

Indenture of Robertson Moore and David L. Cavanagh

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This Indenture made and entered into on this day of April AD 1864 by and between Robertson Moore late Sheriff of the County of Chariton in the State of Missouri of the first part and David L. Cavanah of the second part, Witnesseth: That a certified copy of a decree of the Circuit Court of said County of Chariton rendered on the 20th day of May AD 1857 was issued[,] directed to the Sheriff of said County of Chariton by the Clerk of the Circuit Court of said County, which said decree is in the words and figures following to wit:

"David L. & William Cavanah infants under the age of twenty one years by their Guardian [Aquella?] Cavanah, and Jane Cavanah, Sarah Cavanah & Alphonso Cavanah by their Guardian David Laird Plaintiffs.

Petition for partition of Realty & Slaves.

"This day comes the parties aforesaid by by their attorney and presented their petition in this cause which on motion is ordered to be filed, and this cause being submitted to the Court and the proofs and allegations having been fully heard it appears to the Court that John C. Cavanah decd.[,] late of the County of Chariton[,] died seized and possessed of the following described lands situated in the County of Chariton in the State of Missouri to wit:

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140 acres in SW qr Sec[.] 21 Town 54 Range 20

116 [acres] E 1/2 & SW NW [Sec.] 21 [Town] 54 [Range] 20.

Also the following described slaves to wit:

A man named Abe aged about 24 years.

[A] woman [named] Lucy [aged about] 27 [years]

[A] Girl [named] Eliza [aged about] 5 [years]

leaving David L. Cavanah, William Cavanah, Jane Cavanah, Sarah Cavanah & Alphonso Cavanah his only heirs at law and as such tenants in common of said real estate and joint owners of said slaves--each of whom are entitled to one undivided fifth part thereof--and it further appearing to the court that from the nature and amount of said property sought to be divided and the number of owners thereof that partition thereof cannot be made without great prejudice to the owners thereof.

It is therefore ordered [,] adjudged and decreed by the court that the Sheriff of Chariton County proceed to sell said real estate and slaves at public [venue?] to the highest bidder before the court house door in the town of Keytesville on the following terms to wit: one third of the purchase money cash in hand, one third in twelve months and the remainder on a credit of two years taking from the purchaser or purchasers bond with approved security and the proceeds when collected after

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paying the cost of this suit he shall pay over both legal guardians of the parties entitled thereto, in the proportions above set forth and to make a report of his proceedings under this decree to the next term of this court until which time on motion this cause is continued."

And whereas the said party of the first part in pursuance of said decree as Sheriff as aforesaid, after having given due notice thereof as required by law, did on the 17th day of November AD 1857 at the Court house door of said County and during the sitting of the Circuit Court thereof, offer for sale to the highest bidder upon the terms as directed in said decree all the right tills and interest of which the said John C. Cavanah was seized at the time of his death in and to the following described real estate [situated?] in said County and known as 140 acres E pt SW qr Sec[.] 21, Town 54 Range 20[,] 116 [acres] E 1/2 & SW NW [Sec.] 21 [Town] 54 [Range] 20[,] and whereas also the said party of the second part

became the purchaser of said real estate for the sum of two thousand five hundred dollars he being the highest and best bidder therefor, and has fully paid the purchase money: now therefore be it known that

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I the said party of the first part as Sherif aforesaid by virtue of authority vested in me and in consideration of the payment of said purchase money doth hereby grant bargain and sell unto the said party of the second part his heirs and assigns forever all the right tills and interest which the said John C. Cavanah deceased had in and to the above described real estate at the time of his death. To have and to hold the last above described property unto the said David L. Cavanah party of the second part his heirs and assigns forever.

In testimony whereof I the said Robertson Moore late Sheriff as aforesaid have hereunto set my hand & seal the day and year aforesaid.

(seal mark)

Late Sheriff Chariton County Mo.