

Jefferson County Circuit Court
Case Files - Civil

March 1872, No. 16

Enright, William

vs

Enright, Mary
Enright, George

Partition

Heirs of Daniel Enright; 80
acres in S6 T43 R5 E

Box

29

Folder

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In the Circuit Court of Jefferson
County, Missouri. To the
March Term 1872.

William Enright Plaintiff

against

Mary Enright and
George Enright 3 Defendants.

The plaintiff states that
Daniel Enright late of said County did
many years ago seized and possessed
of the following described tract of
land to wit the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of
section 6. Township 43 Range 5 East
containing forty acres, together with a
large amount of personal property
such as horses, cattle, large farming
implements, and many other things,
belonging to a farm, ~~and also~~
~~household furniture.~~

Plaintiff further states that at the
time of the death of said Daniel
Enright he was the equitable owner
of the following described tract of
land, to wit, the S.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$
of same section Township and Range
having contracted for and purchased
the same of One ^{George} ~~Anthony~~ Mackey,
but had not paid for, nor received
a deed to, the said tract of land
at the time of his death as aforesaid,
that the said Mary Enright after
the death of said Daniel took
of the money and property of

The said Daniel, which were left at the time of his decease, or which arose from the increase of said property after his death, and applied thereof the sum of forty nine dollars in payment of the purchase money for said last mentioned tract of land, to said Mackey, and took from him a deed therefor in the name of the said Mary Enright.

Plaintiff further states that after the death of said Daniel Enright, his father, he remained with his mother the said Mary some nine or ten years after he became twenty one years of age, on the said tract of land, which was the home of said Daniel, and did a large amount of work on said lands in clearing, building up, and improving the same, that is to say he cleared some ~~fifteen~~ or sixteen acres of land and fenced the same, built a log dwelling house, stable, corn crib, smoke house, planted out a young apple & peach orchard, with other fruit trees, all of which was & is of the worth of from six (600) hundred to one (1000) ~~thousand~~ dollars.

Plaintiff further states that at the time of the death of said Daniel he left a widow the said Mary, and three children this plaintiff and his two

brother, George Knight, Co-defendant who
is a resident of California, and
John who has since died having
no children.

Plaintiff avers that he is the equitable owner of one third of the said forty acres so bought of said Mackey by said Daniel and paid for by said Mary as aforesaid, and that he is justly entitled to the value of such work and labor as he has put upon said premises in the partition and division of the same between the parties to this suit.

Plaintiff therefore avers that the said parties herein are each the owners of and entitled to one third of the said two tracts as above set forth, subject to the improvements as aforesaid - and in consideration of the premises prays the Court to declare the said Mary Enright a trustee to the use of this plaintiff as to one third of ^{to divest her of the same & to vest it in this plaintiff} the said last mentioned tract, and to ascertain the value of said improvements so made by the plaintiff and for a division and partition of said two tracts of land according to the respective rights of the parties herein, and if a division in kind cannot be had without great prejudice that the same may be sold.

Plaintiff further states that there has never been any administration on the estate of said Daniel Enright -

P. P. Kirtin Affdly

No 16
Jefferson Circuit
Court
March Term 1872

William Enright vs

vs

Mary Enright
George Enright

Petition in partition
the clerk will issue
as to Mary Enright &
Publish as to George
non resident Ppkin
att.

Dated Decr 18. 1871

W. S. Boyce clerk

Philip Ppkin attorney for the above named plaintiff
makes oath and says that the foregoing petition
and the matters therein stated
he believes to be true, and he further
states that he is informed and believes that
the said George Enright a defendant is
a non resident of the state of Missouri
Subscribed and sworn to
before me this 18th day of
Decr 1871

Philip Ppkin

W. S. Boyce clerk

In the Circuit Court of Jefferson
County, Missouri.

To the March Term 1872,

William Enright Plaintiff
against
Mary Enright and George
Enright Defendants.

The Plaintiff states
that Daniel Enright late of said County, died
many years ago seized and possessed of the following
described tract of land to wit the NE¹/₄ of the
SW¹/₄ of Section 6 Township 43 Range 5 East con-
taining forty acres, together with a large amount of
personal property such as horses cattle, hogs farming
implements and many other things belonging to a farm
Plaintiff further states that at the time of the death
of said Daniel Enright he was the equitable owner
of the following described tract of land to wit, the
SE¹/₄ of the SW¹/₄ of same section Township and range
having contracted for and purchased the same of
one George Mackey but had not paid for, nor
received a deed to the said tract of land at the
time of his death as aforesaid; That the said
Mary Enright after the death of said Daniel took
of the money and property of the said Daniel, which
were left at the time of his decease, or which
arose from the increase of said property after
his death, and applied thereof the sum of forty
nine dollars in payment of the purchase money
for said last mentioned tract of land to said Mackey

and took from him a deed therefor in the name of the said Mary Enright.

Plaintiff further states that after the death of said Daniel Enright his father, he remained with his mother the said Mary some nine or ten years after he became twenty one years, on the said tracts of land, which was the home of said Daniel, and did a large amount of work on said lands in clearing, building upon, and improving the same, that is to say he cleared some fifteen or sixteen acres of land and fenced the same, built a log dwelling house, stable, corn crib, smoke house, planted out a young apple & peach orchard with other fruit trees, all of which was & is of the worth of from six (600) hundred to one (1000) thousand dollars.

Plaintiff further states that at the time of the death of said Daniel he left a widow the said Mary, and three children the plaintiff and his two brothers, George Enright, Co-defendant who is a resident of California, and John who has since died leaving no children.

Plaintiff avers that he is the equitable owner of one third of the said forty acres so bought of said Mackey by said Daniel and paid for by said Mary as aforesaid, and that he is justly entitled to the value of such work and labor as he has put upon said premises in the partition and division of the same between the parties to this suit.

Plaintiff therefore avers that the said parties herein are each the owners of and entitled to one third of the said two tracts as of above set forth, subject to the improvements as aforesaid - And in consideration of the premises prays the court to declare the said Mary Enright a trustee to the use of this plaintiff as to one third of the said last mentioned tract to direct her of the same & to vest it in this plaintiff and to ascertain the value of said improvements as made by the plaintiff and for a division and partition of said two tracts of land according to the respective rights of the parties herein, and if a division in kind cannot be made without great prejudice that the same may be sold. Plaintiff further states that there has never been any administration on the estate of said Daniel Enright.

Philip Pipkin Off Atty

Philip Pipkin attorney for the above named plaintiff makes oath and says that the foregoing petition and the matters therein as stated he believes to be true and he further states that he is informed and believes that the said George Enright co-defendant is a non-resident of the State of Illinois.

Subscribed and Sworn to before

me this 18th day of Decr. 1871.

W.S. Boyce Clerk

Philip Pipkin

A true copy of the original petition now on file

in my office.

Witness W.S. Boyce clerk of said circuit
court with the seal thereof hereunto
affixed at office this December
1878) 1.

W.S. Boyce clerk,
By C. H. Horne Deputy,

In the Circuit Court of Jefferson
County Missouri.

To the March Term 1872.

William Enright Plaintiff

against
Mary Enright and George
Enright - Defendants.

The plaintiff states that Daniel Enright late of said County died many years ago seized and possessed of the following described tract of land to-wit: The N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 6, Township 43, Range 8 East containing forty acres, together with a large amount of personal property, such as horses, cattle, hogs, farming implements, and many other things belonging to a farm. Plaintiff further states that at the time of the death of said Daniel Enright he was the equitable owner of the following described tract of land, to-wit: The S.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of same section Township and range having contracted for and purchased the same of one George Mackey but had not paid for, nor received a deed for the said tract of land at the time of his death as aforesaid, that the said Mary Enright after the death of said Daniel took of the money and property of the said Daniel, which were left at the time of his decease, or which arose from the increase of said property after his death, and applied thereof the sum of forty nine dollars in payment of the purchase money for said last mentioned tract of land to said Mackey, and took from him a deed therefor in the name of the said Mary Enright.

Plaintiff further states that after the death

of said Daniel Enright his father, he remained with his mother the said Mary some Nine or Ten years after he became twenty one years, on the said tracts of land which was the home of said Daniel and did a large amount of work on said lands in clearing, building upon and improving the same, that is to say he cleared some fifteen or sixteen acres of land and fenced the same, built a log dwelling house, stable, corn crib, smoke house, planted out a ~~young orchard~~ young apple and peach orchard, with other fruit trees, all of which was & is of the worth of from six (600) hundred to one (1000) thousand dollars. Plaintiff further states that at the time of the death of said Daniel he left a widow the said Mary and three children this Plaintiff and his two brothers George Enright, Co-defendant who is a resident of California and John who has since died leaving no children.

Plaintiff avers that he is the equitable owner of one third of the said forty acres so bought of said Mackey by said Daniel and paid for by said Mary as aforesaid and that he is justly entitled to the value of such work and labor as he has put upon said premises in the partition and division of the same between the parties to this suit.

Plaintiff therefore avers that the said parties herein are each the owners of and entitled to one third of the said two tracts as above set forth subject to the improvements as aforesaid - And in consideration of the premises prays the Court to declare the said Mary Enright a trustee to the use and of this Plaintiff as to one third of the said last mentioned tract to divest

her of the same & to vest it in this plaintiff, and to ascertain the value of said improvements so made by the plaintiff and for a division and partition of said two tracts of land according to the respective rights of the parties herein, and if a division in kind cannot be had without great prejudice that the same may be sold,

Plaintiff further states that there has never been any administration on the estate of said Daniel Enright

I Pipkin Jff Atty.

Philip Pipkin attorney for the above named plaintiff makes oath and says that the foregoing petition and the matters therein as stated he believes to be true, and he further states that he is informed and believes that the said George Enright co-defendant is a non-resident of the state of Missouri

Subscribed and sworn to
before me this 18th day of
Decr 1871

Philip Pipkin

W. S. Boyce clerk

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

Witness W. S. Boyce clerk of said circuit court with the seal thereof hereunto affixed at office this December 18th 1871

W. S. Boyce clerk,
By O. H. Keane depy

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

Mary Enright

if she be found in your County, that she be and appear before the Honorable 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 *Third* ~~Monday after the fourth~~ Monday of *March* next, then and there to answer unto

William Enright

upon

his

original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, **W. S. BOYCE**, Clerk of our said

(LS)

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *18th* day of *December* A. D. 18*71*.

W. S. Boyce Clerk Circuit Court.
By *C. M. Sturme* Deputy.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

March TERM, 1872.

William Enright

vs
Mary Enright ^{et al.}

Serve on Mary Enright,
George is a non-resident

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON---GREETING:

We command you, that you summon

Mary Enright

if she be found in your County, that she be and appear before the Honorable 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 *third* ~~Monday after the fourth~~ Monday of *March* next, then and there to answer unto

William Enright

upon

his

original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *18th*

day of

December

A. D. 18*71*

W. S. Boyce

Clerk Circuit Court.

By

Mo. Horine

Deputy.

no 16

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

March TERM, 1872.

William Enright
vs
Mary Enright &
George Enright

original

Order of Publication.

IN THE CIRCUIT COURT of Jefferson County, Missouri, in vacation, December 18th, 1871.

William Enright, Plaintiff, against Mary Enright, and George Enright, Defendants.

Now, at this day, comes William Enright, the plaintiff in the above entitled cause, by his attorney, before the undersigned Clerk of the Circuit Court, of Jefferson county, in vacation, and files his petition and affidavit, stating among other things, that the above named defendant, George Enright, is a non-resident of this State; It is thereupon ordered by the Clerk aforesaid, in vacation, that publication be made, notifying him that an action has been commenced against him, by petition in the Circuit Court of Jefferson county, in the State of Missouri, the object and general nature of which is to obtain a decree of partition, of the following described lands situate in said county, and State, to-wit:

The north east quarter of the south west quarter, of section 6, township 43, range 5 east, containing 40 acres; also the south east quarter of the south west quarter, same section, township, and range, of which said defendant, George Enright, is entitled to one third thereof; and plaintiff further prays the Court to declare the said Mary Enright, a trustee in the use of plaintiff, as to one third of the said last mentioned tract, to divest her of the same and to vest it in the plaintiff, and to ascertain the value of improvements made by plaintiff on said lands, and that unless he be and appear at the next term of said Court, to be holden at the Court House, in Hillsboro, within the county of Jefferson, on the eighteenth day of March, A. D., 1872, and on or before the sixth day thereof, and answer or demur to said petition, the same will be taken as confessed and judgment rendered accordingly. It is further ordered that a copy hereof be published in the Jefferson Democrat, a newspaper published in said county of Jefferson, for four weeks successively, the last insertion to go at least four weeks before the commencement of the next term of said Court.

{  } A true copy from the record. Witness
{ SEAL. } W. S. Boyce, Clerk of said Court, with
{ } the seal thereof hereunto affixed, at office, this December 18th, 1871.

W. S. BOYCE, Clerk.

By C. Tho' Horine, Dep'y.

No. 3511

Jefferson Circuit Court.

March Term, 1872

William Enright

vs.

Mary Enright &
George Enright

Judgment, - - \$

Date 18

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Partition

Philip P. P. P.

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.