

Jefferson County Circuit Court
Case Files - Civil
April 1858, No. 9

Box 10 Folder 15

Rankin, Louis J.

vs.

Boyer, Mary Jane

Boyer, Edward, gdn.

Partition

117 acres in S2, 3T39R4E

Louis J. Rankin, Plaintiff,

Against

Mary Jane Boyne

By Edwin Boyne,

her Guardian, - defendant.

In the Circuit Court
of Jefferson County
Missouri.

The Plaintiff states that some time in the year 1854, Charles Boyne died intestate, seized in fee of the following real estate, situate in Jefferson County, Missouri and described as follows, To wit, The West half of Lot No. one, and the East half of Lot No. two, of the North West quarter, of Section No. Three, in Township No. Thirty nine, North of Range No. Four East, containing Eighty acres; also, Lot No. one, of the North West quarter of Section No. two, in Township No. Thirty nine, North of Range No. Four East, containing Thirty seven acres, and seventy two hundredths of an acre. That said Charles Boyne left surviving him but two children, Mary Jane Boyne, the defendant, who is yet a minor, and Martha Ann Boyne, born about two months after his death, who were the only heirs of said deceased, and as such, entitled each to the one half of the real estate aforesaid, subject to the dower of the widow, Melissa Boyne, since married to James Evans. And the said Martha Ann Boyne, having soon afterwards died, her interest in said real estate descended to her mother and sister in equal parts. After the death of said Martha Ann Boyne, the Plaintiff pur-

Chased of said Melissa Evans all of her interest in and to the real estate aforesaid, and received a conveyance of the same from her and her husband, dated Nov. the 9th 1837, which is hereto the Court shown as part of this Petition. - Plaintiff states that the dower in said Lands having never been assigned to said widow, that he and the defendant now hold said real estate as tenants in common; and that Plaintiff is entitled to the one undivided fourth part of said real estate in fee, and to the dower interest of said Melissa Evans, - and the Defendant is entitled to the undivided three fourths of said Lands, subject to said dower interest. - Plaintiff prays the Court to order a division and partition of such premises, according to the respective rights of the parties interested therein, as stated, and for a sale thereof, if it shall appear that partition cannot be made without great prejudice to the owners thereof.

Abner Green

} Attorney for Plaintiff,

Louis J. Rankin, Plaintiff, makes oath and says the above Petition, and the matters therein as stated, he believes to be true.

Sworn to and Subscribed
before me, Feby 20th 1858
Chas D Honey Clerk

L. J. Rankin

2 Copies Ret.
2 to Heals
2 mls
att^o

In the Circuit Court
Jefferson County

Lewis J. Rankin
vs,

Mary Jane Boyne
vs her Executors

Plaintiff for partition
- for numerous acres,
J. Green, for Dft

Attest July 20th 1858

Geo A. Hooley Clerk

Spencer July 22^d 1858

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that

Jane Boyne by
me

if she be
and appear before the Hon.
day of the next term thereof,
Hillsboro, within and for the

Jefferson, on the fourth Monday of April
in and there to answer unto Lewis J. Rankin

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

Elias J. Honey
Witness, ~~THO. C. FLETCHER~~, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 22nd
day of Febry A. D. 1858

Elias J. Honey

CLERK CIRCUIT COURT.

I Executed the within writ at the County of Jefferson on
the 27th day of February 1858 by Delivering to Edwin Boyne
a true copy of the within writ and the annex petition (as
furnished by the clerk)

Augustine Wiley Sheriff

No 929
2d Jefferson Circuit Court
April Term 1858

Louis J. Franklin

vs
J. B. Sumner

Henry

Cade

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

Louis J. Rankin Plaintiff

- vs -
Mary Jane Boyne by her
Guardian Edwin Boyne, defendants

In Partition
order of Sale.

Now at this day comes
said Plaintiff, by his attorney, and said defend-
ants still failing to appear and answer the
petition of said plaintiff, and their default hav-
ing heretofore been entered; And the petition of
said plaintiff, praying for partition and divis-
ion, of the following described real estate, Sit-
uate in Jefferson County Missouri, to wit:
The West half of Lot one, and the East half of
Lot Two, of the North West quarter of Section
No. Three, in Township No. Thirty nine, North
of range No. four East, containing Eighty acres,
being seen and heard: It is considered by the
Court, that partition thereof be ordered, and
adjudged, between said parties according
to their respective rights and interests therein, and
the Court, proceeding to ascertain and settle the
rights of said parties, in and to said real estate
doth adjudge and declare the same as follows
to wit: The said Plaintiff, Louis J. Rankin is
entitled to one fourth of said land absolutely
and also, to a dower interest of one third of

of the whole, during the natural life of Meliza Evans, the relict and widow of Charles Boyne deceased, and the said defendant Mary Jane Boyne is entitled to three fourths of the whole Subject, to the said dower interest of the said Meliza Evans, for and during her natural life, And it appearing to the satisfaction of the Court, that said land is so situated that partition thereof cannot be made without prejudice to the said owners; It is ordered by the Court, that the Sheriff of Jefferson County proceed to sell said real Estate at Public Auction to the highest bidder, for ten percent of the purchase money in cash, and the residue in twelve months, and for the deferred payment, take a Bond or Note from the purchaser with security, bearing six percent, Interest from date, that said Sale take place on some day during the setting of the Circuit Court for said County, and be governed by the same regulations prescribed by law, for sales of Real Estate under Execution, Notice thereof being given by the Sheriff, in the same manner as provided by law, for such sales, and bring into Court the proceeds of said Sale to abide the further orders of the Court. herein.

J. Elias & Hovey clerk of the Circuit Court in and for said County, hereby certify that the foregoing is a full, true and complete copy

of the order of sale made by said Court in
the cause of Louis J. Rankin Plaintiff and
Mary Jane Boyne, by her Guardian Edwin
Boyne defendants, as fully as the same re
mains and appears on the record of said
Court in my office in Book No Four. page
201.

In Testimony whereof, I hereto
sign my name and affix the
Seal of said Court, at office
in Hillsboro December the
Fifteenth A. D. 1858.
Elias J. Hovey Clerk

St. Jefferson Circuit Court
April Term 1859

Louis J. Parkins

vs } Order of Sale

Mary Jane Byrne
by her Guar: Edwin Byrne

Sheriff for forwarding \$1.00
and returning without sale

_____ 1859

Monday 9th

this order having been set aside, I return
the same without having executed the same
Wm. Dover, Sheriff

Sheriff's Sale In Partition

Louis J Rankin plaintiff }
vs }
Mary Leme Boyne by her }
Guar, Edwin Boyne }
An Partition in the
Circuit Court
April Term 1859

By authority of an order of Sale made by the Circuit Court of Jefferson County Missouri on the 29th day of October 1858 in the above Suit the undersigned Sheriff of the County of Jefferson State of Missouri will on Thursday the 8th day of June 1859 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 tracts of land situated in the County of Jefferson and State of Missouri to wit the West half of Lot one and the East half of Lot two of the North West quarter of Section No three in Township No thirty nine North of Range No four East containing Eighty acres Terms of Sale ten percent of the purchase money to be paid at the time of Sale the remainder in Twelve months the purchaser giving a Note or Bond with approved Security bearing interest at the rate of ten per cent per annum from date Given under my hand This the 6th day of January A.D. 1859

Oscar Dover Sheriff
By Augustine Wiley Deputy

Levi H. Caudin

to

Mary Jane Rogers

Abundantment

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

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

We command you, that you summon *Mary Jane Byrne*

if she be found in your County, that she
do 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 second
Monday after the fourth Monday of November
next, then and there to answer unto *Louis J Rankin*

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

Witness, **ELIAS F. HONEY**, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at office
in *Hillsboro*, this *Twenty Second*
day of *September* A. D. 1859

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the County of Jefferson
State of Mo on Mary Jane Boyne by delivering her
A true copy of this writ and annexed petition on
the 25th day of September 1859

Oscar Dover Sheriff

No 30

To Jefferson Circuit Court

December Term 1859

Levi J. Clarkin

v. J. Sumner

Mary Jane Boyne

Sheriff fee \$ 1.00

Louis J Rankin Plaintiff
against

Mary J Byrne Defendants

In the Circuit Court

Dec Term 1860,

James a Real Guardian
ad litem for said defendant,
states that he has not sufficient
knowledge to enable him to
form a belief as to the facts
stated in petition & requires
proof.

J Real Atty
for deft

J. J. Rankin
or
Mr. J. Payne

Answer of
Gives as item

Decd Dec 19th 1860
Chas. J. Honey
Clerk

Louis J. Runkin }
vs. }
Mary J. Boyne, }

Now at this day comes
the Plaintiff by his Attorney, and moves
the Court to amend the order of sale
heretofore made, in the above cause, so
as to embrace only forty acres in the
Tract of eighty acres, ^{in said order as also in} described in the
Sheriff's advertisement of sale, to wit,
the East half of Lot No. two, of the North
West quarter of Section No. three, in
Township No. thirty nine, of Range No.
Four East, containing forty acres, and it
appearing to the Court that the West half
of said eighty acres had been conveyed
by said Edward Boyne in his life-time
it is ordered by the Court, that the said
order of sale be so amended, and that the
Sheriff sell only the said Lot No. two,
as described above being part of the
Eighty acres described in his advertise-
ment, and that in all other respects,
the said Sheriff comply with the former
order of sale.

L. H. Bunker

is no

Mary J. Byrne

Amusement & notes

of sale

Attest Jan'y 12th 1873

C. J. Henry

deleh

Lewis, J. Rankin } In the Circuit Court
19 } January Term 1863
Mary Jane Boyne } Do the Hon. the Circuit Court
of Jefferson County, Missouri.

The undersigned Sheriff of Jefferson 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 terms and place of sale and what real estate was to be sold and where situated by putting up six ^{printed} advertisements in the most public places in the county aforesaid a copy of which advertisements is herewith filed and make a part of this report, I did agreeably with said advertisements at the Court House door in Hillsboro, Friday the sixteenth day of January, A.D. 1863 between the hours of nine o'clock in the forenoon and five in the afternoon of said day and during the session of the Circuit Court for said County at the January Term thereof for the year eighteen hundred and sixty three expose to sale publicly by auction, the following described real estate situate in said Jefferson County to wit, the West half of Lot No. one, and the East half of Lot No. two of the North West quarter of Section No. three, in Township No. thirty nine North of Range No. Four East containing eighty acres also, Lot No. one of the North West q^r of Section No. two in Township No. -

thirty nine Range No. 4 East containing
37 $\frac{74}{100}$ acres, lying and being in Jefferson
County Missouri, and Louis J Rankin
was then and there the highest bidder
The same was struck off and sold to him
at and for the prices following the first
Described piece at fifty Dollars & the second
at twenty five Dollars making in all
Seventy five Dollars and he the said
Louis J Rankin having paid me the sum
of seven Dollars and fifty cents and given
his note for the balance as required by
the terms of sale

This Report is Respectfully submitted

Jerome B. Doven

Sheriff

SHERIFF SALE IN PARTITION.

Lewis J. Rankin
vs.
Mary J. Payne

In the Circuit Court of Jefferson Co., Mo.

By virtue and authority of an order made by the Circuit Court of the County of Jefferson, State of Missouri, at its December Term, A. D. 1860, I will, on the Friday 16th day of January next, 1861, at the Court House door, in the Town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit: the

The N^W 1/4 of lot N^o 1 and the E^{1/2} of lot N^o 2 of the N^W 1/4 of section N^o 2, in Township 39 Range 4 East containing 80 acres, also lot N^o 1 of the N^W 1/4 of section N^o 1 in Township N^o 39 Range 4 E. containing $37\frac{24}{100}$ acres by my decree in Jefferson County, Missouri.

For the purpose of making partition between said parties, for which the purchaser will be required to pay ten per cent. of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving his bond, with approved security, bearing interest at the rate of six per cent. per annum from date, this 17 day of December 1860

JEROME B. DOVER, Sheriff.

State of Wisconsin }
County of Jefferson }

In the Circuit Court
January 12th 1863

Louis J. Rankin

vs
For Partition

Mary Jane Boyne

} Amended order of Sale

Now at this day comes
the Plaintiff by his attorney, and moves the
Court to amend the order of Sale heretofore
made in the above cause so as to embrace on-
ly forty acres in the tract of Eighty acres, des-
cribed in said order as also in the Sheriff's
advertisement of Sale, to wit: The East half
of Lot Two of the North West quarter of Section
No three in Township No thirty nine of range
No four East, containing forty acres. And it
appearing to the Court that the West half of
said Eighty acres had been conveyed by said
Charles Boyne in his life time. It is ordered
by the Court, that said order of Sale be so
amended, and that the Sheriff sell only the
said Lot No Two as described above, being
part of the Eighty acres described in his ad-
vertisement, and that in all other respects
the said Sheriff comply with the former

order of Sale
records

A true copy from the

In Testimony whereof I
Elias McHenry Clerk of said
Court have hereunto set my
hand and the Seal of said
Court this twelfth day of
January A D 1863

Elias McHenry Clerk

Lucas J. Rankin

or 3 Amended order Seal

Mary Jane Boyne

State of Missouri
County of Jefferson }

In the Circuit Court
December 19th 1860

Lucas J. Rankin

^{vs}
Mary Jane Boyne by
Edmon Boyne Guardian

} In Partition
Order of Sale

And now again at
this day comes said Plaintiff by his attorney, and
the answer of said minor defendant by her
guardian ad litem being filed this cause
coming on to be heard upon the petition, an-
swer and evidence. It is considered and ad-
judged by the court that partition of the lands
and premises in the petition of plaintiff des-
cribed be ordered and adjudged between said
parties according to their respective rights and
interests therein, and the court proceeding to
ascertain the respective rights and interests
of said owners in and to the real Estate
hereinafter described doth declare the same
as follows to wit: The said plaintiff Lucas
J. Rankin is entitled to one undivided fourth
of said real estate absolutely and to a dower
interest of one third of the whole during
the natural life of Melissa Evans therein
and widow of Charles Boyne deceased from
whom said land descended. And the said
defendant Mary Jane Boyne is entitled
to three fourths of said land subject to

the above interest aforesaid, And it appearing to the satisfaction of the Court that said real estate is so situated that partition and division thereof cannot be made without great prejudice to the said owners. It is ordered by the Court, that the Sheriff of Jefferson County proceed to sell the land in the petition of said plaintiff described as follows to wit: The West half of Lot No One and the east half of lot No 2000 of the North West quarter of Section No Three in Township thirty nine of range No four east containing Eighty acres; Also Lot No One of the North west quarter of Section No 2000, in Township No thirty nine North of range No four east containing thirty seven acres and seventy two hundredths of an acre; That said sale take place on some day during the sitting of the Circuit Court, of said County at Public Vendue 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 the Sheriff take from the purchaser a bond or note with good security bearing interest from date at the rate of Six per cent per annum, that said sale be conducted in all things in the manner provided by law for sales of real estate under Execution, Notice thereof being given by the Sheriff in the way prescribed by law for

such sales, and bring the proceeds thereof
into court to abide the further orders of the
court herein, and this cause is continued

State of Missouri }
County of Jefferson } I, the undersigned
Clerk of the Circuit Court within and for
said County hereby certify that the foregoing
is a full true and complete copy of the judg-
ment and order of Sale of said Court, in the
above entitled cause 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 St. Louis this Twenty
Eighth day of February A.D.
1861.

Elias F. Hoovey Clerk

To Jefferson Davis, South
Carolina

Louis J. Hankins
 as { Clerk of Sale
 Henry James Boyce

Admission for 2 or 3. 20c

Admission 100

of 20 over shaft are 1 or 2

150
150
150

Julia Lang 23 87863
Ed Honey Creek

Louis J. Rankin

Edmon Boyne Guardian of
Mary Jane Boyne.

In Partition

In the Circuit Court
Jefferson County.

Fee Bill

E. J. Honey Clerk, 2 copies note 1/4 C Seal 1/4	2 00	
mit copy, \$1.20, default 50¢ Court 25¢ Order	1 95	
sale 50¢ copy 50¢ C Seal 50¢, order postpones 50	2 00	
Cont 50¢ alias mit 1/4 copy 20¢ leave 10¢	1 80	
default 50¢ Cont 25¢, Order 50¢ answer 25¢	1 50	
2 nd order sale 50¢ copy 50¢ Cert Seal 50¢ affd, 25	1 75	
Cont 25¢ report sale 25¢, Pockets 40¢	90	
dock budgt 25¢, amend over Seal 50¢ copy 50	1 25	
C Seal 50¢, motion 25¢ 5 pps 25¢ make.	1 00	
fee Bill 25¢ trial 50¢ Judgt. 50, atty fee 25	1 50	15 15
A. Wiley Sheriff serve writ & defendat		1 00
O. Dover " " " "	1 00	
bauls 20¢ notices 3/4	3 20	4 20
J. C. Power, notice of sale.		1 00
J. B. Dover " " " 1/4		
compross \$1.50 on 75¢ C 29¢		2 50
A. Green attorney		20 00
		<u>\$ 44.35</u>