

Jo Ferson County Circuit Court  
Case File - Civil  
September 1888

Box 40 Folder 33

Wiley, Florence A.  
Wiley, William S.

vs

Baker, Emily  
Craft, Irene  
Craft, John B.  
Herrington, Silas Green,  
et al

Partition

Heirs of Joshua Herrington; 312  
acres in S11, 14 T41 R3E; other defendants  
Paulina + Levi McCulloch, Virginia F. +  
Nathaniel S. Husky, James F. Green,  
Benjamin F., George W., Elias S. + Lawson  
Herrington

State of Missouri, County of Jefferson

In the Circuit Court

To September Term 1888.

Florence A Wiley and William S Wiley  
her husband Plaintiffs.

against

} For Partition.

Emily Baker, Irene Craft and John B Craft her husband,  
Silas Green Herrington, Paulina McCulloch and Levi McCulloch  
her husband, Virginia F Huskey and Nathaniel S Huskey  
her husband, Benjamin F Herrington, George W Herrington,  
Elias S Herrington & Lawson Herrington, James F Green  
and Nathaniel S Huskey Administrators of the Estate  
of Joshua Herrington deceased. Defendants.

Plaintiffs state that Joshua Herrington died  
seized of the following described real estate, situated  
in Jefferson County, State of Missouri viz: The  
West half of the North East quarter and the West half  
of the South East quarter and the East half of the  
South West quarter all in Section Eleven, Township  
Fortyone North, and in Range Three East. Also the following  
other piece or parcel of land to wit: Beginning at the  
North West corner of Section 14, Township 41 N. Range  
3 East; thence East 51 chains and 60 links along the  
North line of Section No. 14; thence South 15 chains  
to the North East corner of the claim (Survey No. 3195);  
thence West 51 chains and 50 links to West line of  
Section No. 14; thence North 15 chains along section  
line to the place of beginning cont. 72 acres.

That said Joshua Herrington left as his sole heirs his  
children and their issue to wit: Emily, a daughter,  
who intermarried with Arson Baker now deceased;  
Irene, who intermarried with John B Craft; Paulina,  
who intermarried with Levi McCulloch; Virginia  
F, who intermarried with Nathaniel S Huskey;

this plaintiff Florence A Wiley a grand daughter the only issue of Mary A, a daughter of deceased who intermarried with one William Hearst and which said daughter Mary A, died prior to the ~~decease~~ demise of her father Joshua Herrington, Silas Green Herrington, Benjamin F Herrington, George M Herrington, Elias Herrington, and Lawson Herrington.

That said children and grand child are owners and tenants in common of said real estate.

That said Florence A Wiley is entitled to the undivided one-tenth part of said land in fee, subject to the life estate of her husband and co-plaintiff William A Wiley.

That Emily Baker nee Herrington is entitled to the undivided one-tenth of said land in fee, subject to an advancement of Forty dollars.

That Irene Craft is entitled to the undivided one-tenth part of said land subject to the life estate thereof of her husband John D Craft.

That Paulina McCulloch is entitled to the undivided one-tenth of said land in fee, subject to the life estate of her husband Levi McCulloch.

That Virginia F Huskey is entitled to the undivided one-tenth of said land, subject to the life estate of her husband Nathaniel S Huskey.

That Benjamin F Herrington and Lawson Herrington are each entitled to the undivided one-tenth each, of said land.

That said Nathaniel S Huskey as administrator of the Estate of Joshua Herrington deceased, has a further interest in said real estate by reason of three certain deeds of trust executed and delivered to him as such administrator by three of the heirs as above named to wit;

That said Elias S Herrington being the owner and entitled to <sup>the undivided</sup> one-tenth part of said lands, by deed recorded in Trust Record #16 page 51 conveyed to defendant James F Green as trustee his undivided one tenth of said lands to secure to said Nathaniel S Huskey as Administrator aforesaid the payment of a note due and payable six months after the date thereof and dated July 19<sup>th</sup> 1887, <sup>for the sum of two hundred dollars,</sup> interest at ten per cent per annum - compounded, The said James F Green taking the legal title in said one-tenth with power to sell the same for the payment of said note,

That said Silas Green Herrington being the owner and entitled to the undivided one-tenth part of said lands, by deed recorded in Trust Record #18 page 12 conveyed to James F Green as trustee, his undivided one-tenth of said lands to secure to said Nathaniel S Huskey as administrator aforesaid the payment of a note due and payable six months after the date thereof, and dated April 16<sup>th</sup> 1887, for the sum of \$458.<sup>00</sup> interest from date at ten per cent per annum, compounded annually, The said James F Green taking the legal <sup>title</sup> in said one-tenth with power to sell the same for the payment of said note,

That said George W Herrington being the owner and entitled to the undivided one-tenth part of said lands, by deed recorded in Trust Record #18 page 153 conveyed to James F Green as trustee, his undivided one-tenth of said lands to secure to said Nathaniel S Huskey as administrator aforesaid the payment of a note due and payable six months after the date thereof, and dated November 8<sup>th</sup> 1887 for the sum of \$147.<sup>60</sup> interest from date at ten per cent per annum, compounded annually, The said James F Green taking the legal title in said one-tenth with power

to see the same for the payment of said notes.  
That said Elias S Herrington, Silas Green Herrington  
and George W Herrington are entitled to the undi-  
vided one-tenth each of said lands, subject  
to the encumbrance of said deed of trust as  
~~above~~ <sup>generally</sup> set out and described above.  
That Benjamin F and Lawson Herrington are entitled  
to the undivided one-tenth each of said land.  
That it is doubtful if the said one-tenth part belong-  
ing to the said Silas Green Herrington will pay  
the amount of the incumbrance put thereon by him.  
Plaintiffs pray that partition be made of such lands  
in accordance with the respective rights of the  
parties, and that if partition cannot be made in  
kind that said lands may be sold and the  
proceeds appropriated according to law.  
And for such other and farther relief as the court  
may deem fitting.

Thomas & Norine Atty for Plaintiffs.

County of Jefferson:

C. Tho. Norine, being sworn, says that the above petition  
and the matters therein stated, he believes to be true and that  
George W Herrington and Lawson Herrington are not residents  
of nor residing within this State.

Sworn to and Subscribed before me this } C. Tho. Norine  
May 24<sup>th</sup> 1888.

D. B. Veazey Clerk  
by J. Ed. Walker D.C.

Flouance A Wiley and  
William S Wiley dan  
husband,  
Duffo.

Emily Barber and  
others, Duffo

Petition for Partition  
~~~~~

Filed May 24<sup>th</sup> 1888  
D. D. DeLong  
Clerk

~~~~~  
Flouance & William  
Wiley for Duffo.

6 copies - 6000 11/1/88  
4 pmt - 12 copies

STATE OF MISSOURI  
COUNTY OF JEFFERSON

SS

IN THE CIRCUIT COURT

TO SEPTEMBER TERM 1888.

FLORENCE A. WILEY AND WILLIAM S. WILEY HER HUSBAND,

AGAINST

PLAINTIFFS

EMILY BAKER, IRENE CRAFT AND HER HUSBAND JOHN B. CRAFT,  
SILAS GREEN HERRINGTON, PAULINA M' CULLOCK AND LEVI M. CULLOCK  
HER HUSBAND, VIRGINIA F. HUSKY AND NATHANIEL S. HUSKY HER HUS-  
BAND, BENJAMIN F. HERRINGTON, GEORGE W. HERRINGTON, ELIAS S. HER-  
RINGTON, LAWSON HERRINGTON, JAMES F. GREEN AND NATHANIEL S. HUS-  
KY ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED.  
DEFENDANTS.

-----00-----

PLAINTIFFS STATE THAT JOSHUA HERRINGTON DIED  
SEIZED OF THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN  
JEFFERSON COUNTY, STATE OF MISSOURI, VIZ.

THE WEST HALF OF THE NORTH EAST QUARTER AND THE WEST H  
HALF OF THE SOUTH EAST QUARTER AND THE EAST HALF OF THE SOUTH  
WEST QUARTER ALL IN SECTION ELEVEN, TOWNSHIP FORTY-ONE N.  
AND IN RANGE THREE EAST.

ALSO THE FOLLOWING OTHER PIECE OR  
PARCEL OF LAND TO-WIT.

BEGINNING AT THE NORTH WEST CORNER  
OF SECTION 14, TOWNSHIP 41, N, RANGE 3 EAST, THENCE EAST 51 CHA-  
INS AND 60 LINKS ALONG THE NORTH LINE OF SECTION 14, THENCE  
SOUTH 15 CHAINS TO THE NORTH EAST CORNER OF CLAIM-SURVEY NO.  
2195- THENCE WEST 51 CHAINS AND 50 LINKS TO WEST LINE OF SEC-  
TION NO. 14, THENCE NORTH 15 CHAINS ALONG SECTION LINE TO THE  
PLACE OF BEGINNING CONT. 72 ACRES.

THAT SAID JOSHUA HERRINGTON LEFT AS  
HIS SOLE HEIRS HIS CHILDREN AND THEIR ISSUE TO-WIT,  
EMILY, A DAUGHTER WHO INTERMARRIED WITH ORSON BAKER NOW DECEA-  
SED, IRENE, WHO INTERMARRIED WITH JOHN B. CRAFT, PAULINA, WHO IN-  
TERMARRIED WITH LEVI M' CULLOCK, VIRGINIA F. WHO INTERMARRIED  
WITH NATHANIEL S. HUSKY, THIS PLAINTIFF FLORENCE A. WILEY A GRAND  
DAUGHTER THE ONLY ISSUE OF MARY A. A DAUGHTER WHO INTERMARRIED  
WITH ONE WILLIAM HEARST AND WHICH SAID DAUGHTER MARY A. DIED  
PRIOR TO TH DEMISE OF HER FATHER JOSHUA HERRINGTON, SILAS  
GREEN HERRINGTON, BENJAMIN F. HERRINGTON, GEORGE W. HERRINGTON,  
ELIAS HERRINGTON AND LAWSON HERRINGTON.

THAT SAID CHILDREN AND GRAND CHILD ARE OWNERS AND TEN-  
ANTS IN COMMON OF SAID REAL ESTATE.

THAT SAID FLORENCE A. WILEY IS ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND IN FEE, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND AND CO-PLAINTIFF WILLIAM S. WILEY.

THAT EMILY BAKER NEE HERRINGTON IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND IN FEE, SUBJECT TO THE ADVANCEMENT OF FORTY DOLLARS.

THAT IRENE CRAFT IS ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND SUBJECT TO THE LIFE ESTATE OF HER HUSBAND JOHN B. CRAFT.

THAT PAULINA M' CULLOCK IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND IN FEE, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND LEVI M' CULLOCK.

THAT VIRGINIA F. HUSKY IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND NATHANIEL S. HUSKY.

THAT SAID NATHANIEL S. HUSKY AS ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED, HAS A FURTHER INTEREST IN SAID REAL ESTATE BY REASON OF THREE CERTAIN DEEDS OF TRUST EXECUTED AND DELIVERED TO HIM AS SUCH ADMINISTRATOR BY THREE OF THE HEIRS ABOVE NAMED TO-WIT.

THAT SAID ELIAS S. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 16 PAGE 51 CONVEYED TO DEFENDANT JAMES F. GREEN AS TRUSTEE HIS UNDIVIDED ONE TENTH OF SAID LANDS TO SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID THE PAYMENT OF A NOTE DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF AND DATED JULY 19 1887, FOR THE SUM OF TWO HUNDRED DOLLARS, INTEREST AT TEN PER CENT PER ANNUM COMPOUND. THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID SILAS GREEN HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 18 PAGE 12 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH OF SAID LANDS, TO SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF AND DATED APRIL 16 1887, FOR THE SUM OF \$458 INTEREST FROM DATE AT TEN PER CENT PER ANNUM, COMPOUNDED ANNUALLY.

THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID GEORGE W. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 18 PAGE 153 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH PART OF SAID LANDS TO



SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF, AND DATED NOVEMBER 8 1887, FOR THE SUM OF \$148.60 INTEREST FROM DATE AT TEN PER CENT PER ANNUM COMPOUNDED ANNUALLY.

THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTES.

THAT SAID ELIAS S. HERRINGTON, SILAS GREEN HERRINGTON AND GEORGE W. HERRINGTON ARE ENTITLED TO THE UNDIVIDED ONE TENTH EACH OF SAID LANDS, SUBJECT TO THE ENCUMBRANCE OF SAID DEEDS OF TRUST AS SEVERALLY SET OUT AND DESCRIBED ABOVE.

THAT BENJAMIN F. HERRINGTON AND LAWSON HERRINGTON ARE ENTITLED TO THE UNDIVIDED ONE TENTH EACH OF SAID LAND.

THAT IT IS DOUBTFUL IF THE SAID ONE TENTH PART BELONGING TO THE SAID SILAS GREEN HERRINGTON WILL PAY THE AMOUNT OF THE ENCUMBRANCE PUT THEREON BY HIM.

PLAINTIFFS PRAY THAT PARTITION BE MADE OF SUCH LANDS IN ACCORDANCE WITH THE RESPECTIVE RIGHTS OF THE PARTIES AND THAT IF PARTITION CANNOT BE MADE IN KIND THAT SAID LAND BE SOLD AND THE PROCEEDS APPROPRIATED ACCORDING TO LAW.

AND FOR SUCH OTHER AND FURTHER RELIEF AS TO THE COURT MAY DEEM FITTING.

THOMAS & HORINE

ATTY'S FOR PLAINTIFFS.

STATE OF MISSOURI  
COUNTY OF JEFFERSON

C. THO. HORINE BEING SWORN, SAYS THAT THE ABOVE PETITION AND THE MATTERS THEREIN STATED, HE BELIEVES TO BE TRUE AND THAT GEORGE W. HERRINGTON AND LAWSON HERRINGTON ARE NOT RESIDENTS NOR RESIDING WITHIN THIS STATE.

C. THO. HORINE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS MAY 24 1888.

D. B. VEAZEY CLERK

BY J. ED. WALKER, D. C.

No. 223.

CERTIFICATE OF TRUE COPY—Printed and for sale by Standard Printing Co., Hannibal, Mo.

Class 12

STATE OF MISSOURI, }  
County of Jefferson } ss. I, D. B. Veazey, Clerk  
of the Circuit Court in and for said County, hereby certify that the above is a true copy of the original  
petition in the cause therein named, as the same  
appears on file in my office.

WITNESS my hand as Clerk, and the seal of said Court. Done at

office in Hillsboro Mo this 27

day of June 1888

D. B. Veazey Clerk.

Per Deputy.

STATE OF MISSOURI  
COUNTY OF JEFFERSON

SS

IN THE CIRCUIT COURT,  
TO SEPTEMBER TERM 1888.

FLORENCE A. WILEY AND WILLIAM S. WILEY HER HUSBAND,  
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ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED.  
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C. THOS. HORINE,

SWORN AND SUBSCRIBED TO BEFORE ME THIS MAY 24TH 1888.

D. B. VEAZEY CLERK.

BY J. ED. WALKER, D. C.

STATE OF MISSOURI,  
 County of *Jefferson* } ss. I, *D.B. Veazey*, Clerk  
 of the Circuit Court in and for said County, hereby certify that the above is a true copy of the original  
*petition* in the cause therein named, as the same  
 appears *on file* in my office.

WITNESS my hand as Clerk, and the seal of said Court. Done at  
 office in *Hillsboro* this *7<sup>th</sup>*  
 day of *June* 188*8*  
*D.B. Veazey* Clerk.  
 Per..... Deputy.

STATE OF MISSOURI  
COUNTY OF JEFFERSON

IN THE CIRCUIT COURT

TO SEPTEMBER TERM 1888.

FLORENCE A. WILEY AND WILLIAM S. WILEY HER HUSBAND.

PLAINTIFFS.

AGAINST

EMILY BAKER, IRENE CRAFT AND JOHN B. CRAFT HER HUSBAND,  
SILAS GREEN HERRINGTON, PAULINA M' CULBOCK AND LEVI M' CULLOCK  
HER HUSBAND, VIRGINIA F. HUSKEY AND NATHANIEL S. HUSKEY HER HUS-  
BAND, BENJAMIN F. HERRINGTON, GEORGE W. HERRINGTON, ELIAS S. HER-  
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---O---

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THAT IRENE CRAFT IS ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND SUBJECT TO THE LIFE ESTATE THEREOF OF HER HUSBAND JOHN B. CRAFT.

THAT PAULINA M' CULLOCK IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND IN FEE, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND LEVI M' CULLOCK.

THAT VIRGINIA F. HUSKEY IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND SUBJECT TO THE LIFE ESTATE OF HER HUSBAND NATHIEL S. HUSKEY.

THAT SAID NATHANIEL S. HUSKEY AS ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED, HAS A FURTHER INTEREST IN SAID REAL ESTATE BY REASON OF THREE CERTAIN DEEDS OF TRUST EXECUTED AND DELIVERED TO HIM AS SUCH ADMINISTRATOR BY THREE OF THE HEIRS ABOVE NAMED, TO-WIT:

THAT SAID ELIAS S. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND, BY DEED RECORDED IN TRUST RECORD 18 PAGE 51 CONVEYED TO DEFENDANT JAMES F. GREEN AS TRUSTEE HIS UNDIVIDED ONE TENTH OF SAID LAND TO SECURE TO SAID NATHANIEL S. HUSKEY AS ADMINISTRATOR AFORESAID THE PAYMENT OF A NOTE DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF AND DATED JULY 19TH, 1887, FOR THE SUM OF TWO HUNDRED DOLLARS INTEREST AT TEN PER CENT PER ANNUM, COMPOUND. THAT THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID SILAS GREEN HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 18 PAGE 12 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH OF SAID LANDS TO SECURE TO SAID NATHANIEL S. HUSKEY AS ADMINISTRATOR AFORESAID THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF, AND DATED APRIL 16TH, 1887, INTEREST FROM DATE AT TEN PER CENT PER ANNUM, NOTE FOR THE SUM OF \$458, INTEREST COMPOUNDED ANNUALLY. THAT SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID GEORGE W. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 18 PAGE 152 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH OF SAID LANDS TO SECURE TO SAID NATHANIEL S. HUSKEY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF

STATE OF MISSOURI.

County of *Jefferson* } ss. I, *A. D. Tenge*, Clerk

of the Circuit Court in and for said County, hereby certify that the above is a true copy of the original *petition* in the cause therein named, as the same appears *on file* in my office.

WITNESS my hand as Clerk, and the seal of said Court.

Done at office in *Willbros* this

*27th* day of *June* 188*8*

*A. D. Tenge* CLERK.

Per *[Signature]* Deputy.



AND DATED NOVEMBER 8TH, 1887, FOR THE SUM OF \$147.60 INTEREST FROM DATE AT TEN PER CENT PER ANNUM, COMPOUNDED ANNUALLY.

THAT SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID ELIAS S. HERRINGTON, SILAS GREEN HERRINGTON AND GEORGE W. HERRINGTON ARE ENTITLED TO THE UNDIVIDED ONE TENTH EACH OF SAID LANDS, SUBJECT TO THE ENCUMBRANCE OF SAID DEEDS OF TRUSTS AS SEVERALLY SET OUT AND DESCRIBED ABOVE.

THAT BENJAMIN F. HERRINGTON AND LAWSON HERRINGTON ARE EACH ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LANDS.

THAT IT IS DOUBTFUL IF THE SAID ONE TENTH PART BELONGING TO THE SAID SILAS GREEN HERRINGTON WILL PAY THE AMOUNT OF THE ENCUMBRANCE PUT THEREON BY HIM.

PLAINTIFFS PRAY THAT PARTITION BE MADE OF SUCH LANDS IN ACCORDANCE WITH THE RESPECTIVE RIGHTS OF THE PARTIES AND THAT IF PARTITION CANNOT BE MADE IN KIND THAT SAID LANDS MAY BE SOLD AND THE PROCEEDS APPROPRIATED ACCORDING TO LAW AND FOR SUCH OTHER AND FURTHER RELIEF AS TO THE COURT MAY DEEM FITTING,

THOMAS & HORINE,

ATTY'S FOR PLAINTIFFS.

COUNTY OF JEFFERSON.

C. THOS. HORINE BEING SWORN, SAYS, THAT THE ABOVE PETITION AND THE MATTERS THEREIN STATED, HE BELIEVES TO BE TRUE AND THAT GEORGE W. HERRINGTON AND LAWSON HERRINGTON ARE NOT RESIDENTS NOR RESIDING WITHIN THIS STATE.

C. THOS. HORINE,

SWORN AND SUBSCRIBED TO BEFORE ME THIS MAY 24TH, 1888.

D. B. VEAZEY CLERK

BY J. ED. WALKER D. C.

No. 223.

CERTIFICATE

STATE OF MISSOURI

County of *Jefferson*  
of the Circuit Court in and for said County

original

appears

*petition*  
*on file*

WITNESS my hand

Done at office in

*27th* day of

Per

nty.

STATE OF MISSOURI, ~~SS~~ SS  
COUNTY OF JEFFERSON. ~~X~~

IN THE CIRCUIT COURT  
TO SEPTEMBER TERM 1888.

FLORENCE A. WILEY AND WILLIAM S WILEY  
HER HUSBAND. PLAINTIFFS

AGAINST

~~X~~ FOR PARTITION.

EMILY BAKER, IRENE CRAFT AND JOHN B. CRAFT HER HUSBAND,  
SILAS GREEN HERRINGTON, PAULINA M. CULLOCK AND LEVI M' CULLOCK  
HER HUSBAND, VIRGINIA F. HUSKY AND NATHANIEL S. HUSKY HER HUS -  
BAND, BENJAMIN F. HERRINGTON, <sup>NR</sup> GEORGE W. HERRINGTON, ELIAS S. HER -  
RINGTON, <sup>NR</sup> LAWSON HERRINGTON, JAMES F. GREEN AND NATHANIEL S HUS -  
KY ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED.  
DEFENDANTS.

-----00-----

PLAINTIFFS STATE THAT JOSHUA HERRINGTON DIED SEIZED  
OF THE FOLLOWING DESCRIBED REAL ESTATE, SITUATED IN JEFFERSON  
COUNTY, STATE OF MISSOURI, VIZ.

THE WEST HALF OF THE NORTH EAST QUARTER AND THE WEST  
HALF OF THE SOUTH EAST QUARTER AND THE EAST HALF OF THE SOUTH  
WEST QUARTER ALL IN SECTION ELEVEN, TOWNSHIP FORTY-ONE NORTH  
AND IN RANGE THREE EAST, ALSO THE FOLLOWING OTHER PIECE OR  
PARCEL OF LAND TO-WIT,

BEGINNING AT THE NORTH WEST CORNER OF SECTION 14,  
TOWNSHIP 41 N. RANGE 3 EAST, THENCE EAST 51 CHAINS AND 60 LINKS  
ALONG THE NORTH LINE OF SECTION 14, THENCE SOUTH 15 CHAINS TO  
THE NORTH EAST CORNER OF THE CLAIM-SURVEY NO. 3195- THENCE  
WEST 51 CHAINS AND 50 LINKS TO THE WEST LINE OF SECTION 14,  
THENCE NORTH 15 CHAINS ALONG SECTION LINE TO THE PLACE OF  
BEGINNING CONT 72 ACRES.

THAT SAID JOSHUA HERRINGTON LEFT AS IS SOLE HEIRS  
HIS CHILDREN AND THEIR ISSUE TO-WIT,

EMILY, A DAUGHTER WHO INTERMARRIED WITH ORSON BAKER NOW  
DECEASED, IRENE, WHO INTERMARRIED WITH JOHN B. CRAFT, PAULINA,  
WHO INTERMARRIED WITH LEVI M' CULLOCK, VIRGINIA F. WHO INTER-  
MARRIED WITH NATHANIEL S. HUSKY, THIS PLAINTIFF FLORENCE A.  
WILEY A GRAND DAUGHTER THE ONLY ISSUE OF MARY A. A DAUGHTER OF  
DECEASED WHO INTERMARRIED WITH ONE WILLIAM HEARST, AND WHICH  
SAID DAUGHTER MARY A. DIED PRIOR TO THE DEMISE OF HER FATHER  
JOSHUA HERRINGTON, SILAS GREEN HERRINGTON, BENJAMIN F. HERRINGTON  
GEORGE W. HERRINGTON, ELIAS S. HERRINGTON AND LAWSON HERRINGTON.

THAT SAID CHILDREN AND GRAND CHILD ARE OWNERS AND TENANTS  
IN COMMON OF SAID REAL ESTATE.

THAT SAID FLORENCE A. WILEY IS ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND IN FEE, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND WILLIAM S. WILEY.

THAT EMILY BAKER NEE HERRINGTON IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND IN FEE, SUBJECT TO AN ADVANCEMENT OF FORTY DOLLARS.

THAT IRENE CRAFT IS ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND JOHN B. CRAFT,

THAT PAULINA M' CULLOCK IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND IN FEE, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND LEVI M' CULLOCK.

THAT VIRGINIA F. HUSKY IS ENTITLED TO THE UNDIVIDED ONE TENTH OF SAID LAND, SUBJECT TO THE LIFE ESTATE OF HER HUSBAND NATHANIEL S. HUSKY.

THAT SAID NATHANIEL S. HUSKY AS ADMINISTRATOR OF THE ESTATE OF JOSHUA HERRINGTON DECEASED HAS A FURTHER INTEREST IN SAID REAL ESTATE BY REASON OF THREE CERTAIN DEEDS OF TRUST EXECUTED AND DELIVERED TO HIM AS SUCH ADMINISTRATOR BY THREE OF THE HEIRS ABOVE NAMED TO-WIT.

THAT SAID ELIAS S. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 16 PAGE 51 CONVEYED TO DEFENDANT JAMES F. GREEN AS TRUSTEE HIS UNDIVIDED ONE TENTH OF SAID LANDS TO SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF AND DATED JULY 19 1887, FOR THE SUM OF TWO HUNDRED DOLLARS, INTEREST AT TEN PER CENT PER ANNUM, COMPOUND.

THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID SILAS GREEN HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LANDS, BY DEED RECORDED IN TRUST RECORD 18 PAGE 12 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH OF SAID LAND, TO SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF, AND DATED APRIL 16 1887, FOR THE SUM OF \$458 INTEREST FROM DATE AT TEN PER CENT PER ANNUM, COMPOUNDED ANNUALLY.

THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN THE SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTE.

THAT SAID GEORGE W. HERRINGTON BEING THE OWNER AND ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND, BY DEED RECORDED IN TRUST RECORD 18 PAGE 158 CONVEYED TO JAMES F. GREEN AS TRUSTEE, HIS UNDIVIDED ONE TENTH OF SAID LAND TO SECURE TO SAID NATHANIEL S. HUSKY AS ADMINISTRATOR AFORESAID, THE PAYMENT OF A NOTE, DUE AND PAYABLE SIX MONTHS AFTER THE DATE THEREOF, AND DATED NOVEMBER 8 1887, FOR THE SUM OF \$147.60 INTEREST FROM DATE AT TEN PER CENT PER ANNUM, COMPOUNDED ANNUALLY. THE SAID JAMES F. GREEN TAKING THE LEGAL TITLE IN SAID ONE TENTH WITH POWER TO SELL THE SAME FOR THE PAYMENT OF SAID NOTES.

THAT SAID ELIAS S. HERRINGTON, SILAS GREEN HERRINGTON AND GEORGE W. HERRINGTON ARE ENTITLED TO THE UNDIVIDED ONE TENTH EACH OF SAID LANDS, SUBJECT TO THE ENCUMBRANCE OF SAID DEEDS OF TRUST AS SEVERALLY SET OUT AND DESCRIBED ABOVE.

THAT BENJAMIN F. AND LAWSON HERRINGTON ARE ENTITLED TO THE UNDIVIDED ONE TENTH EACH OF SAID LAND.

THAT IT IS DOUBTFUL IF THE SAID ONE TENTH PART BELONGING TO THE SAID SILAS GREEN HERRINGTON WILL PAY THE AMOUNT OF THE ENCUMBRANCE PUT THEREON BY HIM.

PLAINTIFFS PRAY THAT PARTITION BE MADE OF SUCH LANDS IN ACCORDANCE WITH THE RESPECTIVE RIGHTS OF THE PARTIES, AND THAT IF PARTITION CANNOT BE MADE IN KIND THAT SAID LANDS MAY BE SOLD AND THE PROCEEDS APPROPRIATED ACCORDING TO LAW.

AND FOR SUCH OTHER AND FURTHER RELIEF AS TO THE COURT MAY DEEM FITTING.

THOMAS & HORINE,

ATTY'S FOR PLAINTIFFS.

COUNTY OF JEFFERSON.

C. THO. HORINE BEING SWORN, SAYS THAT THE ABOVE PETITION AND THE MATTERS THEREIN STATED, HE BELIEVES TO BE TRUE AND THAT GEORGE W. HERRINGTON AND LAWSON HERRINGTON ARE NOT RESIDENTS OF NOR RESIDING WITHIN THIS STATE.

C. THO. HORINE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS MAY 24, 1888.

D. B. VEAZEY CLERK

BY J. ED. WALKER, D. C.

### CERTIFICATE TO COPY OF PETITION.

STATE OF MISSOURI,  
COUNTY OF *Jefferson* } ss.

I DO HEREBY CERTIFY, That the foregoing is a true copy of the original *Petition* now on file in my office, in above entitled cause.

Given under my hand and official seal, at office in *Hillsboro* in said County, this *27<sup>th</sup>* day of *June* 188*8*.

*D. B. Veazey* CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

### SUMMONS.

STATE OF MISSOURI,  
COUNTY OF *Jefferson* } ss.

IN THE CIRCUIT COURT.

The State of Missouri to the Sheriff of *Jefferson* County—Greeting:

WE COMMAND YOU TO SUMMON *Emily Baker, Irene Craft & John D. Craft her husband, Virginia F. Husky, & Nathaniel S. Husky her husband Benjamin F. Herrington, James F. Green, & Nathaniel S. Husky Administrator of the Estate of Joshua Herrington, deceased,* if they be found in your County, to appear before our Circuit Court, to be holden within and for the County of *Jefferson* at the Court House in the town of *Hillsboro* in said County, on the first day of the next Term thereof, to be begun and held on the *second* Monday in *September* next, A. D. 188*8*, then and there, before the Judge of our said Court, to answer the Petition of *Florence A. Wiley & William S. Wiley her husband*

(a certified copy of which said Petition is hereunto annexed.) And have you then and there this Writ, with the return of your action thereupon.

WITNESS my hand as Clerk of our said Court, and the seal thereof. Done at office in *Hillsboro* in the County aforesaid, on the *27<sup>th</sup>* day of *June* A. D. 188*8*.



*D. B. Veazey* CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

### CERTIFICATE TO COPY OF SUMMONS.

STATE OF MISSOURI,  
COUNTY OF \_\_\_\_\_ } ss.

I DO HEREBY CERTIFY, That the foregoing is a true copy of the original Summons, issued in a certain cause in the Circuit Court of said County, wherein \_\_\_\_\_

Plaintiff, and  
Defendant, \_\_\_\_\_

Given under my hand and official seal at office in \_\_\_\_\_ County and State aforesaid, on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 188\_\_\_\_\_.

\_\_\_\_\_ CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

CERTIFICATE TO  
PETITION AND SUMMONS.

*Jefferson* CIRCUIT COURT,  
*September* TERM, 1888.

*Florence A Wiley*  
*et al*

PLAINTIFF,  
VS.

*Emily Porter*  
*et al*

DEFENDANT.

*W. W. Coffey*



THE STATE OF MISSOURI } S.S.  
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon *Emily Baker, Irene Craft & John D. Craft her husband, Virginia F. Huskey & Nathaniel S. Huskey her husband, Benjamin F. Herrington, James F. Green & Nathaniel S. Huskey Administrator of the Estate of Joshua Herrington deceased*

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the *second* Monday of *September* next, then and there to answer unto

*Florence A. Wily & William S. Wily her husband*

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

*D. B. Veazey*  
Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *27th* day of

*June* A. D., 18*88*

*D. B. Veazey*, Clerk Circuit Court.

THE UNIVERSITY OF CHICAGO  
LIBRARY  
540 EAST 57TH STREET  
CHICAGO, ILL. 60637

Shirley M. Kelly et al

= 05 =

Shirley M. Kelly et al

~~~~~

copy



THE STATE OF MISSOURI } S.S.  
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon *Emily Baker, Irene Craft and John B. Craft, her husband, Virginia F. Hussey and Nathaniel S. Hussey, her husband, Benjamin F. Arrington, James F. Green and Nathaniel S. Hussey administrator of the Estate of Joshua Arrington deceased*

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the *second* Monday of *September* next, then and there to answer unto

*Florence A. Wiley and William S. Wiley her husband*

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

*W. B. Vazey*  
Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *27th* day of

*June* A. D., 18*88*

*W. B. Vazey*, Clerk Circuit Court.



Florence A Wiley  
J exel

= 05 =

Emily Parker

~~~~~

= 6418 =

6418

John D. Hulce,

Justice Wks

4300. school funds

ordered in Wiley

THE STATE OF MISSOURI, } S.S.  
County of Jefferson.

The State of Missouri, *Franklin*

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

We command you, that you summon

*Paulina McCulloch & Levi McCulloch*

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the *second* Monday of *September* next, then and there to answer unto

*Florence A. Wiley & William S. Wiley her husband*

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

*D. B. Veazey*  
Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *27<sup>th</sup>* day of *June* A. D., 18*88*

*D. B. Veazey*, Clerk Circuit Court.

Dry Branch Mo. July 7<sup>th</sup> 1888.

We the undersigned do hereby acknowledge service  
of the within writ and waive the necessity of service  
by a proper officer. And do also enter our appearance  
to said action.

Levi M. Colloch.  
Paulina A. M. Colloch.

In the Circuit Court

of

Jefferson County Mo.

To. September Term 1888

Florence A. Wiley et al

-vs-

Emily Barker et al

Original

THE STATE OF MISSOURI, } SS.  
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon *Emily Baker, Irene Craft and John S Craft her husband, Silas Green Herrington, Paulina McCulloch and Levi McCulloch her husband, Virginia F Huxley and Nathaniel S Huxley her husband, Benjamin F Herrington, George W Herrington, Elias S Herrington, Lawson Herrington, James A Green and Nathaniel S Huxley Administrator of the Estate of Joshua Herrington deceased,*

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the *Second* Monday of *September* next, then and there to answer unto

*Florence A Wiley and William S Wiley her husband*

upon *their* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ

Witness, C. THO. HORINE, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *Seventh* day of *June* A. D., 18*88*.

*D. B. Veazey*, Clerk Circuit Court.

Hamilton Texas June 7th. 1888.

We and each of us acknowledge service of the within writ, ~~waives~~ waive the necessity of service by a proper officer and enter our appearance to the within action.

Joshua Lawson Herrington,  
George Washington Herrington

Florence et al. Wiley et al  
=CS = } Partition

Emily Baker et al.

In the Circuit Court

To Sept Term, 1888

Original

Filed June 26/1888

W.B. Keay  
Clerk

### CERTIFICATE TO COPY OF PETITION.

STATE OF MISSOURI, }  
 COUNTY OF Jefferson } ss. I DO HEREBY CERTIFY, That the foregoing is a true copy  
 of the original Petition now on file in my office, in above entitled cause.

Given under my hand and official seal, at office in Hillsboro  
 in said County, this 27<sup>th</sup> day of June 1888.

D. B. Veazey CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

### SUMMONS.

STATE OF MISSOURI, }  
 COUNTY OF Jefferson } ss. IN THE CIRCUIT COURT,  
 The State of Missouri to the Sheriff of Jefferson County - Greeling:

WE COMMAND YOU TO SUMMON Silas Green Hemmington &  
Elias S. Hemmington

if to be found in your County, to appear before our Circuit Court, to be holden within and for the  
 County of Jefferson at the Court House in the town of Hillsboro  
 in said County, on the first day of the next Term thereof, to be begun and held on the second Monday in  
September next, A. D. 1888, then and there, before the Judge of our said Court, to answer  
 the Petition of Florence A Wiley & William S. Wiley her husband

(a certified copy of which said Petition is hereunto annexed.) And have you then and there this Writ, with the  
 return of your action thereupon.

WITNESS my hand as Clerk of our said Court, and the seal thereof. Done at office  
 in Hillsboro in the County aforesaid, on the  
27<sup>th</sup> day of June A. D. 1888.

D. B. Veazey CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

### CERTIFICATE TO COPY OF SUMMONS.

STATE OF MISSOURI, }  
 COUNTY OF \_\_\_\_\_ } ss. I DO HEREBY CERTIFY, That the foregoing is a true  
 copy of the original Summons, issued in a certain cause in the Circuit Court of said County, wherein \_\_\_\_\_  
 \_\_\_\_\_ Plaintiff, and  
 \_\_\_\_\_ Defendant,

Given under my hand and official seal at office in \_\_\_\_\_  
 County and State aforesaid, on this \_\_\_\_\_ day of \_\_\_\_\_  
 A. D. 188 \_\_\_\_\_

\_\_\_\_\_ CIRCUIT CLERK.

By \_\_\_\_\_ D. C.

Executed the within writ in the County  
of Texas and State of Md on the 22<sup>d</sup> day of  
August 1888 by delivering a copy of this writ  
with a certified copy of Petition thereto attached  
to the within named, Silas G. Herrington first  
served and 2 further like sented this  
writ by delivering a copy of the same  
to a member of the within named  
Silas S. Herrington family at our first  
copy of fifteen years at his usual place  
of abode  
for \$2.00 paid

R. C. McBricker  
Sheriff of Texas, Co. Md.

#842  
CERTIFICATE TO  
PETITION AND SUMMONS.

Jefferson  
Circuit Court,  
September Term, 1888.

Flannce A. Wiley  
et al

vs.  
Emily Parker  
et al  
PLAINTIFF.

vs.  
Original -  
DEFENDANT.



THE STATE OF MISSOURI } SS.  
County of Jefferson.

The State of Missouri,

To the Sheriff of Jefferson County---Greeting:

We command you, that you summon *Emily Baker, Irene Craft & John B. Craft, her husband, Virginia F. Hussey & Nathaniel S. Hussey, her husband, Benjamin F. Herrington, James F. Green & Nathaniel S. Hussey administrator of the Estate of Joshua Herrington deceased*

if found in your County, to be and appear before the Honorable Judge of our Circuit Court, on the first day of the next term thereof, to be begun and holden at the town of Hillsboro, within and for the County of Jefferson, on the *second* Monday of *September* next, then and there to answer unto

*Florence A. Wiley & William S. Wiley her husband*

upon *Wier* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ

*D. B. Veazey*  
Witness, *C. THO. HORINE*, Clerk of our said Circuit Court, with the seal thereof hereunto affixed, at office in Hillsboro, this *27th* day of *September* A. D., 18*88*

*D. B. Veazey*, Clerk Circuit Court.

I hereby certify that I executed the within writ in the county of Jefferson in the state of Missouri on the 2nd day of July 1888 by leaving a true copy of the within writ and an executed petition with the clerk of the circuit court the within named Defendant, Virginia H Huskey she being the first one by me served and I further executed the within writ in the county of Jefferson in the state of Missouri on the 9th day of July 1888 by leaving a true copy of the within writ with the clerk of the circuit court at the usual place of the within named Defendant, James H Green and I further executed the within writ on the 2nd day of July 1888 by leaving a true copy of the within writ on the back of the clerk of the circuit court at the usual place of the within named Nathaniel Huskey with a member of his family over the age of fifteen years and I further executed the within writ in the county of Jefferson in the state of Missouri on the 14th day of July 1888 by leaving a true copy of the within writ as furnished me by the clerk of the circuit court at the usual place of the within named Defendant, James P. Craft with a member of his family and I further executed the within writ in the county of Jefferson in the state of Missouri on the 20th day of July 1888 by leaving a true copy of the within writ as furnished me by the clerk of the circuit court with each of the within named Defendants Emory Baker and Benjamin H. Livingston

G W M Fry Sheriff

Fee \$7.00

No. \_\_\_\_\_  
 In the Circuit Court  
 Jefferson County Mo.  
 No. Sept. Term 1888  
 ~~~~~  
 Florence A. Meloy  
 et al  
 vs  
 ~~~~~  
 Emory Baker et al.  
 ~~~~~  
 Original

Wm S Wiley & wife Plffs

vs

Emily Baker et al Defts.

In Circuit Court of Jefferson  
County Mo.

Now come the defendants in the  
above cause and demur to the  
petition of the Plaintiffs herein for the  
reasons following -

1 - Because it is not averred in  
plaintiffs petition that the Estate  
of Joshua Herrington has been finally  
settled, nor is averred in said peti-  
tion that the personal Estate of said  
Herrington is sufficient to pay the debts  
of said Estate. -

2 - Because it appears from said petition  
that Administration of the Estate of said  
Joshua Herrington is still pending in  
the Probate Court of Jefferson County Missouri  
and it is not averred that the personal  
Estate is sufficient to pay all the debts  
& demands allowed against said Estate. -

3 - Because under the allegations of said  
petition this Court has no jurisdiction  
of the cause.

J. F. Green  
Atty for Defts

H. D. Wiley et al  
vs  
M. J. Huskey et al  
Defts

Dennis

Filed Dec. 6/1888  
D B Neeger  
Clerk

Florence Wiley et al Plaintiffs

vs

Emily Baker et al Defendants -

In Circuit Court of Jefferson  
County Mo.

Now comes W. S. Huskey Adm<sup>r</sup> of Estate of Joshua Herrington dec'd, and for answer to the petition of the plaintiffs herein, admits that plaintiff and defendant are owners and tenants in common of the Real Estate described in the petition; defendant further says that he is the Administrator of the Estate of Joshua Herrington dec'd; from ~~whom~~ ~~whence~~ said Real Estate descended to the parties herein from said Joshua Herrington & that the Estate of said Joshua has not been finally settled; that the personal Estate of said deceased is not sufficient to pay the debts of said Estate; that there are unpaid demands against said Estate to the amount of \$500<sup>00</sup>; that there is due said Estate on account of the notes mentioned in the deeds of trust set out in plaintiffs petition the following amounts viz from Silas G. Herrington \$200<sup>00</sup>; from George W. Herrington \$250<sup>00</sup>; from Elias Herrington \$250<sup>00</sup>; defendant therefore prays the Court for an order ~~and~~ decree directing that the moneys arising from a sale of the Real Estate mentioned in plaintiffs petition be paid over to this defendant as Admin<sup>r</sup>

istrator of said Estate for the purpose  
of completing the administration of said  
Estate according to law.

J. F. Green  
Atty for Plaintiff

Florence Wiley and

To  
Emily Barker and

Answer of M. S. Hues-  
ton, Adm<sup>r</sup> of S. Hanning-

Filed Jan'y 18th 1889

D. B. Veazey  
clerk

State of Missouri } In the Circuit Court  
County of Jefferson, } 26th Judicial Circuit  
Friday January 25<sup>th</sup> 1889

Be it remembered that among other proceedings therein had, the following appears of record to-wit:

Florence A Wiley and William S Wiley  
her husband Plaintiffs.  
against. } Partisan

Emily Baker, Irene Craft and John B Craft  
her husband, Silas Green Herrington, Paulina  
McCulloch and Levi McCulloch her  
husband, Virginia F Huskey and Nathaniel  
S Huskey her husband, Benjamin F Her-  
rington, George W Herrington, Elias S  
Herrington, Lawson Herrington, James  
F Green and Nathaniel S Huskey  
Administrator of the Estate of Joshua  
Herrington deceased. Defendants.

Decree & order of Sale.

Now on this 25<sup>th</sup> day of January A.D. 1889,  
came the plaintiffs by their attorney;  
and the said defendants having appeared  
to the petition, but nor say nothing farther  
in bar of plaintiffs action, excepting  
Nathaniel S Huskey administrator of  
the Estate of Joshua Herrington deceased,  
who files answer in said cause and

appears by his attorney therein, And now all and singular the matters at issue being submitted to the Court and by the Court seen and heard, the Court doth find that plaintiffs and defendants are owners and tenants in common of the following described real estate, situated in the County of Jefferson and State of Missouri to-wit;

The west half of the Northeast quarter and the west half of the Southeast quarter and the East half of the Southwest quarter all in Section Eleven, Township Fortyone North, Range Three East. Also the following other piece or parcel of land to-wit; Beginning at the Northwest corner of Section 14, Township 41 N. Range 3 East; thence East 31 chains and 60 links along the north line of Section No. 14; thence South 15 chains to the Northeast corner of the claim (Survey No. 3195); thence West 51 chains and 50 links to the west line of Section No. 14; thence North 15 chains along section line to the place of beginning containing 72 acres.

The Court doth further find that said Florence A Wiley plaintiff is entitled to the undivided one-tenth of said real estate, subject to the life estate of her husband therein, William S Wiley,



That Emily Baker formerly Herrington, is entitled to the undivided one-tenth of said real estate subject to an advancement of forty dollars to her during the lifetime of her father Joshua Herrington deceased.

~~That Irene Herrington Craft~~

That Irene Craft is entitled to the undivided one-tenth of said land subject to the life estate of her husband John B Craft.

That Paulina McCulloch is entitled to the undivided one-tenth of said land subject to the life estate of her husband Levi McCulloch.

That Virginia F Huskey is entitled to the undivided one-tenth of said land, subject to the life estate of her husband Nathaniel S Huskey.

\* That Elias S Herrington, Silas G Herrington, George W Herrington, Benjamin F Herrington and Lawson Herrington are each entitled to the undivided one-tenth of said real estate.

The court doth further find that Elias S Herrington by deed recorded in Trust Record No. 16, page 51 in the Recorder's office of said County and State, conveyed to defendant James F Green as trustee, his undivided one-tenth of said real estate to secure to said Nathaniel S Huskey as administrator aforesaid, the payment of a note for the sum of two hundred dollars

dated July 19<sup>th</sup> 1887, and due and payable six months after the date thereof, with interest from date at the rate of ten per cent per annum, and if the interest be not paid annually to become as principal and bear the same rate of interest. That said Silas Green Herrington, by deed recorded in the Recorder's office of said County and State in Trust Record No. 18, page 12, conveyed to James F. Green as trustee, his undivided one-tenth of said real estate to secure to ~~said~~ Nathaniel S. Huskey as administrator aforesaid, his promissory note for the sum of Four hundred and fifty-eight dollars dated April 16<sup>th</sup>, 1887, due and payable six months after the date thereof, with interest from date at the rate of ten per cent per annum, and if the interest be not paid annually to become as principal and bear the same rate of interest.

That said George W. Herrington by deed recorded in the Recorder's office of said County and State in Trust Record No. 18 page 153 conveyed to James F. Green as trustee, his undivided one-tenth of said real estate to secure to Nathaniel S. Huskey as administrator aforesaid, his promissory note for the sum of One hundred

and forty seven dollars, dated November 8<sup>th</sup> 1887 and due and payable six months after the date thereof with interest from date at the rate of ten per cent per annum, and if the interest be not paid annually, to become as principal and bear the same rate of interest.

The court doth further find that said Nathaniel S. Huskey as administrator of the estate of Joshua Herrington deceased is entitled to a sufficient sum ~~out~~ of the ~~proceeds~~ ~~to wit~~; Five hundred dollars, out of the proceeds of the sale of said real estate, to satisfy the debts and liabilities of said administration - the demands and accounts allowed against said estate in the Probate Court of said county and state.

And the court doth further find that partition and division of said real estate cannot be made in kind, among said parties, plaintiffs and defendants without great injury to their respective rights and interests therein.

It is thereupon considered, adjudged and decreed by the court here, that partition and division of said real estate be made

among the parties hereto interested according to their said respective interests therein, that said real estate be by the Sheriff of this County sold to the highest bidder upon the terms of ~~thirty three one~~ third ( $\frac{1}{3}$ ) cash and the other two thirds ( $\frac{2}{3}$ ) payable in one year and with interest from date of such sale at eight per cent per annum, secured by a bond or note with approved security, the purchaser to have the privilege of paying the full amount of such purchase money in cash at the time of ~~sale~~ the approval of such sale by this Court, and it is further ordered that the Sheriff in making such sale proceed as is by the Statute in such cases made and provided and make advertisement preliminary to such sale as is required by law and that he make report of such sale and also a statement of all moneys received by him and all costs and expenses paid or incurred by him in the transaction of the business of making said sale and conveyances thereunder. It is further ordered that the net proceeds of said sale be divided among the parties in interest aforesaid in accordance with

their respective interests aforesaid in  
said real estate, except the interests of  
the said Elias S Herrington, Silas Green  
Herrington and George W Herrington  
which the court doth order the Sheriff  
to pay over to Nathaniel S Huskey  
Administrator of the Estate of  
Joshua Herrington deceased.

And it is further ordered by the Court here  
that out of the share of the proceeds  
of the sale of said real estate going  
to Emily Baker as aforesaid that the  
sheriff pay over the sum of Forty  
dollars out of her said share to  
N. S. Huskey Administrator of the  
Estate of Joshua Herrington deceased.

State of Missouri }  
County of Jefferson } J. D. B. Veazey Clerk of the  
Circuit Court, in and for said County hereby  
certify the above and foregoing to be a true copy  
of the order of sale in the above mentioned cause  
as the same appears of record in my office  
Witness my hand and the seal of said  
Court hereunto affixed. Done at office  
in Hillsboro Mo this 11<sup>th</sup> day of April  
A. D. 1889

J. D. B. Veazey  
Clerk Cir Ct

To the Hon. Circuit Court of Jefferson County Mo.

In obedience to the within order I proceeded to give twenty days notice of the time terms and place of sale and of the property to be sold by advertisement in the Jefferson Democrat a newspaper printed and published in Jefferson County Missouri a copy of which notice, with the affidavit of the publisher annexed is hereto appended and made a part of the report, and in further obedience to said order and in pursuance of said notice I did proceed on the 17<sup>th</sup> day of May 1889, at the Court house door in Hillsboro Jefferson County Missouri, while the Circuit Court of said County was in session offer for sale at public auction for the purposes mentioned in said order the real estate described therein and Isaac F. Wideman being there and there the highest and best bidder for the west half of northeast quarter, the west half of the southeast quarter and the East half of the southwest quarter of section 11 township 41 N of range 3 E, also, the following described tract, beginning at the northwest corner of section 14 T 41 R. 3 E, thence East 31 chains & 60 links, along the north line of Sec 14, thence South 15 chains to northeast corner of the claim (Range N. 3195); thence West 51 chains and 59 links to West line of section 14 thence north 15 chains along section line to place of beginning, containing 72 acres; at and after the price and sum of eighteen hundred and twenty six dollars, the same was struck off and sold to him for the same, and he has complied with the terms of sale by paying one third in cash and giving his note for the balance due 12 months after date with interest at 8 percent, all of which is respectfully reported for approval of the court.

May 18-1889

E. J. Manspin

Sheriff of Jefferson County Mo.

Florence A. Wiley Stake

vs

Emily Bensen Stake

Filed May 21/1889

W. D. G. Veazey

## Sheriff's Sale in Partition.

Florence A. Wiley and William S. Wiley, her husband, venditae, against Emily Baker, Irene Craft and John B. Craft, her husband; Miss Lucie Harrington, Pauline McInloch and Levi McInloch, her husband; Virginia P. Huskey and Benjamin S. Huskey, her husband; Benjamin R. Harrington, George W. Harrington, Elias S. Harrington, Lucian Harrington, James F. Allen and Nathaniel S. Huskey, administrators of the estate of Joshua Harrington, deceased, defendants.—To the Circuit Court of Jefferson county, Missouri.

By virtue and authority of an order made by the Circuit court of the County of Jefferson, State of Missouri, at its January term, 1889, I sell, on the 17th day of May, 1889, at the court house door in the Town of Hillsboro, between the hours of one o'clock in the forenoon and five o'clock in the afternoon of said day, after full sale at public auction, to the highest bidder, the following described land or real estate, situate in Jefferson county, Missouri, to-wit: The west half of the northern quarter and the western half of the southeast quarter, and the east half of the southwest quarter, all in section eleven, township forty-one, north of range three east; also the following other piece or parcel of land, to-wit—beginning at the north-west corner of section 11, township 41, north of range 3 east; thence east 51 chains and 10 links along the north line of section No. 11; thence south 15 chains to the southeast corner of the claim (range 3, east); thence west 31 chains and 53 links to the west line of section No. 11; thence north 15 chains, along section line, to the place of beginning, containing 32 acres—

for the purpose of making partition between said parties, for which the purchaser will be required to pay one-third 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 eight per cent, per annum from date, or all cash at the option of the purchaser.

E. B. MAUPIN

Sheriff.

April 14, 1889.

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

Be It Remembered, That on this 18 day of May 1889.

before the undersigned Clerk of the Circuit Court of Jefferson County, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the JEFFERSON DEMOCRAT, a newspaper printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 5 weeks, the first insertion being on the 17 day of May, 1889, and the last insertion on the 15 day of May, 1889, as follows, to-wit:

|            |    |     |      |     |
|------------|----|-----|------|-----|
| In No. 18, | 17 | Apr | 1889 | 480 |
| In No. 20, | 24 | May | 1889 | 480 |
| In No. 21, | 24 | May | 1889 | 480 |
| In No. 22, | 22 | May | 1889 | 480 |

\$ 1800

Sworn to and subscribed before me, this 18 day

of May 1889, *D. D. Nease* County Clerk.

Printer's Fee, \$12,  
 Affidavit, \$ }  
 Received Payment, .....



Florence A Wiley et al  
 vs.  
 Emily Baker et al

No. ....

STATEMENT OF COSTS.

| DATE. | ITEMS.                                                   | Plaintiff's<br>Costs. | Defendant's<br>Costs. | TOTAL. |
|-------|----------------------------------------------------------|-----------------------|-----------------------|--------|
|       | D. B. Teague Clerk                                       |                       |                       |        |
|       | 6 files 30 / 6 docket 30 / 6 copies pet 900 / 6 cers 300 |                       | 1260                  |        |
|       | 4 writs 400 / 2 copies 120 / apppr 20 / Aus 30           |                       | 570                   |        |
|       | Verd. 220 / Judgt 50 / Order sale 30                     |                       | 200                   |        |
|       | Copy 220 / cers 50 / Ord to advertise 30                 |                       | 305                   |        |
|       | Ord distribution 30 / Report sale 30                     |                       | 60                    |        |
|       | Report of distribution 30 / final Judgt 50               |                       | 80                    |        |
|       | Fee bill 10 / Making costs 25 / copy 25                  |                       | 60                    |        |
|       | Order for attys fee 30                                   |                       | 30                    | 2565   |
|       | Geo W. Mc Fry, Sheriff                                   |                       |                       |        |
|       | Serving 7 writs                                          |                       |                       | 700    |
|       | R. C. Mc Bride Shff Tax Co                               |                       |                       |        |
|       | Serving two writs                                        |                       |                       | 200    |
|       | E. D. Maapin Shff                                        |                       |                       |        |
|       | 2 calls                                                  |                       |                       | 10     |
|       | De Cu. Sule.                                             |                       |                       | 4252   |
|       | Thomas & Horne Attys                                     |                       |                       | 5000   |
|       | R. M. Mullin Clerk                                       |                       |                       | 120    |

Flora A. Wiley et al

= 0.1 = 1'

Emily Raper et al

Reverend of Leath

Filed May 11<sup>th</sup> 1889

W. B. Raper  
con

No. 6448 Box 87

Wicount Court,

Jefferson County.

Florence A. Miller

et al

VS

Emily Barber et al

Cause of Action Partition

Filed May 24th 1888

J. D. Sawyer  
CLERK.

307 and 1/2 E. 14th St. St. Louis, Mo.

Thomas S. Storrice  
PLAINTIFF'S ATTORNEY.

DEFENDANT'S ATTORNEY.

(541) STANDARD PRINTING CO., HANNIBAL, MO.

LIST OF PAPERS IN THIS SUIT.