

November 1867, No. 106

Davis, John C.

Wheeler, Samuel A.

Johansen, Catherine

Johansen, Benjamin

VS

Jones, Robert C.

Jones, Emily

Jones, Samuel

Partition

Heirs of Chester Wheeler; 160

acres in S34T40R3E

John C Davis

Samuel A Wheeler

Catharine Johnson &

Benjamin Johnson her husband

vs

Robert C Jones Emily Jones

and Samuel Jones

In the Circuit Court of  
Jefferson County Missour

November Term 1867

Plaintiffs state that about the year  
Chester Wheeler died seized in fee simple of the  
following real estate situate in Jefferson County  
Missouri To wit The North West quarter of  
section thirty four (34) Township forty (40) range  
two (2) East containing one hundred & sixty acres.  
That the said Chester Wheeler died intestate leaving  
the above named plaintiffs and defendants his  
sole heirs at law to said real estate. Plaintiffs  
further state that the said parties John C Davis  
Samuel A Wheeler, & Catharine Johnson who prose-  
cutes with her husband Benjamin Johnson are each  
the owner and entitled to the possession of an undi-  
vided one fourth part of said real estate  
and the said defendants Robert C Jones Emily  
Jones and Samuel Jones are each the owner and entitled  
to the possession of an undivided one twelfth part  
of said real estate. Plaintiffs therefore pray the  
Court for a decree of partition of said lands  
if partition be found expedient and if the same  
should not be susceptible of division

without prejudice to the parties interested therein  
they ask that the same may be sold and the proceeds  
thereof be distributed among the several parties ac-  
cording to their respective interests therein  
Plaintiffs further state that the said Defendants  
John C. Jones, Emily Jones and Samuel Jones are  
minors, under the age of twenty one (21) years,  
they therefore ask that guardians ad litem  
may be appointed by the Court to look after  
and protect the rights and interests of the  
said mining defendants

Cross North & Laurie  
Attys for Plaintiffs

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

Witness my hand and the seal  
of said court at office in Williston  
this September 27 1867.

Elias J. Hovey clerk  
By C. J. Hovey Deft

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

THE STATE OF MISSOURI,

*Suited*  
To the Sheriff of the County of ~~Jefferson~~ *Greeling*:

We command you, that you summon *Robert C Jones*  
*Emily Jones & Samuel Jones*

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  
*John C Davis, Samuel A Wheeler Catharine*  
*Johnson & J Johnson*

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  
*Twenty seventh* day of *September* A.D. 18*67*

*Elias F Honey*  
Clerk Circuit Court.  
*By C. J. Haine Dep't*  
*[Signature]*

State of Missouri  
County of Laclede J. Foster J. W. Adair Sheriff  
of said County and state hereby certify that  
Executed the within petition and writ by reading  
the within petition and writ in the presence  
and hearing of Robert C. Jones, Samuel  
Jones and Emily Jones, and by leaving  
with said Robert C. Jones a copy of the  
petition and writ, and by leaving with  
the said Emily Jones and Samuel  
Jones a copy of the writ. Done in  
my said County this 8th day of October  
AD 1867.

J. Foster J. W. Adair  
Sheriff of Laclede Co  
Mo

TO  
207  
JEFFERSON CIRCUIT COURT.

November Term, 1867

John C. Davis et al.

vs  
Summons.

Robert C. Jones et al

(original)

Recd 300 p. by R. W. Adair

|                                                           |                                                        |
|-----------------------------------------------------------|--------------------------------------------------------|
| John C Davis                                              | } In the Circuit<br>Court Jefferson<br>County Missouri |
| Samuel A Wheeler                                          |                                                        |
| Catherine Johnson +<br>Benjamin Johnson her husband<br>vs |                                                        |
| Robert C Jones                                            | } November Term 1867.                                  |
| Emily Jones &                                             |                                                        |
| Samuel Jones                                              |                                                        |

Plaintiffs state that about the year  
 - Chester Wheeler died seized  
 in fee simple of the following real  
 estate situated in Jefferson County  
 Missouri to wit: The North West quarter  
 of section thirty four (34) Township forty  
 (40) range three (3) East containing  
 One hundred & sixty acres. That the  
 said Chester Wheeler died intestate  
 leaving the above named plaintiffs  
 and defendants his sole heirs at law  
 to said real estate. Plaintiffs further  
 state that the said parties John C Davis  
 Samuel A Wheeler, and Catherine Johnson  
 who prosecutes with her husband  
 Benjamin Johnson are each the  
 owner & are entitled to the possession  
 of an undivided one fourth part of  
 said real estate and the said

defendants Robert C Jones, Emily Jones and Samuel Jones are each the owner and entitled to the proportion of an undivided one twelfth part of said real estate. Plaintiffs therefore pray the court for a decree of partition of said lands if partition ~~thereof~~ be found expedient, and if the same should not be susceptible of division without prejudice to the parties interested therein they ask that the same may be sold and the proceeds thereof be distributed among the several parties according to their respective interests therein.

Plaintiffs further state that the said defendants Robert C. Jones Emily Jones and Samuel Jones are minors under the age of twenty one (21) years, they therefore ask that guardians ad litem may be appointed by the court to look after and protect the rights and interests of the said minor defendants.

Crews Smith & Laurie  
Atty for Plaintiffs

John H. Davis et al

vs  
Robert H Jones et al

Partition and Partition

Filed February 24 1867  
C. C. Andrews Clerk  
By C. C. Davis Atty

|                      |        |
|----------------------|--------|
| 2 cop. per 75 c each | \$1.50 |
| mk                   | 1.00   |
| 3 cop                | 30     |
| clerk                | 10     |
| 22 x 8               | 1.00   |
| head paper           | 25-    |
| files                | 05-    |

|                                                                                  |                                                                            |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| John C Davis, Samuel<br>Wheeler, Catherine Johnson<br>& Benj Johnson her husband | } In the Circuit Court<br>of Jefferson<br>County Missouri<br>Nov Term 1867 |
| vs<br>Robert C Jones, Emily<br>Jones & Samuel Jones                              |                                                                            |

Now comes the defendants Robert  
C Jones, Emily Jones, and Samuel Jones  
by their guardian ad litem Philip  
Pipkin and for answer to plaintiffs  
petition in this behalf states that  
he has no knowledge or infor-  
mation sufficient to form a  
belief as to whether the facts &  
allegations set forth in said  
petition are true, and prays  
the court to require proof of  
the same.

P. Pipkin guardian  
ad litem for Robert  
C. Jones Emily Jones &  
Samuel Jones depts.

John C. Lewis's  
at my  
request to serve  
as at

Chairman of Dept  
of General and  
Lithography.

John D. Dwyer  
at my request

IN THE

John C. Lewis, Plaintiff - vs - Court of  
and Jefferson County

Doct & Court at 2 o'clock in the  
Duke Notice, That on the 27<sup>th</sup> day of March 1868

between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that  
day, at the Law office of Lewis North & Lewis in the  
City of St Louis County of St Louis  
State of Missouri  
depositions will be taken, to be read on the  
trial of the above entitled case, on behalf of the Plaintiff; and that the taking  
of said depositions, if not completed on that day, will be continued from day to day, at the  
same place and between the same hours, until completed.

To the above named Defts or  
Lewis North & Lewis  
as their guardians ad litem  
attos for Defts

I accept the service of  
the within notice on the  
3<sup>d</sup> day of February 1868

Philip Pipkin  
Guardian ad litem  
for

Depositions of witnesses produced, sworn & examined on the 27<sup>th</sup> day of March 1868 between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day at the law office of Crews North & Laurie in the City and County of St Louis and State of Missouri before me Brainerd M. Million Notary Public within & for the County of St Louis and State of Missouri in a certain cause now pending in the Circuit Court of the County of Jefferson & State of Missouri between John C. Davis and others plaintiffs & Robert C. Jones and others defendants on the part of the plaintiffs.

John C. Davis of lawful age being produced, sworn & examined on the part of plaintiff deposes & says. I reside at Augusta Station in Franklin County Missouri and am one of the plaintiffs in this suit. I am acquainted with the parties to this suit, all of whom are heirs of the late Chester Wheeler now deceased. Chester Wheeler at the time of his death left five children to wit Samuel A. Wheeler, Catharine Johnson, wife of Benjamin Johnson, Lydia A. Davis, wife of James B. Davis, Anesticia Jones, wife of Jesse

Jones, and John Wheeler. Since the death of Chester Wheeler, three of the above named children have died. I do not remember in what year any one of them died. John Wheeler was an unmarried man and left no children at his death. Lydia A Davis was my mother and at her death left no other child or descendants but myself. Aresticia Jones at her death left the defendants in this suit; Robert C. Jones, Samuel Jones and Emily Jones her only children all of whom were and are now minors. I do not know the exact ages of either of the defendants. The oldest Robert C. Jones is about fourteen or fifteen years of age and the other two are younger than he is, but I do not know how much younger. Think there is about two years difference between each of their ages. And further this is apparent quite not. John C. Davis

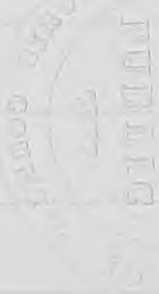
Sworn to & subscribed before me  
this March 27 1868



Brannard H. Millions  
Notary Public  
St. Louis County Mo.

I Brainerd M. Million Notary  
Public within & for the County of St  
Louis & State of Missouri do certify that  
in pursuance <sup>of the annexed</sup> notice came before  
me at the law office of Brews Smith  
& Laurie in the city & County of St Louis  
State of Missouri John L Davis who  
was by me sworn to testify the whole  
truth of their knowledge touching  
the matter in controversy aforesaid.  
That he was examined & his examina-  
tion reduced to writing & subscribed  
by him in my presence on the  
day, between the hours and at the  
place in that behalf first aforesaid  
and his deposition is herewith  
returned.

Brainerd M. Million  
Notary Public  
St. Louis County Mo.



John C. Lewis  
no  
Post to Lewis at

Departments for  
Security

Recd by mail opened & filed  
Mar 28<sup>th</sup> 1868  
J. C. Lewis  
R. C. Lewis

Mar 28<sup>th</sup> 1868  
by Security



State of Missouri } In the Jefferson Circuit  
County of Jefferson } Court. May 19<sup>th</sup> 1868.  
The following proceedings were  
had to wit:

John C Davis, Samuel A Wheeler } In Partition  
Catharine Johnson & Benjamin } order of Sale  
Johnson her husband, }  
- vs - }  
Robert C Jones, Emily Jones & Samuel Jones }

Now at this day comes  
the Plaintiffs by their attorneys and the De-  
fendants by their Guardian-ad-litem, and the  
court proceeding to hear the cause upon the  
petition, answer proofs & allegations of the  
parties, doth find that said plaintiffs and  
Defendants are the owners and tenants in  
common of the following described Real  
Estate situate in Jefferson County Missouri  
to wit: The North West quarter of Section  
Thirty four, Township Forty Range Three  
East, containing one hundred and sixty  
acres, and the court proceeding to adjust  
and settle the rights and interests of the  
parties in and to said Real Estate, doth  
declare the same to be as follows: That  
John C Davis, Samuel Wheeler and Catharine  
Johnson who prosecutes with her husband  
Benjamin Johnson are each entitled to the  
possession of an undivided one fourth

part of said Real Estate and the said Robert C Jones, Emily Jones and Samuel Jones are each entitled to an undivided one Twelfth part of said real estate, And it appearing to the satisfaction of the court that said Land is so situated that partition thereof in kind cannot be made without great prejudice to said owners, It is therefore ordered by the court that the Sheriff of Jefferson County proceed to sell said real estate at public auction to the highest bidder for one third 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 security bearing six per cent interest from date, that said sale take place some day during the sitting 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 at Office this  
June 19<sup>th</sup> 1868,

Elias B. Honey clk  
By C. A. Kime Depy



John B Davis et al  
vs  
Robert C Jones et al  
In Partition  
Order of sale  
" "

In the Circuit Court of Jefferson Co., Mo.  
JOHN C. Davis, et al vs. Robert C. Jones,  
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 northwest qr of section 34, township 40, range 3 east, containing 160 acres, 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 one third 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 thirteenth day of October, 1868.

JOHN WILLIAMS,

Sheriff.

# State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this... day of... *November*... A. D. 186*8*, before me, the undersigned Clerk of the *Circuit*. Court of Jefferson county, came Chas. ~~A. Beck~~ *Beck*, 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... times, the first insertion being on the... day of... *October*... 186*8*, and the last on the... day of... *November*... 186*8*, as follows, to-wit:

## STATE OF MISSOURI

|            |                   |                     |
|------------|-------------------|---------------------|
| In No. 43, | <i>October 28</i> | 186 <i>8</i> .      |
| In No. 44, | "                 | 30 " 186 <i>8</i> . |
| In No. 45, | <i>November 6</i> | 186 <i>8</i> .      |
| In No. 46, | "                 | 13 186 <i>8</i> .   |
| In No. ,   |                   | 186..               |
| In No. ,   |                   | 186..               |

*Chas Beck*

Sworn to and subscribed before me, this... day of... *Nov*... 186*8*.

*Wm McMillin Clerk*

Printer's fee... *10 50* Received Payment. ....

John C. Davis et al } Report of Sale  
against } In the Circuit Court of  
Robt. C. Jones et al } Jefferson County Mo  
November term A.D. 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 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: the North West qr Sec 34-740 R 3 east cont 160 acres, and J. B. Davis was then and there the highest and last bidder

for the above described land at the price and  
sum of Three Hundred Dollars, of which  
sum he has to me in hand paid one third  
and has given bond with approved security  
for the balance, as required by the terms of sale,  
and this report is respectfully submitted,  
John Williams Sheriff.

2  
John C. Davis et al } In the Circuit  
vs } Court for the  
Robert C. Jones et al } County of Jefferson  
Nov Term 1868.

Wm. Brown North, & Lucian attorneys  
in the above entitled Cause in  
petition is entitled to a fee  
of fifty \$50. dollars which  
are allowed and taxed as costs  
in the Cause.

J. H. Vail

Circuit Judge

John C. Davis      In Partition  
vs  
Robt. C. Jonschal }

Philip Pipkin guardian ad litem  
for minor his defendant in this  
suit is entitled to a sum of Ten  
dollars to be taxed and paid as  
costs in the case,  
\$10.00.

J. H. Vail. Judge

born to class  
1881. No. 10. 1881. 1881.

Partion

the utmost efforts  
of the government  
and the people  
to