

Jefferson County Circuit Court
Case Files - Civil

November 1867, No. 100

Box 20 Folder 62

Staton, Eliza J.

Staton, Elizabeth Ann, by next friend

Staton, William

vs.

Davis, Virginia

Davis, America E.

Davis, James W.

Davis, William L., et al

Partition

Heirs of Oliver Davis; 320 acres in

523, 2474023E; other defendants

Virginia J. Davis, Mary Davis, Jesse G.

Davis

State of Missouri }
County of Jefferson }

To Elias F. Honey, Clerk of the Circuit
Court of Jefferson County aforesaid, -

The Undersigned, William Staton, (father of Eliza J.
Staton and Elizabeth Ann Staton, children of Ann
Staton, deceased, ^{who was a} ~~and~~ daughter of Solimer Davis deceased)
states that his said children are minors, & desire
to institute a partition suit of the Lands of said
Solimer Davis, ^{with whom they now reside} and wish their father, appointed
their Next Friend, to institute & conduct said suit,
September 11th 1867. } William Staton

I, William Staton father of Eliza J. Staton
& Elizabeth Ann Staton aforesaid, do hereby Consent
to act as their Next Friend, in the institution &
conducting of the partition suit aforesaid.
This Sept 11th 1867, William Staton

State of Missouri }
County of Jefferson } Do it remembered that on this
11th day of September 1867 personally appeared
before me the undersigned Clerk of the Circuit Court within
and for said County, ^{William Staton} and acknowledged that he
executed the foregoing instrument of writing and
consented to act as next friend as above
mentioned

Witness my hand and the seal of
said Court at office this
11th day of Sept. 1867
Elias F. Honey Clerk
By Charles F. Morris Depy

" I Elias J Honey Clerk of the
circuit court within and
for the County aforesaid
do hereby appoint William
Staton the next friend of
Elizabeth J Staton and Anne
Staton minors and plaintiffs to
conduct the suit aforesaid,
This Sept 11th 1867, Elias J Honey Clerk
By Charles S Horne Depy

In Circuit Court
of Jefferson County

Elias J. Staton

vs
Elizabeth and Anne Staton

Virginia Davis

Applicant
of West Virginia

Dated Sept 11th 1867,

E. J. Honey Clerk

By Charles S Horne Depy

Eliza J. Staton, and
Elizabeth Ann Staton }
By their Next Friend }
William Staton, — Plaintiffs

Against

Virginia Davis, America E. Davis, }
James W. Davis, William L. Davis, }
Virginia J. Davis, Mary Davis, and }
Jesse S. Davis, — Defendants,

In the Circuit Court of
Jefferson County Missouri,

The Plaintiffs, Eliza J. Staton, and Elizabeth Ann Staton, minors, by William Staton, their Next Friend, state that, in the year 1862, Oliver Davis, died seized in fee simple of the following described Lands, situate in Jefferson County Missouri, To wit, the West half of the South West quarter, and the North East quarter of the South West quarter, and the North West quarter of the South East quarter of Section Twenty four, in Township, Forty, North of Range, Three East, containing One hundred and Sixty acres; also, the East half of the South East quarter, and the North West quarter of the South East quarter of Section, Twenty three, in Township, Forty, North of Range, Three East, containing One hundred and twenty acres, — also,

the South West quarter of the South East quarter of Section, Twenty Three, in Township Forty, North of Range, Three East, Containing Forty acres,

That said Oliver Davis, deceased, left a widow the said Virginia Davis, and six children, including their descendants, surviving him, and to whom the Lands aforesaid descended as the heirs of said Oliver Davis, - to wit, Ann Davis, (who married William Staton, and died, leaving two children as her heirs, to wit, Eliza J. Staton, and Elizabeth Ann Staton, the plaintiffs,) America E. Davis, James M. Davis, William L. Davis, Virginia J. Davis, and John Davis, since deceased, leaving two children, Mary Davis, and Jesse G. Davis, - Plaintiffs, by their said next friend, state that they and the Defendants hold the Lands above described as Tenants, in Common, - that the Estate of said Oliver Davis has been fully settled up and the debts all paid, - and that the said Eliza J. Staton and Elizabeth Ann Staton are each entitled in fee Simple to the undivided one-twelfth part of the Lands aforesaid, subject to the widow's dower, - that the defendants, to wit, America E. Davis, James M. Davis, William L. Davis, and Virginia J. Davis, are each entitled in fee to the undivided one-sixth part of said Lands, subject to the widow's dower, - and that the heirs of John Davis, deceased, to wit, Mary Davis,

and Jesse S. Davis, are each entitled in fee to the undivided one-twelfth part of said Lands, subject to the dower interest of Virginia Davis, (the widow of said Oliver Davis, dec'd,) who is entitled to dower in said Lands, of one third of the same, to hold for and during her natural life, - Plaintiffs state that Mary Davis and Jesse S. Davis, are minors, and they ask that a Guardian ad litem be appointed for them.

Plaintiffs by their next Friend, ask the Court to order and decree, that the measurement and setting-off said Widow's dower be made, and for a partition of the remainder of said Lands, if the same can be done without great prejudice to the parties interested therein, as set forth, - and if not, then for an Order for the sale of said Lands, and a division of the proceeds thereof among all of the parties aforesaid according to their respective rights and interests therein as above set forth.

William Staton
Next friend for Eliza Staton
and Elizabeth Ann Staton

Abner Green, Attorney for William Staton the next friend for the above plaintiffs, makes oath and says the above petition and the matters therein as stated he believes to be true.

Abner Green

Subscribed & sworn to before me this

Sept 11th 1867.

Elias & Hooney clerks,
By C. D. Morine Deft

In Circuit Court
Jefferson County

Elija J. Watson &
Elizabeth A. Watson
vs
Thos. West Thomas
Do,

Virginia Davis, &
others

Petition for partition
of numerous more
to J. P. Co. for Defts,
A. Green
for heirs,

Filed Sept 17th 1867
Attesty clerk
J. A. Johnson Clerk

Filed by Wm. Watson

Filed by Wm. Watson

cash	5-00
affd	1-00
affd master	73-
ack	-
rent	1-00
papers	76
clock	10
cash	5-00
Aug 20	2-00
one sale	33
decree	5-00
sub	33-
one	20
decent	5-00
affd	18-
Report sale	33-
date of sale	5-00
contact and record	5-00

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 *Virginia Davis*
Amicus E Davis James W Davis William L Davis
Virginia J Davis, Mary Davis and
Jesse G Davis

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, when and there to answer unto
Eliza Staton & A. B. Staton by their next friend
J. M. Staton

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
Eleventh day of *September* A.D. 1867

Elias Honey
Clerk Circuit Court.
By *J. P. Swine Dept*

216.960

TO

JEFFERSON CIRCUIT COURT.

Presented Term, 1867

Eliza & Station and
Ed. & Station by their
next friend Mr. Station

vs. Sumner

Virginia Davis

Ed. & Davis James

or Davis Mr. & Davis

May & Davis J. Davis

J. G. Davis

Presented

John Williams

Sheriff fee

\$7.00

Served Oct 14th 1867

I Executed this Writ in Jefferson County Missouri
on the 14th day of October 1867 By delivering
to James W Davis a true copy of this Writ and
Petition and I further Executed this Writ in
Jefferson County Mo on Ed & Davis Wm L Davis
Mary Davis vs J Davis and J G Davis by
delivering to each of them a true copy of this
Writ as furnished by the Clerk

John Williams
Sheriff

Elizabeth H. Stator & Eliza
J. Stator by their next
friend Wm Stator, Plaintiffs

vs
Virginia Davis, Mary Davis
Jesse G. Davis et al Defendants

In the Jefferson
Circuit Court

Now at this day comes John L. Thomas
who was by the Court appointed Guardian
ad Litem of Mary & Jesse G. Davis &
for answer to the petition of the Plaintiffs
States that he has no knowledge or information
sufficient to form a belief as to whether
the allegations in said petition are true
or not & therefore requires strict proof
of each & every one of them.

John L. Thomas
Guardian ad Litem of
Mary & Jesse G. Davis.

Elig. J. H. H. H. H.
3.

David H. H.

Answer of F. H. H.
L. H. H. H. H.

Quoted Mar 10 1888
E. A. H. H. H.

Eliza J. Staton by next
friend Wm Staton

against

Virginia Davis et als

} Report of Sale,
In the Circuit Court
Nov. 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 news-
paper 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: N $\frac{1}{2}$ S W $\frac{1}{4}$ Sec 24
Town 40 = R 3 = 80 acres & N E $\frac{1}{4}$ S W $\frac{1}{4}$ & N W $\frac{1}{4}$ S E $\frac{1}{4}$ Sec
24 = Town 40 = R 3 = cont 80 acres & E $\frac{1}{2}$ S E $\frac{1}{4}$ & N W $\frac{1}{4}$
S E $\frac{1}{4}$ Sec 23 = Town 40 = R 3 cont 120 acres

and J W Davis was then and there the highest and last bidder for the N¹/₂ S¹/₂ W¹/₂ & N¹/₂ E¹/₂ S¹/₂ W¹/₂ & N¹/₂ W¹/₂ S¹/₂ E¹/₂ Sec 24 = Town 40 = R 3 cont 160 acres at the price and sum of Six Hundred and thirty five Dollars and for the E¹/₂ S¹/₂ E¹/₂ & N¹/₂ W¹/₂ S¹/₂ E¹/₂ Sec 23 = Town 40 = Range 3 east cont 120 acres at the price and sum of Three Hundred and five Dollars - of which sums he has to me in hand paid ten per cent 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.

Filed and approved
Nov 24 - 1868
J. W. Davis

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.
ELIZA J. Staton, et al., by their next friend, Wm Staton, vs. Virginia Davis, 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, 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 9 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 w 1/2 of the s w qr and the n e qr of the s w qr, and the n w qr of the s e qr of section 24, township 40 north of range 3 east, containing 160; also the east half of the s e qr, and the n w qr of the southeast qr of section 23, in township 40, of range 3 east, containing 120 acres; also the s w qr of the s e qr of section 23, township 40, range 3 east, containing 40 acres, in 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, the purchaser the balance in twelve months, and 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.

In No. 43,	October 23	1868.
In No. 44,	"	30 1868.
In No. 45,	November 6	1868.
In No. 46,	"	13 1868.
In No. ,		186..
In No. ,		186..
In No. ,		186..

John Williams
Sherriff
1868

Sworn to and subscribed

Printer's fee.

State of Wisconsin } In the Jefferson Circuit
County of Jefferson, Court May 22nd 1868,
the following proceedings were
had, to wit;

Elija J. Staton and Elizabeth
Ann Staton by their next friend
William Staton,

Virginia Davis, America Davis
James W. Davis, William L.
Davis, Virginia J. Davis
Mary Davis and Jesse G. Davis

In Partition

Order of
Sale

Now at this
day come the parties aforesaid by their res-
pective attorneys, and Mary Davis and Jesse
G. Davis by their guardian ad litem and this
cause coming on to be heard upon the petition
and evidence adduced by said parties, the
court doth find, that the allegations in plain-
tiffs petition are true, and that said plaintiffs
and defendants are tenants in common of
the Real Estate described in plaintiffs petition,
situate in Jefferson County Wisconsin to wit; The
west half of the South west quarter, and the North East
quarter of the South west quarter, and the North west
quarter of the South East quarter of section twenty
four in Township, forty, North of Range, three
East, containing one hundred and sixty acres,
Also the East half of the South East quarter and
the North west quarter of the South East quarter

of Section Twenty three in Township Forty, North
of Range Three East containing one hundred
and twenty acres, Also the South west
quarter of the South East quarter of
Section Twenty three in Township Forty, North
of Range Three East, containing Twenty acres,
and the court proceeding to adjust and settle
the rights and interests of said parties in and
to said Land doth declare the same as
follows, that Eliza J Stator and Elizabeth
Ann Stator are each entitled in fee simple to the un-
divided one twelfth part of the Lands afore-
said subject to the widow's dower, that the
Defendants, America E Davis, James W
Davis, William L Davis and Virginia J
Davis, are each entitled in fee to the un-
divided one sixth part of said Lands, sub-
ject to the widow's dower, and that the heirs
of John Davis deceased, to wit: Mary Davis
and Leffe G Davis are each entitled in fee
to the undivided one-twelfth part of said
Lands, subject to the dower interest of
Virginia Davis (the widow of said Oliver
Davis decd) who is entitled to dower in
said Lands, of one third of the same for
and during her natural life. And
it appearing to the court that said
Lands are so situated that partition
and division thereof in kind cannot

be made without great prejudice
to the owners. It is thereupon considered
adjudged and decreed by the Court
that partition and division thereof be
made, and that the Sheriff of said
Jefferson County proceed to adver-
tise and sell the Real Estate in plain-
tiff's petition above described 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 purcha-
ser or purchasers thereof with appro-
ved security bearing interest at the
rate of six per cent per annum,
that said sale take place on some day
during the session of the circuit court
for said Jefferson County and be
governed by the same regulations
prescribed by law for sales of Real
Estate under execution. Notice being
given by said Sheriff in the same manner
as provided by law for such sales and bring into court
the proceeds thereof to abide the further order of the
Court herein, & This cause is continued

A true copy from the records

Witness my hand and the seal
of said court at office at

4
Miss Helen and
Virginia Davis and
Order of Sale

This June 20th 1868
Miss Helen and
Virginia Davis and
Order of Sale



Stator vs Daws

Hummer 6.75
Order Sale expers. 1.50
8.20

John Millers Saw. dfts 7.00
Printed fee b Shippy 12.50
Amunsato 1370

Dud 2.50 Mice 50
Rkt 3.00
44.40

3/95.70
44.40

Atty fee A Green 50.00
95.40
9.3.00

940.00
995.40
844.60

John Thomas

6/540
2/90
4500

844.00

6/84460
1