

November 1867, No. 93

Mculloch James R.

Mculloch, Mary

Lee, + Smeal E.

Lee, S.V.,

et al

vs

Wilson, Isaac F.

Wilson Hester

Lee, Cordelia

Lee, Missouri

Partition

Heirs of Israel Lee, 440 acres in
U.S. Survey 1897-742, 43 R3 E; other
plaintiffs w. F. Lee, Josiah Lee, James
Lee

James R. McCollock and Mary McCollock
Wife of said James R. McCollock &
Israel E. Lee, S. V. Lee, & W. H. Lee minors
by James R. McCollock their Guardian
Josiah Lee & James Lee,

Isaac L. Wilson & Hester Wilson wife of said
Isaac L. Wilson, & Cordelia Lee, & Missouri
Lee,

In the Circuit Court of
Jefferson County Missouri
Plaintiff States that Israel Lee being
the legal owner of the following described
Real Estate Situate in Jefferson County
Missouri, to wit, Four hundred and
ninety acres of Land a part of United
States Survey Eight hundred and ninety
Seven in Township forty Two and forty
Three Range three East, Subject to the
Dower interest of Matilda Lee widow of
Israel Lee Deceased who died seized of
said Land which is one third of said
Land during the natural life of said Matilda
& that said Matilda has conveyed her said
Dower interest to James Lee which has
been set off and assigned to ~~her~~ him by a
Decree of this Court Plaintiffs State
that they are the legal owners and Ten-
ants in Common of said Land and are

Each entitled ^{as heretofore} to an undivided interest therein as follows, to wit James McCollock and Mary his wife are entitled to the undivided one Tenth Israel E. Lee S. H. Lee, W. H. Lee, James Lee, Isaac L. Wilson Cordelia and Missouri Lee are also each entitled to the undivided one Tenth and Isaac L. Wilson and Hester his wife are ~~each~~ entitled to the undivided one Tenth and Josiah Lee having bought out the interest of William Williams and Matilda his wife said Matilda being a daughter of Israel Lee deceased is entitled to the undivided one Fifth of said Land.

Plaintiffs further state that said Cordelia Lee, & Missouri Lee are minors under the age of Twenty one years and pray the Court to appoint a Guardian ad Litem for them to answer this petition and defend their interests therein.

Plaintiffs pray the Court in Consideration of the premises to order and Decree that partition and division of said Land be made according to the respective rights and interests of the respective parties as above set out and that an order of sale of the same be made if the

Said Land Can not be divided without
Great prejudice to the owners & for
Such other orders and judgments as to
the Court may seem just and proper

Joseph Williams
Atty for plaintiffs

Joseph J. Williams attorney for the
plaintiffs on oath says that the
matters and things set forth in the
foregoing petition are true to the best
of his knowledge and belief

Joseph Williams

Sworn to and
Subscribed before me
this 18th of September 1867
Elias H. Honey ex-clerk
By S. H. H. Depl

Geo R. Meechlock
Sothery

21

Isaac H. Philson
Sothery

Action to ~~of the~~ ~~of the~~ ~~of the~~
for Partition

Order of the 18th 1867
Geo. A. Sothery et al
Plaintiffs
vs
Isaac H. Philson et al
Defendants
in the above process

William
for both.

copy sent - 70¢
a 80 50
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with - 100¢
4 each 40¢
do do 10
bills 5-

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 Isaac I Wilson
Hester Wilson, Cordelia Lee and
Missouri Lee,

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 ~~First~~ Monday after the
~~fourth Monday~~ of November next, then and there to answer unto
James R McCulloch 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
Eighteenth day of September A.D. 1867

Elias F Honey
By C. J. Horine Dep't
Clerk Circuit Court.

21893

2702

JEFFERSON CIRCUIT COURT.

September Term, 1867.

Samuel P. McCoubert
and others

vs
James Wilson et al.

Deceased Wilson et al.

(Original)

John Williams
Sheriff Secy

I have entered this Writ in Jefferson County Missouri
on the 24th day of September 1867 by
delivering to James Wilson a true copy of
this Writ and Petition and I further executed
this Writ in Jefferson County Missouri on the 25th
day of September 1867 By delivering to Coratila
Lee and Missouri Lee a true copy of this Writ
and on Hester Wilson By leaving a true
copy of this Writ at her usual place of abode with
a white person of her family over the age of
fifteen years

John Williams
Sheriff

James R. McColloch and
Mary McColloch his wife,
Israel E. Lee, S. B. Lee, & M. F. Lee,
minors by James R. McColloch
their Guardian, & Josiah Lee,
and James Lee, — Plaintiffs

Against
Isaac F. Wilson, & Hester Wilson his wife
and Cordelia Lee, & Missouri Lee, — Defendants,
In the Circuit Court
Jefferson County Mo.,
November Term 1867,

Abner Green, appointed by the Court Guardian
ad litem for Cordelia Lee, and Missouri Lee,
minors, for Answer for said minors, states that
from examination of the papers relative to
the rights of the parties, he believes the interests
of the parties to said suit are correctly set
out in said petition, And he believes
from the number of the parties interested
therein, that partition & division in kind
cannot be made without ^{great} prejudice
to the parties interested in said premises

Abner Green
Guardian ad litem for
Cordelia & Missouri Lee,
minors,

Geo. W. Woodcock
y others,

As,
James Wilson &c

Shinner

of Guano in the
Island of St. Thomas

See

James R. McCulloch and
Mary McCulloch wife of
said James R. McCulloch
Isaac E. Lee, W. Lee and
W. F. Lee by James R.
McCulloch their Guardian &
James Lee and
Josiah Lee
vs

Isaac F. Wilson and
Hester Wilson wife of
said Isaac F. Wilson &
Lee and
Missouri Lee

In Portion
order of Sale

Now at this day come the said
Plaintiffs by their attorney and present their petition
praying for portion and division of the Lands and
premises in their petition mentioned and described. and
the Court being satisfied that said Defendants have been
duly served with process and said Isaac F. Wilson and
Hester Wilson having failed to answer said petition of
Plaintiff ~~within the time~~ it is ordered by the Court that
their default be entered and it also appearing to the Court
that

Lee and Missouri Lee are minors under the
age of twenty one years and they appearing by
Abner Green their Guardian Ad Litem and filing their
answer to the petition of Plaintiffs admitting the
rights of the parties therein as set out in said petition
of Plaintiffs, and it appearing to the Court here that the
respective parties ^{now here} agree to a trial of said cause
It is ordered and adjudged by the Court that

Partition of said Land be made between said Parties according to their respective rights and interests therein, To wit, (here describe the Land as described in plaintiffs petition) and the Court proceeding to settle the rights of the Parties in and to said Land doth advise and declare the same as follows. (here set out the rights of the Parties as set out in plaintiffs petition) and it appearing to the Satisfaction of the Court from the number of the owners of said Land and the quantity and situation of the same together with the evidence in said Cause that Partition and division thereof cannot be made without great prejudice to the owners, It is ordered by the Court that Sheriff of Jefferson County proceed to sell said Land at public auction to the highest bidder for ten per cent of the purchase money in cash at the time of sale and the residue in Twelve months, and C. & C., winding up as usual,

James H. McCallister
Chas.

^
Josiah H. Miller
Chas.

Judge

" State of Missouri. } p-
County of Jefferson. } In the Jefferson Circuit
Court November 16th 1867, the following
proceedings were had to wit:

James R. McCollock and Mary
McCollock wife of said James R.
McCollock, Isaac O. Lee
J. L. Lee and W. L. Lee by
James R. McCollock their Guardian,
and James Lee and Josiah Lee,
Isaac S. Wilson and Netta Wilson
wife of said Isaac S. Wilson
and Cordelia Lee and Missouri Lee,

In Partition
Order of Sale,

Now at this day
comes the said Plaintiffs by their attorney and
present their petition praying for partition
and division of the Land and premises in
their petition mentioned and described, and
it appearing to the satisfaction of the Court
that said Defendants have been duly served
with process and said Isaac S. Wilson and
Netta Wilson having failed to answer said
petition of Plaintiff, It is ordered by the Court
that their default herein be entered, And it
also appearing to the Court that Cordelia Lee
and Missouri Lee are minors under the age
of twenty one year and they appear by
Abner Green their Guardian ad litem

and filing their answer to the petition of Plaintiffs admitting the rights of the parties therein as set forth out in said petition of Plaintiffs, and it appearing to the Court here that the respective parties now here agreed to a trial of said cause, It is therefore ordered adjudged and decreed by the Court that partition of said Land be made between said parties according to their respective rights and interests therein To wit; Four Hundred and Ninety acres of Land a part of United States survey Eight Hundred and Ninety seven in Townships Forty two and Forty three Range three East, subject to the dower interest of Matilda Lee widow of Israel Lee deceased who died seized of said Land which is one third of said Land during the natural life of said Matilda that said Matilda has conveyed her said Dower interest to James Lee which has been set off and assigned to him by a decree of this Court, And the Court proceeding to adjust and settle the rights and interests of the parties in and to said Land doth adjudge and declare the same as follows, James McCollock and Mary his wife are entitled to the undivided one tenth, Israel C Lee, S. V Lee

W. T. Lee, James Lee, Cordelia and Missour Lee are also each entitled to the undivided one tenth, and Isaac. T. Wilson and Hester Wilson his wife are entitled to the undivided one tenth, And Josiah Lee having bought out the interest of William Williams and Matilda his wife, said Matilda being a daughter of Isaac Lee deceased is entitled to the undivided one fifth of said Land And it appearing to the satisfaction of the Court, that from the number of the owners of said Land and the quantity and situation of the same together with the evidence in said cause that partition and division 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 Land at public auction to the highest bidder for ten per cent of the purchase money in cash at the time of the sale and the residue in twelve months, and for the deferred payment take a bond or note from the purchaser or purchasers thereof with security bearing interest from date at the rate of Six per cent per annum, And that said sale take place on some day during the Session of the

Circuit Court for 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 hereinafter.

A true copy from the Record,
Witness my hand and the seal of said
Court hereunto affixed at ~~of~~ office
in Hudson this Dec. 3rd 1867
Elias J. Honey Clerk

James H. M. Colver et al,

- vs -
Isaac Wilson et al,

Order of Sale

SHERIFF SALE IN PARTITION.

James R. McCullock and Mary his wife, and Israel E. Lee, W. F. Lee, and S. V. Lee, by J. R. McCullock guardian et al. vs Isaac F. Wilson et als.

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

BY VIRTUE and authority of an order made by the Circuit Court of the County of Jefferson, State of Missouri, at its November Term, A. D. 1867 I will on the fifteenth day of May 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 four hundred and ninety acres of land, a part of United States survey, eight hundred and ninety-seven, in townships forty-two and forty-three, range three, east; which land will be sold subject to the Dower interest of Matilda Lee, widow of Israel Lee, which is one-third, during the natural life of said Matilda, which she has sold to James Lee, and has been set off and assigned to him by the Circuit Court of Jefferson County, 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 13th day of April 1868. JOHN WILLIAMS, Sheriff. 16

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 19th day of May A. D. 1868 before me, the undersigned Clerk of the Co. Court of Jefferson county, came Chas. ~~A. Clerk~~ W. J. Kelly 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 3 times, the first insertion being on the 1st day of April 1868, and the last on the 30 day of April 1868, as follows, to-wit:



In No. <u>16</u> ,	<u>April 16</u>	186 <u>8</u>
In No. <u>17</u> ,	" <u>23</u>	186 <u>8</u>
In No. <u>18</u> ,	" <u>30</u>	186 <u>8</u>
In No. ,		186 <u>..</u>
In No. ,		186 <u>..</u>
In No. ,		186 <u>..</u>
In No. ,		186 <u>..</u>

Chas. H. Kelly

Sworn to and subscribed before me, this 19th day of May 1868

Wm. J. Kelly

Printer's fee \$ 50
8.30 Received Payment.

James R McCulloch et als } Report of Sale
against } In the Circuit Court.
Isaac F Wilson et als } May Term 1868 -

To the Hon. Circuit Court of Jefferson County, Mo. - 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 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 Hillston on Friday the Fifteenth day of May 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 of said County, at the May 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: 490 acres part of U. S. Survey 897 - in Towns 42 & 43 - R 3 and sold subject to the dower interest (of $\frac{1}{3}$) of Matilda Lee. but now owned by James Lee and Josiah

Lee was then and there the highest and last bidder for the above described Real Estate at the price and sum of Five thousand Seven hundred 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 as required by the terms of sale -

And this report is respectfully submitted
John Williams Sheriff -

James R. McCulloch and
Mary McCulloch, Isaac
E. Lee, S. V. Lee, & W. F.
Lee minors by James R.
McCulloch their guardian &
Jornal Lee James Lee
Plaintiffs

Partition in
the Jefferson
Circuit
Court.

vs
Isaac F. Wilson & Hester Wilson
Charlotte Lee & Missouri
Lee Defendants

To Jasual Lee,

Take notice that
we shall apply to the Jefferson Circuit
Court at its May Term 1869 and
on the 5th day of the Term thereof or
as soon thereafter as a hearing can
be, to have your sale of 490 acres
of Survey 897, in the above entitled
Cause, set aside and held for lawful
proceedings to be then and there made.

Isaac F. Wilson
Hester Wilson
By John L. Thomas, atty.

This Notice came to Hand April 19. 1869 and I did
Exhibit the same by delivering a copy thereof to the within
Named Josiah Lee. This 19 day of April at Jefferson
County Mo. 1869

Fred Luchtemeyer Sheriff
by Fred Vollmar
Deputy

fees
\$100

J. R. McClellan et al

vs

Isaac F. Wilson et al

Notice of

Motion to set aside

sale in partition.

J. H. McCallister, Esq.
J. H. Miller, Esq.

} And sold for
\$9220.00

all for being with 80 \$75.00