

Tofferson County Circuit Court
Case Files - Civil
December 1838, No. 19

Box

4 Folder

21

Bell, John

vs.

Williams, Charles

Williams, Mary S.

Honey, Elias J.

Honey, John W., et al

Partition

Other defendants Horace A., Mary C.,

Augustus, Eliza Honey; 199 acres in

S 1 T 41 R 5 E, S 12 T 41 R 4 E

State of Missouri, Jefferson County Circuit Court
December term 1838

To the Jefferson Circuit Court the petition of John Bell respectfully represents, that certain lands lying in said County, to wit the South West fractional quarter of section seven township forty one north, Range five East of the fifth principal meridian, containing one hundred and eight acres, also the South East fractional quarter of section twelve, township forty one north of Range four East of the fifth principal meridian containing ninety one acres, thirty three hundredths of an acre, were sold and granted, in fee, to John W. Honey, Samuel Woodson and the petitioner by the United States, by patent each having an equal undivided interest therein, that said Samuel Woodson and Ann all his wife sold and conveyed all their interest therein to said John W. Honey, that said John W. Honey hath departed this life leaving a widow Mary S. Honey who hath since co-terminated with Charles Williams, also Elias F. John W. Horace A. Mary C. Augustus and Eliza Honey as his children and heirs at law, that said Mary S. Williams is entitled to a life estate in said lands of one third of two thirds thereof or two ninths of the whole, that said Elias F. John W. Horace A. Mary C. Augustus and Eliza Honey are each entitled to the one sixth of two thirds thereof or ^{one sixth of the life estate of said Mary S.} one ninth of the whole, and the your petitioner to one third thereof - Your petitioner prays that said Charles Williams and Mary S. Williams, Elias F. John W. Horace A. Mary C. Augustus, and Eliza Honey - be made defendants hereto, - and your petitioner further prays that Commissioners may be appointed to make division and partition of said lands according to the respective rights of said parties, or in the event that a division cannot be made without great prejudice to the owners parties as aforesaid, that judgment may be rendered for a sale

thereof said as sursum of the friends according to the
rights of the parties as aforesaid, and he will ever
be

J. Bell

State of Missouri }
County of Jefferson } SS

John Bell makes oath that the
matters and things in the foregoing petition contained are
true, and that Elias F. Honey is a non resident of the
State of Missouri

Sworn to and subscribed before }
me in open Court Dec 11th 1838 }
John H. Mathews Ck

J. Bell

374

Vol 19
The Jeff Davis Court
Decr Term 1838

John Beebe

vs

John W. Monrogo Repro
& Samuel Woodson Repro

Petition for Partition

374.

Filed Decr 13th 1838

Wm. A. Thomas

Att'y

State of Missouri Jefferson County Circuit Court December term 1838

To the Jefferson circuit court, the petition of John Bell respectfully represents that certain lands lying in said County, to wit, the southwest fractional quarter of section seven, township forty one North, range five east of the fifth principal meridian containing one hundred & eight acres, also the south east fractional quarter of section twelve, township forty one north, of range four east of the fifth principal meridian containing ninety one acres, thirty three hundredths of an acre, were sold and granted in fee, to John W. Honey. Samuel Woodson and the petitioner, by the United States, by patent, each having an equal undivided interest therein, that said Samuel Woodson and Ann M., his wife sold and conveyed all their interest therein to said John W. Honey, that said John W. Honey hath departed this life, leaving a widow Mary S. Honey, who hath since intermarried with Charles Williams, also Elias S. Honey John W. Honey Horace A. Honey Mary C. Augustus & Eliza Honey as his children & heirs at law, that said Mary S. Williams is entitled to a life estate in said lands, of one third of two thirds thereof or two ninths of the whole, that said Elias S., John W., Horace A., Mary C., Augustus, and Eliza Honey are each entitled to the one sixth of two thirds thereof or one ninth of the whole, subject to the life estate of said Mary and your petitioner to one third thereof - Your petitioner prays that said Charles Williams and Mary S. Williams, Elias S., John W., Horace A., Mary C., Augustus, and Eliza Honey be made defendants hereto, and your petitioner further prays that commissioners may be appointed to make division and partition of said lands according to the respective rights of said parties, or in the event that a division cannot be made without great prejudice to the owners parties as aforesaid, that judgment may be rendered for a sale thereof and a division of the proceeds according to the rights of the parties as aforesaid and he will ever

J. Bell

Charles Williams, Mary J Williams
Elias H. John W. Horace A
Mary C. Augustus & Eliza Honey
heirs of John W Honey decd

Petition for partition
of lands

Mr John W Honey Take
notice that I shall present the petition in the above cause,
a copy of which is hereto attached, on the first day of the
next term of the Jefferson County Circuit Court, to
be held at Circulanum on the second monday after
the fourth monday of March next, or as soon thereafter
as a hearing can be had, for a partition & division of
the lands in ~~said~~ petition mentioned

Feb'y 21st 1839

A Bell

Served the within and foregoing petition
and notice on John W Honey on the
21st day of February 1839, by delivering
to him a true copy of said petition &
notice in the county court of St Louis
Missouri Marshall Brotherton
Sherriff
Service $\$ = 50$

Notice

to

John W Honey

Filed & docketed Feb'y 21st 1839

Wm. H. H. H.

State of Missouri Jefferson County Circuit Court

December Term 1838.

To the Jefferson Circuit Court, the petition of John Bell respectfully represents that certain lands lying in said County to wit, the South West fractional quarter of section seven - Township forty one north, range, five east of the fifth principal Meridian. Containing one hundred and eight acres, Also the South East fractional quarter of section twelve township forty one north of range four East of the fifth principal Meridian, Containing ninety one acres, thirty three hundredths of an acre, were sold and granted in fee to John W Honey, Samuel Woodson and the petitioners by the United States by patent, each having an equal undivided interest therein, that said Samuel Woodson and Ann M his wife, sold and conveyed all their interest therein to said John W Honey, that said John W Honey hath departed this life leaving a widow - Mary S Honey who hath since intermarried with Charles Williams, also Elias F Honey, Horace A Honey, Mary C. Augustus and Eliza Honey as his children and heirs at law, that said Mary S Williams is entitled to a life estate in said lands of one third of two thirds thereof or two ninths of the whole, that said Elias F, John W, Horace A, Mary C. Augustus and Eliza Honey are each entitled to the one sixth of two thirds thereof or one ninth of the whole subject to the life estate of said Mary and your petitioner to one third thereof, - Your petitioner prays that said Charles Williams, and Mary S Williams, Elias F, John W, Horace A, Mary C. Augustus & Eliza Honey, be made defendants hereto, and your petitioner further prays that Commissioners may be appointed to make division and partition of said lands according to the respective rights of said parties or in the event that a division cannot be made without great prejudice owners parties as aforesaid, that Judgement may

be rendered for a sale thereof and a division of the
proceeds according to the rights of the parties as aforesaid
And he will ever &c

J. Bell

A true copy of the petition
Test

Mr. J. Weather
C. C. C.

A copy of the foregoing served on each defendant in
this County on which was the following notice to wit,
"To (name of Defendant)

Take notice that the original ^{petition} of which the within
is copy will be presented to the next Circuit Court ^{of the County of Jefferson Missouri}
the third day of the next term or so soon thereafter
as hearing can be had for a division of the premises therein
described and set out

J. Bell

per J. F. Given's atty"

Henry Ellis makes oath ^{that} he served the foregoing
petition & notice by delivering true copies thereof to
Charles Williams, Mary Williams, Horace A. May
& Augustus and Eliza Henry on the 28 day of
February 1839 at the County of Jefferson
C. H. Ellis

Sworn and subscribed
to before me 19th March 1839

Mr. J. Weather
Clerk

874

John Bee

as
J. W. Honeyo Secy

Filed March 19th 1839

J. W. Honeyo

Wk

STATE OF MISSOURI,

County of St. Louis,

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Knapp* who being duly sworn, deposeth and saith, that the annexed advertisement was published in the "*Missouri Republican*," the newspaper of which he is printer, for *Eight* times, the first insertion being on the *Twelfth day* *January 1839* and the last insertion on the *2nd March 1839*

No 90	January	12
" 91	"	19
" 92	"	20
" 93	February	2
" 94	"	9
" 95	"	16
" 96	"	23
" 97	March	2

George Knapp

Sworn to and subscribed before me, this

Fourth day of *March* 1839

J. P.

13.50
25
13.75

IN JEFFERSON COUNTY CIRCUIT COURT,
DECEMBER TERM, 1838.

John Bell,
vs.

Charles Williams and Mary S. his wife, Elias
J. Honey, John W., Horace A., Mary C.,
Augustus and Eliza Honey, heirs and repre-
sentatives of John W. Honey, deceased.

Petition for
Partition.

NOW, at this day comes the said petitioner and presents his petition herein stating that certain lands lying in the county of Jefferson, to-wit:—"The south west fractional quarter of section 7, in township 11, north of range 5 east, containing one hundred and eight acres, and the south east fractional quarter of section 12, in township 41, north of range 4, east of the 5th principal meridian, containing ninety-one acres and thirty-three hundredths of an acre, were sold and granted in fee by the United States by patent to John W. Honey, Samuel Woodson and the petitioner, each having an equal undivided interest therein; that said Woodson and Ann Woodson his wife, sold and conveyed all their interest therein to said John W. Honey; that said Honey hath departed this life, leaving a widow who hath since intermarried with Charles Williams, also Elias F., John W., Horace A., Augustus, Mary C. and Eliza Honey, as his children and heirs at law; and that said representatives of John W. Honey are entitled to two-thirds of the above described lands, and further stating that said Elias F. Honey is not a resident of this State; and praying that commissioners may be appointed to make division and partition of said lands according to the respective rights of the parties, or in the event that a division cannot be made without great prejudice to the owners, parties as aforesaid, that judgment may be rendered for a sale thereof, and a division of the proceeds according to the several rights of the parties aforesaid. It is therefore considered by the court here, that publication of this order be made in some newspaper printed in the city of St. Louis for eight weeks successively, the last insertion thereof to be at least four weeks before the next term of this court, to be commenced and held on the second Monday in April next, notifying said defendant, Elias F. Honey, that unless he appear here, on or before said next term, and shew cause to the contrary, that the bill as respects him will be taken as confessed, and the prayer thereof granted accordingly. A true copy of the order.

Attest.
Jan 11-39

JOHN S. MATHEWS,
Clerk.

STATE OF MISSOURI, }

County of St. Louis,

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Knapp* who being duly sworn, deposeth and saith, that the annexed advertisement was published in the "*Missouri Republican*," the newspaper of which he is printer, for *Eight* times, the first insertion being on the *Twelfth day* *January 1839* and the last insertion on the *2nd March 1839*

No 90	January	12
" 91	"	19
" 92	"	20
" 93	February	2
" 94	"	9
" 95	"	16
" 96	"	23
" 97	March	2

George Knapp

Sworn to and subscribed before me, this

Fifth day of *March* 1839

Printer's Fee, *13.50*

Affidavit, *.25*

Dollars 13.75

[Signature] J. P.

Bece

or

Mooney's

Stearns Office 10/15/89

Matthews B/H

Charles Williams and Mary his
wife, Charles Williams Treasurer
as taken for the fees of
John McHenry deceased
at
John Rice

} Petition for partition
of Thomas & Co. and Co. and
John Rice 1839

The defendants and
and except the facts in the petition mentioned and
from the Court for a decision and partition of the
premises therein mentioned and as to the rights of
the parties, as therein set forth,

Reasons for delay

William Weston

at { Glen
Bell

Highworth 1839

Wm Weston

State of Missouri }
County of Jefferson } On the Circuit Court of the
County of Jefferson. August sixth 1839. among others
were had the following proceedings to wit,

"John Bell

vs
The heirs of John W. Honey dec^d }
Petition for Partition
& Decree of Sale

" Now at this day comes the said
petitioner by his Attorney, and the Commissioners appointed
at the last term of this Court, returned into Court their
report that the lands and premises in the said petition men-
tioned cannot be divided without great prejudice to the
owners thereof, and the Court being satisfied of that fact
it is therefore ordered and adjudged that the Sheriff
of this County, sell the lands and premises in said
petition mentioned at Public Sale (Auction) to the
highest bidder at the Court House door in the Town
of Merculaneum, on Monday the ninth day of Dec-
ember next, first giving notice of the time and place
of sale by six advertisements put up in the most
public places in the County of Jefferson twenty days
before the said day of sale upon a credit of six months
taking bond and approved security from the purchaser
thereof."

State of Missouri }
County of Jefferson } John L. Mathews Clerk of the Circuit Court
within and for the County aforesaid. Certify the above to be a true
copy of the order of sale made in the case of John Bell plaintiff
and the Heirs of John W. Money deceased defendants as the same
now remains of Record in my Office—

In Testimony whereof I have here unto set
my hand and affixed the seal of said Court
at Office in Mercurianum this 28th day of
August 1839.

Wm. J. Weather's Clerk.

Description of the Land,

"The South West fractional quarter of Section Seven
"in Township Forty One North of Range five East of
"the fifth principal Meridian containing One hundred
"and eight acres. Also the South East fractional
"quarter of Section twelve in Township Forty one North
"of Range four East of the fifth principal Meridian —
"containing Ninety one acres, Thirty three hundredths of an
"acre.

Attest —

W. J. Weather, Clerk.

allowed August Term 1840
\$46.25. Clerk's fee 50. \$46.75

C. S. Robinson, Bookkeeper
for the Hockley

for the Hockley in Circuit Court
December Term 1839.

John Bell 3
at 1000 of
John W. Hockley's 3
heirs 3 on
Petition for Partition

Bill of Costs \$

John Hockley \$16.01

John Hockley's Petition 13.75

John Hockley's Petition 1.50

John Hockley's Petition 3.80

E. J. Hockley's Petition 34.00

Thurston's Petition 1.50

Thurston's Petition 41.50

\$38.55

Dec 10th 1839

John Hockley

Att. H.

Advertisement in of
this case

Sheriff Sale

In pursuance and by virtue ~~and~~ of an order of
the Jefferson County Circuit Court made at
the last August Term of said ^{County} Court I will sell at
public Sale to the highest Bidder on a Credit
of Six months at the Court House door in the
Town of Herculaneum — on the Ninth day of
December next the following described tracts
of Land Belonging to John Bell and the heirs
of John H. Honey to wit the South west Fractional
quarter of Section Seven in Township forty one
North of Range five East of the fifth principal
Meridian containing one hundred and eight
acres also the South East Fractional quarter of
Section Twelve in Township forty one North of
Range four East of the fifth principal Meri-
dian containing ~~one~~ ^{thirty} one acres and ³³/₁₀₀
of an acre Situated in Jefferson County on
Sandy Creek given under my hand
this 14th of October 1839

John Hammock Sheriff

Filed Dec 10 1883
Matthews Clerk