of being given by said Sheriff in the manner
prescribed by law for such sales ^{and} pay over the proceeds
of such sale to the several parties therein according
to their respective rights and interests therein as herein
ascertained by the Court and make report of his
proceedings herein to this Court and this leave 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 true

and complete copy of the judgment of Partition and order of Sale of said Court. as fully as the same remains and appears in the record of said Court in my office in Book No 5. page

In Testimony whereof I have hereto set my hand and affixed the seal of said Court, at office in Hillsboro this Thirty first day of January, A.D. Eighteen hundred and sixty seven

Elias F. Horney Clerk

Sheriff Sale in Partition.

IN the Circuit Court of Jefferson county, Missouri. Hugh N. Nolan and others, plaintiffs, against Charlotte Fleshart and others, defendants. By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its November term, A. D. 1866, I will on the seventh day of May next, 1867, 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 northwest quarter of the northwest quarter of section twenty-one, in township forty-three of range five east containing forty acres, and situate in Jefferson county, in the State of Missouri.

For the purpose of making partition between said parties, for which the purchaser will be required to pay twenty 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. Dated this first day of April, 1867.

14 JOHN WILLIAMS, Sheriff.

To Messrs. Leir & Co
New York 1864

Wm. S. Nelson et al
vs Order of Sale
Charlotte Street
Michael Sheehy
Julius & Co
Caroline A. Norton
Edith Norton
Randolph Norton

Filed May 16th 1864
E. J. Hoarey att

Hugh N Nolan et al. vs. } Order of Sale Charlotte Flehart, Michael Flehart, Julia A. Gorton-Caroline A Gorton-Elisha Gorton, R. Nolan.	} Report of Sale In the Circuit Court May term 1867
--	---

To the Honorable Circuit Court of Jefferson County Missouri. 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 as the law directs, by advertisement in the Jefferson County Leader a paper printed in Jefferson County Mo. a copy of which Advertisement is herewith filed and makes a part of this report. I did agreeable with said Advertisement, at the Court House door in Hillsboro on Tuesday the seventh day of May A.D. 1867. 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 of said County at the May term thereof for the year eighteen hundred and sixty seven, expose to sale at public Auction the following described Real Estate situate in said County To wit: The North West quarter of the North West quarter of section twenty one, in township forty three of range five east. containing forty acres. and Nelson Nolan ~~was~~ being then and there the highest and last bidder for the the above land at the price and sum of One hundred and fifty five Dollars. which sum he has to me in hand paid. and this Report is respectfully submitted

John Williams Sheriff.

Henry M. Nolan et al
vs
Charlotte Fleckhart et al
Report of Sale

Hugh Nolan et al }
 Charlotte Fleischhark et al }

Honey cop pest #1, ⁵⁰cts ¹⁴²⁰ mit + 11 cop 5, 70
 stamp ⁵⁰ 8 files ⁴⁰ do cts ¹⁰ org ³⁵ rept sale 35-ack ⁵⁰ 2, 20
 cop org sale, ^{91.00} cts ⁵⁰ aucts ²⁵ 4/10 ¹⁰ cop cts ^{1.00} 2, 85
 \$ 10.75

Rept - dept. ³⁵ org ⁵⁰ org sale ³⁵ Decree - ²⁵ 1, 50
 org ²⁰ rept sale, 20 \$ 1.70
 aff ¹⁵ \$ 1.85

Printer fee
 or by cash
 or by cash.

Printer fee

14.00
 10.00
 +6

no 7.50

J.B. Dover Shff

Milwaukee

Salto

Onlv 425

7.50

2.50

460

1.00

810

Wolan & other
Leats 69,70

Settlement July Term 1861
 Robert Hunt Administrator of the Estate of
 Randolph Nolen Deceased. in account with
 Said Estate.

Dr
 This accountant Charges as Follows
 viz: Amount of the Sales of the personal
 Property Sold on the 28th day of April 1860
 on credit of Twelve Months \$114.95

Cr
 This accountant Claims the Following Credits
 For disbursements on account of Said Estate.

Cost of Administration.

Paid H. C. Bonoecker Appraisers per No 1	\$ 1.00
" Francis Gildred " " No 2	1.00
" Philip Hunt " " No 3	1.00
" J. P. Speck Clerking Sale No 4	1.00
" E. E. Furber Printer No 5	2.50
" State and County tax for 1859 No 6	2.25
" " " " " 1860 No 7	.80
	<u>\$ 9.55</u>

Balance in Administrators hands \$105.40

Estate of

Samuel M. Stone,

Am. Settlements

Settlement

Wm. D. L. 10/10/10
Wm. D. L. 10/10/10