

Sofferson County Circuit Court
Case Files - Civil

Box 25 Folder 44

March 1870

Fletcher, Thomas C.
Fletcher, Clara M.
Williams, Mary S.
Williams, Charles M.
et al

VS

Honey, Elias F.
Honey, Eliza E

Partition

240 acres in S3T40R5E, S34T41R5E;
other plaintiffs John Reed, Cassandra
C Reed, Charles A. Pilley, Ellen C. Pilley

Thomas C Fletcher & M Clara his wife.
Mary S Williams, Charles M Williams
John Reed and Cassandra C, his wife.
Charles A Pilley and Ellen C his wife Plaintiffs
against
Elias J Honey and Eliza C Honey Defendants
In the Circuit Court of Jefferson
County State of Missouri

Plaintiffs state that they are owners and
tenants in common with the defendants of
the following described lands and premises situ-
ate in the County of Jefferson State of Missouri
to wit. the North West quarter of section no three
in Township no forty of Range no 5 East con-
taining 160 acres. Also the East half of the
South West quarter of section no 34 in Township
no 41 of Range no 5 East containing 80 acres

The plaintiffs Thomas C Fletcher & wife are
the owners in fee simple of forty five seventy eighths
subject to the dower interest of one third for life
of Ellen C Pilley as widow of John H Honey Jr
decd in and to fifteen seventy eighths ~~there~~ whole
of said land. Mary S Williams as mother of Augus-
tus C Honey decd is entitled to two seventy
eighths in fee simple. Charles M Williams
is entitled as brother of the half blood of said
Augustus C deceased to one seventy eighth
and Cassandra C wife of John Reed is entitled

as sister of the half blood of said Augustus to
dec^d to one seventy eighth thereof in fee simple
The defendant Elias F Honey is entitled
in fee simple to fourteen seventy eighth
and Eliza C Honey is entitled to fifteen seventy
eighths in fee simple.

Plaintiffs pray for a partition and division
of said land among the parties according to their
respective shares and interests therein as before
stated and for a sale thereof if it shall appear
that partition in kind cannot be made without
great prejudice to the said owners and a division
of the proceeds thereof among all the parties accor-
-ding to their respective rights and interests.

Thos B Fletcher
for himself and for other P^{ts}ffs.

Thos B Fletcher being by me duly sworn,
upon his oath says that the foregoing petition
and the matters therein as stated he believes
to be true.

Thos B Fletcher
Signed & sworn to before me

Oct 16th 1869. In witness whereof I hereto set
my hand and affix my notarial
seal at St Louis Mo

Charles M Walker
Notary Public St Louis Mo



To the foregoing named defendants
Elias F. Heaney and Eliza C. Heaney

You are hereby notified that the foregoing petition for partition of the lands and premises therein described will be presented to the Circuit Court within and for the County of Jefferson Missouri at a term thereof at Hillsboro on the fifteenth day of November next or as soon thereafter as a hearing can be had. When and where you may attend if you see proper.

Thos C. Fletcher
for himself and attorney
for the other named Plaintiffs

139

Thos C Fletcher
& others.
against
Elias F Honey
et als.

Petition for Partition

Filed Nov 17th 1869
Elias F Honey et al

fee 50 & paid

Exhausted the point in ^{the} Harris Amity on the 29 day of October 1869
by delivering a copy of the ^{petition & notice} ~~same~~ as furnished to Elias G. Hovey.
per 30 of funds
2400

I Elias G. Hovey one of the within named
respondant advise the necessity of a notice by
an officer of the within petition and
notice.
This 2nd day of Nov. 1869 E. G. Hovey

Thomas & Fletcher & others
against
Elias F Honey et al
In the Circuit Court
Jefferson County
Petition for Partition

Now comes the said
defendant Elias F Honey &
enters his appearance in this
cause.

Elias F Honey

Hetcher et al
vs
Elias's Honey et al

Pet for Partition
Appearance of
E H Honey

Filed Nov 17 1869
Elias. P. Honey
Clerk

State of Missouri,
County of Jefferson, ss.

In the Jefferson
Circuit Court, March Term, 1870,
March 23rd 1870, among other proceed-
ings in said court of that day the
following appears of Record, to wit:

Thomas C. Fletcher & W. Clara
his wife, Mary S. Williams, Charles
M. Williams, John Reed &
Cassandra C. his wife, Charles A.
Pillee and Ellen C. his wife, Plaintiffs.

Against

Elias F. Honey and Eliza C. Honey, Defs.

Order
of
Sale

Now at this

day come the parties aforesaid by their respec-
tive attorneys (and) this cause coming on to be
heard upon the petition of plaintiffs (and)
the answer of Defendants, the Court doth
find that said Plaintiffs (and) Defendants,
are owners (and) tenants in common of the
Real Estate, situate, lying (and) being in
Jefferson County (and) State of Missouri,
to wit: The North west quarter of
Section numbered three in Township
No. Four of Range No. 8 East, contain-
ing 160 acres; Also the East half

of the South West cor. of Section No. 34 in Township No. 41 of Range No. 5 East, containing Eight acres, ^{and} the Court proceeding to adjust ^{and} settle the rights ^{and} interest of the parties to said Real Estate doth declare the same to be as follows, to wit: That said Thomas G. Fletcher & wife are entitled ~~in~~ fee simple to forty five Seventy eighths of said land, subject to the dower of one third of Ellen Riley for life as widow of John W. Honey, Jr. dec'd in ^{and} to fifteen Seventy Eighths of the whole land, Mary J. Williams as Mother of Augustus G. Honey deceased, is entitled to two seventy Eighths in fee simple, Charles M. Williams is entitled ~~to~~ Brother ^{and} half blood of the said Augustus G. Deceased, is entitled to one Seventy Eighth part of said land, ^{and} Cassandra G. wife of John Reed, as sister of the half blood of said Augustus G. Deceased, to the one Seventy Eighth thereof, in fee simple. That Elias F. Honey Defendant is entitled to fourteen seventy Eighths, ^{and} Eliza C. Honey is entitled to fifteen seventy Eighths in fee simple ^{and} it appearing to the satisfaction of the Court here that

partition ^{and} division of said Real Estate
in kind cannot be made. It is therefore
ordered by the Court that the Sheriff of
Jefferson County proceed to advertise ^{and}
sell said Real Estate to the highest
bidder, for twenty ^{or} of the purchase
money in cash at the time of the sale
^{and} the residue in twelve months the
purchaser giving bond with approved
security said sale to take place
some time during the sitting of
the Circuit Court of said County
^{and} be governed by the same rules
^{and} regulations as for the sale of Real
Estate under execution & bring the
proceeds into Court to abide the further
order of the Court herein.

A True Copy of the Record.
Aug. 4th 1870. C. F. Honey Clerk.
By L. H. Alford D. C.

Order of Sale
leafy
L

J.C. Fletcher et al

^{vs}
E. J. Honey et al

for 137

advertised

STATE OF MISSOURI, County of Jefferson.

Be It Remembered, That on this 5th day of *April* 1871, before the undersigned Clerk of the County Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for *four* weeks, the first insertion being on the *11th* day of *February*, 1871, and the last insertion on the *3d* day of *March* 1871, as follows, to-wit:

Sheriff's Sale in Partition.

In the Circuit Court of Jefferson County, Mo.

THOS. O. ELENHER and M. Clara, the wife, Mary S. Williams, Chas. W. Williams, John Reed, and Casemora his wife, Chas. A. Pilley and Ellen O. his wife, plaintiffs, vs. Elias F. Money, and Eliza E. Haney, defendants.

By virtue and authority of a renewed order made by the Circuit Court of the county of Jefferson, State of Missouri, at its September term, A. D. 1871, I will on the 22d day of March next, 1871, 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: One north west quarter of section number three, in township number forty, of range five east, containing one hundred and sixty acres; also the east half of the south west quarter of section one, of range five east, containing eighty acres, situated in the county of Jefferson, State of Missouri, for the purpose of making partition between said parties, for which the purchaser will be required to pay twenty per cent. at the time of purchase 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 ten per cent. per annum from date, till the day of February, 1871.

JOHN WILLIAMS, Sheriff.

In No. 6,	<i>Feb</i>	11,	1871.
In No. 7,	"	18,	1871.
In No. 8,	"	25,	1871.
In No. 9,	<i>March</i>	3,	1871.
In No. ,		,	1871.

me this 5th day of *April* 1871.

10.00. Received Payment.

25

\$10.25

STATE OF MISSOURI, County of Jefferson.

Be It Remembered, That on this 5th day of April 1871, before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came Frank N. Stone, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for four weeks, the first insertion being on the 11th day of February 1871, and the last insertion on the 3d day of March

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In No. 6,	Feb	11,	1871.
In No. 7,	"	18,	1871.
In No. 8,	"	25,	1871.
In No. 9,	March	3,	1871.
In No. ,		, 1871.	

Frank N. Stone

Sworn to and subscribed before me this 5th day of April 1871.

W. R. Amnell

Printer's Fee, 10.00. Received Payment.

25

off

\$10.25

Thos C. Fletcher & Melara
his wife - Mary S. Williams -
Chas W Williams vs Reed & wife
& Chas A. Riley & wife
against
Elias J. Hooney and
Ediza E. Hooney

In the Jefferson County Circuit Court.

March Term 1871

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

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 Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on *Wednesday*, the *Twenty second* day of *March*, A. D. 1871, 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 *March* term thereof, for the year Eighteen Hundred and *Seventy One*, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: *The north west quarter of section number three in township number forty, of range five east, containing one hundred and sixty acres; also the east half of the South west quarter of section number thirty four, in township number forty one, of range five east containing eighty acres. - And at said sale Thos C. Fletcher was then and there the highest and last bidder for the above described real estate at the price and sum of Seven hundred and twenty Dollars and the same was stricken off and sold to him at and for said sum -*
of which sum he has to me in hand paid twenty per cent and has given bond with approved security for the balance as required by terms of sale. And this report is respectfully submitted

John Williams Sheriff.
March 22 " 1871

State of Missouri } In the Jefferson Circuit Court
County of Jefferson } September Term A D 1870,
September 24th 1870,

Be it Remembered that in said Circuit Court on the day
aforesaid among other proceedings therein had the following
order & decree appears of record To wit;

Thomas L. Hetcher & M. Clara his wife
Mary S. Williams, Charles M. Williams
John Reed, Cassandra Reed his wife,
Charles A. Pilley & Ellen L. his wife
Plaintiffs
vs
Elias F. Honey and Eliza F. Honey Defts

In Partition

Renewed Order
of
Sale,

Now at this day comes
the parties aforesaid by their respective attorneys, and it
appearing to the satisfaction of the court that the order of
sale herein made at the March Term A D 1870 of this court
has not been complied with, and on motion of Plaintiffs by
attorney and there being no objections, It is thereupon or-
dered by the court that a renewed order of sale herein
be made directing the Sheriff of Jefferson County to again
advertise and proceed to sell the lands described in
Plaintiffs petition to wit: The North West Quarter of
Section Numbered three in Township No Forty of Range
No 5. East containing 160 acres, Also the East half
of the South West quarter of Section No 34 Township No 41
of Range No 5 East containing eighty acres in Jefferson
County Missouri, And the Court proceeding to adjust

and settle the rights and interests of said parties in and to said Real Estate doth declare the same as follows viz: That said Thomas C Hatcher wife are entitled in fee simple to forty five seventy eighths of said land, subject to the dower of one third of Ellen Pilley for life as widow of John W Honey Jr Dec^d in and to fifteen seventy eighths of the whole land, Mary J Williams as mother of Augustus C Honey deceased is entitled to two seventy eighths in fee simple, Charles M Williams is entitled as brother and half blood of the said Augustus C deceased is entitled to one seventy eighth part of said land, and Leasandra C wife of John Reed, as sister of the half blood of said Augustus C deceased to one seventy eighth thereof in fee simple. That Elias C Honey Defendant is entitled to Fourteen seventy eighths and Eliza C Honey is entitled to fifteen seventy eighths in fee simple, and it appearing to the satisfaction of the Court that partition and Division of said Real Estate in kind cannot be made between said parties without great prejudice to their interests thereof It is thereupon ordered adjudged and decreed by the Court that partition and division of said Real Estate be made between said parties according to their respective rights and interests herein set out and declared by the Court, And that the Sheriff of Jefferson County again advertise and proceed to sell said Real Estate as aforesaid, at public auction to the highest bidder for twenty per cent of the purchase money in cash and the balance in Twelve months and for the

deferred payment take a bond or note from the purchaser or purchasers thereof with approved security bearing interest at ten per cent per annum, and that said sale take place on some day during the sitting of the Circuit Court for said Jefferson County and be governed by the same regulations as prescribed by law for sales of Real Estate under execution, Notice thereof being given in the same manner as provided by law for such sales and report his proceedings herein to the next term of this Court

A True Copy from the record,
Witness my hand and the seal of said Circuit
Court hereto affixed at office in Hillsboro
this 14th day of December A.D. 1870

W S Boyce Clerk
By Chas Horne Depy

29422

Mr. H. H. Hester et al,
vs } Partisan
C. B. Hester et al
"

Wm. Hester et al vs C. B. Hester et al
March Term 1871

Mr. H. H. Hester et al
vs } Partisan
C. B. Hester et al

Renewed order of sale,

W. H. Hester et al vs C. B. Hester et al 1871

Thos C Fletcher et al
vs.

E E Honey et al.
In Partition.

Land sold by John Williams
Sheriff.

Am't of sale	\$ 720.00
Total costs.	121 10
For distribution	<u>\$ 598.90</u>

Order of distribution as follows.

Fletcher & wife	$\frac{59}{78}$	\$ 431.70
M S Williams	$\frac{2}{75}$	15 98.
C M Williams	$\frac{1}{78}$	7.67 $\frac{1}{2}$
Jno Reed & wife	$\frac{1}{78}$	7 67 $\frac{1}{2}$
E E Honey	$\frac{15}{78}$	115.17
Ellen Pilley donee of $\frac{1}{3}$ for life in $\frac{15}{78}$ of Fletcher's interest.		20 70
		<u>\$ 598.90</u>

Entry to be made of record

Thos C Fletcher et al

vs

E E Honey et al,

And now the court proceeding to assess the value of the dower of Ellen C Pilley in the lands and premises sold in partition in this cause doth find the ^{present} value thereof to be twenty dollars and seventy cents and it is ordered that John Williams former Sheriff distribute the proceeds of said sale of the lands by him sold in this proceeding as follows,

To Thomas C Fletcher & wife	\$431.70
" Mary S Williams	15.98
" Chas M Williams	7.67 1/2
" John Reed & wife	7.67 1/2
" Eliza E Honey	115.17
" Ellen C Pilley wife of Ca Pilley	20.70

2942

Thos C Fletcher
et al

vs

E F Honey
et al

Filed May 12th 1875
L Thos Horine
Clerk

720.00
2
14.40.00

Thos B Fletcher et al } In Partition
vs
E A Honey et al.

E A Honey files ¹⁰ (appr ¹⁰ default ³⁵) 60
Search and ²⁰ Sub ³⁵ Decees ³⁰ ord Sale ³⁵ 1,40
Copy ord Sale ^{1.50} Decs ¹⁰ 1.60 // 3,60

W. J. Boyce Renewed ord Sale ³⁵ (Decees ⁵⁰ ord ³⁵) 1,20
Copy ^{1.50} Decs ³⁵ ord all on atty fee / Report sale ³⁵ (ord ²⁰) 2,40
Decs ^{1.50} ord ¹⁰ missing fees Decs ⁷⁵ 1,00
Cut and shff ⁵⁰ 50 5,10

Thos B Fletcher et al Shff, Exp ord Sale 1,00

John McNeil Shff sent notice 50

John Williams Sheriff

Executing order sale

// 1,00

Commission on \$720.00 @ 2%

14,40

15,40

H N Stone Printer

10,25

Thos B Fletcher atty fee

Total

75.00
110.85
10.25
121.10

Stones fee for Printing under
Fletcher not known, —
Should be in this.

Thos C Fletcher

In agreement with John Williams Esq
To amt bid for land sold in partition
in proceedings of Fletcher & wife
& others vs Honey et al. \$ 720.00

Credit.

By amt paid at sale cash 20%.	144.00
" " 1/2 atty fee allowed.	37.50
" " Rect given for Fletcher & wife interest	431.70
" " " " " M S Williams "	15.98
" " " " " C M Williams "	7.67 1/2
" " " " " Reed & wife	7.67 1/2
" " " " " E E Honey	115.17

Balance due Thos C Fletcher

\$ 759.70
\$ 39.70

~~Read payment of said balance~~
of \$39.70 to C Thos Horine

and this shall be your rect

for same

Thos C Fletcher

Money he recd \$144.00

He p costs.

83.60 including his comd.

60.40 Bal money in his hands

37.50 includes in above being 1/2 atty fee

22.90
20.70 due Mrs Pilley

\$ 2.20 bal
37.50 1/2 atty fee
20.70