

ORDER OF PUBLICATION

State of Missouri
County of Lafayette

In the Circuit Court of Lafayette County, Missouri, at Lexington, December 19, 1919, in vacation September 28th, 1919.

Osborn Andrew, Plaintiff vs. The Unknown heirs of Martin Fitzpatrick, deceased, the Unknown heirs of John J. Burris, deceased, Zachariah J. Mitchell as trustee of the company for the First Addition to the town (now city) of Lexington, Missouri, and the Unknown heirs of Martin Fitzpatrick, deceased, the Unknown heirs of John J. Burris, deceased, Zachariah J. Mitchell as trustee of the company for the First Addition to the town (now city) of Lexington, Missouri, and Mary E. Smith, Defendants.

Now at this day comes the plaintiff by his attorneys and files his petition herein verified by his oath and affidavit alleging among other things that plaintiff is the owner, and is in possession of, and that he and those under whom he claims for more than thirty years next prior to the filing of the petition herein have been in the possession of, and have had and held, open, notorious, adverse, continuous, peaceable and undisputed possession of, and that none of the defendants during that time have ever made to plaintiff, or those under whom he claims any claim adverse to the claims of this plaintiff or those under whom he claims, to the following described real estate situate and being in the City of Lexington in the County of Lafayette and State of Missouri to-wit:

Lots numbered Two (2) and Three (3) in Block numbered Forty-three (43) of First Addition to the town (now city) of Lexington as the same appear upon the plat of said Addition on file and of record in the office of the Recorder of Deeds for Lafayette County, Missouri.

That plaintiff claims said real estate as the owner of the fee simple title thereto through, and by, conveyances from and mesne conveyances to, those parties and original owners herein mentioned and their grantees and that he verily believes there are persons who claim to be interested in the subject matter of this petition whose names he does not insert therein because they are unknown to plaintiff; that the claims and interests of such unknown parties and how such claims and interests are derived, so far as known to the plaintiff, are as herein alleged; that such names and the persons to whom such title or estate has been transferred, or vested by government act, deed, or other written instrument, patent and entry, are as herein alleged and such unknown persons desire to claim to derive their title or claim to, or claim to be heirs, devisees, donees, assignees, and immediate and remote and voluntary or involuntary grantees of such named persons or persons.

That defendants claim to have some title, estate or interest in said real estate, and that none of the defendants or their ancestors or those under whom they claim have been in possession of said real estate or paid taxes thereon during the last thirty years nor have they or any of them at any time brought any suit or action to recover or contest the title to the same of any part thereof.

That the title to said real estate has been vested in plaintiff and those under whom he claims title under the provisions of section 4268 of Chapter 48 of the Revised Statutes of Missouri for the year 1899, being section 4268 of Chapter 21 of the Revised Statutes of the State of Missouri for the year 1892.

That the title to said real estate emanated from the United States Government in the year 1821, that some time prior to the 4th day of June, 1840 possession of said Lot Three (3) in Block Forty-three (43) of First Addition to the town (now city) of Lexington, Missouri, was taken by one Isaac Henderson and one John S. Benson, under whom plaintiff claims title and said Isaac L. Henderson and John S. Benson, and those claiming title under them, have had the actual, open, peaceable, continuous, lawful and peaceable possession of the same ever since claiming title thereto.

That the title to said real estate in the year 1828 was vested in James H. Gram, George Houx, William Spratt, William Anderson and James Aull as trustees of the company for the (First) Addition to the town (now city) of Lexington aforesaid with full power of sale and conveyance and with power to appoint trustee or trustees and fill vacancies, said real estate having been placed into an addition commonly known as the First Addition to Lexington, Missouri.

That defendant Zachariah J. Mitchell was appointed by the surviving trustee as a trustee and acted as such in conjunction with the survivors, that all of said trustees excepting the said Zachariah J. Mitchell have died leaving said Zachariah J. Mitchell as the sole surviving trustee.

That said trustee do not appear of record to have ever conveyed said Lot Three (3) of Block Forty-three (43) of First Addition to said City of Lexington and the apparent title of record is in said trustees and in the defendant Zachariah J. Mitchell but that none of said trustees ever paid any taxes thereon for more than fifty years or at any time did they or any of them institute any action to recover said real estate. That John J. Burris had the title to said Lot Two (2) in Block Forty-three (43) of First Addition to the City of Lexington aforesaid apparently in the year 1852 and died shortly thereafter leaving surviving at his heirs at law, said John J. Burris the names of whom are unknown to this plaintiff but that neither the said John J. Burris nor his heirs at law or any of them have been in possession of said real estate or paid any taxes thereon since said last year 1852 and for more than fifty years and that none of them have at any time instituted any action to recover said real estate.

That Marquis W. Withers had some claim of title to and mortgaged, or other lien on said real estate in the year 1847 and died thereafter leaving a last will and testament probated in the Probate Court of Lafayette County Missouri wherein he bequeathed and devised all his personal and real estate to his wife Mary A. Withers absolutely in fee simple title forever; that said Mary A. Withers was living at the death of said Marquis W. Withers and received title to all said personal and real estate of said Marquis W. Withers; that said Marquis W. Withers left no children for their descendants and said Mary A. Withers became the owner in fee simple of said personal and real estate.

That said Mary A. Withers died thereafter leaving as her only child and heir at law defendant Mary E. Smith who by reason thereof became the owner of the personal and real estate owned by said Mary A. Withers at the time of her death; that said Marquis W. Withers, his heirs or devisees or legatees at law under said will nor any of them have been in possession of said real estate, being the said Lots Two (2) and Three (3) in said Block Forty-three (43) of First Addition to the City of Lexington aforesaid and paid any taxes thereon since the year 1847 and for more than sixty years nor have they or any of them at any time instituted any action to recover said real estate or said indebtedness, if any, secured by said mortgage or other lien, nor have any payments of any kind since that time been made thereon.

That Martin Fitzpatrick apparently had title to said Lot Two (2) of Block Forty-three (43) of First Addition to the City of Lexington, aforesaid in the year 1849 and died shortly thereafter leaving surviving him heirs at law the names of whom are unknown to plaintiff but neither the said Martin Fitzpatrick nor his heirs nor any of them have been in possession of said real estate or paid any taxes thereon since the year 1849 and for more than sixty years nor have they or any of them instituted any

The Other Side.

Suppose the Statewide Prohibition Amendment is defeated in November and that two years hence those who are opposed to it should, through the initiative and referendum force a vote upon statewide saloons—and suppose they should succeed in carrying such an amendment and thus compel the seventy-six counties which have voted dry to have saloons whether they want them or not? Anyone who is acquainted with the zeal of our Prohibition friends knows they would protest in stentorian tones at the mere suggestion—and yet this is exactly what they are trying to force upon the counties which believe in high license. Regardless of local sentiment or local conditions they propose through statewide prohibition to force them to come under the prohibition fold. Under the present local option law the counties which have voted dry have exercised the right of local self-government—the same right of which they now seek to deprive the wet counties which have voted wet.

Among the great principles upon which the Republic was founded the greatest and most sacred is the right of local self-government. It was the intolerance of the Mother country which drove the Pilgrims across the sea to America and in later years it caused the writing of the immortal Declaration of Independence—which in its opening phrases enumerates "certain inalienable rights—that among these are life, liberty and the pursuit of happiness—that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Like a pillar of fire that great phrase has cast its effulgent rays over the entire civilized world ever since the hand of Thomas Jefferson and Patrick Henry and John Adams lived and died. To secure it for posterity the patriots of 1776 left their crimson foot prints upon the snows at Valley Forge and clubbed their guns at Bunker Hill. Our country is facing grave social and economic problems these times. One hundred million souls are struggling for a livable world within our borders. Thus far, thank Heaven, if the special sentinel of colonial days could walk once again he could still say, "All's well on the Potomac tonight."—and God grant that this may be as true within twenty-five years from now as it is today. If, however, it is to be a true picture of the future we must cling fast to the ideals of the past—those great truths and promises which have given our country a meaning which no other nation has ever possessed—and more sacred and important than all the rest is the pledge that government shall derive its just powers from the consent of the governed! Clothe it as sentimentally as you will, the exponents of Statewide Prohibition assault this fundamental principle of popular government. By sheer force one-half of the state proposes to deprive the other half of the right of home rule. On the theory that might makes

right the wet countries are to be practically disfranchised so far as their voice in the regulation of the liquor traffic is concerned. Not only will such an abortive attempt fail so far as the observance of the law is concerned but it strikes a blow at the right of local self-government which cannot help but weaken the faith and confidence of the average citizen in his country and its institutions, should the attempt succeed.

The average community, it makes no difference where it is in this great state of ours—whether along the prairies of the Iowa border or down amid the crags of the Ozarks—is dominated by God fearing men and women—men and women who love their homes and their country and who are slowly but surely climbing ever upward to a higher and nobler manhood and womanhood—and these men and women are best able to work out the destiny of their own community. They understand it better than anyone else. They know whether this or that law can be enforced or not—and our plea is that you grant to them the same right which you demand for yourself—the right to work out their salvation in their own way. If their progress seems slow, lend them a kindly hand of help. Instead of beating them into your way of thinking by sheer might, show them the error of their way by argument and kindly persuasion—for human nature ever has and ever will resent force.

The 76 dry counties in Missouri would almost precipitate an insurrection if the wet counties and the large cities should insist upon voting saloons into their midst—and yet they see nothing inconsistent in their attempt to force Prohibition into the wet counties whether they want it or not. What we need in this matter is a little more true Americanism and a little less intolerance and tyranny—a little more of the Golden Rule which bids "do unto others as we would be done by."

"What is law?" was asked of a great jurist who has left an indelible impress upon the legal history of the United States. "It is public sentiment crystallized" was his brief reply—and not since the days of the immortal Blackstone has a sounder definition been given. Without public sentiment back of it no law is worth the paper it is written upon. Why is the prohibitory law a failure in Maine?—because public sentiment in the larger centers of population is no behind it. Why is Oklahoma, which adopted Statewide Prohibition when it was admitted into the Union four years ago, in the grip of the dive keeper and the boot-legger today?—because public sentiment in the larger towns does not demand its enforcement. So intolerable is the present situation in the new state that the question has been re-submitted to the people and will be voted upon at the coming November election. That the people will throw off the impossible yoke of Statewide Prohibition in favor of local self-government on the liquor question is well nigh a foregone conclusion.

Why would Statewide Prohibition be a farce in St. Louis, Kansas City, St. Joseph, Springfield, Joplin, Sedalia, Hannibal and other large Missouri towns?—simply because local sentiment favors the licensed saloon and without local sentiment to back it up, the enforcement of prohibition would be a mockery, followed by the dive keeper, the blind tiger and the boot-legger. That such a condition would be a thousand fold worse than the decent saloon which can be held accountable to the strict letter of the law goes without saying.

There is an old saying that you can lead a horse to water but you can't make him drink—and so will of his pety as expressed by you can arbitrarily deprive the majority—for all great political parties are held together by self-government and say that if the cohesive force of majority shall not do this or that but rule. Otherwise the writing of party platforms would be an idle thing done your desire will be futile and powerless. You can't make water run up hill.

Maine, the state which has had statewide prohibition longer than any other commonwealth in the Union overturned a republican majority the other day for the mission of the Statewide Prohibition Amendment. By means of the local option system the majority promised the people to re-submit the prohibition question. On this pledge they were victorious and that Maine will throw off the yoke of statewide prohibition in favor of local option is a foregone conclusion. Should not Missouri profit by the experience of Maine?

Nine out of the ten men who are opposing the Statewide Prohibition Amendment are not doing so because they are champions of the saloon as an institution. They are fighting against the attempt to force an impossible condition upon the state—against If a fine, well-behaved community like Columbia desires to drive out the saloon it is its privilege to do so—but it should not deny this same right of local self-government to St. Genevieve which has had its quaint little German saloon since long before the Civil War and which has perhaps sent fewer convicts to Jefferson City than any other county seat town in Missouri.

Here's a little point for the farmer to think about: Last year, the Brewers and Distillers of this state paid the Missouri farmer approximately \$25,000,000 for corn. Pass the Statewide Prohibition Amendment and this great market is destroyed—and with its destruction will follow lower prices for corn. A sordid argument you say? Well, be that as it may, there is nothing like going into a thing with your eyes open. At least be fair enough with yourself to find out what Statewide Prohibition means—what it will cost. Then if you want to vote for it, well and good.

The man who fights for statewide prohibition bolts the Democratic and Republican State platforms recently adopted at Jefferson City. Both of them declare unequivocally for the present local option system—which is equivalent to a declaration against statewide prohibition. Party platforms may not be sacred but just the same the average democrat or republican will hesitate before he opposes the

Mr. and Mrs. Ed Davis went to Kansas City Tuesday for a few days' visit. Ernest Russell went to Kansas City Tuesday for a short stay. Mrs. Jas. Horn went to Kansas City Tuesday for a few days' visit. Mrs. Frank Carter and son, Robert, went to Kansas City Tuesday morning for a few days' visit. Ike Noyes went to Sedalia Tuesday to attend a meeting of the Missouri Abstractor's Association.

Misses Frances McFadin and Elizabeth Morrison went to Kansas City this morning for a few days' visit.

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State of Missouri
County of Lafayette

In the Circuit Court of Lafayette County, Missouri, at Lexington, December 19, 1919, in vacation October 5th, 1919.

H. H. Deuchler, J. M. Deuchler and Robert A. Deuchler, Plaintiffs vs. Emma Meyerholz, Bettie Daegs, Sophia Meyer, William Walter, Arthur Walter and Henry Walter, Defendants.

That the north west quarter of the north west quarter of section two (2) in township forty-eight (48) of range twenty-four (24) also ten (10) acres being the east half of the west half of the south east quarter of the southwest quarter of section ten in township forty-eight (48) of range twenty-four (24), and to partition the said real estate or divide the proceeds of the sale thereof among the respective parties as determined, declared, decreed and adjudged by the court; and that unless said defendants Arthur Walter and Henry Walter be and appear at this Court, at the next term thereof, to be begun and holden at the Court House in the City of Lexington, in said County, on the 5th day of December, 1919 next, and on or before the said 1st day of said term and answer or plead to the Petition in said cause, the same will be taken as confessed and judgment will be rendered accordingly.

And it is further ordered, that a copy hereof be published, according to law in THE LEXINGTON INTELLIGENCER, a newspaper published in said county of Lafayette for four weeks successively, published at least once a week, the last insertion to be at least fifteen days before the first day of said next December Term of this Court.

ADMINISTRATOR'S NOTICE

Notice is hereby given, that letters of Administration on the Estate of Charles D. Phelps deceased, were granted to the undersigned on the 24th day of September, 1919, by the Probate Court of Lafayette County, Missouri.

All persons having claims against said Estate are required to exhibit them for allowance to the Administrator within one year after the date of said letters, or they may be precluded from any benefit of said estate; and if such claims be not exhibited within two years from the date of this publication, they shall be forever barred.

This 24th day of September, 1919. DAVID S. PHILLIPS, Administrator.

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FINAL SETTLEMENT.

Notice is hereby given to all creditors and other persons interested in the estate of John Powell deceased, that the undersigned Administrator will apply to make a final settlement of said estate, at the November term, 1919, of the Probate Court of Lafayette County, Missouri, to be begun and held at the Probate Court room, in the city of Lexington, on the second Monday in November, 1919.

CHARLES POWELL, Administrator.

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Now at this day comes the plaintiff by his attorneys and files his petition herein verified by his oath and affidavit alleging among other things that plaintiff is the owner, and is in possession of, and that he and those under whom he claims for more than thirty years next prior to the filing of the petition herein have been in the possession of, and have had and held, open, notorious, adverse, continuous, peaceable and undisputed possession of, and that none of the defendants during that time have ever made to plaintiff, or those under whom he claims any claim adverse to the claims of this plaintiff or those under whom he claims, to the following described real estate situate and being in the City of Lexington in the County of Lafayette and State of Missouri to-wit:

Lots numbered Two (2) and Three (3) in Block numbered Forty-three (43) of First Addition to the town (now city) of Lexington as the same appear upon the plat of said Addition on file and of record in the office of the Recorder of Deeds for Lafayette County, Missouri.

That plaintiff claims said real estate as the owner of the fee simple title thereto through, and by, conveyances from and mesne conveyances to, those parties and original owners herein mentioned and their grantees and that he verily believes there are persons who claim to be interested in the subject matter of this petition whose names he does not insert therein because they are unknown to plaintiff; that the claims and interests of such unknown parties and how such claims and interests are derived, so far as known to the plaintiff, are as herein alleged; that such names and the persons to whom such title or estate has been transferred, or vested by government act, deed, or other written instrument, patent and entry, are as herein alleged and such unknown persons desire to claim to derive their title or claim to, or claim to be heirs, devisees, donees, assignees, and immediate and remote and voluntary or involuntary grantees of such named persons or persons.

That defendants claim to have some title, estate or interest in said real estate, and that none of the defendants or their ancestors or those under whom they claim have been in possession of said real estate or paid taxes thereon during the last thirty years nor have they or any of them at any time brought any suit or action to recover or contest the title to the same of any part thereof.

That the title to said real estate has been vested in plaintiff and those under whom he claims title under the provisions of section 4268 of Chapter 48 of the Revised Statutes of Missouri for the year 1899, being section 4268 of Chapter 21 of the Revised Statutes of the State of Missouri for the year 1892.

That the title to said real estate emanated from the United States Government in the year 1821, that some time prior to the 4th day of June, 1840 possession of said Lot Three (3) in Block Forty-three (43) of First Addition to the town (now city) of Lexington, Missouri, was taken by one Isaac Henderson and one John S. Benson, under whom plaintiff claims title and said Isaac L. Henderson and John S. Benson, and those claiming title under them, have had the actual, open, peaceable, continuous, lawful and peaceable possession of the same ever since claiming title thereto.

That the title to said real estate in the year 1828 was vested in James H. Gram, George Houx, William Spratt, William Anderson and James Aull as trustees of the company for the (First) Addition to the town (now city) of Lexington aforesaid with full power of sale and conveyance and with power to appoint trustee or trustees and fill vacancies, said real estate having been placed into an addition commonly known as the First Addition to Lexington, Missouri.

That defendant Zachariah J. Mitchell was appointed by the surviving trustee as a trustee and acted as such in conjunction with the survivors, that all of said trustees excepting the said Zachariah J. Mitchell have died leaving said Zachariah J. Mitchell as the sole surviving trustee.

That said trustee do not appear of record to have ever conveyed said Lot Three (3) of Block Forty-three (43) of First Addition to said City of Lexington and the apparent title of record is in said trustees and in the defendant Zachariah J. Mitchell but that none of said trustees ever paid any taxes thereon for more than fifty years or at any time did they or any of them institute any action to recover said real estate. That John J. Burris had the title to said Lot Two (2) in Block Forty-three (43) of First Addition to the City of Lexington aforesaid apparently in the year 1852 and died shortly thereafter leaving surviving at his heirs at law, said John J. Burris the names of whom are unknown to this plaintiff but that neither the said John J. Burris nor his heirs at law or any of them have been in possession of said real estate or paid any taxes thereon since said last year 1852 and for more than fifty years and that none of them have at any time instituted any action to recover said real estate.

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That said Mary A. Withers died thereafter leaving as her only child and heir at law defendant Mary E. Smith who by reason thereof became the owner of the personal and real estate owned by said Mary A. Withers at the time of her death; that said Marquis W. Withers, his heirs or devisees or legatees at law under said will nor any of them have been in possession of said real estate, being the said Lots Two (2) and Three (3) in said Block Forty-three (43) of First Addition to the City of Lexington aforesaid and paid any taxes thereon since the year 1847 and for more than sixty years nor have they or any of them at any time instituted any action to recover said real estate or said indebtedness, if any, secured by said mortgage or other lien, nor have any payments of any kind since that time been made thereon.

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Gelzer SELLS FEED Telephone 14 J. L. PEAK SURGEON DENTIST LEXINGTON, MISSOURI. Dr. J. E. Tucker Practice Limited to Eye, Ear, Nose, and Throat McGrew Building. Office Hours from 8:30 a. m. to 4 p. m.

Dr. PRICE'S CREAM BAKING POWDER Made from Grapes Approved by physicians and food officials, both State and National. Awarded highest honors by the great World's Expositions, and proved of superior strength and purity by the official tests. No Alum No Lime Phosphate