

Description: Partition of Land of Joseph Osborn(d. 1870)

Repository: McDonough County Genealogical Society Research Center,
Western Illinois Museum, 201 S. Lafayette St., Macomb, IL

Format: Photocopies of McDonough Co., IL Circuit Court records

These images were scanned by Lee K. Osborne from photocopies of McDonough Co., IL Circuit Court records provided by staff of the McDonough County Genealogical Society. Unfortunately, citations of the specific Circuit Court record books were not provided. These images are posted at:

<http://www.osborne-origins.org/il/mcdonough/il-mcdonough-joseph-osborn-part.pdf>

These images are of the recorded petition for partition of the land of Joseph Osborn and of the partition itself. Interestingly, there was no provision for Joseph's daughter Sabrina (Osborn) Mayfield. Joseph's daughter Lydia (Osborn) Osborn and son Stephen Jones Osborn were deceased by the time of the partition and their surviving children are named.

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Nancy Osborn, that in assigning and setting apart said residue of said premises to the several parties as aforesaid the portion so set off and assigned to Solomon Osborn was one fifth of said residue.

that the portion so set off and assigned to John Osborn was one fifth of said residue & the portion so set off and assigned to said Andrew Osborn was one fifth of said residue, & the portion so set off and assigned to said Lydia Osborn & Jasper Osborn was one fifth of said residue,

& the portion set off and assigned to said Lydia Eastridge Mary E. Eastridge & Alfred W. Osborn was one twenty fifth of said residue,

& that the portion set off and assigned to said John Osborn, Elijah Osborn & Daniel B. Osborn was four twenty fifths of said residue.

That they left the portion so set off to said Nancy Osborn as a Homestead to be partitioned & divided among the respective parties entitled thereto after the termination of her life estate.

That they made such partition & assignment of Homestead & Town according to quantity quality & value.

All of which is respectfully submitted.

J. B. Wyne (seal)
James M. Campbell (seal)
J. H. Shannon (seal)

Costs of Making partition &c

James Shannon 2 days as Counselor	4.00
" " " " as Co. Surveyor " 6	12.00
" " " " Making Plat	1.00
James M. Campbell 2 days as Commr.	4.00
J. B. Wyne " " " " Chamberlain	4.00
" " " " " " Commr.	4.00
" " " " " " Chamberlain	4.00
Brooking & Bros. Survey to & from premises 2 days	8.00
Hotel Bill at Industry pd by Sift. Osborn	5.00

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Plot of ground and the buildings thereon occupied as a residence by the said Nancy Osborn & the said Joseph Osborn deceased last before his death Seventeen & 2/100 acres from off the North side of said premises the same being designated on a plat of said premises made by the undersigned as "Lot No. 1" And considered by us to be of the value of one thousand dollars as and for a homestead for said Nancy Osborn to be held and enjoyed by her for and during her natural life.

And that out of the residue of said premises they assigned and set off to said Nancy Osborn as and for her dower in said premises Eighteen & 99/100 acres lying next South of said portion so assigned as a homestead designated on said plat as "Lot No. 2" the same being equal according to quantity quality and value to one third of said residue, the same to be held and enjoyed by her for and during her natural life.

That they partitioned and divided the residue of said premises among the parties entitled thereto as follows, they allotted and set off to said Solomon Osborn Seventeen & 2/100 acres designated on said Plat as "Lot No. 3" three & 81/100 acres off of the North side of which is encumbered with said dower interest of said Nancy Osborn, the same to be held by him the said Solomon in Severalty, they allotted and set off to said John Osborn Seventeen & 2/100 acres designated on said plat as Lot No. 4. three & 81/100 acres off of the North side of which is also encumbered with said dower interest of said Nancy Osborn, the same to be held by him the said John Osborn in Severalty, they allotted and set off to said Andrew Osborn to be held by him in Severalty Seventeen & 2/100 acres designated on said Plat as "Lot No. 5" three & 81/100 acres off of the North side of which is also encumbered with said dower interest of said Nancy Osborn.

they allotted and set off to said Lydia Eastridge Mary E. Eastridge and Alfred W. Osborn as Coparceners three & 44/100 acres designated on said plat as "Lot No. 7" 1/100 acres off of the North end of which is also encumbered with said dower interest of said Nancy Osborn,

that they allotted and set off to said Lydia Osborn & Jasper Osborn as Coparceners Seventeen & 2/100 acres designated on said plat as "Lot No. 6" three & 81/100 acres of which, off of the side is also encumbered with said dower interest of said Nancy Osborn, that they allotted and set off to said John Osborn, Elijah D. Osborn & Samuel B. Osborn as Coparceners thirteen & 77/100 acres designated on said Plat as "Lot No. 8" three & 7/100 acres off of the North end of which is encumbered with said dower interest of said

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and set off to said Nancy Osborn widow of said Joseph Osborn deceased her homestead in said premises, and her down out of the residue of the lands and tenements described in the order of the Court for that purpose according to the behest of our united and several judgments if the same can be done consistently with the interests of the estate, and that we will fairly and impartially make partition of said lands in accordance with the judgment & decree of the Court made in said cause as to the rights and interests of the parties if the same can be done. Consistently with the interest of the estate and further that we will fairly and impartially appraise the value of the premises mentioned in said decree & sought to be divided. So Help us God,

Joseph C. Hyne
James M. Campbell
James A. Shannon

Subscribed & sworn to before me by the said,

Joseph C. Hyne, James M. Campbell
James A. Shannon this 27th
day of May A.D. 1872.

J. O. Pres, 35¢

Isaac Thayer (read)

State of Illinois } In the Circuit Court of said County & State.
McDonough County } To the August Term A.D. 1872

Nancy Osborn et al }

Sydia Osborn et al }

Petition for Partition

To the Hon. Chaney S. Higbe Judge
of said Court.

The undersigned Commissioners appointed by the decretal order of the Court rendered in said cause at the March term A.D. 1872 to set off Homesteads, Assign Lower and make partition and division of the premises therein and hereinafter mentioned would respectfully report that after taking and subscribing the foregoing oath they went upon said Lot one (1) of the assessors subdivision of the North West quarter of Section twenty two (22) in township four (4) North in range two (2) West of the fourth principal meridian in McDonough County Illinois containing one hundred two & 2/100 acres, and made a Plat of said premises showing the Number of acres and location of each portion set off to each which said plat is hereto attached, and made a part hereof and assigned same to all the said Nancy Osborn

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Oliver, Page & Hayes.

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Thomas Wilson } Of the August Term of the McDonough
William McLaughlin et al } Circuit Court AS 1872

And now on this day this cause coming on to be heard and the Master in Chancery having filed his report of sale herein and the said Court having examined the same and no objection being made thereto It is ordered adjudged and decreed by the Court that the said sale and the report be and the same is hereby approved and this cause is continued
J. S. Higbee

State of Illinois } In the Circuit Court of said County
McDonough County } and State, of the August Term AS 1872

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Nancy Osborn et al }
Lydia Osborn et al }

And now on this day comes the said Commissioners who were appointed by the Court at the March term AS 1872 of said Court to assign and set off to said Nancy Osborn (Widow &c.) her Homestead and down and make partition and division of the premises described in the order & decree of the Court rendered herein and file their report of their acts and doings under said decree accompanied by a plat of the premises so partitioned by them and their oath, which said report Plat & oath are in writing and in the words and figures following, to-wit:

State of Illinois } In the Circuit Court of said County and
McDonough County } State, of the March Term AS 1872.

Nancy Osborn et al } Petition for Homestead
Lydia Osborn et al } Down & Partition

And the undersigned Commissioners appointed by the Court in said Cause to assign and set off to said Nancy Osborn (Widow &c.) her Homestead and down and to make partition and division of the premises described in the order and decree of the Court rendered herein at the present term of said Court for that purpose being severally duly sworn do solemnly swear that we will faithfully and impartially perform the duties assigned to us by the Court in said Cause.

Friday, March 29th

one thousand Dollars as and for a Homestead for said Nancy Osborn for and during her natural life - and that out of the residue of said premises they assign and set off to said Nancy Osborn as and for her dower in said premises according to quality quantity and value a portion equal to one third of said residue not set off to said Nancy Osborn as a homestead as aforesaid to be held and enjoyed by her for and during her natural life. and that they partition and divide the residue of said premises in severally among the other Heirs of said Joseph Osborn in accordance with their rights and portions as in this decree is above found by the Court according to quality quantity and value if the same can be done Consistently with the interest of the estate - that they make said assignment of Homestead dower and said Partition and division assigning to each party his or her share thereof by notes and bonds and make return under their hands and seals to this or the next term of this Court

C. L. Higbee

380 William Cannon } Specific Performance
vs
Silas C. Roten

It appearing to the Court that the costs in this cause are fully paid, It is ordered that this cause be, and the same is hereby stricken from the docket.

413 Rosanna Duff } Divorce
vs
John Duff. } Defendant

Now on this day comes the said complainant and dismisses her suit herein. It is therefore ordered by the Court that the said defendant have and recover of the said complainant his costs by him in this behalf expended and that he have execution therefor.

Friday March 29th

Principal Meridian in McDonough County Illinois containing one hundred and two & 20/100 Acres that at the time of the death of the said Joseph Osborn he was a householder having a family consisting of himself and said Nancy Osborn and was occupying a dwelling house upon said premises as a resident and homestead and that said Nancy Osborn since the death of the said Joseph Osborn has continued to and now does occupy and claim the same as a homestead and that she has a homestead exemption thereon of the value of one thousand dollars for and during her natural life and that subject to said homestead right the said Nancy Osborn as widow as aforesaid is entitled to a dower right in the premises of said premises of one third thereof according to quantity quality and value to be held and enjoyed by her during her natural life - and that subject to said homestead & dower right of said widow as aforesaid said premises upon the death of said Joseph Osborn deceased to become and are now done as stated in said petition by said Petitioners and said Defendants in the following proportions to wit

Salomon Osborn is the owner of one fifth thereof	1/5
John Osborn - - - - - one fifth thereof	1/5
Andrew J Osborn. - - - - - one fifth thereof	1/5
Lydia Osborn and Jasper Osborn each each one tenth 1/10	
& together own one fifth thereof that being the share of their deceased father Jones Osborn	1/5

John Osborn Elijah Osborn Andrew J Osborn & Daniel Osborn each one twenty fifth thereof (1/20) & together own four fifths of the share which would have descended to their mother Lydia Osborn had she been alive at the time of the death of said Joseph & said Lydia Estridge Mary Elizabeth Estridge & Alfred W Osborn each own one seventy fifth (1/70) thereof & together own twenty fifth (1/20) which was the share their mother would have inherited from her mother the said Lydia Osborn had she been alive at the time of the death of Joseph -	4/20 1/20
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It is further ordered and decreed by the Court that Joseph F. Hynes Daniel McCampbell & James Shannon be and they are hereby appointed Commissioners herein and are ordered after being duly sworn according to the Statute in such case made and provided that they go upon said premises and appraise the same; and that they assign and set off to said Nancy Osborn a lot of ground and the buildings thereon

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the said Lots of ground so set off and allotted to her by said Commissioners as and for her homestead and dower in said premises for & during her natural life, and that said other parties the heirs and representatives of the said Joseph Osborn deceased have hold and enjoy in fee simple in Severalty disincumbered of said Homestead & dower interest (except as appears by said Report) the said several and respective portions of the premises described in the petition herein so allotted and set off to them by said Commissioners And it appearing to the Court that this is an Ex parte proceeding and that reasonable Solicitors fees should be allowed and taxed as costs herein and that Gummichiff & Matteson have acted as Solicitors in prosecuting & attending to this suit and that one hundred dollars is but a reasonable Solicitors fee in that behalf. It is therefore ordered by the Court that said Gummichiff & Matteson be allowed the sum of one hundred dollars as Solicitors fees in this Cause & that the same be taxed as part of the costs herein to be paid pro rata the same as the other costs herein. and that the said Nancy Osborn pay one fourth of the said costs (including said Attorneys fees) and that the residue thereof be paid by the other parties herein in proportion to the shares which they have in said premises & that the Clerk of this Court tax the same & that fee bills issue therefor as in a suit at Law. & this Cause is hereby stricken from the Docket.

S. Higbee

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Oliver, Page & Hynes

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Set one (1) of the Assessors Subdivision of the North West Quarter of Section Twenty two (22) in Township four (4) North in Range two (2) West of the fourth Principal Meridian

North

<p>Set No. 1. = 17²²/₁₀₀ acres</p> <p>Anney Osborn Homestead</p>					
5.69 3/4	5.69 3/4	5.69 3/4	5.69 3/4	5.69 3/4	5.69 3/4
Set 1	Set 2	Set 3	Set 4	Set 5	Set 6
17 ²² / ₁₀₀ acres	17 ²² / ₁₀₀ acres	17 ²² / ₁₀₀ acres	17 ²² / ₁₀₀ acres	17 ²² / ₁₀₀ acres	17 ²² / ₁₀₀ acres
Salomon Osborn	John Osborn	Jonathan Osborn	John Osborn	John Osborn	John Osborn
13 ¹¹ / ₁₀₀ acres	13 ¹¹ / ₁₀₀ acres	13 ¹¹ / ₁₀₀ acres	13 ¹¹ / ₁₀₀ acres	13 ¹¹ / ₁₀₀ acres	13 ¹¹ / ₁₀₀ acres
5.61 2/3	5.61 2/3	5.61 2/3	5.61 2/3	5.61 2/3	5.61 2/3

And the Court having Examined the same and no exception being taken or objections made thereto and it appearing to the Court that said Commissioners in their proceedings herein have in all things proceeded as directed and required by said decree and according to the Statute in such case made and provided. It is Ordered by the Court that said report be and the same is hereby approved. It is further Ordered adjudged and decreed by the Court that said Anney Osborn have hold and