

Jefferson County Circuit Court

Case Files - Civil

November 1857, #14

Box 9 Folio - 16

Higgins, Michael

vs

King, Michael
King Sarah

Partition

160 acres in Chouteau & Soular's
tract south of Mestamee River

Michael Higgins Plaintiff

against

Michael King and Sarah King Defendants,

In the Circuit Court of Jefferson County
Missouri, November Term 1857.

Plaintiff states that he is owner and interested in an estate of inheritance as tenant in common with said defendants in a tract or parcel of land situate in the County of Jefferson Missouri described as lot No Two, part of Chouteau & Souldards Tract of land south of the Meramec River in said County of Jefferson containing one hundred and sixty acres, and more particularly described as follows. Beginning at the South west corner, a post from which a B Oak 17 inches diameter bears N $67^{\circ} 45'$ E. twenty seven links distant and a B Oak ten inches diameter bears N $47^{\circ} 30'$ East twenty nine links distant, thence North $52^{\circ} 30'$ East forty chains to a post from which a B Oak 8 inches diameter bears South 16° E $51\frac{1}{2}$ links distant and a P Oak 15 inches diameter bears North $56^{\circ} 30'$ W $7\frac{1}{2}$ links distant, thence S $37^{\circ} 30'$ East 40 chains to a post from which a P Oak 16 inches diameter bears S $76^{\circ} 30'$ W 120 links distant and a P Oak 20 inches diameter bears N 11° E 112 links distant, thence South $52^{\circ} 30'$ W 14.54 chains. Some Creek 1.02 chains wide, its general course East 40 chains to a post from which a B Oak 20 inches diameter bears N 42° E 144 links distant and a B Oak 10 inches diameter, bears N 79° E 134 links distant, thence N $37^{\circ} 30'$ W. 6

chains Pomme creek its course northward 40 chains to the place of beginning, bounded on the north east by lot no 13, Southeast by lot no 3, Southwest by public land and Northwest by lot no one,

Plaintiff states that he is the owner and entitled to five eighths of said tract of land and the defendant Sarah King the wife of the defendant Michael King is entitled to three eighths thereof, that the same is undivided, that both plaintiff and defendants acquired their title from William Murphy,

Plaintiff prays for a partition and division of said tract of land according to the said rights of the parties interested therein, and for a sale thereof if it shall appear that partition cannot be made without prejudice to the said owners.

Hetcher atty for Peff

This is Hetcher attorney for Plaintiff, makes oath and says, the above petition and the matters therein as stated he believes to be true,
Signed and sworn to before me this 5th day of Sept 1857. This is Hetcher.

Witness my hand and notarial seal at my Office in St Louis.

Edmarastaren Jr
Notary Public
for within Saint Louis county

No

Directs Court defendants

for term 1857.

1548

Michael Higgins

as

Michael King (and)
Sarah King.

for partition.

if no sum to be done as
Michael for part

Check Sept 10 to 1857
Alex J. Honey etc

2 copies Ret	140
2 copies	100
and stops	120
which	10
of 3.70	
of 1.10	
of 5.80	

Michael Higgins Plaintiff
against
Michael King and Sarah King. Defendants.

In the Circuit Court of Jefferson County
Missouri November Term 1859

Plaintiff States that he is the owner, and interested in an estate of inheritance as tenant in Common with said defendants, in a tract or parcel of land situate in the County of Jefferson Missouri described as lot No two, part of Chouteau & Boulard's tract of land south of the Meramec River in said County of Jefferson, containing one hundred and sixty acres, and more particularly described as follows, beginning at the South west corner, a post, from which a B. Oak 17 inches diameter bears N. 67° 45' E. twenty seven links distant and a B. Oak, ten inches diameter bears N. 47° 30' East, twenty nine links distant, thence North, 52° 30' East forty chains to a post, from which a B. Oak 8 inches diameter, bears South 16° E 51½ links distant and a P. Oak 15 inches diameter bears North 56° 30' W. 72 links distant, thence S. 37° 30' East, 40 chains to a post from which a P. Oak 16 inches diameter bears S. 76° 30' W. 120 links distant and a P. Oak 20 inches diameter bears S. 11° E. 112 links distant, thence South 52° 30' W. 14. 64 chains. Pomme Creek 1.52 chains wide, its general course East, 40 chains to a post, from which a B. Oak 20 inches diameter bears N. 42° E 144 links distant, and a B. Oak 10 inches diameter bears N. 79° E. 134 links distant, thence N. 37° 30' W. 6. chains Pomme Creek its course Northward. 40 chains to the place of beginning, bounded on the North East by lot No 13, Southeast by lot No 3. Southwest by Public land and North

= over by lot No one.

Plaintiff states that he is the owner and entitled to five eighths of said tract of land, and the defendant Sarah King the wife of Defendant Michael King is entitled to three eighths thereof, that the same is undivided, that both plaintiff and defendant acquired their title from William Murphy

Plaintiff prays for a partition and division of said tract of land according to the said rights of the parties interested therein, and for a sale thereof if it shall appear that partition cannot be made without prejudice to the said owners.

Fletcher atty for Plff.

Thos. C. Fletcher attorney for Plaintiff, makes oath and says, the above petition and the matters therein as stated he believes to be true.

Signed and sworn to before me Thos. C. Fletcher
this 5th day of Sept. 1857

Witness my hand and Notarial Seal
at my office in St Louis



Edward Haren Jr
Notary Public
for & within Saint Louis County

Endorsed

"Filed Sept 10th 1857. Elias J. Honey clk"

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

In Testimony whereof I hereto set my hand and affix the Seal of said Court at office September 10th 1857

Elias J. Honey clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

^{St Louis}
To the Sheriff of the County of ~~Jefferson~~ - Greeting:

We command you, that you summon Michael King
and Sarah King his wife

----- 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 November
next, then and there to answer unto Michael Higgins

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

Witness, Elias J. Honey
THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Eleventh
day of Sept A. D. 1857

Elias J. Honey

CLERK CIRCUIT COURT.

W^o 14

To Jefferson Circuit Court

November Term 1854

Michael Higgins

vs } Defendants

Michael King
& Sarah King

Shuff fees \$2.00 paid
by M Higgins

Filed Nov. 13th 1854

Edw J Honey Clerk

Executed this writ in the County of Saint Louis
September 23^d 1854 by delivering a copy of the same
with the petition as furnished by the clerk to Sarah
King one of the defendants; further November 5th
of said year by delivering a true copy of said
writ to Michael King the other defendant
Fee \$2.00 paid by }
Michael Higgins }

James Castello Sheriff
By Th. Lebadbourne
" Deputy

Michael Higgins
 vs
 Michael King and Sarah King } In the Circuit
 Court of Jefferson
 County
 November Term
 1857

And now at this day comes Sarah King
~~and for a Separate~~ by P. Pipkin her next friend
 and for a separate answer to the petition of the
 plaintiff states, that although she is in law still the
 wife of said Michael King, she is not living with
 said Michael as his wife, and has not been so
 living with him for more than five years last
 past, during which time her said husband
 has entirely abandoned her; further answering
 she says that the said three undivided eighths
 interest in the land described in said petition is
 her own property and that her interest in said
 land is as stated in said petition three undivided
 eighths - that she believes that the interest of the plaintiff
 therein is as stated in said petition And further
 answering she states that she has nothing to
 say why a judgment of Partition should not
 be rendered between her & said Plaintiff ac-
 cording to their respective interests as here in set
 forth
 P. Pipkin Next friend
 of Sarah King -

Sarah King being duly sworn on her oath says that she
 believes the foregoing answer and matters therein
 as stated are true.

Sworn & subscribed before me
 this 16th October 1857
 R. B. Oakwell
 Notary Public

Sarah King
 mark

Direct Enclaf & Henry D-1

Ms. Worcester 2. 1887

Michael Higgins

4

Michael Small King

Quere of Small King

John Nov 26th 1852
Ella & Henry



State of Missouri } for the Circuit Court
County of Jefferson } November 28th 1857

Michael Higgins

^{vs}
Michael King and Sarah
King, his wife

} In Partition

Now at this day comes said Plaintiff by his attorney, and the answer of Sarah King the defendant, admitting the rights of said parties as stated in plaintiffs petition, and the said Michael King, having failed to answer the petition of Plaintiff though duly served with process. It is ordered that his default be entered, And the petition of the Plaintiff praying for partition and division of the following described land, Situate in Jefferson County Missouri to wit: Lot No 2, part of Chouteau & Soulards tract of land South of the Meramec river, in said County of Jefferson containing One hundred and Sixty acres, and more particularly described as follows: Beginning at the South West corner a post, from which, a. B. Oak 17 inches diameter bears N. 67° E. twenty seven links distant, and a. B. Oak ten inches diameter bears N. 47° 30' east, twenty nine links distant, thence North 53° 30' east, forty Chains to a post, from which a. B. Oak 8 inches diameter, bears South 16° E. 5 1/2 links distant, and a. P. Oak, 15 inches diameter bears North 56°

30' N. 72 links distant. Thence S. $37^{\circ}30'$ East 40 chains to a post, from which, a. P. Oak 16 inches diameter bears N. 11° E 112 links distant, thence South $52^{\circ}30'$ W. 14. 64. chains Pommere Creek 1.02 chains wide. its general course East 40. chains to a post, from which a. B. Oak 20 inches diameter bears N. 42° E 144. links distant, and a B. Oak. 10 inches diameter bears N. 79° E 134. links distant; Thence N. $37^{\circ}30'$ W. 6 chains Pommere Creek. Its course Northward, 40 chains to the place of beginning: Bounded on the North east, by lot No 13. South East by Lot No 3. South west by Public land and North West by lot No one, being seen and heard, It is considered by the Court, that partition of said land be ordered and adjudged between said parties, according to their respective rights and interests therein: and the Court, proceeding to settle the rights and interests of said parties in and to said land, doth declare the same as follows; To wit: The said Michael Higgins, is the owner of and interested in five eighths of said land & the said Michael King and Sarah King his wife are the owners of and interested in the residue. And the Court doth appoint Thomas Mop Robert Hunt and William Fretter, commissioners to make said partition and allot the several portions and shares thereof to the respective parties, quality, quantity and value relatively, considered by them, according

to the respective rights and interests of the parties so adjudged by the Court, designating the several shares and portions by metes, and bounds, and make report of their proceedings herein to the Court at the next term thereof.

I Elias P. Honey Clerk of the Circuit Court within and for the County aforesaid, hereby certify that the foregoing is a true copy of the order of said Court as fully as the same remains of record in my office

In Testimony whereof, I hereto set my hand and affix the Seal of said Court. at Office in Hillsboro. this Second day of February A. D. 1858
Elias P. Honey Clerk

Deane & Co. Bank

April 20th 1858

Michael Higgins
at Dept of Commerce

Michael King and
Sarah King his wife

John Wood
Jesse Hunt } Deane
Wm. Foster }

Shewell's fee \$150

State of Missouri }
 County of Jefferson } On this 26th day of April A.D.
 1858, before the undersigned Justice of the Peace for said
 County came Thomas Mof. Robert Hunt and William Ritter
 who have been appointed Commissioners to make Partition
 of certain lands in a proceeding in the Circuit Court
 of said County between Michael Higgins, Sarah King
 and Michael King, who being by me duly sworn upon
 their oaths say that they will honestly and impartially
 execute the Trust reposed in them,
 Signed & sworn to before me
 date aforesaid
 J. L. Johnston
 County Clerk J.P. }
 Thomas Mof
 William Ritter
 Robert Hunt

Michael Higgins
 against
 Sarah King & Michael King } In the Circuit Court of
 Jefferson County Missouri
 In Partition,

The undersigned Commissioners appointed
 by the Circuit Court of Jefferson County Missouri, to
 make Partition of Lot No 2 of Survey No 877, containing
 160 acres, between said parties, respectfully report
 that it appears to them that said premises are so situated
 that partition thereof cannot be made without great
 prejudice to the owners,

Respectfully submitted,

Thos Mof	3	days @ 1.50 p ^r day	\$ 4.50	Thos Mof
Robert Hunt	2	" " "	3.00	Robert Hunt
Wm Ritter	2	" " "	3.00	William Ritter
Swearers	2	" " "	6.00	

Michael Higgins

21.
Sarah King (am)
Michael King

Report of Cornibus

Filed at March 24 1858

Elias J. Horney

State of Missouri
County of Jefferson

Sherriff Sale in Partition

In the Circuit Court
April 29th 1858

Michel Higgins

vs
Michael and Sarah King

In Partition By
authority of an order
made by the Circuit

Court of Jefferson County

on the 29th day of April 1858 in the above suit
the undersigned Sherriff of the County of Jefferson
State of Missouri Will on Wednesday the 27th day
of October 1858 between the hours of nine o'clock in
the fore noon and five o'clock in the afternoon of
that day at the Court house door in the town of
Hillsboro in said County and during the sitting
of the Circuit Court Sell at Public auction to
the highest bidder on the terms stated below all
the right title Interest and Claim of the parties to
said suit of in and to the following described Real
Estate tract or parcel of land situated in the
County of Jefferson State of Missouri To wit
Lot No 2 part of Chouteau & Soularde's tract of land
south of Merriam's river and lying on Pomme Creek
in said County of Jefferson containing one hundred
and sixty Acres (160) and more particularly described
in the petition by courses & distances as being bounded
on the North East by lot No 13 South East by Lot No 3 South
West by Public land and North West by lot No one
Terms of Sale will be ten per cent of the purchase money
in cash at the time of sale the residue in twelve
months with six per cent Interest from date, this September
25th 1858

Osmond Dorer Sherriff

Addressment

State of Missouri }
County of Jefferson } In the Circuit Court.
April 29th 1858

Michael Higgins

^{vs}
Michael and Sarah King } In Partition
Order of Sale.

Now at this day come the parties aforesaid by their respective attorneys, and the commissioners herein appointed at the last term of this Court, to make partition of the lands and premises in the petition described, having filed their report, in proper form. Stating that, said premises are so situated, that partition thereof cannot be made without great prejudice to the owners of the same, and the Court being satisfied that said report is just and correct, doth order and direct that the Sheriff of Jefferson County proceed to sell said land at public auction 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 with six per cent interest thereon: that said sale take place during some day of a 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 as provided by law for such sales, and that the Sheriff pay over the proceeds of said sale to the said parties accord-

ing to their respective rights and shares as
adjudged and declared herein by the Court
at the last term.

A true copy of the order of said
Court from the record thereof

In Testimony whereof I the
undersigned Clerk of said Court
have hereunto set my hand
and affixed the seal of said
Court at office June 1st 1858.
Elias D. Honey Clerk

26. *Wm. David Grant*
October Term 1858

Michael Higgins
at Order of Sale
Michael and Sarah King

827

~~of 11~~
Wednesday 27

Michael Higgins
Against
Michael King & Sarah
King his wife

In the Circuit Court
of Jefferson County
Mo. Oct. Term 1858

Sarah King one of the above
defendants and the wife of the other defendant
states that her said husband has long since
abandoned her and has been separated
from her for several years. that he is a
habitual drunkard and has been for
many years, that he has not for a long
time done any thing towards the support
and maintenance of the petitioner,
that the land which has been sold at
this term of said Court was sold to
petitioner by her ~~husband~~ ^{former} William Murphy
and so decided that the said King could
not dispose of it without petitioners
consent. Petitioner further says that the
interest of the defendants is about ~~three~~
hundred and seventy five or three hundred
dollars. Petitioner further says that she
has just grounds to believe that if said
money is paid over to said King that
it will be totally lost to her. she prays
the Court to order that the Sheriff of Jeffers-
on County shall pay over said sum of money
or such sum as she may be entitled to,
(after all the costs are paid) to petitioner.

Sarah King by
her atty Pipkin

P. Pipkin's Attorney for the above petitioner
on oath states that of his own knowledge

and from information derived from others
we believe, that the matters and things
stated in the foregoing petition are true,
Sworn to & subscribed
before me Oct 29 1858 } P. D. Kirk
Elias J. Honey Clerk

Delegations
Against
Kings

Petition of the
Kings

Attest Oct. 29th 1858
Elias J. Honey Clerk

Michael Higgins } In the Circuit
 vs. Michael Sarah King } Court Jefferson
 County.
 Partition

Free Bill

Honey clerk 2 copies pet.	\$1.00	2 cents seals 1/4	
Print Copy	1.20	Docket 10¢	file Petition 5¢
answer Sarah King	25¢	Order appointing	
compr 50		Copy same Cert Seal	1/4
Report		compr.	25¢
make up Cents	25¢		6.00
Castello Sheriff paid by Higgins.			\$2.00
Wiley Sheriff. Serve Compr	\$1.50		1.50
compr in on			
Fletcher Atty fee			25.00
R. Hunt Compriser			3.00
Wm. Fretter do			3.00
Thos. Moop. do.			\$4.50
Surveyor.			6.00
Dover Sheriff Commissions on 827¢ @ 2¢ ct.			16.54
			\$67.54

Michael Higgins

as per bill

Michael Storch King

Michael Higgins
vs.
Michael King and Sarah King.

In the Circuit Court
Jefferson County
October Term 1858,
To the Hon' Circuit Court within
and for the county of Jefferson,

The undersigned Sheriff of said
County respectfully submits the following report,

That in pursuance of an order of sale made by your
Hon' Court in the above entitled cause at the April
term of said Court 1858, a certified copy of which
order was delivered to me, I did on the 27th day of
October 1858. expose to sale at the Court House door
in the town of Hillsboro' in said county during the
sitting of the Circuit Court of said County, between
the hours of nine O'Clock in the forenoon and five
O'Clock in the afternoon of said day the land in
said order described and directed to be sold
to wit, Lot number Two (2) a part of Chouteau and
Soularde tract of land south of the Merramec River
in said County of Jefferson containing one Hundred
and sixty acres and more particularly described
as follows, beginning at the South West corner a post
from which a B Oak 17 inches in diameter bears N 67°
45' E twenty seven links distant and a B Oak ten
inches diameter bears N 47° East twenty nine links dis-
-tant, thence North 52° 30' East forty chains to a post from
which a B Oak 8 inches diameter bears South 16° E 51 1/2
links distant and a P Oak 15 inches diameter bears North
56° 30' N 72 links distant, thence S 37° 30' East 40 chains
to a post from which a P Oak 16 inches diameter bears
S 76° 30' N 120 links distant and a P Oak 20 inches diam-
-eter bears N 11° E 112 links distant, thence South 52°
30' N 14.64 Chains Pomme Creek 1.02 chains wide its
general course East. 40 chains to a post from which
a B Oak 20 inches diameter bears N 42° E 144 links

distant and a Oak 10 inches diameter, bears N 79° E
134 links distant, thence N 37° 30' W 6 chains. Pomme
creek its course northward 40 chains to the place
of beginning, bounded on the North East by lot No 13
South east by lot No 3 Southwest by public land
and Northwest by lot No one. Having previously
given twenty days notice of the time and place
of sale and what real estate was to be sold
and where situated, by ~~advertis~~ at least six hand
bills signed by me said sheriff and put up in
public places in different parts of the County of
Jefferson a copy of which advertisement is
hereto annexed as part of this report, and at
said sale Michael Higgins became and was
then and there the highest and last bidder for the
said tract of land, the said sale being conducted
openly by auction, ~~at~~ and the said tract of land
was stricken off and sold to him the said
Michael Higgins at and for the price and
sum of Eight hundred and twenty seven dollars,
ten per cent whereof, to wit, Eighty two dollars
and seventy cents he has paid to me in hand
and has executed to me his promissory note for the
remainder of said sum to wit the sum of \$744,30cts
due twelve months after date, according to the
directions of said order, bearing six per cent
interest,

which is respectfully submitted for
approval,

Oscar Dover Sheriff

Michael Shiggins

vs.

Michael Ding and
Sarah Ding -

Report of Sale by Sheriff

Attest Dec 29th 1858
Geo. J. Hoarey Clerk

Michael Higgins } In the General Court.
" }
Michael Sarah Higgins } In Partition

Report of Sale by Sheriff. approved Oct 29th
1858. Book No 4 page. 201