

Jefferson County Circuit Court
Case Files - Civil

Box

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November 1867, No. 92

Gross, William

vs

Bennerhasset, Theresa

Partition

40 acres in S 17, 20 T 39 4 E

William Cross, — Plaintiff } In the Circuit
 Against } Court of Jef-
 Theresa Plummerhasset, — Defendant } ferson County
 Missouri,

The Plaintiff states that William R. Cross died several years ago, seized in fee simple of the following described Land, situate in Jefferson County Missouri, To wit, a Tract of Land, containing Forty acres, and described as beginning at the South West Corner of the North West quarter of the North West quarter of Section Twenty, in Township Thirty nine, of Range Four East, — thence running North to the mouth of Lamarques Spring branch to a White Oak marked "X" — thence North Eastward, by up and along a ravine called the Bee hollow to the East boundary line of the South West quarter of the South West quarter of Section Seventeen in the same Township and Range aforesaid, — thence South to the South East Corner of the North West quarter of the North West quarter of Section Twenty as aforesaid, — thence West to the place of the beginning, — That said William R. Cross, left surviving him, a widow, Elizabeth Cross, and seven children, to wit, William Cross, (the Plaintiff) Albert S. Cross, Nelson Cross, Louisa Dobson (wife of Elias Dobson) Agnes Etheridge (wife of Jeremiah Etheridge) Elizabeth Palmer (wife of John B. Palmer) and Minerva Parrish, (wife of John M. Parrish, to whom said Land descended as the heirs of said William R. Cross, deceased, — Plaintiff states that afterwards, the said Widow

and all of said Heirs, except the said William Cross, the Plaintiff, conveyed their interest in the Land aforesaid to Richard S. Blennerhasset, who devised the same to Theresa Blennerhasset, the Defendant. The Plaintiff states that the Estate of said William R. Cross, deceased, has long since been finally settled up, and the debts all fully discharged. Plaintiff states that he is entitled in fee simple to the undivided one seventh part of the Land aforesaid, subject to the dower interest of said Widow, - and that the Defendant is entitled in fee simple to the undivided six-sevenths of said Land, including the dower of said widow.

Plaintiff therefore states that he and the said Defendant hold the Land aforesaid as Tenants in Common. Plaintiff therefore asks the Court for a decree for the partition and division of the Land aforesaid among the parties interested therein, according to their respective rights and interests therein as herein set forth, if the same can be done without great prejudice to the parties in interest; and if not, then for a sale of said Premises, and a division of the proceeds thereof among said Parties according to their respective rights and interests.

William Cross,
Plaintiff - By A. Green &
J. C. Power his Attorneys

James C. Power, Attorney for the above named Plaintiff, makes oath and says the above petition and the matters therein as stated, he believes to be true, and also, that Theresa Blen-

never has set, the Defendant therein, is a non-resident of the State of Missouri.

Sworn to and subscribed
before me this 27th day of
August A.D. 1867.
Chas. J. Thompson

James C. Paves attorney
for Plaintiff

Elias P. Money Clerk of,
 By C. Thos. Marvin Deput

Apr 81.

In Circuit Court
Jefferson County

William Brass

vs.

Merced Blewenshanot

Bill of partition

Make over of
publication

Geo. J. Doug
for 1888

Filed Aug 27th 1887.

Attest my seal
By Christine Depled

William Cross - Plaintiff  In the Circuit Court
Against of Jefferson County
Theresa Hemmerhassett. Defendant. Missouri,

The Plaintiff states that William R. Cross died several years ago, seized in fee simple of the following described Land situate in Jefferson County Missouri To wit: a Tract of Land, containing Forty acres, and described as beginning at the South West corner of the North West quarter of the North West quarter of Section Twenty in Township Thirty nine of Range Four East - thence running North to the mouth of Samargues Spring branch to a white oak marked 'X' thence North Eastwardly up and along a ravine called the Deer hollow to the East boundary line of the South West quarter of the South West quarter of Section Seventeen in the same Township and Range aforesaid - thence South to the South East corner of the North West quarter of the North West quarter of Section Twenty as aforesaid thence West to the place of the beginning ~~as aforesaid~~ That said William R. Cross, left surviving him a widow, Elizabeth Cross, and seven children, To wit: William Cross (the Plaintiff) Albert G. Cross, Nelson Cross, Louisa Dobson (wife of Elias Dobson) Agnes Etheridge (wife of Jeremiah Etheridge) Elizabeth Palmer (wife of John B. Palmer) and Minerva Parish (wife of John M. Parish) to whom said Land descended as the heirs of said

William L. Cross deceased. Plaintiff states that afterwards, the said widow and all of said heirs, except the said William Cross, the Plaintiff conveyed their interest in the Land aforesaid to Richard S. Blumerhassett, who devised the same to Theresa Blumerhassett, the defendant. The Plaintiff states that the Estate of said William L. Cross deceased, has long since been settled up, and the debts all fully discharged. Plaintiff states that he is entitled in fee simple to the undivided one seventh part of the Land aforesaid, subject to the dower interest of said widow and that the Defendant is entitled in fee simple to the undivided Six-sevenths of said Land, including the dower of said widow. Plaintiff therefore states that he and the said Defendant hold the Land aforesaid as Tenants in Common, and Plaintiff therefore asks the Court for a decree for the partition and division of the Land aforesaid among the parties interested therein, according to their respective rights and interests therein as herein set forth if the same can be done without great prejudice to the parties in interest, and if not, then for a sale of said premises, and a division of the proceeds thereof among said parties according to their respective rights and interests.

William Cross
Plaintiff By A. Green & Pover
his attorneys

James C. Poyer attorney for the above named
Plaintiff, makes oath and says the above
petition and the matters therein as stated,
he believes to be true, and also, that Theresa
Blennierhassett, the Defendant herein is a
non-resident of the State of Missouri
Sworn to and Subscribed before
me this 27th day of
August A.D. 1867

Elias F. Honey Clerk of Ct.
By C. D. Morine Deft.

James C. Poyer
attorney for Plaintiff

A true Copy of the original petition now on file
in my office.

Witness my hand and the seal of said
Circuit Court this Oct 18 1867.

Elias F. Honey Clerk
By C. D. Morine Deft.

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

THE STATE OF MISSOURI,

St Louis
To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

Meresa Blennerhassett

if she be found in your County, that
she 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 ~~first~~ Monday ~~after the~~
~~fourth Monday~~ of November next, then and there to answer unto

William Cross

upon *his* 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
Fifteenth day of *October* A.D. 1867

Elias F. Honey

Clerk Circuit Court.

By *C. D. Irvine Depty*

22092
2681
TO

JEFFERSON CIRCUIT COURT.

Nov Term, 1867.

Wm Reed

= v =
Theresa Blennerhassett

(original)
1/2 paid

Executed this writ in the bounty of St. Louis on the 22nd day of October 1867 by delivering a copy of the writ and petition as furnished by the clerk to Theresa Blennerhassett.

Services \$1.00 paid by pro

John McNeil Sheriff.
By Alfred Valentine Deputy.

William Cross In the Circuit
Theresa Blannerhassett ^{by} Court Jefferson
County Missouri

Now at this day comes said Defendant
and for answer to Plaintiffs Petition
says that it is not true as is alleged
in said Petition that the Plaintiff is
entitled as owner in fee simple
or otherwise to the undivided one
seventh part of the Land described
in his Petition subject to the dower
interest of Elizabeth Cross widow
of Wm R. Cross, or to any claim
right or interest in said Land
whatsoever but on the contrary
the Defendant says that ~~said~~
~~Plaintiff is not~~ She is the
absolute owner of said Entire
Tract of Land in her own right
& that Plaintiff has no title
whatsoever in the same, wherefore
Defendant denies that Plaintiff
is entitled to ^{have} Partition of the same
made between himself & this
Defendant or that he is entitled to
sustain any action against
Defendant for said Land or

Any part thereof, and
Ways Judgment for Costs

Jos. J. Williams
Atty. for Defendant

Wm Cress

Marshall Mainwaring

Author of "Standard"

Dear Sir,
I have the honor to
acknowledge the receipt of your
letter of the 10th inst.

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 *Circuit* 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, Aug. 28th, 1867.

WILLIAM Cross, Plaintiff, against
Theresa Blennerhasset, Defendant.

Now at this day comes said plaintiff by his attorney, and files his petition verified by affidavit as the law directs, stating among other things that the place of residence of said Theresa Blennerhasset, the defendant herein, is unknown to him. Whereupon it is ordered by the undersigned, clerk of said court, that the said Theresa Blennerhasset 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: A tract of land containing forty acres, and described as beginning at the southwest corner of the northwest quarter of the north-west quarter of section twenty, in township thirty-nine of range four east; thence running north to the mouth of La-marques spring branch to a white oak marked "X;" thence north eastwardly, and along a ravine called the Bee hollow to the east boundary line of the southwest quarter of the southwest quarter of section seventeen in same township and range aforesaid; thence south to the southeast corner of the northwest quarter of the northwest quarter of section twenty as aforesaid, thence west to the place of beginning; and for a sale thereof if partition and division thereof cannot be made without great prejudice to the owners thereof. And unless the said Theresa Blennerhasset 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 plaintiff, 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 hereunto affixed, at office, this 28th day of August, 1867.

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

In No. 35,	Aug. 30,	1867.
In No. 36,	Sept. 6,	1867.
In No. 37,	" 7,	1867.
In No. 38,	" 13,	1867.
In No. 39,	" 20,	1867.
In No. ,		1867.

Chas. A. Clark.

ne, this 27th day of *September*, ... 1867.

E. F. Honey Clerk

By C. T. Horine Deputy

Paid \$15.00