

May 1865

West, Catherine

Perpetuate testimony

Perpetuate testimony of Charles S.
Rankin, Charles Craft, William Mockbee
D.W. Bryant, James R. England to establish
petitioner's rights to 394 acres in various
locations as widow of William West

In the Circuit Court of Jefferson
County Missouri, - May Term 1865-

To the Honorable the Judge of the Circuit
Court of Jefferson County Missouri,

The undersigned Petitioner, Catharine West, the
widow and Executrix of the Estate of William West
deceased, would respectfully state, that she
has good reason to expect and does expect, that
a suit is about to be commenced in ^{the Circuit Court of} the County
aforesaid, by Charles Cadwallader

and other heirs, or persons
claiming an interest in the Estate of Isaac Cad-
wallader, deceased, against said Catharine West,
to recover the personal Estate, and the following
Real Estate, of which the said William West
died seized, as the legal owner in fee simple, to wit,
the following described several Tracts of Land, situate
in Jefferson County Missouri, to wit, a Tract of Four-
teen acres, being a part of Surveys No. 420, and 266,
- also, the West fractional Half of the North East
quarter of Section No. Eighteen, in Township No. forty
one, North of Range No. six East, containing sixty
acres and $\frac{44}{100}$ of an acre, - also, a part of the North
West fractional quarter of Section No. Eighteen
in Township No. forty one, North of Range No. six
East, containing sixteen acres and $\frac{41}{100}$ of an acre, -
also, the South East fractional quarter of Section
No. Thirteen in Township No. Forty one, North of Range

No. Five East, containing Sixty four acres, and $\frac{14}{100}$
of an acre, - also, the North fractional Half of Section
No. Twenty five, in Township No. Forty one, North of
Range No. Five East, Containing Sixty four acres
and $\frac{4}{100}$ of an acre, - also, Forty acres, it being a
part of United States Survey, No. Nine hundred
and thirty two, in Township No. Forty one, North
of Range No. Five East, - also, a Tract of Land, de-
scribed as, beginning at the South West Corner
of Bartholomew Herrington's Survey, - thence
South $83\frac{1}{2}$ degrees West 45 chains and 50 links
to old corner, - thence North six and a half degrees
West $18\frac{75}{100}$ chains to a stake, - thence North $83\frac{1}{2}$
deg. East $45\frac{50}{100}$ chains to the beginning, contain-
ing about Eighty five acres, - it being the same
land conveyed by William and Joshua Herrington
to the heirs of Isaac Herrington, - also, a Tract of
Land adjoining the above described tract, described
as beginning at the old corner in Isaac Herring-
ton's field, thence South $83\frac{1}{2}$ deg. West $38\frac{82}{100}$ chains
to a stake, - thence South six & a half deg. East, $11\frac{93}{100}$
chains to the old line, to a black oak, marked "J.K.",
the old corner, - thence 84 deg. East, on the old line
 $40\frac{4}{100}$ chains to a stake, - ~~thence South 6 1/2 deg. West~~
~~24 23/100 chains to a stake,~~ thence North $6\frac{1}{2}$ deg. West
 $24\frac{23}{100}$ chains to a stake, - thence South $83\frac{1}{2}$ deg.
West, one & $\frac{22}{100}$ chains to a stake on the old line,
thence South $6\frac{1}{2}$ deg. East, 13 chains to the beginning.

idity of said Conveyances, and for the recovery of said Lands, and Personal Property.

This Petitioner, therefore desires to perpetuate the testimony of Charles S. Rankin, ~~James Randall~~ Charles Craft, William Mockbee, D. W. Bryant & James R. Englandall ^{whom} of reside in Jefferson County, Missouri by whom she expects to prove material facts, showing that said Isaac Cadwallader was at all times, and particularly when he made said Deed of Conveyance of the above described Lands, to William West, perfectly in his right mind, that there was a good and sufficient Consideration for said Conveyances, and that the transaction was bonafide, and other material facts in relation to said Conveyances, to the effect that the whole transaction was fairly made, under due deliberation by said ^{Isaac} Cadwallader, and that no valid objection whatever exists against said Deed, and that the title of said Petitioner to said Lands is unimpeachable and to sustain her defence against any suit ^{by said} Charles Cadwallader ^{the heirs aforesaid,} and may institute against her to recover said Lands & Personal Property.

This Petitioner therefore prays your Honor to grant a Commission to take the depositions of the witnesses aforesaid, to perpetuate their testimony in relation to the facts aforesaid, and for the purposes aforesaid, in accordance with the law in such cases made and provided, and in

containing Forty eight acres and $\frac{75}{100}$ of an acre,
- also, all that Tract of Land acquired of Joshua
Herrington, by deed dated the 4th day of May 1850,
and recorded in the Recorder's Office of Jefferson
County Missouri, in Book, "K" pages 29, & 30, it being
part of a Tract of 500 arpens, confirmed to Bar-
tholomew Herrington, and particularly described
in said Deed, - and also, a Tract of Three acres,
more or less, acquired of Isaac Cadwallader by
deed dated October the 12th 1858, and recorded in
the Recorder's Office of said Jefferson County in Book,
"P." page 20, and particularly described in said Deed.

This Petitioner states that she is the legal
owner in fee simple of all the above described
Real Estate, as the Widow, and only Legatee
of William West, deceased, he being the legal
owner in fee simple of the same at the time of
his death, and having bequeathed the same
by his Will to this Petitioner, as also, all the per-
sonal property which he owned at the time of
his death, which Will has been duly probated
in the County Court of said Jefferson County.

This petitioner states that the above described
Lands were acquired by said William West of
Isaac Cadwallader (now deceased) by proper con-
veyances. She further states that she under-
stands the heirs or persons claiming an interest
in the Estate of said Isaac Cadwallader, design
instituting a suit against her to contest the val-

order that the said depositions may be used
and read in evidence, in favor of your pe-
titioner, in any cause or judicial proceeding
to which they relate, in establishing her
defence against any suit, said Charles
Badwallader, and other persons claiming
an interest in the Estate of said Isaac Bad-
wallader ^{as his heir} may institute for the recovery
of the lands aforesaid.

Catharine West

Catharine West, the above Petitioner, make
oath and says the above petition and the
matters therein as stated she believes to be
true. Sworn to and sub-

scribed before me on this

11th day of May AD 1865

Samuel W. Papp, Clerk

clerk.

Catharine West

2403

William West

Esq

Petition

to perfectuate

testimony

Filed May 19 1865.

Amos A. May Jr.