

November 1867

Byrd, John T
LaMaster, William L.
Cole, Salathiel
Cole, Mary Ann,
et al

vs.

Hicks, Joseph
Hicks, Robert
Risak, Albert
Risak, Thomas,
et al

Partition

Heirs of Benjamin B. Byrd; 356 acres
in various locations; lot in Hillsboro;
other plaintiffs Aguiila, Phebe H. Cole,
Thomas L., Harriet A., S. M., Clara M.
Donnell, Luther K., Gabriel W. Byrd;
other defendants Margaret, William T.,
Clara Lamaster

John T. Byrd William L. Lamaster
Solathil Cole and Mary Ann Cole
his wife, Aquilla Cole and Phoebe
H. Cole his wife, Thomas L. Donnell
and Harriet A. Donnell his wife.
S. M. Donnell and Clara M.
Donnell his wife, ~~Benjamin~~ B. Byrd
and Gabriel W. Byrd

vs

Joseph Meeks, Robert Meeks Albert
Bisck & Lurash Bisk his wife
Margaret Lamaster, William L.
Lamaster and Clara Lamaster

In the Circuit Court
of Jefferson County
Mo.

The plaintiffs state that their ancestor
Benjamin B. Byrd departed this
life sometime in the year 1860. having
previously made a will, which was
only probated, containing a clause
substantially as follows.

"It is my will that the balance of my
real estate, one hundred and sixty acres
being the South West 1/4 of section 10
20, Township 39. Range Six East. situated
in the county of Jefferson and State of
Missouri. Also the West half of the

South West qr and the South West fract-
-ional qr of North West fractional qr of
Section No. 20 in Township 39 Range 6 East
Containing one hundred and twenty acres
also one lot in Killbuck in said County
being Lot No. 2 in Block No. 1. also one
undivided fourth part of South half of
Lot No. one of S. W $\frac{1}{4}$ + S. W $\frac{1}{4}$ of S. E $\frac{1}{4}$
Section No. 6 Township No. 41. Range
5 East. Also one undivided third part
of half of a tract of land containing
seventy six (76) acres more or less entered
in a deed from John Anderson and
wife to Morris Calhoun dated 22nd of
March 1843 commencing at the bi-
section line, or half section corner of
Section 18 and running southerly along
said township line to the S. West corner
of Roger Eagle claim, thence East to
the West line of Williams Mop claim
thence North along said line to the bi-
section corner or half section line of
section 18, thence West to the beginning
excepting so much off ^{and} north of above
described tract as was due to Elijah
D. Lurner in the fall of 1842 by
John Anderson Sr. It is further provided
in said Will, that the proceeds of sale

of said real estate shall be distributed as follows, to Margaret Lamaste wife of William L. Lamaste the above named plaintiff, who has since died leaving the following named children to wit Joseph Hicks, Robert Hicks, children by a former husband, Lruska Bick formerly Lamaste who has married Albert Bick, Margaret Lamaste William L. Lamaste and Clara Lamaste, children by the plaintiff William L. Lamaste, one tenth; to Mary Ann Cole, Phoebe H. Cole Harriet A. Darnell, Clara H. Darnell, John L. Byrd and Benjamin F. Byrd each one tenth; leaving three tenths of said above described real estate undivided of by said Will.

It is further provided in said Will that said testator two sons Luther K. & Gabriel W. Byrd should have after their mother's death, the testator's homestead which is described in said Will, and that another son of deceased James J. Byrd should have together with certain advances made to him fifty dollars in cash, which constitutes an equal portion of said deceased's estate. Plaintiffs further state that since

the death of said Benjamin B. Boyd
his son Benjamin G. has sold and
disposed of all of his interest in
the estate of his father to Sathaniel
Cole one of the plaintiffs herein.

Plaintiffs further state that said B. B.
Boyd died seized of other lands, which
are not mentioned in his said will
and which are described as follows

The NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section
19 Township 39. Range ⁶ East
Containing 25 $\frac{1}{2}$ acres, also NW $\frac{1}{4}$
of SE $\frac{1}{4}$ & SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
section 19 Township 39. Range 6
East Containing 67 $\frac{1}{2}$ acres in
Jefferson County Missouri

Plaintiffs further state that the
above named Margaret Lamaster William
J. Lamaster and Clara Lamaster are
each under the age of twenty one years.

Plaintiffs therefore in consideration of
the premises state further that the parties
to this suit are the owners of and
tenants in common in said real
estate and that their respective interests
are as follows, John J. Boyd one ^{two} ninth
($\frac{1}{9}$) Sathaniel Cole and Mary Ann his wife two
ninths ($\frac{2}{9}$) Agilla Cole and Phileas H.

Leah his wife one ninth ($\frac{1}{9}$) Thomas L. Donnell and Harriet A. Donnell his wife one ninth ($\frac{1}{9}$) A. M. Donnell and Clara M. Donnell his wife one ninth ($\frac{1}{9}$) Luther A. Byrd one ninth ($\frac{1}{9}$) Gabriel W. Byrd one ninth ($\frac{1}{9}$). Joseph Nicks one fifty fourth ($\frac{1}{54}$) Robert Nicks one fifty fourth ($\frac{1}{54}$) Albert Bisch and Lersha Bisch his wife one fifty fourth ($\frac{1}{54}$) Margaret Lamaster one fifty fourth ($\frac{1}{54}$) William J. Lamaster one fifty fourth ($\frac{1}{54}$) and Clara Lamaster one fifty fourth ($\frac{1}{54}$)

The said fifty fourth parts of the above named parties ~~is~~ subject to the conveyance of the above named William Lamaster in right of his marriage with Margaret Byrd, or Nicks, she having been a widow at the time of her marriage with said Lamaster.

Plaintiffs therefore pray the Court for a partition and division of the real estate herein described between the parties to this suit according to their respective rights and interest as above set forth, and if it should appear to the satisfaction of the Court that partition thereof cannot be had without great prejudice to the owners that a sale of the same may

be ordered, and for such other and further relief as may be right and proper.

J. P. Phipps atty
for the Plaintiffs

State of Wisconsin }
County of Jefferson }

Philip Phipps makes oath
and says that the foregoing petition
and the matters therein as stated to be true
to be true. He further states that the above
named Joseph Wicks
is a non resident of the State of Wisconsin

Sworn to & Subscribed }
before me this 27 day }
of Aug 1867 }

J. P. Phipps

Robert W. Hunt
A Notary Public.

2

Officer on Louisa's Court
Nov Jan 1869

John W. Boyd Pittman
2. Lamartine. Salathiel
Calk & Henry A. Lee his
wife et al

25

Washed Nick Robert
Wicks & Robert B. Wick
& Prudence Wick his
wife et al.

Settled for partition
The Clerk will give order
paid certain immediately as
to how much & what to
Mr. Throusen for his
wife & Mr. B. L. L. L. L.
et al.

J. P. L. L. L.
for 25th.
Black Aug 26 1869

John S Byrd William L Lamaster,
Salathiel Cole and Mary Ann Cole
his wife, Aquilla Cole and Phelo
B Cole his wife; Thomas L Donnell
and Harriet A Donnell his wife
S M Donnell and Clara M Donnell
his wife, Luther K. Byrd & Gabriel W Byrd,
vs,

Joseph Hicks, Robert Hicks, Albert Dick
and Sarah Dick his wife Margaret Lamaster
William S Lamaster and Clara Lamaster,

In the
Circuit
Court of
Jefferson County
Mo

The plaintiffs state, that their ancestor Benjamin
S Byrd departed this life sometime in the year 1860, having
previously made a will which was duly probated, con-
taining a clause substantially as follows, "It is my
will that the balance of my real estate, one hundred and
sixty acres being the South West qr of section No
20 Township 39 Range six East, situate in the County
of Jefferson and State of Missouri, Also the West
half of the South West qr, and the South West
fractional qr, of North west fractional qr of section
No 20 in Township 39 Range 6 East containing one
hundred and twenty acres, Also one Lot in Clinton
in said County being Lot No 2 in Block No 1, also one
undivided fourth part of South half of Lot No one of
SW 1/4 & NW 1/4 of SE 1/4 section No 6 Township No 41 Range
3 East, Also one undivided third part of half of a tract
of land containing seventy six (76) acres more or less

described in a deed from John Anderson and wife to
Louis Calhoun dated 22nd of March 1843, commencing
at the bisecton line, or half section corner of section
18 and running southerly along said township line to
the S. West corner of Roger Hugel's claim thence East
to the West line of William Moss claim thence South
along said line to the bisecton corner or half section
line of section 18 thence West to the beginning excepting
so much off South end of above described tract as
was deeded to Elijah D. Turner in the fall of 1842,
by John Anderson Sr. It is further provided in said
will, that the proceeds of sale of said real estate shall
be distributed as follows, to Margaret Lamaster wife
of William L. Lamaster the above named plaintiff who
has since died leaving the following named children
to wit, Joseph Hicks Robert Hicks children by a
former husband, Jerusha Bick formerly Lamaster
who has married Albert Bick, Margaret Lamaster
William T. Lamaster and Clara Lamaster children
by the Plaintiff William L. Lamaster one tenth
to Mary Ann Cole, Phoebe Cole Harriet S. Donnell
Clara M. Donnell, John T. Byrd and Benjamin T. Byrd
each one tenth leaving three tenths of said above des-
cribed real estate undisposed of by said will.

It is further provided in said will that said testators
two sons Luther K. and Gabriel W. Byrd should have
after their mothers death, the testators homestead which
is described in said will, and that another son of de-

ceased James L Byrd should have together with certain advances made to him fifty dollars in cash which constituted an equal portion of said deceased estate. Plaintiffs further state that since the death of said Benjamin B Byrd his son Benjamin G has sold and disposed of all of his interest in the estate of his father to Salathiel Cole one of the Plaintiffs herein. Plaintiffs further state that said B B Byrd died seized of other lands, which are not mentioned in his said will and which are described as follows. The N W $\frac{1}{4}$ of NE $\frac{1}{4}$ section No 19 Township 39. Range six (6) East containing 25 $\frac{2}{3}$ acres, Also N W $\frac{1}{4}$ of NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 19 Township 39. Range 6 East containing 67 $\frac{2}{3}$ acres in Jefferson County Missouri.

Plaintiffs further state that the above named Margaret Lamaster, William T Lamaster and Clara Lamaster are each under the age of twenty one years.

Plaintiffs therefore in consideration of the premises state further that the parties to this suit are the owners of and tenants in common in said real estate and that their respective interests are as follows John T Byrd one ninth ($\frac{1}{9}$) Salathiel Cole and Mary Ann his wife two ninths ($\frac{2}{9}$) Aquilla Cole and Phoebe H Cole his wife one ninth ($\frac{1}{9}$) Thomas L Donnell and Harriet A Donnell his wife one ninth ($\frac{1}{9}$) S. M. Donnell and Clara M. Donnell his wife one ninth ($\frac{1}{9}$) Luther K Byrd one ninth ($\frac{1}{9}$) Gabriel W Byrd one ninth ($\frac{1}{9}$) Joseph Hicks one fifty fourth ($\frac{1}{54}$) Robert Hicks

one fifty fourth (54) Albert Bisch and Senusha Bisch
his wife one fifty fourth (54) Margaret Lamaster one
fifty fourth (54) William T Lamaster one fifty fourth
(54) and Clara Lamaster one fifty fourth (54)

The said fifty fourth part of the above named parties
are subject to the courtesy of the above named William
Lamaster in right of his marriage with Margaret
Byrd, or Hicks, she having been a widow at the time
of her marriage with said Lamaster,

Plaintiffs therefore pray the court for a partition and
division of the real estate herein described between the
parties to this suit, according to their respective rights
and interest as above set forth, and if it should appear
to the satisfaction of the court that partition thereof can-
not be made had without great prejudice to the owners
that a sale of the same may be ordered, and for such other and
further relief as may be right and proper,

P. Pipkin atty
for the Plaintiffs

State of Missouri }
County of Jefferson }

Philip Pipkin makes oath
and says that the foregoing petition and the matters therein
as stated he believes to be true. He further states that the above
named Joseph Hicks is a non-resident of the State
of Missouri

Sworn to & subscribed before
me this day of 1867

P Pipkin

True copy of the original petition now on file in my office
Witness my hand and official seal at office
this 27th day of August 1867.
Elias H. Honey clerk,
By C. Tho. Horne Dep't

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } ss.

THE STATE OF MISSOURI,

St Francis
To the Sheriff of the County of ~~Jefferson~~—Greeting:

We command you, that you summon *Albert Bisch*
and Jerusha Bisch

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 *Sixth* Monday after the
fourth Monday of *September* next, then and there to answer unto
John T Byrd and others

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 hereunto affixed, at office in Hillsboro, this
Twenty Seventh day of *August* A.D. 1867

Elias Honey
Clerk Circuit Court
By A. H. Horne Secy

Ma 18

TO

JEFFERSON CIRCUIT COURT.

Seemingly Term, 1867
John Lloyd et al
vs
Summons,
Albert Bisch and
Jensha Bisch et al

(original)

Shlts fee

\$2.00

Served the within Summons by delivering into the hands
of the within named Jensha Bisch a true copy of the
same, and of the petition, ^{she being the defendant first served} and leaving a true copy of
said Summons at the usual place of abode of the within
named Albert Bisch, in St Francis County, with a white
person of his family over the age of fifteen years
done at and in the County of St Francis in the State of
Missouri on the 17th day of September 1867

Franklin Murphy Sheriff of
St Francis County Mo

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon Robert Hicks
Margaret Semaster Hon G Semaster
v. Clara Semaster

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 10th Monday after the
fourth Monday of September next, then and there to answer unto
John I Boyd et al

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 hereunto affixed, at office in Hillsboro, this
Twenty fourth day of August A.D. 1867,

Elias F. Honey
Clerk Circuit Court.
By B. Horne Deputy

ORDER OF PUBLICATION.

IN Vacation of Jefferson County Circuit Court, August 27, 1867.

John T Byrd, William L Lamaster, Salathiel Cole and Mary Ann Cole his wife, Aquilla Cole and Phebe H Cole his wife, Thomas L Donnell and Harriet A Donnell his wife, S M. Donnell and Clara M Donnell his wife, Luther K Byrd and Gabriel W Byrd,

vs.

Joseph Hicks, Robert Hicks, Albert Bisch and Jerusha Bisch his wife, Margaret Lamaster, William T Lemaster and Clara Lemaster.

Now at this day comes said plaintiffs by their attorney, and file their petition, verified by affidavit as the law directs, stating among other things that the said Joseph Hicks, one of the above named defendants, is a non-resident of the State of Missouri. Whereupon it is ordered by the undersigned, clerk of said court, that the said Joseph Hicks be notified of the commencement of this action, the object and general nature of which is to obtain an order of judgment of partition and division of the following described tracts or parcels of land, situate and lying in Jefferson county, Missouri, to-wit. One hundred and sixty acres, being the 6 W. qr of section 20, township 39, range 6 east; also the $W\frac{1}{2}$ of the SW qr, and the S. W frl qr of N W frl qr of section 20, township 39, range 6 east, containing one hundred and twenty acres; also lot 2 in block 1 Hillsboro; also one undivided fourth part of south half of lot No. 1 of S $W\frac{1}{2}$ and S $W\frac{1}{2}$ of S E $\frac{1}{4}$ section No. 6, township 41, range 6 east; also one undivided third part of half of a tract of land containing seventy-six (76) acres more or less, commencing at the bisection line or half section corner of section 18, and running southerly along said township line to the S W corner of Roger Cagle claim, thence east to west line of William Moss claim, thence north along said line to the bisection corner or half section line of section 18, thence west to the beginning, excepting so much off north end of above described tract as was deeded to Elijah D Turner in the fall of 1842 by John Anderson, Sr.; also the N W frl qr of N E frl qr section 19, township 39, range 6 east, containing 25 20-100th acres; also N W $\frac{1}{4}$ of N E frl $\frac{1}{4}$ and S E qr of N E frl qr of section 19, township 39, range 6 east, containing 67 76-100th acres. And for a sale thereof if partition and division thereof can not be made without great prejudice to the owners thereof; and unless said Joseph Hicks be and appear before the Circuit Court of said county on the first day of the next term thereof, to be begun and held at the court house in Hillsboro on the first Monday in November next, and on or before the sixth day of said term plead to or answer the petition of said plaintiffs, the same will be taken as confessed. And it is further ordered that a copy hereof be published in the Jefferson County Leader, a newspaper printed and published in this State, for four weeks successively, the last insertion to be at least four weeks before the first day of the next term of said court.

A true copy of the record. Witness my hand and the seal of said court
[SEAL.] hereunto affixed, at office, this August 27th, 1867

ELIAS F. HONEY, Clerk.

By C. Tho. Horine, Deputy.

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 27th day of September 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 30th day of August 1867, and the last on the 2nd day of September 1867, as follows, to-wit:

In No. 35,	August 30, 1867.
In No. 36,	September 6, 1867.
In No. 37,	" 15, 1867.
In No. 38,	" 20, 1867.
In No. 39,	" 27, 1867.
In No. ,	1867.

Chas. A. Clark.

Sworn to and subscribed before me, this 27th day of September 1867.

C. J. Doney Clerk

By C. J. Doney Clerk

\$24.15

now wife, S. M. De...

nell his wife, Luther K. Byrd and Gabriel W. Byrd,

vs.

Joseph Hicks, Robert Hicks, Albert Bisch and Jerusha Bisch his wife, Margaret Lamaster, William T. Lemaster and Clara Lemaster.

Now at this day comes said plaintiffs by their attorney, and file their petition, verified by affidavit as the law directs, stating among other things that the said Joseph Hicks, one of the above named defendants, is a non-resident of the State of Missouri. Whereupon it is ordered by the undersigned, clerk of said court, that the said Joseph Hicks be notified of the commencement of this action, the object and general nature of which is to obtain an order of judgment of partition and division of the following described tracts or parcels of land, situate and lying in Jefferson county, Missouri, to-wit: One hundred and sixty acres, being the 6 W. qr of section 20, township 39, range 6 east; also the $W\frac{1}{2}$ of the S W qr, and the S W frl qr of N W frl qr of section 20, township 39, range 6 east, containing one hundred and twenty acres; also lot 2 in block 1 Hillsboro; also one undivided fourth part of south half of lot No. 1 of S $W\frac{1}{2}$ and S $W\frac{1}{2}$ of S E $\frac{1}{4}$ section No. 6, township 41, range 6 east; also one undivided third part of half of a tract of land containing seventy-six (76) acres more or less, commencing at the bisection line or half section corner of section 18, and running southerly along said S W corner of Roger Cagle claim, thence east to west line of William Moss claim, thence north along said line to the bisection corner or half section line of section 18, thence west to the beginning, excepting so much off north end of above described tract as was deeded to Elijah D. Turner in the fall of 1842 by John Anderson, Sr.; also the N W frl qr of N E frl qr section 19, township 39, range 6 east, containing 25 20-100th acres; also N W $\frac{1}{4}$ of N E frl $\frac{1}{4}$ and S E qr of N E frl qr of section 19, township 39, range 6 east, containing 67 76-100th acres. And for a sale hereof if partition and division thereof can not be made without great prejudice to the owners thereof; and unless said Joseph Hicks be and appear before the Circuit Court of said county on the first day of the next term thereof, to be begun and held at the court house in Hillsboro on the first Monday in November next, and on or before the sixth day of said term plead to or answer the petition of said plaintiffs, the same will be taken as confessed. And it is further ordered that a copy hereof be published in the Jefferson County Leader, a newspaper printed and published in this State, for four weeks successively, the last insertion to be at least four weeks before the first day of the next term of said court.

A true copy of the record. Witness my hand and the seal of said court [SEAL.] hereunto affixed, at office, this August 27th, 1867.

ELIAS F. HONEY, Clerk,
By C. Tho. Horine, Deputy

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 8th day of November 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 30th day of August, 1867, and the last on the 27th day of September, 1867, as follows, to-wit:

ORDER OF PUBLICATION.

IN Vacation of Jefferson County Circuit Court, August 27, 1867.
John T. Byrd, William L. Lannaster, Salathiel Cole and Mary Ann Cole his wife, Aquilla Cole and Phebe H. Cole his wife, Thomas L. Dunnell and Harriet A. Donnell
vs
J. D. Dunnell and Harriet A. Donnell
Plaintiffs
vs
J. D. Dunnell and Harriet A. Donnell
Defendants

In No. 35,	Aug. 30, 1867.
In No. 36,	Sept. 6, 1867.
In No. 37,	" 15, 1867.
In No. 38,	" 20, 1867.
In No. 39,	" 29, 1867.
In No. ,	186..

Chas. A. Clark,

Sworn to and subscribed before me, this 8th day of November, 1867.

Wm. Mullen, Clerk,

Printer's fee \$15.00 Received Payment of Chas. A. Clark

Chas. A. Clark

J. T. Byrd & Co

"

Joseph Hicks & Co

Order Public Culture
& Printing for \$15.00

Filed Nov 8th 1897
E. F. Honey clk

John T. Rydhal 3

¹⁴
Albert Rockhal 3

Now come Margaret
Lamaster William T. Lamaster and
Clara Lamaster by their guardian
ad litem John L. Thomas and
for answer to the petition of the
plaintiffs in this suit say that
they have no knowledge or
information sufficient to
form a belief as to the truth
of the facts stated in the
petition, and know nothing why
the decree of partition may
not be made

John L. Thomas
Guardian ad litem for
Margaret Lamaster, W. T. Lamaster &
Clara Lamaster

John T. Bynard
m

Mount Diablo cal

Customer of Maryland
donor William T. Donnell
& Clara Donnell by
Guarantee at return.

2
Filed Nov 15-1889
G. F. Donnell

John T. Ryan et al. 3 Jeff Lin. Court
" 3 May Term 1868.
Joseph Hicks et al 3

Now at this day come the
plaintiffs by their attorney and the
said Joseph Hicks by his attorney
in fact Philip P. Phipps, and
also Margaret Lamaster William
J. Lamaster & Clara Lamaster
by their guardian ad litem John
L. Thomas, and the defendants
being to wit Athol Bish and
his wife Lursha Bish failing
to set aside the defaults against
them heretofore entered and the
Court after hearing the proofs
and allegations of the said parties
doth proceed to render a judgment
and partition of the real estate
in petition set forth, doth find
the parties to this suit are the
owners of and interested in said
real estate to wit. The S. W. $\frac{1}{4}$ sec. No.
20 Township 39 Range 6 East con-
taining one hundred and sixty acres -
The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ & the S. W. $\frac{1}{4}$ of
the N. W. $\frac{1}{4}$ of sec. No. 20 Township

N^o 39 Range 6 East Containing one hundred
and twenty acres, also ~~a tract in Hillsboro~~
~~Livingston~~ N^o 2 Block N^o 1, in Hillboro
Jefferson County Wisconsin also one
undivided $\frac{1}{4}$ part of S $\frac{1}{2}$ of lot N^o one
of S W $\frac{1}{4}$ & S E $\frac{1}{4}$ of S E $\frac{1}{4}$ section N^o 6
Township N^o 41 Range 5 East. Also
one undivided third part of half of a
tract of land containing seventy six
acres more or less described in a deed
from John Anderson & wife to Morris
Colburn dated 22nd March 1843 and
described as follows (from copy notes shown)
as follows to wit. John J. Byrd &
wif (3) one ninth Salathiel Cook and
his wife two ninths (2/9) Aquilla
Cook and Phoebe Cook one ninth (1/9)
Thomas L. Donnell & Harriet his wife
one ninth (1/9) J. M. Donnell and
Clara M. his wife one ninth (1/9)
Luther K. Byrd one ninth (1/9)
Gabriel W. Byrd one ninth 1/9 Joseph
Nicks & Robert Nicks each one fiftieth
fifty fourth $\frac{1}{54}$ Albert Biech and
Lunaha Biech one fifty fourth $\frac{1}{54}$
Margaret Lamaster William Lamaster and
Clara Lamaster each one fifty fourth part
(1/54) part. The said fifty fourth part is

right of this mother Margaret Lamaster
formerly Margaret Boyd is subject to
to the life estate of said William
Lamaster,

The Clerk will make the concluding
part of the decree himself

State of Missouri } In the Jefferson Circuit Court
County of Jefferson } May 14th 1868.
The following proceedings were had
to wit:

John T Byro, Wm L Lemaster, Salathiel Cole,
& Mary Ann Cole, his wife Aquilla Cole and
Phebe H Cole his wife, Thomas L. Donnell and
Harriet Donnell his wife, S M Donnell
and Clara M Donnell his wife, Luther
D Byro and Gabriel M Byro,

VS

Joseph Hicks, Robert Hicks Albert Bisch
& Jerusha Bisch his wife, Margaret Lemaster
Wm L Lemaster and Clara Lemaster,

Now at this day come the Plain-
tiffs by their attorney and the said Joseph
Hicks by his attorney in fact, Philip Pipkin
and also Margaret Lemaster, Wm L Lemaster
and Clara Lemaster, by their Guardian
ad-litem, John L Thomas, and the Defend-
ants herein to wit: Albert Bisch and
Jerusha Bisch & Robert Hicks, failing to
set aside the default against them heretofore
entered, and the Court after hearing the proofs
and allegations of said parties, doth proceed
to render a judgment and Partition of the real
estate in petition set forth, doth find
the parties to this suit are the owners of and
interested in said real estate to wit:
The SW $\frac{1}{4}$ Sec No 20, Township 39, Range 6 East, con-
taining one hundred and sixty acres, The N $\frac{1}{2}$
of the SW $\frac{1}{4}$ & the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec No 20
Township No 39 Range 6 East, containing one
hundred and twenty acres, Also Lot No 2

Block No 1, in Hillsboro Jefferson County
Missouri, Also one undivided $\frac{1}{4}$ part of $S\frac{1}{2}$
of Lot No one of $SW\frac{1}{4}$ & $SW\frac{1}{4}$ of $SE\frac{1}{4}$ Section
No 6 Township No 41, Range 5 East, Also
one undivided third part of half of a tract
of land containing Seventy six acres more or
less described in a deed from John Ander-
son & wife to Morris Colburn dated 22nd March
1843, and described as follows, Commencing
at the bi-section line or half section corner
of section 18, and running southerly along
said Township line to the Street corner
of Rogers & Agle claims thence East to the
West line of William Meaf claims thence
North along said line to the bi-section corner
or half section line of section 18 thence west
to the beginning excepting so much off
North end of above described tract as was
deeded to Elijah S Turner in the fall of 1842,
by John Anderson Sr, and the court proceeding
to adjust and settle the rights and interests
of said Plaintiffs and Defendants in and
to said Real Estate lying and being in Jefferson
County and State of Missouri, doth find
the same to be as follows; To wit; John
S Byrd one ninth ($\frac{1}{9}$) Salathiel Cole and Mary
Ann his wife two ninths ($\frac{2}{9}$) Aquilla Cole
and Phebe H Cole one ninth ($\frac{1}{9}$) Thomas L
Donnell & Harriet Donnell his wife one ninth

($\frac{1}{4}$) J M Donnell and Clara M Donnell his wife one ninth ($\frac{1}{9}$) Luther M Byrd one ninth ($\frac{1}{9}$) Gabriel W Byrd one ninth ($\frac{1}{9}$) Joseph Hicks and Robert Hicks each one fifty fourth $\frac{1}{54}$ Albert Bisch & Jerush Bisch one fifty fourth $\frac{1}{54}$ Margaret Lemaster, William S Lemaster and Clara Lemaster each one fifty fourth $\frac{1}{54}$ part, the said fifty fourth part in right of their mother Margaret Lemaster formerly Margaret Byrd, is subject to the life estate of said William Lemaster. And it appearing to the satisfaction of the court that said Lands are so situated that partition thereof in kind cannot be made without great prejudice to the owners thereof, It is ordered by the court that the Sheriff of Jefferson County proceed to sell said Real Estate at public auction 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 take a bond or note from the purchaser or purchasers thereof with good and sufficient security bearing six per cent interest from date, that said sale take place on some day during the sitting of the Circuit Court of said County and be governed by the same regulations prescribed by law for sales of

real estate under execution. Notice thereof
being given by the Sheriff in the same
manner as provided by law for such
sales and bring into court the proceeds
of said sale to abide the further order
of the court herein,

A true copy from the Record
Witness my hand and the seal
of said court this 18th
1868

Chas. W. Carey Clerk
By *[Signature]* Deft

John J. Lloyd et al

vs

Joseph Wick et al

Order of Sale

Mo. J. Byrd William J. LeMaster
Salathiel Cole and Mary Ann Cole
his wife. Aquilla Cole and Phebe K
Cole his wife. Thomas B Donnell and
Harriett A Donnell his wife.
J M Donnell and Clara M Donnell
his wife Luther K Berd and
Gabriel M Berd.

vs.

Joseph Hicks, Robert Hicks
Albert ~~Hicks~~ Bisch & Gerusha
Bisch his wife, Margaret
LeMaster William J. LeMaster
and Clara LeMaster.

Now at this day comes the parties afore-
said by their respective attorneys, and it ap-
pearing to the satisfaction of the Court that
heretofore at the May Term 1868, that an
order of sale in partition herein was made
directing the Sheriff of Jefferson County to ad-
vertise and sell at public auction, to the
highest bidder the Lands in plaintiffs pe-
tition described, and whereas two tracts
of the Lands in said petition was omitted
in said order of sale to wit: The NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Sec 19, Township 39 Range 6 E,
Cont. $25\frac{20}{100}$ acres. Also NE $\frac{1}{4}$ of NE $\frac{1}{4}$ & SE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Sec 19 Township 39 R 6 E Cont
 $67\frac{20}{100}$ acres, in Jefferson County Missouri

It is therefore considered by the court that the order of sale of said tracts of land, be now entirely nunc-pro-tenue, and that the order of sale herein made at this term ~~do~~ on the 24th of March 1868, at page 621, of the proceedings of this court be set aside annulled and for naught held, and the court proceeding to adjust and settle the rights and interests of said parties in and to said lands, omitted as aforesaid doth declare the same to be as follows
Mo & Byrd one ninth Salathiel Cole and Mary Ann Cole his wife two ninths, Aquilla Cole & Phebe H Cole ^{his wife} one ninth Thomas L Donnell & Harriet Donnell his wife one ninth, S M Donnell and Clara M Donnell his wife one ninth, Luther H Byrd one ninth, Gabriel M Byrd one ninth Joseph Hicks & Robert Hicks one fifty fourth Albert Bisch & Derush Bisch one fifty fourth
✓ Margaret LeMaster ~~and~~ William L LeMaster and Clara LeMaster each one fifty fourth part. The said fifty fourth parts in right of their mother Margaret LeMaster formerly Margaret Byrd is subject to the life estate of said William LeMaster and it appearing to the satisfaction of the court that partition and division thereof in kind cannot be made without great prejudice
✓ adjudged by the court that partition & division thereof be made and that to the owners thereof. It is ordered by the court that the Sheriff of Jefferson

County proceed to ~~add~~ to sell said real estate
at public auction 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 take a bond or
note from the purchaser or purchasers
thereof with good and sufficient security
bearing ^{interest at} five per cent per annum. That
said sale take place on same day during
the session of the Circuit Court of said
County also be governed by the same reg-
ulations as prescribed by law for
~~such~~ sales of Real estate under execution,
Notice thereof being given by the Sheriff
in the same manner as provided by law
for such sales and bring into court
the proceeds of said sale to abide the
further order of the Court herein

A true Copy from the record,

Witness my hand and the seal of
said court at office in Hillsboro
this 25th of Dec.

Elias T. Honey Clerk
By C. Th. Horne Deft.

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 21 day of November A. D. 1868, 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 4 times, the first insertion being on the 23 day of October 1868, and the last on the 13 day of November 1868, as follows, to-wit:

SHERIFF SALE IN PARTITION.

In the Circuit Court of Jefferson Co., Mo.
JOHN T. Byrd et al. vs. Joseph Hicks et al. By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its MAY term, A. D. 1868, I will on the 18th day of November next, 1868, 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 s. w. qr. of sec. No. 20, township 39, range 6 east, containing 160 acres; the w. hf. of the s. w. qr. and s. w. hf. qr. of n. w. hf. qr. of section No. 20, t. 39, r. 6 east, containing 120 acres; also lot No. 2, block No. 1 in Hillsboro, Jefferson county, Mo.; also one undivided 1/4 part of south hf. of lot No. 1 of s. w. qr. and s. w. qr. of sec. No. 6, township 41, of r. 5 east; also one undivided third-part of a tract of land containing 76 acres more or less, described in a deed from John Anderson and wife to Morris Colburn, dated 22d day of March, 1843, and described as follows: Commencing at the bi-sectional line or half section corner of section 18, and running southerly along said township line to the south west corner of Roger C. Ogles claim, thence east to the west line of Wm. Moss claim, thence north to the said line

In No. 43,	October 23	1868.
In No. 44,	" 30	1868.
In No. 45,	November 6	1868.
In No. 46,	" 30	1868.
In No. ,		186..
In No. ,		186..

To No. 47,
Charles H. Hefley
 186..

of..... 1868
Wm. McMullen Clerk

Printer

Sworn to and s. w. qr. of sec. No. 6, township 41, of r. 5 east; also one undivided third-part of a tract of land containing 76 acres more or less, described in a deed from John Anderson and wife to Morris Colburn, dated 22d day of March, 1843, and described as follows: Commencing at the bi-sectional line or half section corner of section 18, and running southerly along said township line to the south west corner of Roger C. Ogles claim, thence east to the west line of Wm. Moss claim, thence north to the said line

John T Byrd et als. } Report of Sale
against } In the Circuit Court of
Joseph Hicks et als } Jeff. Co. Mo. November term 1868

To the Hon. Circuit Court of Jefferson County
Mo. The undersigned Sheriff 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 newspaper published
in said County; 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 Wednesday
the Eighteenth day of November A.D. 1868 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 November term thereof for the
year eighteen hundred and sixty eight, expose
to sale at public Auction, the following described
real estate situate in said County To wit:

- (1) S W 1/4 Sec 20 - Town 39 range 6 east cont 160 acres =
- (2) W 1/2 S W 1/4 Sec 20 Town 39 range 6 east cont 80 acres =
- (3) S W 1/4 N W 1/4 Sec 20 Town 39 range 6 east cont 40 acres
- (4) Lot 2 Blk 1 in the town of Hillsboro.
- (5) 1/4 S 1/2 Lot 1 S W 1/4 Sec 6 Town 41 - range 5 east &
- (6) S W 1/4 S E 1/4 Sec 6 Town 41 range 5 east also

(7) $\frac{1}{3}$ part of a tract of land containing 76 acres more or less described in a deed from John Anderson & wife to Morris Colburn, dated 22d day of March 1843, and described as follows: Commencing at the bi-sectional line or half section corner of section 18 and running southerly along said township line to the S.W. cor of Roger C. Ogle claim, thence ~~west~~ ^{east} along west line of Wm Moss claim, thence north along the said line to the bi-section corner or half section line of section 18, thence W to beginning. - except so much off North end of above described tract as was deeded to Elijah D Turner in fall of 1842 by John Anderson Sr, and S. W. Byrd was then and there the highest and last bidder for the first above described tract at the sum of Forty Dollars for the second and third described pieces at the sum of Thirty Dollars for the fourth above described tract at the sum of One & $\frac{90}{100}$ Dollars, and for the fifth & sixth above described tracts at the price and sum of Fifty cents, making in the aggregate Seventy two & $\frac{40}{100}$ Dollars, of which sum he has to me in hand paid 10 per cent and has given his bond with approved security for the balance. And Thornton Jarvis was then and there the highest and last bidder for the Seventh (7) above described tract at the price and sum of Nineteen Dollars of which sum he has to me paid 10 per cent and has given his note for the balance as required by terms of sale.

And this report is respectfully submitted
John Williams Sheriff.

2558

John T. Bryant et al

vs
Jacob H. Smith et al

Report of J. C. de



Filed May 1, 1849
C. J. Henry.

The State of Missouri, COUNTY OF JEFFERSON.

BE IT REMEMBERED, That on this 7th day of May A. D. 1869, before me, the undersigned Clerk of the City Court Court of Jefferson county, came **Frank N. Stone**, who being by me duly sworn, says that the annexed advertisement was published in the **JEFFERSON DEMOCRAT**, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for 4 times, the first insertion being on the 1st day of April, 1869, and the last on the 16th day of May, 1869, as follows, to-wit:

In No. 13, April 25 1869.
 In No. 14, " 22 1869.
 In No. 15, " 29 1869.
 In No. 16, May 6 1869.
 In No. Frank N. Stone 1869.

SWORN TO and subscribed before me this 7th day of May, 1869.

Charles J. Henneff Clerk.

Printer's Fee \$10.00
 Affidavit 25

Received Payment By J. H. Caldwell, Jr.

\$10.25

SHERIFF SALE IN PARTITION.

[In the Circuit Court of Jefferson county, Mo.,]

John T. Byrd, William J. Lemaster, Salathiel Cole, and Mary Ann Cole, his wife. Aquilla Cole, and Phoebe H. Cole, his wife, Thomas L. Donnell, and Harriet A. Donnell, his wife, S. M. Donnell, and Clara M. Donnell, his wife, Luther K. Byrd, and Gabriel W. Byrd, vs Joseph Hicks, Robert Hicks, Albert Bisch and Jerusha Bisch, his wife, Margaret Le Master, William T. Lemaster and Clara Lemaster.

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. 1868, I will on the fourteenth (14) day of May next, 1869, at the court house door, in the town of Hillboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, and during the session of the Jefferson Circuit Court, offer for sale at public auction to the highest bidder the following described land or real estate, to-wit: The north west fractional quarter of north east fractional quarter, section nineteen, township thirty-nine, range 6 east, containing twenty-five acres and twenty one-hundredths of an acre; also the north west quarter of the north east quarter, and south east quarter of north east fractional quarter of section nineteen, township thirty-nine, range six east, containing sixty-seven acres and seventy-six one-hundredths of an acre, all of which is situated in the county of Jefferson and State of Missouri, 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 12th day of April, A. D. 1869.

John T Byrd, Wm L.
Lemaster Salathiel
Leole et als
against
Joseph Hicks Robt
Hicks, Albert Bick et als

In the Jefferson County Circuit Court.

May Term 1869

REPORT OF SALE.

To the Hon. 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 Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on Friday, the fourteenth day of May, A. D. 1869, 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 nine, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: the North West 1/4 of NE 1/4 of section 19, Township thirty nine of range 6 east cont 2 1/2 acres also the North west 1/4 NE 1/4 & South East 1/4 of North East fractional 1/4 section 19 - Township 39 - range 6 east containing 67 7/10 acres and at said sale G W Byrd became the purchaser of the above described Real Estate at the price and sum of Two hundred and thirty dollars of which sum he has to me in hand paid Ten per cent and has given bond with approved security for the balance as required by terms of sale and this report is respectfully submitted
Edw L. Wemeyer
Sheriff

State of Missouri } p. In the Jefferson Circuit
County of Jefferson. Court November Term 1868,
November 28th 1868,

Be it Remembered That in said circuit
court on the day aforesaid, among other
proceedings the following appears of record
to wit;

John D. Byrd William D. LeMaster,
Salathiel Cole, and Mary Ann Cole,
his wife, Aquilla Cole and Phoebe
H Cole his wife, Thomas L. Donnell
and Harriet A. Donnell his wife,
S. M. Donnell and Clara M
Donnell his wife Luther D. Byrd
and Gabriel M. Byrd.

= vs =

Joseph Hicks, Robert Hicks
Albert Bisch and Jerusha Bisch
his wife, Margaret LeMaster
William D. LeMaster and Clara LeMaster,

In Partition
Order of
Sale,

Now at this
day comes the parties aforesaid by their respec-
tive attorneys and it appearing to the satisfaction
of the court, that heretofore at the May Term
1868, that an order of sale in partition herein
was made directing the sheriff of Jefferson
County to advertise and sell at public
auction to the highest bidder the lands
in Plaintiffs petition described, and

Whereas two tracts of the lands in said petition was omitted in said order of sale to wit: the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec 19 Township 39 Range 6 East containing $25\frac{20}{100}$ acres, also NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 19 Township 39 Range 6 E. cont. $67\frac{26}{100}$ acres in Jefferson County Missouri. It is therefore considered by the court that the order of sale of said tracts of land be now entered nunc-pro-tunc, and that the order of sale herein made at this term on the 24th of November 1868 at page 621 of the proceedings of this court be set aside annulled and for naught held, and the court proceeding to adjust and settle the rights and interests of said parties in and to said Lands, omitted as aforesaid, doth declare the same to be as follows, John D Byrd one ninth, Salathiel Cole and Mary Ann Cole his wife two ninths, Aquilla Cole and Phebe H Cole his wife one ninth ~~Thomas L Donnell and Harriet Donnell his wife one ninth~~ ~~Thomas L Donnell and Harriet Donnell his wife one ninth~~ Thomas L Donnell and Harriet Donnell his wife one ninth J M Donnell and Clara M Donnell his wife one ninth, Joseph Hicks & Robert Hicks one fifty fourth, Albert Bisch & Derusha Bisch one fifty fourth, Margaret Le Master, William T Le Master and Clara Le Master each one fifty fourth part the said fifty fourth parts in right of

their mother Margaret Le Master, formerly Margaret Byrd is subject to the life estate of said William D. LeMaster, and it appearing to the satisfaction of the court that partition and division thereof in kind cannot be made without great prejudice to the owners thereof. It is ordered and adjudged by the court that partition & division thereof, be made, and that the Sheriff of Jefferson County proceed to sell said real estate at public auction 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 take a bond or note from the purchaser or purchasers thereof with good and sufficient security bearing interest at six per cent per annum, that said sale take place on some day during the session of the circuit court of said County and be governed by the same regulations as prescribed by law for sales of real estate under execution, Notice thereof being given by the Sheriff in the same manner as provided by law for such sales and bring into court the proceeds of said sale to abide the further order of the court herein,

A true copy from the Records

Witness my hand and the seal of said court at office this 20th day of January 1869,

Elias H. Honey Clerk
By C. H. Horne Deft.

2538

Wth Jefferson Circuit Court,
for the Jefferson Circuit Court,

May Term 1869,

Ans David et al,

vs John Paul et al
Joseph Hicks et al

Copy of Order of Sale

Due \$1.50

Rec'd May 15 1869
C. Lewis, J. M. Donney et al
By J. H. Adams et al

In the Name of God, Amen:

I Benjamin B. Byrd, of the State of Missouri and County of Jefferson, being of sound mind and disposing memory and calling to mind the uncertainty of human life, and the certainty of death, and wishing to dispose of such worldly estate as it has pleased God to bless me with, Do hereby make and publish this my last Will and Testament - and do give and bequeath the same in manner and form as follows, To Wit:

- 1st. It is my will that all my just debts be fully paid,
- 2nd I give and bequeath to my beloved wife Mary Ann Byrd, my Homestead together with all the rights privileges and appurtenances thereunto belonging or in any wise appertaining for her to have and to hold the same for and during her natural life, and at my said wifes death, the same to be equally divided between my two youngest sons, Luther N. Byrd, and Gabriel W. Byrd, Also the Sum of Three Hundred dollars, in Cash \$300.⁰⁰
- 3rd It is my will that the balance of my Real Estate, (to wit one hundred and sixty acres of land (160 a) being the South East quarter of Section No. 20. Twenty Township No 39. thirty Nine, of Range 6, East. Situate in the County of Jefferson and State of Missouri, See deeds from Edwin D. Wheaten, and wife, dated 23 day of September 1854. Also the West half of the South West quarter, and the South West fractional quarter of North West fractional quarter of Section Twenty, in Township thirty Nine (39) Range (6) Six East containing one hundred and twenty acres, Situate in State and County aforesaid, Also one lot in Willibron. for description see deeds made by the Executor of Robert Hicks deceased, on Records in Willibron, Also Two pieces of land Situate in the State of Missouri County of Jefferson and in the Waters of Sandy Creek, for further description see Sheriffs deeds) together with my personal Estate, consisting of horses, cattle, and hogs, farming utensils to be sold at public Sale by my executor, upon the usual Terms, and that the proceeds of the Sale of my before described lands, and personal Estate when collected to be distributed among my children as follows, To my daughter Margaret

I amaster, and to my daughter Mary Ann Cole, to my daughter
Phoebe W. Cole, to my daughter Harriet A. Byrde, and to my
daughter Eliza M. Byrde, each the one equal tenth part of said proceeds
and to my sons John I. Byrde, and Benjamin I. Byrde, each the
one tenth part of the proceeds of said Sale, And to my son James
L. Byrde, the Sum of Fifty dollars, in Cash, which Sum together
with advancements heretofore made by me, constitute and make an
equal proportion of my Estate.

4th: I give my daughter Harriet A. Byrde, one certain Bay Mare
named Victoria; One feather bed, Bedstead and furniture, also
One Cow and Calf

5th. I give my daughter Eliza M. Byrde, one certain Sorrel Horse
three years old, Also, One Cow and Calf, one feather bed, bed-
stead and furniture,

6th, and last, I hereby constitute my son John I. Byrde, my
Executor to this my last will and Testament.

In Witness whereof I have hereunto set my hand and Seal
this 14th day of June 1860

Signed, Sealed and delivered in our
presence, who have signed this will by
request of Testator, in presence of each
other,

Reed M. Cormack,
Mitchell M. Cormack,
Henry W. Watts.

B. B. Byrde. *[Signature]*

State of Wisconsin } In the County of Grant
County of Jefferson } At Location July 11th 1860.

Be it remembered that on this Eleventh day of July AD 1860, personally
appeared before me the undersigned Clerk of the County Court in and for the County
aforesaid, Reed M. Cormack, and Mitchell M. Cormack, two of the subscribing
witnesses to the annexed will of Benjamin B. Byrde, and being first duly
sworn depose and say, that the said Benjamin B. Byrde, the Testator, Sub-
scribed the same in their presence and published the said Will or instrument
of writing as his last will, that he the said Testator, was at the time of publishing
his said will of sound mind and more than twenty one years of age, that

they the said deponents attested the same as entrupees thereto by subscribing their names to the same in presence of said Testator and of each other which is considered by me said Clerk, as sufficiently to establish said Will.

(Signed)

Reed M Cornack,

Mitchell M Cornack,

In Witness whereof I hereto subscribe my Name and affix the Seal of said Court at office in Millboro. this 11th day of July AD 1860.

Seal

Alfred J. Heper Clerk

County of Jefferson, J.

The State of Missouri, to all persons to whom these presents shall come, greeting: Know Ye, that the last will of Benjamin B. Byrd, hath in due form of law, been exhibited, proved and recorded in the office of the Clerk of the County Court for Jefferson County, a copy of which is hereto annexed; and inasmuch as it appears, that John I. Byrd has been appointed Executor in and by the said last Will, to execute the same, and to the end that the property of the Testator may be preserved, for those who shall appear to have a legal right or interests therein, and that the said last will may be executed according to the request of the Testator, we do hereby authorize him, the said John I. Byrd as such Executor to collect and secure all and singular, the goods and chattels, rights and credits which were of the said Benjamin B. Byrd, at the time of his death, in whatsoever person the same may be found, and to perform and fulfil all such duties, as may be enjoined upon him by said will, so far as there shall be property, and the law charge him, and in general to do and perform all other things which now are or hereafter may be required of him by law.

In Testimony whereof Alfred J. Heper, Clerk of the County Court in and for the County of Jefferson, have hereunto signed my name, and affixed the Seal of said Court at office, this Eleventh day of July AD, 1860

Alfred J. Heper Clerk,

[illegible]

Estate of
Benjamin D. Dyar,
Deceased of Administration
with the Will Annexed,

Examined July. 17th 1880

Protrache Canal Dead A-83+84

Wells Dec 23. 58