

Jefferson County Circuit Court
Case Files - Civil

Box

8

Folder 21

May 1854

Green, George
Green, Charlotte
Kyle, Simeon
Kyle,arkin, et al
et al

vs

Nichols, Henderson S, gdn.
Nichols, Martha

Partition

Heirs of James Kyle; 200 acres in
various locations; other plaintiffs William D.
Kyle, Samuel B. Kyle, James T. Kyle, Mary
M. Kyle, Isaac Sullens

George B. Green and Charlotte
his wife formerly Charlotte
Kyle, Simon, Larkin and
William O. Samuel B.

James T. by their guardian
Isaac Sullins and Mary
Mo. by her Curator said
Isaac Sullins Plaintiffs

against

Martha Nichols and A.
J. Nichols her guardians

In the Circuit Court
Jefferson County

Plaintiffs state that James
Kyle deceased, late of
Jefferson County and
State of Missouri died
in the year 184. That
he left at his death the
following named children
to wit Charlotte who intermarried
with the above named George

B. Green, Simon, Larkin, William O. Samuel B.
James T. and Mary M. That Anderson S. Nichols
the above named defendant intermarried with
another child of said deceased who died some time
before her father leaving one child the above
named Martha, that said William O. Samuel
B. & James T. are minors and said Isaac Sullins
is their guardian and that he is also Curator of
the estate of said Mary M. who is also a minor
and a non resident of the state. That said Anderson
S. Nichols is also guardian of his child the said
Martha. Plaintiffs further state that said
deceased died the owner of the following described
tract of land in the County of Jefferson and State
of Missouri to wit, The East part of the East half
of the North West Quarter of Section 21 Township

42 North Range 5 East containing sixty acres.
Also, the South West part, ~~of~~, and commencing in
the South West corner of Survey 1909 Confirmed
to Ann Skinner, and running thence 5 Chains east
thence 40 Chains North, thence 5 Chains West,
thence 40 Chains South, to the place of beginning
containing twenty acres. Also, the North East
Fractional Quarter of Section 21 Township 42 North,
Range 5 East containing ten acres and twenty
hundredths of an acre. Also, the North East
Fractional Quarter of the North West quarter
of Section 22 Township 43 North, Range 5
East containing thirty five ³⁹/₁₀₀ acres. Also, the
North East fractional quarter of the North East
Quarter of Section 22, Township 43 N. Range
5 East containing thirty nine ⁸⁰/₁₀₀ acres. Also, the
North West Fractional Quarter of the North East
Quarter, ~~and the North West Quarter of the North
West Quarter of Section 22 Township 43 Range 5 East~~
~~part~~ of Section 22 Township 43 Range 5 East
containing thirty five and 7/100 acres. That said
lands and tenements are held by the parties to this
suit by a fee simple title of inheritance as
tenants in common and they are interested
in said lands and tenements as follows, to wit
George B. Green and Charlotte A. his wife own
and are interested in, one eighth, Lincoln, Looking,
William O. Samuel B. James T. Mary M. Kyle,
each own and are interested in one eighth and

the said Martha Nichols in right of her
deceased Mother owns and is interested in one
eighth of,

Plaintiff therefore pray the Court for a division
and partition of the above described real estate
and tract of land according to the respective
rights of the parties interested therein or for a
sale thereof if it shall appear that partition
thereof cannot be made without great prejudice
to said owners -

Philip Perkins
Atty for p'ts.

Philip Perkins on oath states that the foregoing
petition and the matters therein as stated he
believes to be true. P. Perkins

Sworn to & Subscribed
before me, this 10th day
of April A.D. 1854

Thos. C. Fletcher clk

By C. F. Honeysept

1205

To the Esq. John C. Smith

May Term 1852.

George B. Greenleaf et al

vs

William J. Nichols et al

Petition for Partition

J. P. Johnson

et al.

Filed April 10th 1854

Wm. D. Webster

Clerk

George B. Green, and Charlott
his wife formerly Charlotte Kyle
Simons, Larkin, and William O
Samuel B. James I. by their gu
ardians. Isaac Sullens and
Mary M. by her curator said
Isaac Sullens. Plaintiffs

Against

Martha Nichols and H. S.
Nichols. her guardians

children, to wit, Charlotte, who intermarried with the
above named George B. Green, Simons Larkin, William O
Samuel B. James I. and Mary M. That Henderson S.
Nichols, the above named defendant, intermarried with an-
other child of said deceased, who died sometime before her
father, leaving one child the above named Martha, that said
William O. Samuel B. & James I. are minors, and said
Isaac Sullens is their Guardian and that he is also curator
of the estate of said Mary M. who is also a minor, and a
non-resident of the State. That said Henderson S. Nichols
is also guardian of his child the said Martha,
Plaintiffs further state, that said deceased died the owner
of the following described tract of land in the County of
Jefferson and State of Missouri. To wit: The East part of
the East half of the North West quarter of Section 21. Township
42. North Range 5 East, containing sixty acres. Also
the South West part, and commencing in the South West
corner of Survey 1969, confirmed to Ann Skinner, and

In the Circuit Court
Jefferson County

Plaintiffs state that James
Kyle deceased late of Jeffe
son County and State of
Missouri, died in the year
184. That he left at his
death the following named

running thence 5 chains east; thence 40 chains North,
thence 5 chains west; thence 40 chains South to the place
of beginning, containing, twenty acres. Also the North
East Fractional quarter of Section 21. Township 43. North
Range 5 East; containing ten acres and twenty hundred
ths of an acre. Also the North east Fractional quarter
of the North west quarter of Section 22. Township 43. North
Range 5 East containing thirty five $\frac{3}{4}$ acres. Also
the North East fractional quarter of the North East quar-
ter of Section 22. Township 43. N. Range. 5 East contain-
ing thirty nine $\frac{80}{100}$ acres. Also, the North west fractional
quarter of the North East quarter and the North west quarter
of the North west quarter of Section 22. Township 43. Range 5
East; containing thirty five and $\frac{1}{100}$ acres. That said lands
and tenements are held by the parties to this suit by a fee-
simple title of inheritance as tenants in common, and
they are interested in said lands and tenements as follows
to wit: George B Green and Charlotte A. his wife own and
are interested in one eighth, Simen, Larkin, William O
Samuel, B. James L & Mary M Kyle each own and are
interested in one eighth, and the said Martha Nichols
in right of her deceased mother, owns and is interested
in one eighth

Plaintiffs therefore pray the Court for a division
and partition of the above described real Estate and tracts
of land, according to the respective rights of the parties
interested, therein or for a sale thereof if it shall appear
that partition thereof cannot be made without great

- prejudice to said owners.

Philip Pipkin
Atty for plfs.

Philip Pipkin on oath states that the foregoing petition and the matters therein as stated he believes to be true

Sworn to and subscribed before
me this 10th day of April A.D. 1834

P. Pipkin

Thos C Fletcher Clerk.

By Ef Honey. Sept.

A true copy of the original petition
and affidavit on file in my office in said Cause.

In Testimony whereof I hereto set
my hand and affix the seal of said
Court at office April 10th A.D. 1834

Thos C Fletcher Clerk

By Ef Honey Deputy Clk

No. 12
Do. Circuit Court.

May term 1854

George B. Greer vs et al

vs } Partitions
Summons

Henderson S. Nichols et al

The defendant H. S. Nichols not found in my
County. May 15th 1854
James M. Colloch Sheriff

George B. Green and Charlott
his wife formerly Charlott Kyle
Simmons, Larkin and William
O. Samuel B. James I. by their
guardian Isaac Sullens. Mary
M. by her Curator said Isaac
Sullens. Plaintiffs
Against

Martha Nichols and H.
S. Nichols her Guardian

children, to wit. Charlott who intermarried with the
above named George B. Green, Simmons, Larkin, William, O.
Samuel B. James I. and Mary M. That Henderson
S. Nichols, the above named defendant intermarried with
another child of said deceased who died some time before
her father leaving one child the above named Martha
that said William O. Samuel B. + James I. are minors
and said Isaac Sullens, is their guardian and that
he is also Curator of the estate of said Mary M. who is
also a minor, and a nonresident of the State. That said
Henderson S. Nichols is also guardian of his child the
said Martha. Plaintiffs further state that said decess-
ed died the owner of the following described tracts of
land in the County of Jefferson and State of Missouri to
wit. The East part of the East half of the North West quarter of
Section 21. Township 42. North Range 5 East containing sixty
acres. Also the South west ~~part~~ tract commencing in the
South west corner of Survey 1969. confirmed to Ann Skinner

In the Circuit Court
Jefferson County.

Plaintiffs states that James
Kyle, deceased, late of Jeff-
erson County and State of
Missouri, died in the year
184. That he left at his
death the following named

and running thence 5 Chains East thence 40 Chains North
thence 5 Chains West thence 40 Chains South to the place
of beginning, containing twenty acres, Also the North East
Fractional quarter of Section 21. Township 42. North Range
5 East containing ten acres and twenty hundredths of
an acre, Also the North east Fractional quarter of the North
west quarter of Section 22 Township 43. North Range 5. East
containing thirty five $\frac{39}{100}$ acres. Also the North East fract-
ional quarter of the North East quarter of Section 22. Town-
ship 43. N Range 5 East containing thirty nine $\frac{80}{100}$ Acres
Also the North West Fractional quarter of the North east
quarter and the North West quarter of the North west quar-
ter of Section 22. Township 43. Range 5 East, containing
thirty five and $\frac{7}{100}$ acres. That said lands and tenement-
s are held by the parties to this suit by a fee simple title
of inheritance as tenants in common and they are
interested in said lands and tenements as follows to
Wit. George B. Greer and Charlotte A. his wife own and are
interested in one eighth, Simeon Larkin, William O.
Samuel B. James & Mary M. Kyle, each own and
are interested in one eighth and the said Martha
Nichols in right of her deceased mother owns and is
interested in one eighth

Plaintiffs therefore pray the Court
for a division and partition of the above described real
estate and tracts of land according to the respective
rights of the parties interested therein or for a sale thereof
if it shall appear that partition thereof cannot be.

made without great prejudice to said owners

Philip Pipkin

atty for plfs

Philip Pipkin, on oath States that the foregoing petition
and the matters therein as stated he believes to be
true

Sworn to and subscribed before
me this 10th day of April AD 1834

P Pipkin

Thos. C. Fletcher. clerk

By Ef Honey Sept

A true Copy of the original petition
and affidavit on file in my office in said Cause

In testimony whereof I hereto set my
hand and affix the Seal of said Court
at office April 10th AD 1834

Thos. C. Fletcher Clerk

By Ef Honey Sept

George D Green wife et al

vs

Alexander J Nicholas et al

a true copy of the return made
for said defendants served

a true copy

Wm L. Fletcher
clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Martha Nichols
and H S Nichols her guardian

----- if they be
found in your County, that they be and appear before the Hon.
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 fourth Monday of May next-----
next, then and there to answer unto George B Green & Charlott his
wife, Simeon Larkin William O James B James T & Mary
M Kyle-----

upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this tenth
day of April A. D. 1854.

Thos C Fletcher

CLERK CIRCUIT COURT.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Martha Nichols and
W. S. Nichols her guardian

----- if they be
found in your County, that they be and appear before the Hon.
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 fourth Monday of May next-----
next, then and there to answer unto George B. Green & Charlotte
his wife, James Larkin, William O. Samuel B. James T. &
Mary M. Kyle
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

LS.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this ten
day of April A. D. 1854

Thos. Fletcher

CLERK CIRCUIT COURT.

George B. Green and Charlotte
his wife & others

= vs =

Martha Nichols, and R. P. Nichols
her Guardian

In the Circuit Court of
Jefferson County Mo

May 25th 1854.

In Partition

Now at this day comes said def-
endants, by Pipkin their attorney, and enter their appearance
in this cause, And said plaintiffs present their petition for
partition and division of the following described real estate
to wit; in the County of Jefferson. The East part of the East half
of the North west quarter of Section 21 Township 42 North Range
5 East, containing sixty acres, also the South west part, and
commencing in the South west corner of Survey 1969. con-
firmed to Ann Skinner, and running thence 5 chains east
thence 40 chains North; thence 5 chains west, thence 40
chains South, to the place of beginning, containing twenty
acres; Also, the North East fractional quarter of Section 21 Town-
ship 42 North Range 5 East, containing ten acres, and
twenty hundredths of an acre, Also, the North East fractional
quarter of the North west quarter of section 22 Township 43
North Range 5 East containing thirty five $\frac{3}{100}$ acres, Also
the North East fractional quarter of the North East quarter of
section 22, Township 43 N. Range 5 East, containing thirty
nine $\frac{8}{100}$ acres. Also, the North west fractional quarter of the
North East quarter of Section 22, Township 43 Range 5 East
containing thirty five and $\frac{1}{100}$ acres, which being seen
and heard by the Court, It is considered by the Court that
partition and division of said lands be ordered, and

adjudged between the said parties according to their respective rights therein. And the Court proceeding to ascertain and settle the rights of said parties in and to said lands, doth declare and adjudge, the same as follows To wit: The said George B. Green and Charlotte A. his wife own and are entitled in one eighth, Simeon Kyle, Sarkin Kyle, William O. Kyle, Samuel B. Kyle, James T. Kyle, and Mary M. Kyle, are each entitled to one eighth, and Martha Nichols, is entitled to one eighth part thereof. And it further appearing to the satisfaction of the Court, that partition and division of said lands cannot be made without great prejudice to the said owners thereof. It is ordered by the Court that the Sheriff of Jefferson County do proceed to expose the said lands to sale to the highest bidder for ten per cent of the purchase money in cash at the time of sale and the residue in twelve months, and for the deferred payment that he take a bond or bonds from the purchasers, bearing interest at the rate of six per cent per annum, that said sale take place on some day during the next term of this Court and be governed by the same regulations prescribed by law for sales of real estate under executions. Notice thereof being given by the Sheriff in the same manner, prescribed by law for such sales, and that he make report of his proceedings herein to the next term of this Court.

I Tho. C. Fletcher, clerk of the Circuit Court within and for the County of Jefferson in the State of Missouri, do hereby certify, that the foregoing is a full and true

copy of the order of sale, made by said Court in said
cause as the same remains on the record of said Court
in my office.



In Testimony Whereof I hereto set my hand
and affix the Seal of said Court at office in
Middlebury August 17th A.D. 1834.

Thos C Fletcher Clerk



George M. Green et al
vs
Martha Nichols et al

copy order of sale
for sheriff

Given
this 2nd day of 1834
this 6th day of October
1834

30th Nov -

COUNTY OF JEFFERSON.

The State of Missouri,

To Daniel Droney

Greeting:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our Learned Court for the County aforesaid, on the 25th day of May, next at Stillmore, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein George B. Mann et al Plaintiffs and Mendham D. Nichols Defendant on the part of D^y and herein you are in no wise to fail.

Witness, Thomas C. Fletcher, Clerk of our said

Court, with the Seal thereof hereto affixed,

at office this 15th day of May

A. D. 1854

Thos. Fletcher
Clerk.

W^m B. Strong se^{pro}

I executed the within writ on Daniel
Dweeney by reacting the same in his
presence and hearing this May 19 day 1834

James Mc Colloch Sheriff
By Augustine Wiley Dep't Sheriff

To Daniel Dwyer

May Term 1834

Geo. B. Green

vs & spec

A. J. Nichols

for Att
daniel dweeney

Sheriff's fees 20 cts

Att day "

59 1/2
- 56 2
- 58
06 2
52 1

Mr. Isaac Sullivan

St. Louis,

Butler 1874
1854.

WYTHESTREET
DUNDEE
2

CD

To 24 Hundreds
Sale in Partition in the
Deceased's Estate \$4.00

Received Payment,

St. Bernhard
post. St. Blasien

Selling
net \$4

State of Missouri }
County of Jefferson }

In the circuit court
Nov^r Term 1854

George B Green and Charlotta his wife }
Martha Nichols and ¹⁷⁵ H S Nichols her guardian } in
Partition

I Augustine Wiley Sheriff
of the County of Jefferson aforesaid Do
Certify that by virtue of an order of sale of Real
Estate made at the May Term A D 1854 of
the circuit court of said county - said proceeding
in partition ^{was had} - a copy of which said order is
herewith annexed as part hereof - I did on the
~~thirtieth~~ fifth day of October A D 1854 Advertise for
sale according to law by putting up six printed
hand bills in different parts and public places
in said County signed by me at least twenty
days before the day of sale hereinafter mentioned
A copy of which said Advertisement is hereto attached
as a part hereof and after giving Notice by said
Advertisements of the time terms & place of sale &
of the real Estate to be sold & where situated
I did on the thirtieth day of November A D 1854
at the court house door in the town of Hillsboro
in said county between the hours of nine o'clock
in the forenoon and five o'clock in the afternoon
of said day and during the sitting of the circuit
court for said county agreeable to said order of
Sale & and Advertisement, expose to sale at
public vendue to the highest bidder for ten per
cent of the purchase money - cash in hand at
the time of sale & The residue on a credit of
twelve months - the purchaser giving bond or
note with approved security bearing Interest at

the rate of six per cent per annum from date
untill paid - at said sale Antoine Yerger became
and was then and there the highest and last bidder
for the East part of the East half of North West quarter
of section twenty one Township forty two Range five East
containing sixty Acres also in the South West part of Sur-
vey (19.69) Commencing at the South West corner and
running North forty chains Thence East five chains Thence
South forty chains Thence West five chains, containing
twenty Acres also the North East frack quarter of section
twenty one Township forty two Range five East containing
ten Acres and $\frac{7}{100}$ of an Acre at and for the price of \$ sum
of seven hundred and six Dollars and the same was
Stricken off & Sold to him the said Yerger. of which ten
per cent of said bid amounting to the sum of seventy
Dollars and sixty cents having paid to me said Sheriff
in cash - and have executed his bond or note to wit
for the sum of six hundred and thirty five Dollars and
forty cents payable Twelve months from date bearing six
per cent per annum from date agreeable to the regulations
of said order of sale, At the same time and place & in
the same Henry Konart became the purchaser of the
North East frack qtr of North West quarter and North East
frack quarter of North East quarter and North West frack quarter
of North East quarter all of section twenty two Township forty three
Range five East containing one hundred and ten Acres and
 $\frac{7}{100}$ of an Acre for the price and sum of two hundred and eighty
one Dollars to said Konart, of which ten per cent of said purchase
money amounting to the sum of twenty eight Dollars and ten cents
having paid to me in cash and have executed his bond or note for
the sum of two hundred and fifty two dollars and ninety cents
payable Twelve months after date bearing
six per cent per annum from date untill ^{by} Augustine Wiley
paid agreeable to the regulations of said
order of sale - All of which Respectfully
submit for approval - Sheriff

George B. Greenhalgh vs Partitions
Against } in the Jefferson County
W. S. Nichols } Circuit Court,

Nov. Term 1882

I, J. B. Johnson Attorney for the Parties is entitled
to a fee in the above Cause of \$300.00
to be taken as cost in the
Cause _____

John B. Johnson Clerk

Recd of A. Wiley Sheriff the full sum
of the within appearance

Decr 15 1854

P. P. Smith