

Jefferson County Circuit Court
Case File - Civ.1

June 1860, #11

Hopkins, Daniel
vs

Francy, Anthony

Partition

40 acres in S2T39R4E

Box

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Daniel Hopkins, - plaintiff } In the Circuit
Against } Court Jefferson
Anthony Franey, - defendant } County.

Plaintiff states that he and the Defendant hold as Tenants in Common the following described Tract of Land, situate in Jefferson County Missouri, to wit, The North East quarter of the South East quarter of Section No. Two, in Township No. Thirty nine of Range No. Four, East, containing Forty acres,

That Plaintiff and Defendant are each entitled to the one undivided half of said Land. - Plaintiff therefore asks the Court for an order for a division and partition of said Land, according to the respective rights of the parties interested therein, 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

Daniel Hopkins, plaintiff, makes oath and says the above petition and the the matters therein as stated therein, he believes to be true.

Daniel Hopkins
his mark

Subscribed before me }
Mar. 19th 1860 }
Elias J. Honey clk

Copy 124
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not Hoop

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In Circuit Court

Jefferson County

James Northrup

vs

Anthony Hoarey

petition for partition

of the above

lands

James Hoarey

Att

Filed March 19th 1860

James Hoarey

Clerk

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

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

We command you, that you summon *Anthony Fransley*

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 second
Monday after the fourth Monday of *May*
next, then and there to answer unto *Daniel Hopkins*

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 *Twentieth*
day of *March* A. D. 1860

Elias F. Honey

Clerk Circuit Court.

I executed the within writ in the County of Jefferson
State of Missouri on Anthony Frang by Delivering him
A true copy of this writ and annexed petition as furnished
me by the clerk on the 16th day of April AD 1860

Oscar Dover Sheriff

No 11 1795-

To Jefferson Cir. Court.

June Term 1860

Daniel Hopkins

vs. J. Summers

Anthony Frang

Sheriff fee \$ 1.00

Daniel Hopkins Plaintiff

against

Anthony Francy Defendant

In the Circuit Court

Jefferson County.

Defendant states that it is true as stated in plaintiffs petition, that he and the Plaintiff own the tract of land in plaintiffs petition described and are tenants thereof in common. He admits that plaintiff is entitled to one half of said land and that he is the owner of the other half thereof as stated in the petition and hereby consents to a partition and division thereof as prayed for by the Plaintiff in his said petition,

Witness for Deff.

Anthony Francy the above named defendant on oath states that the foregoing answer and the matters in said answer contained are true as therein stated.

Witness & sworn to before } Anthony Francy
on May 31st 1860. }

In Testimony whereof I here to
set my hand and affix my notarial
seal at office in De Soto.

Clarence H. Fletcher

Notary Public

Paul Hopkins
vs
Pauline
Anthony Traver.

Answer of Deft

Filed June 12th 1860
Clara J. Henry
cork

State of Missouri }
County of Jefferson }

In the Circuit Court
December Term 19th 1860

Daniel Hopkins }
vs } In partition
Anthony Franey }

Now again at this day come the parties aforesaid by their respective attorneys and this cause coming on to be heard upon the petition and answer herein filed the court doth find that said parties are intrested in the land and premises in the petition described as follows viz The North East quarter of the south East quarter of section No 2 in Township No 39 of Range No 4 East containing 40 Acres in the following shares and proportions the said Plaintiff Daniel Hopkins is the owner of and interested in the one undivided half of said land and the said Defendant Anthony Franey is the owner and entitled to the remaining one half thereof It is therefore considered by the court that partition and division of said land and premises be ordered and decreed between said parties according to their several rights and intrests as herein before stated and the court doth constitute and appoint James L Williams, Clement B Fletcher and Francis A Brickley Commissioners to make partition and division of said land and premises according to their respective rights and intrests so adjudged by the court dividing the said lands and tenements and allot the several portions and shares to the respective parties quality and quantity relatively considered by them designating the several shares and portions by metes and bounds who before proceeding to the execution of their duties shall make affidavit before some officer duly authorized to administer oaths honestly and impartially to execute

the trust reposed in them and report their proceedings herein to the next term of the court and this cause is continued -

State of Missouri)
County of Jefferson } \$

I the undersigned clerk of the Circuit Court in and for said county certify that the foregoing is a true copy and complete copy of the order of partition in the case of Daniel Hopkins against Anthony Franey as freely as the same remains on the record of said court in my office -

In testimony whereof I have hereunto set my hand and affixed the Seal of said court at office in Hillsboro the 22^d day of January 1862
Elias F Honey clerk

Personally appeared before me, the undersigned, and made oath to honorably and impartially, ~~to~~ execute the trust imposed in them.

F. A. Brickley
J. L. Williams

Witness my signature this sixth day of March 1861

W Long Smith
Justice of the Peace

Daniel Hopkins

in partition

Anthony Franey

James L Williams

Clement B Fletcher

Francis A Brickley



Daniel Hopkins Plaintiff

^{vs}
Anthony Franey Defendant
In the Circuit Court

Jefferson County Mo

The undersigned a majority of the
Commissioners appointed by the Hon
Circuit Court to make partition of the
lands in the order of their appointment
described, respectfully report that
after being duly sworn for the purpose
they proceeded to examine said land
and are of opinion that the same cannot
be divided without great prejudice
to the owners thereof,

March 7th 1861

J. A. Brickey }
Jas L. Williams } Commrs

Daniel Hopkings
as
Church Treasr.
Report of comr.

Filed Decr 11th 1861

Chas A Honey
Clerk

Palmer

State of Missouri } p. for the Circuit Court
County of Jefferson } December 19th 1860

Daniel Hopkins }
" } In Partition
Anthony Franey }

Now again at this day come the parties aforesaid by their respective attorneys and thus come coming on to be heard upon the petition and answer hereto filed. The Court doth find that said parties are interested in the land and premises in the petition described as follows. Viz: The North East quarter of the South East quarter of Section No 2mo. in Township No. thirty nine, of range No four. Each containing forty acres. in the following shares and proportions, the said Plaintiff Daniel Hopkins is the owner of and interested in the one-undivided half of said land, and the said Defendant Anthony Franey is the owner and entitled to the remaining one half thereof. It is therefore considered by the Court, that partition and division of said land and premises be ordered and decreed between said parties according to their several rights and interests as hereinbefore stated, and the Court doth hereby constitute and appoint James L. Williams, Clement B. Fletcher and Francis A. Brickey commissioners to make, partition and division of said land and premises according to the respective rights and interests so adjudged by the court

dividing the said lands and tenements and allot the several portions and shares to the respective parties quality and quantity relatively considered by them, designating the several shares and portions by metes and bounds who before proceeding to the execution of their duties shall make affidavit before some officer duly authorized to administer oaths honestly and impartially to execute the trust reposed in them, and report their proceedings herein to the next term of the Court, and this cause is continued

State of Missouri }
County of Jefferson }

I, the undersigned clerk of the Circuit Court in and for said County Certify that the foregoing is a true and complete copy of the order of partition in the case of Daniel Hopkins against Anthony Franey, as fully as the same remains on the records of said Court in my office

In Testimony whereof I have
here to set my hand and af-
fixed the Seal of said Court
at Office in Hillsboro, the
22^d day of January 1862
Elias J. Honey Clerk

I executed the within notice in the County of Jefferson on
Francis A Brickey by delivering him A true copy of this notice and
on James L Williams & C. B. Fletcher by reading it to them on
the 12th day of February 1861 Oscar Dover Sheriff

To Honors Circuit Court
June Term 1861

Daniel Hopkins
vs J. W. Carters

Anthony Straney

Jos L Williams
Element W Fletcher
Jas. A. Brickey }
Sheriff fee \$1.50

State of Missouri }
County of Jefferson }

In the Circuit Court
January 20th 1863

Daniel Hopkins }
vs } Order of Sale
Anthony Murray }

Now again at this day
come the parties aforesaid by their attorneys
and the report of J. A. Brickley and James
L. Williams, a majority of the commissioners
heretofore appointed to make partitions
between said parties being filed and it
appearing therefrom that said land
is so situate that partition and division
in kind cannot be made without great
prejudice to the said owners. It is or
dered by the court, that the Sheriff of
Jefferson County proceed to sell the
land and premises sought to be divided
and described in the petition of plaintiff
as follows: The North East quarter of the
South East quarter of Section No 200
in Township No. Thirty nine, of Range
No. Four East, containing forty acres, that
said sale be by Public outcry to the high
est bidder at the Court house door, on
some day during the sitting of the
Circuit Court of said County 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
take from the purchaser or purchasers

a Note with good Security bearing interest at the rate of Six per cent. per annum. Notice thereof being given by the Sheriff in the manner prescribed by law, for sales of real estate under executions, and that said sale be conducted in all things in the manner prescribed by law, for such sales. And the Court doth declare the rights and interests of the said parties in and to said land and premises as follows. the said Plaintiff Daniel Hopkins is the owner of and interested in the one undivided half of said land, and the said defendant Anthony Franey to the remaining one half thereof, and this cause is continued

State of Missouri }
County of Jefferson } I, the undersigned
Clerk of the Circuit Court within and for
the County aforesaid do hereby certify that the
foregoing is a full and true copy of the
order of sale of real estate therein mentioned
in the case of Daniel Hopkins Plaintiff a
gainst Anthony Franey defendant, 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
this 25th day of March A.D.

1863

Elias F. Honey Clerk

Shawnee 11
To June Term Cor. Ct
Jefferson County 1863

Daniel Hopkins
as } Clerk of Sale
Anthony Armes

SHERIFF SALE IN PARTITION.

Daniel Hopkins

vs
Anthony Francey

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 *January* Term, A. D. 1865, I will, on the *Eleventh* day of *June* next, 1865, 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 North East quarter of the South East quarter of Section No. Two, in Township No. thirty nine of Range No. Four East containing forty acres

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 *first* day of *May* 1865

JEROME B. DOVER, Sheriff.

Daniel Hopkins Plff } In the Circuit Court
 vs } of Jefferson County
 Anthony Franey deft } Mo. for Partitions
 Fee Bill

Elias F. Hooley Clerk. 1 copy petition 25¢
 cert & seal 50¢ affd. 10¢ cert copy \$1.20
 ans. 25¢ cert. 50¢. Order. 50¢ copy 50¢
 cert & seal. 50¢ cert. 50¢. report coms 25¢
 Order Sale 50¢ judgt partition 50¢.

Dechotts. 10¢. cert 50¢. Rept. Sheriff 25¢
 atty fee. 25¢. Index. 20¢. dock judgt 25.
 make up costs 25. make fee Bill 75

5 hrs 25¢. order pal pone 25. demp 50¢

O. Dover Sheriff

Sums 1 deft 14 calls 20¢ Serve

3 companions \$ 1.50

Jas L Williams. Cornor

Wras. A. Brickey Cornor.

W. L. Smith Smeas coms

A. Green attorney

L B Dover sheff advertising

10 10
 9 35
 2 70
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 1 50
 17 55

David Hopkins

in the field

Anthony Stanley