

Jefferson County Circuit Court
Case File - Civil

Box

14

Folder

32

June 1863

Horine, Elizabeth M., gdn

Horine, Mary E.

Horine, Jacob

VS

Riley, William S.

Riley, Susan M.

Partition

Heirs of Thomas M. Horine;

1,256 acres in various locations

Elizabeth M. Morine, widow of Thomas M. Morine, deceased, and Mary E. Morine, and Jacob B. Morine, minor heirs of said deceased By their Guardian, the said Eliz- abeth M. Morine, — Plaintiffs	In The Circuit Court of Jeff- erson County Missouri,
Against William L. Riley and Susan M. Riley, — Defendants.	

The Plaintiffs state that Thomas M. Mo-
 rine, late of Jefferson County Missouri, departed this
 life in the year 1806, seized in fee simple of
 the following described several Tracts of Land,
 situate in Jefferson County Missouri, To wit, a
 Tract of Six hundred and forty acres, being
 United States Survey number, nine hundred
 and twenty four, in Township No. Forty one,
 North of Range No. Five East, and being the same
 Land patented to James Gray, by patent dated
 the 11th day of November 1835, and particularly
 described therein; also, a Tract of Land containing
 three hundred and forty acres, being the Eastern
 half of a Tract of eight hundred acres, con-
 firmed to Thomas Maddin, being United States
 Survey, number, eighteen hundred and thirty one,
 in Township, Forty one, North of Range, Five East,
 said Survey being divided in equal parts by a
 line running parallel with the Eastern boundary
 thereof, from the Northern boundary of said
 Survey to the Southern boundary thereof; also,
 a Tract containing eighty nine acres, in Survey
 No. nineteen hundred and sixty five, in Township

To, Forty one, North of Range No, Five East, being
the South end of a Tract Confirmed to Richard
Glover, and by him Conveyed to Jonathan Kendall,
and by said Kendal Conveyed to Abner Vansant,
by deed dated the 34th of July 1831, and recorded
in the Recorder's Office of Jefferson County, Missouri,
and particularly described in said Deed; also,
a Tract of Sixty five acres and thirteen hun-
dredths of an acre, patented to Frederick R.
Conway, by patent dated the 18th day of January
1830, being the North East fractional quarter,
and Lot, number, One, of the North West frac-
tional quarter (East of Survey No, 198,) of Section
Twenty six, in Township Forty one, of Range
Five East; also, a Tract of one hundred
acres, being a part of United Survey, number
Four hundred and twenty one, in Township Forty
one, of Range Five East, Confirmed to John
Johnson, one half of said one hundred acres was
acquired by said Thomas M. Worine of Francis
D. Smith, by deed dated the 31st of May 1851,
said Smith having acquired the same from
Frederick R. Conway, by deed dated the 4th day
of September 1849, and is recorded in the Re-
corder's Office of said Jefferson County, and
to which reference may be had, for a fur-
ther description of said Tract, and the other
half of said one hundred acres was acquired
by said Thomas M. Worine from Charles S.
Rankin, by deed dated the 29th day of March
1852; and also, a Tract of Twenty two acres
and forty three hundredths of an acre, being

part of United States Survey No. nine hundred and thirty two, in Township Forty one, of Range Five East, except two acres reserved for a public burying ground, as described in a Deed from Charles S. Rankin to said Thomas M. Morine, dated the 29th day of March 1852. - And Plaintiffs state that said Thomas M. Morine at the time of his death left surviving him, his widow, the said Elizabeth M. Morine, and three children to wit, Susan M. Morine, (now married to William L. Riley,) Mary E. Morine, and Jacob B. Morine, the last two being minors, and for whom the said Elizabeth M. Morine is Guardian, and to whom the Lands herein described descended as the Heirs of said Thomas M. Morine subject to the widow's dower. Plaintiffs therefore state that they and the Defendants hold the Lands aforesaid as Tenants in Common, - that the said Elizabeth M. Morine is entitled to dower in the same, of ~~the undivided~~ one third thereof for and during her natural life, - and the said Mary E. Morine and Jacob B. Morine, are each entitled to the undivided one third part of the Lands aforesaid, subject to said dower, and the Defendants, Susan M. Riley and her husband are entitled to the undivided one third part of said Lands, subject to the widow's dower.

Plaintiffs therefore ask for a division and partition of the Lands herein before

described, 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 the plaintiffs

Abner Green, Attorney for plaintiffs,
makes oath and says the above petition
and the matters therein as stated he be-
lieves to be true.

Abner Green
Atty. for Plaintiffs

Sworn to before me

April 29th 1863

Elias F. Horey Clerk

Apr 6	10
26 Apr 1863	160
26 Apr 1863	100
26 Apr 1863	140
26 Apr 1863	50
26 Apr 1863	50
26 Apr 1863	50

in Circuit Court
Jefferson County
Eugene H. H. H. H.
and others

Wm. L. Riley & Wife

Petition for Partition

Not Amended since to
St. Louis County for Defs.

Wm. L. Riley
for H. H. H.

Filed April 29th 1863

Oliver J. H. H.
Clerk

Elizabeth Mc Horine, widow
of Thomas Mc Horine, deceased
and Mary E Horine and Jacob
B. Horine, minor heirs of said
deceased, by their Guardian
the said Elizabeth Mc Horine
Plaintiffs

In the Circuit
Court of Jefferson
County
Missouri

against
William L Riley and
Susan Mc Riley Defendants

The Plaintiffs State,
that Thomas Mc Horine late of Jefferson
County Missouri, departed this life in the year
1856. Seized in fee simple of the following
described several Tracts of Land, Situate
in Jefferson County Missouri. To wit: A
tract of six hundred and forty acres, being
United States Survey number four hundred
and twenty four, in Township No Forty-
one North of Range No Five East, and be-
ing the same Land patented to James
Gray by patent dated the 11th day of No-
vember 1835. and particularly described
therein; Also, a tract of Land containing
three hundred and forty acres, being the
Easter half of a tract of Eight hundred
acres, confirmed to Thomas Madder
being United States Survey number eight
teen hundred and thirty one in Township
Forty one North of range Five East, said
Survey being divided in equal parts by
a line running parallel with the East-
ern boundary of said Survey to the South-
ern boundary thereof. Also a tract con

Containing Eighty nine acres in Survey No
Nineteen Hundred and Sixty five in Town
ship No Forty one North of Range No Five
East being the South end of a tract confirm
ed to Richard Glover and by him conveyed
to Jeduthan Kendall and by said Kendall
conveyed to Abner Vansant, by deed dated
the 24th of July 1821 and recorded in the
Records office of Jefferson County Missouri
and particularly described in said deed
Also a tract of Sixty five acres and thirteen
hundredths of an acre patented to Freder
ick R Conway by patent dated the 18th day
of January 1850, being the North East frac
tional quarter and Lot number One of
the North West fractional quarter East of
Survey No 1981 of Section Twenty Six in
Township Forty one of Range Five East:
Also a tract of One hundred acres being
a part of United States Survey number
Four hundred and twenty one, in Township
Forty one of Range Five East, confirmed
to John Johnson, one half of said one
hundred acres was acquired by said Thomas
McCorvie of Francis S. Smith by deed da
ted the 31st of May 1851 said Smith having
acquired the same from Frederick R
Conway, by deed dated the 4th day of Sep
tember 1849 and is recorded in the Records
office of said Jefferson County and to which
reference may be had for a further descrip
tion of said tract, and the other half of said
one hundred acres was acquired by said
Thomas McCorvie, from Charles S Rankin

by deed dated the 29th day of March 1852. And also a Tract of Twenty two acres and forty three hundredths of an acre being a part of United States Survey No Nine hundred and thirty two in Township Forty one of Range Five East. Except two acres reserved for a Public burying ground as described in a deed from Charles S Rankin to said Thomas M Horine, dated the 29th day of March 1852. And Plaintiffs state that said Thomas M Horine at the time of his death left surviving him his widow the said Elizabeth M Horine and three children to wit: Susan M Horine (now married to William L Riley) Mary E Horine and Jacob B Horine, the last two being minors, and for whom the said Elizabeth M Horine is Guardian and to whom the Lands herein described descended as the heirs of said Thomas M Horine subject to the widow's dower. Plaintiffs therefore state, that they and the defendants hold the Lands aforesaid as Tenants in common, That the said Elizabeth M Horine is entitled to dower in the same of the undivided one third thereof, for and during her natural life, and the said Mary E Horine and Jacob Horine are each entitled to the undivided one third part of the lands aforesaid subject to the said dower, and the defendants Susan M Riley and her husband are entitled to the undivided one third part of said lands subject to the widow's dower. Plaintiffs therefore ask for a divis

and partition of the lands hereinbefore
described according to the respective
rights of the parties interested therein
and for a sale thereof if it shall appear
that partition cannot be made with-
out great prejudice to the owners thereof

Abner Green
Attorney for the Plaintiffs

Abner Green, Attorney for the Plaintiffs
makes oath and says that the above
petition and the matters therein as
stated he believes to be true

Sworn to before me
April 29th 1863
Elias F. Honey Clerk

Abner Green
Atty for Plaintiffs

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

Witness my hand and
the Seal of said Court at
office this Fourth day of
May A D 1863

Elias F. Honey
Clerk

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

Saint Louis

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

We command you, that you summon *William L Riley*
and *Susan M Riley*

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 second Monday after the fourth
Monday of *May* next, then and there to answer unto
Elizabeth M Horne Mary E Horne
and *Jacob B Horne*

upon *their* original petition, a copy whereof is hereunto annexed and ac-
companies this writ, and have you then there this writ.

Witness, ELIAS F. HONEY, Clerk of our said Circuit
Court, with the seal thereof hereunto affixed, at office
in Hillsboro, this *First*

day of *May* A. D. 1863

Elias F Honey
Clerk Circuit Court.



We, William L. Riley and Susan M. Riley,
the Defendants herein, do hereby acknowledge
service of the within writ and petition and
waive the necessity of the service thereof
by an Officer, Witness our hands this
22nd day of May 1863.

Wm. Riley
Susan M. Riley.



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TO JEFFERSON CIRCUIT COURT

Sumner Term, 1863

Eleg. M. Moore et al
vs { Sumner
William L. Riley
Susan M. Riley

State of Missouri }
County of Jefferson } Be it remembered
that on this third day of April A. D. Eight
teen hundred and sixty five, before me
the undersigned clerk of the Circuit Court
in and for said County, came Isaac S.
Baker who is personally known to me
to be the same person whose name is
subscribed to the foregoing instrument
of writing, and acknowledged the same
to be his act and deed for the purposes
therein mentioned.

In Testimony whereof I
herein set my hand and
affix the Seal of said Court
the day and year last
aforesaid.

Elias J. Hoarey
Clerk. C. C. Ct.

Elizabeth M. Horine
Mary E. Horine and
Jacob Horine, Plaintiffs
vs

William L. Riley and Susan
M. Riley, Defendants

In the Jefferson
Circuit Court.

Partition.

To the Honorable Circuit Court
of the County of Jefferson,

The undersigned Commissioners appointed
by said Circuit Court at its December
Term 1863, to make partition of the lands
of Thomas M. Horine deceased among
those interested, would respectfully
submit the following report:-

We ^{first being known} proceeded to the land, & Isaac S. Boker
being a Surveyor, surveyed the lands
mentioned in the order appointing us as
Commissioners: that we after a full
survey of all the lands divided them
into nine parcels numbered from one
to nine respectively - which will more
fully appear by reference to a plot of said
survey hereto attached and prayed to be
taken as a part of this report: that we
divided said lands into three parts equal
in value as near as practicable and
made the following partition to wit: We
assigned to William L. Riley and Susan M.
Riley, Lot No. One as marked on said plot
of said survey, being part of U. S. No. 421, con-
taining one hundred acres: also, Lot No. two
as designated in said plot above referred to, being

part of U.S.S. 924, containing one hundred and twenty one $\frac{33}{100}$ acres, and lot No. 3, being a part of U. S. S. 924, containing two hundred and forty $\frac{66}{100}$ acres, the three lots containing in all four hundred and sixty three $\frac{99}{100}$ acres. We assigned to M. E. Morine, lot no. four as designated on said plat above referred to, being part of U. S. S. No. 924 containing one hundred and thirty eight acres: also lot no. five on said plat being part of U. S. S. No. 924, containing two hundred and fifty four acres, and also lot no. eight on said plat. being all that part of lot no. 1 (Congressional) in the north fractional half of section Twenty six, which lies East of the St. Louis & Iron Mountain Rail Road, containing twenty seven $\frac{4}{100}$ acres. And also twenty two $\frac{43}{100}$ acres, being part of U. S. S. No. 932, except two acres reserved for a burying ground. ^{in all 439 $\frac{47}{100}$ acres.} This last tract of land is not designated upon the accompanying plat. We assigned to Jacob B. Morine lot no. 6 as designated on said plat, being part of U. S. S. No. 1965, containing ninety one acres: also lot no. 7 on said plat being ^{all that} part of Congressional lot no. one in the north fractional half of section Twenty six, which lies West of the St. Louis & Iron Mountain Rail Road containing fifty eight $\frac{46}{100}$ acres: also lot no. nine on said plat being the East $\frac{1}{2}$ of U. S. S. No. 1831 containing three hundred and fifty nine $\frac{23}{100}$ acres.

Containing in all ~~Five~~ hundred and thirty ³⁹/₁₀₀ acres. We assigned to Elizabeth M. Morine the Widow one third of each of the shares of the aforesaid parties in value as near as practicable, as follows, to wit, Lot No. two, Four and Six as designated upon the accompanying Plot, more fully described above, containing in all Three hundred and fifty acres ³³/₁₀₀ acres.

All the above lands lie in Township Forty one North Range five East.

All of which is respectfully submitted.

Given under our hands this 10th day of June 1864.

David W. Bryant
Isaac S. Baker
Commissioners

State of Missouri
County of Jefferson

Be it remembered that Isaac S. Baker and David W. Bryant whose names are subscribed to the foregoing report and who are personally known to the undersigned a Justice of the peace within and for the County aforesaid this day personally appeared before me and make oath and say that they have ^{fairly & impartially} made partition and division of the lands and premises mentioned in said report according to the respective rights and interest of the parties interested therein

Sworn to and subscribed before
me this 11th day of June 1864
R. J. Palmer J. P.

Isaac S. Baker
David W. Bryant

State of Missouri }
County of Jefferson } Be it remembered that on this thirteenth
day of February 1865 before me the undersigned clerk of the
said Court in and for said County, came David W.
Bryant, who is personally known to me to be the same per-
son whose name is subscribed to the foregoing instrument
of writing and acknowledged the same to be his act
and deed for the purposes therein mentioned.

In Testimony whereof I hereto set my hand
and affix the seal of said Court, the day and
year aforesaid

Elias F. Honey Clerk

E. M. Horne et al

v

W. L. Riley et al

Partition

Report of the

Commissioners.

Filed June 11 1864

E. F. Honey Clerk

State of Missouri }
County of Jefferson } In the Circuit Court
December 12th 1863

Among others the following proceed-
ing was had in said Court. To Wit

Elizabeth Mc Horine widow
of Thomas Mc Horine deceased
and Mary E. Horine and
Jacob^B Horine minor heirs of
said deceased by their Guardi-
an, the said Elizabeth Mc
Horine Plaintiffs

against

William L. Bailey and
Susan Mc Bailey Defendants

Now at this day again
come said Plaintiffs by their attorney
and the default of said defendants
herein not having been set aside and
no good cause or reason for so doing
having been shown or filed, and this
cause coming on to be heard upon the
petition of said plaintiffs, the Court
doth find that said parties are the
owners in common of the following
described pieces or parcels of land
situate in the County of Jefferson, and

State of Missouri, to wit: A tract of
Six hundred and forty acres, being
United States Survey number Nine
hundred and twenty four in Township
No Forty one north of range No Five
East; Also a tract of land containing
three hundred and forty acres, being
the East ~~East~~ half of a tract of Eight hun-
dred acres, confirmed to Thomas Mad-
din, being United States Survey num-
ber Eighteen hundred and thirty one
in Township Forty one North of range
Five East; Also a tract containing
Eighty nine acres in Survey No. Nine
teen hundred and sixty five in Town-
ship No Forty one North of range No
Five East, being the South end of a
tract confirmed to Richard Glover
and by him conveyed to Jeduthan
Kendall and by said Kendall con-
veyed to Abner Vansant by deed
dated the 24th of July 1821. Also a
tract of Sixty five acres, and thirteen
hundredths of an acre, being the North
East fractional quarter, and Lot
numbered one of the North West frac-
tional quarter (East of Survey No 198)
of Section Twenty Six in Township

N^o Forty one of range Five East: Also a tract of One hundred acres, being a part of United States Survey number Four hundred and twenty one in Township Forty one of range Five East: Also a tract of Twenty two acres and forty three hundredths of an acre, being part of United States Survey No Five hundred and thirty two in Township Forty one, range five east, except two acres reserved for a public burying ground in the following proportions and shares. The said Elizabeth Mc Horine, is entitled to have in the whole of said lands of the undivided one third thereof for and during her natural life, and the said Mary E. Horine, Jacob B Horine and William Mcoley and Susan Mc. his wife are each entitled to one undivided one third part thereof subject to the above interest of the said Elizabeth Mc Horine. It is therefore considered by the Court, that partition and division of said lands be ordered and adjudged between said parties according to their respective rights and interests therein as herein set

forth by the Court; And the Court doth
appoint Charles S. Rankin, David
W. Bryant, and Isaac S. Baker, com-
missioners to make partition and di-
vision of the lands and premises afo-
said according to the respective rights
and interests of the parties so ad-
judged and ascertained by the Court
designating the several shares or
portions by metes and bounds, quan-
ty and quality relatively considered
by them, and make report of their
proceeding herein to the Court.

State of Missouri }
County of Jefferson }

I the undersigned Clerk
of the Circuit Court within and for the
County aforesaid hereby certify that the
foregoing is a full and true copy of the
Judgment of partition, and order ap-
pointing commissioners to make said
partition and division as fully as
the same appears and remains on
the record of said Court in my office

In Testimony whereof I
hereby set my hand and
affix the Seal of said Court

at Office in Hillsboro this
Twenty Seventh day of
February A D. Eighteen
hundred and Sixty four
Elias J Honey Clerk

To Jefferson Ben Court
June Term 1864

Re cord examined &
affirmed
Jas. H. Berry
Judge of the
Circuit

Elizabeth M. Morris
Mary E. Morris
Jurat. J. Morris
vs. Pauline M.
William & Wiley
Susan M. Wiley

L. J. Beckwith
J. M. Bryant } Bonds
James D. Baker }

Subscribed 1864
E. J. Morrey clk

State of New York
County of Jefferson

James S. Baker, Charles H. Bryant, and Charles S. Hamlin, appointed by
the Honorable the Justice Court of the above County and State, Commissioners to make partitions
of the real estate belonging to the estate of Thomas M. Morris, deceased, between the heirs and heirs of said
deceased, upon this date say that they well knowingly and lawfully execute the said papers on this
to
Dated and subscribed before
me this 16th day of June

1864
John S. Cook
Justice of the Peace

James S. Baker
Charles H. Bryant
Charles S. Hamlin

26/1/84

Estate of Thomas M. Worrie, deceased,

Wm Lloyd Garrison

To 12 days services as Surveyor & Commissioner
in making partition of said estate at \$5. per day }

FF. 60.00

11 Making pots of kumog

5.00

1 day's service in making report

1.30
25.99

Chouse

Went back

C. M. Merritt & Son

vs.

W. S. Riley et al.

C. J. Honey

6.00

J. Green Att'y

75.00

C. M. Bryan

66.50

J. S. B. B. B.

57.70

J. S. B. B. B.

3.00

J. S. B. B. B.

W. S. B. B. B.

25.00

Report of Merritt

22.20

\$222.20

Am't of Geo. S. Cato in Partition Suit in Circuit