

Jefferson County Circuit Court
Case Files - Civil
November 1857, No. 15

Box 9 Folder 17

Boyce, William S.
Boyce, Susan
Honey, Elias F
Alford, Adaline, et al

v.

Bates, Walter
Bates, Samuel L,
Bates, James E
Bates, Cornelia, et al

Partition

Other Plaintiffs: Ann M. Woodson, Henry P. Bates, Thomas G. Fletcher, Mary G. Fletcher, Charles S. Rankin, Sarah Rankin, Eliza E. Honey, David W. Bryant, Edward B. Warner, Elizabeth Warner, John H. Warner, Clarissa Warner, Thomas G. Bryant, Minerva Geiger, Herrick Gallatin, Charles A. Pilley, Ellen G. Pilley, and Clement B. Fletcher; Other Defendants: Vincent Bates, Edward M. Bates, William Bates, Henry C. Sanford, Clarissa Sanford, Augustus Honey, William P. Honey, Lucy S. Honey, John Metcalf, The unknown heirs of George Horne, John Geiger, James A. Beal, Ann Beal, Joseph Hammond, The unknown heirs of Allen Hammond, and the unknown heirs of Mary Horne; Heirs of Elias Bates and John W. Honey; 160 acres in S34T41R5E.

William S Boyce & Susan his wife, Elias J Honey
Adaline Alford, Ann M Woodson, Henry P Bates
Thos C Fletcher & Mary C his wife, Charles S Hamlin
and Sarah A his wife, Eliza C Honey, David W
Bryant, Edward B Warner & Elizabeth C his wife
John W Warner and Clarissa his wife, Thomas G
Bryant, Minerva Geiger, Mariett Gallatin, Charles
A Pilley and Ellen C his wife and Clement B
Fletcher Plaintiffs

against

Walter Bates, Samuel L Bates, James C Bates,
Cornelia Bates, Vincent Bates, ^{William Bates} Edward M Bates,
Henry C Sanford and Clarissa his wife, Augustus
Honey, William P Honey, Lucy S Honey, John
Metcalf, the unknown heirs & legal representatives
of George Morine dec'd John L Geiger, James A Beal
and Ann Beal his wife Joseph Hammond, the
unknown heirs of Allen Hammond dec'd and the
unknown heirs of Mary Morine dec'd Defendants.

In the Circuit Court of Jefferson County Mo
November Term 1857.

Plaintiffs state, that Elias Bates and John
W Honey, both now deceased, entered at the Land
office at St Louis Missouri, a tract of land situate
in the county of Jefferson, in said state described
as follows to wit, The South East quarter of section
number thirty four in Township N^o 41. of Range
N^o five East. containing one hundred & sixty acres

that they afterwards for the purpose of organizing a company to dig on said land for lead ore, made a written agreement with Clement B Fletcher, John Metcalf, John Geiger, William Glasgow, Samuel Mc Lewis, George Morine & David Bryant & William McDonald, whereby the said Bates and Honey agreed to convey to said parties each one tenth of said land, and reserving to themselves each one tenth thereof.

Plaintiffs state that said John Mc Honey is dead and left surviving him at the time of his death Elias F Honey a son, Mary C's daughter who has since intermarried with John C Fletcher, Eliza C Honey's daughter, John M, a son who has since died leaving a son Augustus Honey who is a minor, for whom it is prayed that the court will appoint a guardian ad litem, Horace A a son who is also dead, leaving as his heirs a son William P and a daughter Lucy S. both of whom are minors and for whom plaintiffs ask the court to appoint a guardian ad litem.

The said Elias Bates is also dead, leaving surviving him the following named heirs at law, Henry J. Bates, Ann M. Woodson, Adeline Alford, Elias F. Honey a son of Mary C. Bates, and James C. Bates who is also dead leaving the following heirs, James C. Bates, Clarissa who intermarried with H. C. Sanford, Samuel L Bates, Walter Bates, Cornelia Bates, Edward M. Bates & Vincent Bates, and William Bates

the last ~~two~~^{three} named are minors for whom also it is prayed that a Guardian ad litem may be appointed.

The said John Geiger is also dead, leaving the following named heirs, Harriett Gallatin, Minerva Geiger, Ellen C. who intermarried with Charles A. Pilley, Susan M. a daughter who intermarried with William S. Boyce, and John L. Geiger.

The said William Glasgow has conveyed his interest in said land to Clement B. Fletcher.

The said William McDonald is also dead, leaving as his heirs at law the said Joseph Hammond, Ann Beal and the unknown heirs of Allen Hammond Dec^d.

The said Samuel W. Lewis is also dead, leaving as his only heir at law Sarah A. Rautkin wife of said Charles S. Rautkin. The said George Horine is also dead, his heirs are unknown to petitioners. The said David Bryant is also dead, leaving as his heirs at law Mary a daughter who intermarried with one Drury who afterwards died when she intermarried with Mathias F. Horine, said Mary is also dead, leaving several children of said marriages, their names are unknown to plaintiffs; said Bryant also left a daughter Sarah R. who intermarried with said Charles S. Rautkin, said Sarah R. is also dead and left surviving her heirs of her body of the said marriage which heirs are also dead, leaving

their father the said C. S. Rautlin surviving them.
He also left surviving him, Clarissa a daughter
who intermarried with John H. Warner, Elizabeth
a daughter who intermarried with Edward B.
Warner and two sons Thomas J. Bryant and Da-
vid W. Bryant.

Plaintiffs state that the parties in
interest are entitled to said land in the fol-
lowing proportions as tenants in common, to wit:
The said Elias F. Honey as heir of Ino W. Honey to
one fiftieth part and as heir to his mother Mary
C. Bates to one fiftieth part, the said Mary C.
Fletcher Eliza E. Honey and Augustus Honey each
one fiftieth part, the said William P. Honey &
Lucy J. Honey each one hundredth part, the said
Henry P. Bates, Ann M. Woodson and Adeline
Alford each one fiftieth part. The said James
E. Bates, Clarissa Sanford, Samuel L. Bates,
Walter Bates, Cornelia Bates, Edward M. Bates &
Vincent Bates, ^{William Bates} are together entitled to one fif-
-tieth or each one ^{four} ~~three~~ hundred ~~and fiftieth~~
part.

The said Harriett Pallatin, Minerva Peiger, Ellen
C. Pilley, Susan M. Boyce and John L. Peiger
are each entitled to one fiftieth part.

The said Clement B. Fletcher is entitled to
two tenths of said land.

The said Joseph Hammond and Ann Beal

are each entitled to one thirtieth part thereof and the unknown heirs of Allen Hammond Dec^d to one thirtieth part thereof. The said Sarah A. Rauskin wife of Charles S. Rauskin is entitled to one tenth of said land.

The unknown heirs of George Horine are entitled to one ~~the~~ tenth thereof.

The unknown heirs of Mary Horine dec^d are entitled to one sixtieth part thereof.

The said Charles S. Rauskin as heir of his deceased son, the said Clarissa Warner, Elizabeth Warner, Thomas J. Bryant and David W. Bryant are each entitled to one sixtieth part thereof.

The said John Metcalf is entitled to one tenth thereof.

Plaintiffs pray for a partition & division of said tract of land according to the respective rights and shares of said parties, and for a sale thereof, if it shall appear that partition thereof cannot be made without prejudice to the said owners.

Fletcher Atty for Plaintiffs.

Elias J. Hovey - (one of plffs) being duly sworn says that the matters and things as stated in the foregoing petition he believes to be true as there

=rein stated, and that the said James E. Bates,
Clarissa Sanford, Samuel L. Bates, Walter Bates,
Cornelia Bates, Edward M. Bates, Vincent Bates
William Bates
John Metcalf & John S. Geiger are non residents
of the State of Missouri.

Signed & sworn before me } Elias J. Honey
Sept. 4th 1857 }

W. B. Floyd Justice of the Peace

1587

Oliver & Sonney & others
ad.

Dance & Bates et al.

der Parklition

Attest Sept 4th 1850
Oliver & Honeywell

have proof for residents and
make ord. of park against non-residents
Send copy ord. park to me.

Met. Teheran for poss.

William S. Boyce & Susan his wife, Elias H. Honey,
Adaline Alford, Ann H. Woodson, Henry P. Bates
Thos. C. Fletcher & Mary C. his wife Charles S. Barr-
ker and Sarah A. his wife Eliza E. Honey, David W.
Bryant, Edward B. Warner & Elizabeth his wife
John H. Warner and Claripa his wife Thomas G.
Bryant, Minerva Geiger, Harriett Gallatin,
Charles A. Pilley and Ellen C. his wife and Clem-
ent B. Fletcher Plaintiffs

against

Walter Bates, Samuel L. Bates, James E. Bates
Cornelia Bates, Vincent Bates, Edward M. Bates
William Bates, Henry C. Sanford and Claripa
his wife, Augustus Honey, William P. Honey
Lucy S. Honey John Metcalf, the unknown
heirs & legal representatives of George Horine dec?
John L. Geiger, James A. Beal and Ann Beal his
wife Joseph Hammond, the unknown heirs
of Allen Hammond dec? and the unknown
heirs of Mary Horine dec? Defendants;

In the Circuit Court of Jefferson County
Mo. November Term 1854

Plaintiffs State, that Elias Bates and John
W. Honey, both now deceased entered at the Land
office at St. Louis, Missouri, a tract of land
situate in the County of Jefferson in said State
described as follows, to wit The South East
quarter of Section number thirty four in Town-
ship No 41 of Range No five East, containing
One hundred & sixty acres, that they afterwards
for the purpose of organizing a company to
dig on said land for lead ore, made a
written agreement, with Clement B. Fletcher,
John Metcalf, John Geiger, William Glasgow,
Samuel W. Lewis, George Horine, David

Bryant, & William M^d Donald, whereby the said Bates and Honey, agreed to convey to said parties each one tenth of said land and reserving to themselves each one tenth thereof. Plaintiffs State that said John W. Honey is dead, and left surviving him at the time of his death, Elias F. Honey a son Mary C. a daughter, who has since intermarried with Geo. C. Fletcher. Eliza E. Honey a daughter. John W. a son who has since died leaving a son Augustus Honey, who is a minor, for whom it is prayed that the court will appoint a guardian ad litem. Horace A. a son who is also dead, leaving as his heirs a son William Paul a daughter Lucy S. both of whom are minors and for whom plaintiffs ask the Court to appoint a guardian ad litem. The said Elias Bates is also dead, leaving surviving him the following named heirs at law, Henry P. Bates, Ann M. Woodson, Adeline Alford, Elias F. Honey a son of Mary C. Bates, and James C. Bates, who is also dead, leaving the following heirs. James E. Bates, Clarissa, who intermarried with H. C. Sanford, Samuel L. Bates, Walter Bates, Cornelia Bates, Edward M. Bates, Vincent Bates and William Bates, the last two named are minors for whom also it is prayed that a guardian ad litem may be appointed. The said John Geiger is also dead, leaving the following named heirs, Harriett Gallatin, Minerva Geiger, Ellen C. who intermarried with Charles A. Pilley, Susan M. a daughter who intermarried with William S. Boyce and John L. Geiger. The said William Glasgow, has conveyed his interest in said land to Clement B. Fletcher. The said William M^d Donald is also dead, leaving as his heirs at law, the said Joseph Hammond, Ann Beal and the unknown

heirs of Allen Hammond Dec^d. The said Samuel W Lewis is also dead, leaving as his only heir at law Sarah A Rankin, wife of said Charles S Rankin. The said George Horine is also dead, his heirs are unknown to petitioners. The said David Bryant is also dead, leaving as his heirs at law Mary a daughter who intermarried with one.

Drury who afterwards died when she intermarried with Matthias J Horine. Said Mary is also dead leaving several children of said marriages; their names are unknown to plaintiff. Said Bryant also left a daughter Sarah R, who intermarried with said Charles S Rankin. Said Sarah R, is also dead and left surviving her, heirs of her body of the said marriage, which heirs are also dead leaving their father the said Charles S Rankin surviving them. He also left surviving him, Clara a daughter who intermarried with John H Warner, Elizabeth a daughter who intermarried with Edward B Warner, and two sons Thomas G Bryant and David W. Bryant. Plaintiffs state that the parties in interest are entitled to said land in the following proportions as tenants in common to wit: The said Elias J Honey as heir of Mrs W Honey one fiftieth part, and as heir of Mary C Bates, to one fiftieth part, the said Mary C Fletcher, Eliza E Honey and Augustus Honey, each one fiftieth part, the said William P Honey & Lucy J Honey each one hundredth part, the said Henry P Bates, Ann M Woodson and Adeline Alford, each one fiftieth part; the said James E Bates, Clara Sanford Samuel L Bates, Walter Bates, Edward M Bates Vincent Bates & William Bates are together entitled to one fiftieth or each one four hundredth part. — The said Harriett Gallatin Miner.

va Geiger, Ellen C Pilley, Susan M Boyce and John L Geiger, are each entitled to one fiftieth part, The said Clement, B Fletcher is entitled to two tenths of said land. The said Joseph Hammond, and Ann Beal are each entitled to one thirtieth part, thereof, and the unknown heirs of Allen Hammond Decd. to one thirtieth part thereof, The said Sarah A Rankin wife of Charles S Rankin is entitled to one tenth of said land. The unknown heirs of George Horine are entitled to one tenth thereof. The unknown heirs of Abner Horine decd are entitled to one sixtieth part thereof. The said Charles S Rankin as heir of his deceased son the said Claipa Warner, Elizabeth Warner, Thomas L Bryant and David W Bryant, are each entitled to one sixtieth part thereof. The said John Metcalf is entitled to one tenth thereof. Plaintiffs pray for a partition & division of said tract of land according to the respective rights and shares of said parties, and for a sale thereof, if it shall appear that partition cannot be made without prejudice to the said owners. Fletcher Atty for Plaintiffs

Elias J Hoarey (one of Pffs) being duly sworn says that the matters and things as stated in the foregoing petition, he believes to be true as therein stated, and that the said James E Bates Claipa Sanford Samuel L Bates Walter Bates, Cornelia Bates, Edward M Bates Vincent Bates, William Bates John Metcalf & John L Geiger are non residents of the State of Missouri Signed & Sworn to before me
Sept 4th 1857 } Elias J Hoarey
J W Lloyd Justice of the Peace

Endorsed Filed Sept 4th 1857
Elias H. Harey Clerk

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 Sept
14th 1857
Elias H. Harey Clerk

William S. Boyce & Susan his wife, Elias F. Hoarey,
Adaline Alford, Ann McWoodson, Henry P. Bates,
Thos. C. Fletcher & Mary C. his wife, Charles S. Rankin,
and Sarah A. his wife, Eliza E. Hoarey, David W.
Bryant, Edward B. Warner & Elizabeth his wife,
John H. Warner and Claripa his wife Thomas G.
Bryant, Minerva Geiger, Harriett Gallatin, Cha-
les A. Pilley and Ellen C. his wife, and Clem-
ent B. Fletcher Plaintiffs

against:

Walter Bates, Samuel L. Bates, James E. Bates,
Cornelia Bates, Vincent Bates, Edward M. Bates,
William Bates, Henry C. Sanford and Claripa his
wife, Augustus Hoarey, William P. Hoarey, Lucy
S. Hoarey, John Metcalf, the unknown heirs & legal
representatives of George Horine dec'd, John L. Geiger
James A. Beal, and Ann Beal his wife Joseph
Hammond, the unknown heirs of Allen Ham-
mond dec'd, and the unknown heirs of Mary
Horine dec'd. Defendants,

In the Circuit Court of Jefferson County Mo
November Term 1857

Plaintiffs state that Elias Bates and John W.
Hoarey, both now deceased, entered at the Land
office at St. Louis Missouri, a tract of land situate
in the County of Jefferson in said State, described
as follows, to wit: The South East quarter of Section
number thirty four in Township 20th N. of Range
20th E. containing one hundred & sixty acres,
that they afterwards for the purpose of organizing
a company to dig on said land for lead ore, made
a written agreement, with, Clement B. Fletcher,
John Metcalf, John Geiger, William Glasgow,
Samuel W. Lewis, George Horine, David Bryant
& William McDonald, whereby the said Bates

and Honey, agreed to convey to said parties each one tenth of said land, and reserving to themselves each one tenth thereof. - Plaintiffs State, that the said John W Honey is dead, and left surviving him at the time of his death, Elias D Honey, a son, Mary C, a daughter who has since intermarried with H. C. Fletcher, Eliza E Honey, a daughter, John W, a son who has since died leaving a son Augustus Honey who is a minor, for whom it is prayed, that the Court will appoint a guardian ad litem. Horace A. a son who is also dead, leaving as his heirs a son William P. and a daughter Lucy S. both of whom are minors, and for whom plaintiffs ask the Court to appoint a guardian ad litem. The said Elias Bates is also dead, leaving surviving him the following named heirs at law, Henry Bates, Ann Woodson, Adeline Alford, Elias D Honey a son of Mary C Bates, and James C Bates, who is also dead, leaving the following heirs, James C Bates, Clarissa, who intermarried with H. C. Sanford, Samuel L Bates, Walter Bates, Cornelia Bates, Edward M Bates, Vincent Bates, and William Bates the last two named are minors, for whom also it is prayed, that a guardian ad litem may be appointed. The said John Geiger, is also dead, leaving the following named heirs, Harriett Gallatin, Minnie Geiger, Ellen C, who intermarried with Charles A. Pilley, Susan M a daughter who intermarried with William S. Boyce, and John L Geiger. The said William Glasgow, has conveyed his interest in said land to Clement B Fletcher. The said William McDonald, is also dead, leaving as his heirs at law, the said Joseph Hammond, Ann Beal, and the unknown heirs of Allen Hammond Decd. The

said Samuel W Lewis is also dead, leaving as his only heir at law, Sarah A. Rankin, wife of said Charles S Rankin, The said George Horine is also dead, his heirs are unknown to petitioners. The said David Bryant, is also dead leaving as his heirs at law, Mary a daughter who intermarried with one Drury, who afterwards died when she intermarried with Mathias J. Horine, said Mary is also dead, leaving several children of said marriages, their names are unknown to plaintiffs; said Bryant, also left a daughter Sarah R, who intermarried with said Charles S Rankin, said Sarah R, is also dead and left surviving her, heirs of her body of the said marriage, which heirs are also dead, leaving their father Charles S Rankin surviving them. He also left surviving him Claripa a daughter who intermarried with John H Warner; Elizabeth a daughter who intermarried with Edward B Warner and two sons Thomas G Bryant and David W Bryant. Plaintiffs state that the parties in interest are entitled to said land in the following proportions as tenants in common to wit: The said Elias F Hoovey as heir of Mrs. W. Hoovey to one fiftieth part, and as heir to his mother Mary C Bates, to one fiftieth part, the said Mary C Fletcher, Eliza E Hoovey and Augustus Hoovey each one fiftieth part, the said William P Hoovey & Lucy S Hoovey each one hundredth part, the said Henry P Bates, Ann M. Woodson and Adeline Alford each one fiftieth part, the said James E Bates, Claripa Sanford, Samuel L. Bates, Walter Bates, Cornelius Bates, Edward M Bates, Vincent Bates & William Bates are together entitled to one fiftieth or each one four

hundredth part. The said Harriett Gallatin, Minerva Geiger Ellen C. Piley, Susan M. Boyce and John L. Geiger are each entitled to one fiftieth part.

The said Clement B. Fletcher is entitled to two tenths of said land. The said Joseph Hammond and Ann Beal, are each entitled to one thirtieth part thereof and the unknown heirs of Allen Hammond dec'd to one thirtieth part thereof. The said Sarah A. Rankin wife of Charles S. Rankin is entitled to one tenth of said land. The unknown heirs of George. Horine are entitled to one tenth thereof. The unknown heirs of Mary Horine dec'd are entitled to one sixtieth part thereof. The said Charles S. Rankin as heir of his deceased son, the said Claripa Warner, Elizabeth Warner Thomas G. Bryant, and David W. Bryant are each entitled to one sixtieth part thereof.

The said John Mosteal is entitled to one tenth thereof. Plaintiffs pray for a partition & division of said tract of land according to the respective rights and shares of said parties, and for a sale thereof if it shall appear that partition cannot be made without prejudice to the said owners.

Fletcher Atty for Plaintiffs

Elias P. Hoarey (one of Plffs) being duly sworn says that the matters and things as stated in the foregoing petition he believes to be true as therein stated, and that James E. Bates, Claripa Sanford, Samuel L. Bates, Walter Bates, Cornelia Bates Edward M. Bates, Vincent Bates, William Bates, John Mosteal & John L. Geiger

are now residents of the State of Missouri
Signed & sworn to before me
Sept 4th 1854 } Elias D. Hoarey
J. W. Floyd, Justice of the Peace

Endorsed "Filed. Sept 4th 1854"
Elias D. Hoarey clk.

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

In Testimony whereof I here to set
my hand and affix the seal
of said Court, at office Sept
14th 1854
Elias D. Hoarey clk.

William S Boyce & Susan his wife, Elias F Honey
Adaline Alford, Ann M Woodson, Henry P Bates,
The C Fletcher & Mary C, his wife, Charles S. Rankin
and Sarah A, his wife, Eliza E Honey, David W Bry-
ant, Edward B Warner & Elizabeth C, his wife, John
H Warner and Clarissa his wife, Thomas G Bryant
Minerva Geiger, Harriet Gallatin, Charles A Pilley
and Ellen C his wife and Clement B Fletcher
Plaintiffs,

Against

Walter Bates, Samuel D. Bates, James E Bates, Cor-
nelia Bates, Vincent Bates, Edward M Bates, Will-
iam Bates, Henry C Sandford and Clarissa his
wife, Augustus Honey, William P Honey, Lucy S.
Honey, John Mostcal, the unknown heirs & legal
representatives of George Horne dec^d, John L Geiger
James A Beal and Ann his wife, Joseph Hammond
the unknown heirs of Allen Hammond dec^d, and
the unknown heirs of Mary Horne dec^d, Defendants.

In the Circuit Court of Jefferson County Mo
November Term 1857

Plaintiffs State, that Elias Bates, and John W
Honey, both now deceased, entered at the Land
office at St Louis Missouri, a tract of land situate
in the County of Jefferson in said State, described
as follows to wit. The South East quarter of Section
number thirty four in Township N^o 41 of Range
N^o five east, containing one hundred & sixty acres
that they afterwards for the purpose of organizing
a company to dig on said land for lead ore,
made a written agreement, with, Clement B
Fletcher, John Mostcal, John Geiger, William Glas-
-gore Samuel W Lewis, George Horne, David
Bryant, & William M Donald, whereby the
said Bates and Honey agreed to convey to

said parties each, one tenth of said land, and reserving to themselves each one tenth thereof. Plaintiffs state that said John W Honey is dead and left surviving him at the time of his death Elias F. Honey a son, Mary C. a daughter who has since intermarried with Tho. C. Fletcher, Eliza E. Honey a daughter, John W. a son who has since died leaving a son Augustus Honey, who is a minor, for whom it is prayed that the Court will appoint a guardian ad litem. Horace A. a son who is also dead, leaving as his heirs a son William Paul and a daughter Lucy S. both of whom are minors and for whom plaintiffs ask the Court to appoint a guardian ad litem. The said Elias Bates, is also dead, leaving surviving him the following named heirs, at law, Henry P. Bates, Ann M. Woodson Adeline Alford, Elias F. Honey a son of Mary C. Bates, and James C. Bates, who is also dead leaving the following heirs, James C. Bates, Claupe who intermarried with Henry C. Sanford, Samuel L. Bates, Walter Bates, Cornelia Bates, Edward M. Bates, Vincent Bates and William Bates, the last two named are minors for whom also it is prayed, that a guardian ad litem may be appointed. The said John Geiger is also dead leaving the following named heirs, Harriett Gallatin Mcnerva Geiger, Ellen C. who intermarried with Charles A. Pilley, Susan M. a daughter who intermarried with William S. Boyce and John L. Geiger; The said William Glasgow, has conveyed his interest in said land to Clement B. Fletcher, The said William McDonald is also dead, leaving as his heirs at law, the said Joseph Hammond, Ann Beal and the un-

-known heirs of Allen Hammond Dec^d. The said Samuel W Lewis is also dead, leaving as his only heir at law, Sarah A Rankin, wife of said Charles S. Rankin. The said George Horvise, is also dead, his heirs are unknown to petitioners; The said David Bryant, is also dead, leaving as his heirs at law, Mary a daughter, who intermarried with one, Drury, who afterwards died when she intermarried with Mathias J. Horvise, said Mary is also dead, leaving several children of said marriages, their names are unknown to plaintiffs. Said Bryant, also left a daughter Sarah R who intermarried with said Charles S Rankin, said Sarah R is also dead and left surviving her heirs of her body of the said marriage which heirs are also dead, leaving their father, the said C. S. Rankin surviving them. He also left surviving him Clarissa a daughter who intermarried with John H Warner, Elizabeth a daughter who intermarried with Edward B. Warner and two sons, Thomas S Bryant and David W Bryant.

Plaintiffs state that the parties in interest are entitled to said land in the following proportions as tenants in common, to wit: The said Elias J. Honey as heir of John W. Honey to one fiftieth part, and as heir to his mother Mary C Bates, to one fiftieth part; the said Mary C Fletcher, Eliza E and Augustus Honey each one fiftieth part; the said William P Honey & Lucy S. Honey each one hundredth part; the said Henry P Bates, Aaron W Woodson and Adaline Alford, each one fiftieth part; The said James E Bates, Clarissa Sanford, Samuel L Bates, Walter Bates, Cornelia Bates, Edward M Bates Vincent Bates and William Bates, are together entitled to one

one fiftieth or each, One Four hundredth part,
The said Harriett Gallatin, Minerva Geiger
Ellen C Pelley, Susan M Boyce and John L
Geiger are each entitled to one fiftieth part,

The said Clement B Fletcher is entitled to
two tenths of said land, The said Joseph Ham-
mond and Ann Beal are each entitled to one
thirtieth part thereof and the unknown heirs
of Allen Hammond deceased to one thirtieth
part thereof, The said Sarah Rankin wife
of Charles S Rankin is entitled to one tenth
of said land, the unknown heirs of George Ho-
rnie are entitled to one tenth thereof, The unknown
heirs of Mary Hornie dec^d are entitled to one
sixteenth part thereof, The said Charles S Ran-
kin as heir of his deceased son, the said Claripa
Warner, Elizabeth Warner, Thomas G Bryant
and David W. Bryant, are each entitled to one
sixtieth part thereof, The said John Metcalf
is entitled to one tenth thereof. Plaintiffs
pray for a partition & division of said tract of
land according to the respective rights and shares
of said parties and for a sale thereof if it shall
appear that partition thereof cannot be made
without prejudice to the said owners

Fletcher Atty for Plaintiffs
Elias D Morrey (one of Plffs) being duly sworn
says that the matters and things as stated in
the foregoing petition he believes to be true as
therein stated, and that the said James E Bates
Claripa Sanford Samuel L Bates, Walter Bates
Cynthia Bates, Edward M Bates, Vincent Bates
William Bates, John Metcalf & John L
Geiger are now residents of the State of Missouri

Signed & sworn to before me
Sept. 14th 1857 } Elias J. Mooney
Thos W. Lloyd, Justice of the peace

Ordered, "Filed Sept. 4th 1857"
Elias J. Mooney Clerk

A true copy of the original petition &
affidavit on file in my office

In Testimony whereof I hereto set
my hand and affix the Seal of
said Court at office Sept 14th
A D 1857
Elias J. Mooney Clerk

Served on the 16th, day of November
AD 1857. By delivering a Copy of the
within Petition and Writ to the within
named Charles A. Honey in St Francis
County Wisconsin

Charles Matthias Hoff
By S. B. Mattin. D.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

Saint Francis

To the Sheriff of the County of ~~Jefferson~~—Greeting:

We command you, that you summon Augustus Honey

..... if— he be
found in your County, that— he— 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 Elias F Honey from
S. Boyce Henry & Bates et al

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

Elias F Honey

Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Seventeenth
day of September A. D. 1857

Elias F Honey

CLERK CIRCUIT COURT.

Return shown on back of C.C. petition sheets attached.

Apr 13

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

Wm. Brown
Hewitt & Co
New York 1857

COUNTY OF JEFFERSON, SS.

The State of Missouri:

Washington

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

We command you, that you summon Joseph Hammond

----- if - he - be
found in your County, that - he - 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 Elias J. Hovey Wm.
S. Boyce Henry P. Bates and others

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

Elias J. Hovey

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Seventeenth
day of September A. D. 1857

Elias J. Hovey

CLERK CIRCUIT COURT.

Served the Within Petition Affidavit & Summons.
on the 23rd day of September 1857. by leaving a Certified
Copy thereof at the Usual place of Abode of Joseph
Hannon & with his Mother a free white Person over
the age of fifteen years. in Washington County Mo.

M. A. Todd Sheriff
of Washington County Mo

No 13-

Jefferson Bancroft. Clerk

November Term 1857

Chas F Harey et al

vs
J. Hannon

Joseph Hannon et al.

M. A. Todd

Fee 1.00

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon William P Hovey
and Lucy S Hovey James A Beal and
Ann Beal 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 William S Boyce Elias
F Hovey Henry P Bates, and Others
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

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

Elias F Hovey
CLERK CIRCUIT COURT.

W 15

To Jefferson Circuit Court

Nov. Term 1857

Chas. J. Hooney et al

vs 4 Summoners

William P. Hooney et al

Lucy S. Hooney et al

James A. Beal & Arch. Beal

Sheriff's fees \$4.00

I Executed the within writ at the county of Jefferson on the
Twenty Third day of October 1857 by delivering to William P. Hooney
a true copy of the within writ and the annexed petition and also
Lucy S. Hooney on the 28th day of October 1857 by reading the within
writ in her presence and hearing and also on James A. Beal
and Arch. Beal on the 4th day of November 1857 by reading
the within writ in their presence and hearing.
Augustine Wiley Sheriff

State of Missouri,

County of St. Louis.

Personally appeared before the undersigned, (a Notary Public within and for the County of St. Louis,) *Wm McKee*

who, being duly sworn, deposeth and saith, that the annexed advertisement was published in the "Missouri Democrat," (printed in this State, the newspaper of which he is the printer,) for *Six* times, the first insertion

being on the *ninth* day of *September* and the last insertion on the *twelfth* day of *October* 1857 as follows:

STATE OF MISSOURI, } ss.
COUNTY OF JEFFERSON. }

In the Circuit Court—In Vacation.

SEPTEMBER 4th, 1857.

William S. Boyce and Susan his wife, Elias F. Honey, Adalina Alford, Ann M. Woodson, Henry P. Bates, Tho. C. Fletcher and Mary C. his wife, Charles S. Rankin and Sarah A. his wife, Eliza E. Honey, and others, plaintiffs,

against
Walter Bates, Samuel L. Bates, James E. Bates, Edward Bates, Vincent Bates, William Bates, Cornelia Bates, Henry C. Sanford and Clarissa A. his wife, John Metcalf, the unknown heirs and legal representatives of George Horine, deceased; John L. Geiger, the unknown heirs of Allen Hammond, deceased; the unknown heirs of Mary Horine, deceased, and others, defendants.

Order of Publication

THE plaintiffs herein having, on the 4th day of September, 1857, filed in the office of the Clerk of the Circuit Court of said county, their petition, verified by affidavit, as required by law, for partition and division of the following land, situate and lying in the county of Jefferson, State of Missouri, to-wit: The southeast quarter of section thirty-four, in township No. forty-one, of range No. five, east, containing one hundred and sixty acres; and it also appearing from said petition and affidavit, that the above named defendants are all non-residents of the State of Missouri, or unknown to said plaintiffs; it is, therefore, ordered by the undersigned, Clerk of said Court, that said non-residents and unknown defendants be notified, by publication, of the commencement of this action, the nature and general object of which is for partition and division of the lands herein mentioned and unless they be, and appear before the Circuit Court of said county, at the next term thereof, to be begun and held on the fourth Monday in November next, at the town of Hillsboro, in said county, and on or before the sixth day of said term, answer the petition of said plaintiffs, it will be taken as confessed. And it is further ordered, that a copy hereof be published for four weeks successively in the Missouri Democrat, a newspaper printed in St. Louis, Missouri, the last insertion to be at least four weeks before said next term. A true copy from the record.

sg w4

Test—ELIAS F. HONEY Clerk.

<i>Sept</i>	<i>9</i>	<i>No</i>	<i>216</i>
	<i>14</i>	<i>"</i>	<i>220</i>
	<i>21</i>	<i>"</i>	<i>226</i>
	<i>28</i>	<i>"</i>	<i>232</i>
<i>Oct</i>	<i>5</i>	<i>"</i>	<i>238</i>
	<i>12</i>	<i>"</i>	<i>244</i>

Wm McKee

SWORN TO AND SUBSCRIBED before me, this
20th day of *November* 1857

Printer's Fee, *10.00*
Affidavit, *25*
\$10.25

H. H. Chover
Judge St. Louis City

Allegavit

Printer's Fee

day of

188

Sworn to and subscribed before me, this

Specimen here of all
us parties
dates of all.

Proof publication

Will fee \$10.25-

and the last

day of

day of

as follows:

insertion on the

being on the

Printer's fee

times, the first insertion

in the "Missouri Democrat" (printed in this State) the newspaper of which he is the
who, being duly sworn, deposed and said, that the annexed advertisement was published
of St. Louis.

Personally appeared before the undersigned, a Notary Public within and for the County

County of St. Louis

Notary Public

Wm S Boyce et als. } In Partition
Walter Bates & others } Nov Term 1857.

Circuit Court of Jefferson County Mo
Elias J Honey Guardian ad litem for
William P Honey Lucy S Honey, Augustus Honey
William Bates Vincent Bates & Edward M Bates minors
defendants in this cause, for answer to the petition
of said plaintiffs, states that the rights and
interests of said minors in said land described
in petition, are correctly set out in said petition
and he believes sufficiently protected by the showing
of said petition. He therefore submits said cause
to the Court, praying that the plaintiffs be held
to the interest by them yielded by the petition
to said minors,

Elias J Honey

Guardian ad litem for
said minors.

Elias J Honey Guardian ad litem for
the above named minors being duly sworn
on oath states that the matters & things as
stated in the foregoing answer he believes
to be true as therein stated,

Signed & sworn to before me

Nov 23rd 1857

Attest
J. H. C. C.

Elias J Honey

Boyes & others
vs

Boyes, Heiss & others.

In Partition

Answer of Grantee and
Heiss of minor depts.

Md Jan 25th 1857

Wm J. Hooley
Clerk

State of Missouri }
County of Jefferson } In the Circuit Court
November 28th 1858

Elias F. Moorey et al }
vs } Order of Sale
James E. Bates et al }

Now at this day comes the said Plaintiffs by their attorney and present their petition, praying for partition and division of the land and premises in their petition mentioned and described. And the Court being satisfied of the due publication of the Notice to the nonresident defendants as required by the order herein made, and they failing to appear, it is ordered that their default be entered, and the adult resident defendants having failed to answer, although duly served with process it is also ordered that their default be entered. And the answer of the Guardian ad litem of the Minor defendants, being filed admitting the rights of the said parties therein, It is ordered and adjudged by the Court, that partition of said land be made between said parties, according to their respective rights and interests therein, to wit: The South East quarter of Section number Thirty four, in Township No 41. of range No 5 East, containing One Hundred and Sixty acres. Situate in Jefferson County Missouri: And the Court proceeding to settle the rights of said parties

in and to said land, doth adjudge and declare the same as follows: The said Elias F. Hooney as heir of John H. Hooney Sr & Elias Bates, to 2^{mo}. fiftieths of said land. The said Mary C. Fletcher, Eliza E. Hooney, and Augustus Hooney each, one fiftieth part, the said William P. and Lucy S. Hooney each, one hundredth part, the said Henry P. Bates, A. M. Woodson and Adeline Alford each one fiftieth part, the said James E., Samuel L. Walter, Cornelia, Edward M., Vincent, and William Bates and Clarissa A. Sandford, each one four hundredth part, The said Harriet Ballatin, Minerva Geiger, Ellen C. Pilley, Susan M. Boyce and John L. Geiger are each entitled to one fiftieth part, the said Clement B. Fletcher, to two tenths thereof the said Joseph Hammond and Ann Beal are each entitled to one thirtieth part thereof, and the unknown heirs of Allen Hammond dec^d. to one thirtieth part thereof. The said Sarah A. Rankin, wife of Chas S. Rankin to one tenth of said land. The unknown heirs of George Horine to one tenth, the unknown heirs of Mary Horine deceased to one sixtieth part, the said Charles S. Rankin, Clarissa Warner Elizabeth Warner, Thomas G. Bryant, and David H. Bryant, are each entitled to one sixtieth part thereof, and the said John Metcalf is entitled to one tenth thereof. And it appearing to the satisfaction of the Court

that partition thereof cannot be made without great prejudice to the owners. It is ordered by the Court, that the Sheriff of Jefferson County proceed to sell said Land at public ~~sale~~ 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, and for the deferred payment, that he take a Bond or Note from the purchaser with security bearing Six per cent interest from date, that said Sale take place on some day during the sitting 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 required by law for such Sales, and report his proceedings herein to the Court, and this Cause is continued

I Elias D. Honey clerk of the Circuit Court within and for the County aforesaid do hereby certify that the foregoing is a true copy of the order of Sale made by said Court in the case of Elias D. Honey and others against James E. Bates and others, as full 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 February Third. A. D. 1858

Elias D. Honey Clerk

Dr. Jefferson Davis Cash
April 20th 1858

Eliza T. Honeychal
at 3 Cents of Sale
James E. Watson Cash

Adel & Capt. James Honeychal
Mrs. J. Honeychal

Sold Wednesday 28th April

Sheriff Sale In partition
Elias J. Money

vs
James C. Bates et al } In partition in the Jefferson County
Circuit Court

By virtue and authority of our Order of Sale made by the Circuit Court of Jefferson County on the 28th day of November 1857 in the above Suit the undersigned Sheriff of Jefferson County will on Wednesday the 28th day of April next between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day at the Court House Door in the Town of Hillsboro in said County of Jefferson 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 property of the parties to said Suit of in and to the following described tract of land lying in the County of Jefferson and State of Missouri to wit The South East quarter of Section number Thirty four in Township No 41 of Range No 5 East containing one Hundred and Sixty acres

Terms of Sale Ten per cent of the purchase money to be paid in cash at the time of Sale the remainder in twelve months the purchaser giving Bond or note with approved Security bearing Interest at the rate of Six per cent per annum from date Given under my hand This the 5th day of February AD 1858

Augustine Wiley Sheriff

Belvedere

Chas. J. Honey
vs. James C. Bates, et al.
In the Circuit Court
In Partition
Sheriff's Report
To the Honorable the Circuit Court of
Jefferson County Mo.

The undersigned Sheriff of the said 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, term and place of Sale and what real Estate was to be sold and where situate as the law directs, by at least six hand bills signed by me and put up in different parts of said County, a copy of which hand bills is herewith filed and made a part of this report, I did on the 28th day of April A.D. 1838, at the Court Room door in the Court of Millboro, between the hours of Nine O'clock in the forenoon, and five O'clock in the afternoon of that day, and during the sitting of the Circuit Court at the April Term thereof for said year, agreeable to said advertisements expose to Sale publicly by Auction, the following described land To Wit: The ~~South East~~ South East quarter of Section No. 34, in Township No. 41, of Range No. 5, E. containing One Hundred and Sixty acres, and John T. Davis, and William V. Dunnamant, became the purchasers thereof, he being the highest and last bidder, at and for the sum of Five Hundred and sixty five dollars, the same was struck off and

Sold to them the said Davis & Dunnivant for
that sum, And they have ~~therein~~ ~~been~~ ~~fully~~ ~~paid~~
complied with the requirements of said order of Sale
the same is respectfully Submitted

Augustine Wiley
Sheriff

Elias J. Honey et al } In the Circuit Court of
 vs } Jefferson County Mo
 James C. Bates et al } In Partition

See Bill

Honey Clerk. 6. copies petition \$6.00. 6 cents each 34	
3 writs 8 copies \$3.30. Order Pub. 50. copy same cert each 14	
Docket 10. default of defendants 25¢. proof Pub. 10¢	
Order Sale 50¢ Copy same cert each 14 appt. heard.	
ad litem 25¢ ans. of same 25¢. Report 25¢. file	
7 papers. 35¢. make up. Cts 25¢	17.10
Wiley Sheriff Serve. sums & debts	4.00
Todd " " " 1 "	1.00
Mathen " " " 1 "	1.00
Democrat. Printer fee	10.25
Sketcher Attorney fee Allowed.	25.00
Com ^d on \$575.00 Sp. l ^y	11.30
	<u>\$69.65</u>

Chas J Henshaw

to J. D. Hill

James E. Henshaw