

Jefferson County Circuit Court
Case Files-Civil
March 1872, No. 49

Box 29 Folder 24

Williams, John

vs.

Stroup, Susan

Stroup, Millard F.

Partition

320 acres in Survey 2126 T 40 R 5E

John Williams Plaintiff
against

Susan Stroup and

Millard H. Stroup Defendants

In The Jefferson
County Circuit Court
March Term
1872

Plaintiff states that he and defendants are owners and tenants in common of the following described Real Estate Situate in Jefferson County Missouri To wit: Three hundred and twenty acres of Land bounded as follows to wit: Beginning at the most Eastward corner of United States Survey Number Twenty one hundred and twenty six (2126) in Township Forty N of Range five East, thence running South forty degrees West with the old claim line Forty chains to a stake, thence North Fifty four and three fourths degrees West ($54\frac{3}{4}^{\circ}$) Thirty six chains to a stone six inches wide and seventeen inches long, thence North Eighty six and one half degrees West ($86\frac{1}{2}^{\circ}$) Three & $\frac{60}{100}$ chains, thence down the West bank of the old bed of Joachim Creek

Ten and $\frac{20}{100}$ chains to an overcup
Oak, Thence North Seventy
eight and one half degrees
West ($78\frac{1}{2}^{\circ}$ W.) Thirty five & $\frac{50}{100}$
chains, to the North Western
boundary line of said Survey.
Thence North Forty Degrees
East Forty nine chains to the
old claim corner, Thence
South Fifty degrees East with
the old claim line, Sixty nine
& $\frac{60}{100}$ chains to the place of
beginning except Twenty acres
owned by the St Louis and
Iron Mountain Rail Road Company
being a strip of Land entering
said tract by crossing the Northern
boundary line thereof at a station
of said Rail Road, N. 1854.60 &
leaving it by crossing the Southern
Boundary line at a station N. 1883.06
and which is particularly
described by the following Table
which shows, the width, curves
and distances of said twenty acres
of Land as conveyed to said Rail
Road company by John Stroup a
former owner of said tract of

Land under whom Plaintiff
and Defendants ~~Claim~~ derive
title viz.

Station of Rail Road	Distance of feet from last mentioned Station	Width from Center line of Rail Road in feet	Width from Center line of Rail Road in feet	
		Left	Right	
1854.50	290	55	55	Width measured on Boundary line
1857.50	000	50	50	
1857.50	750	340	50	Offset
1865	800	220	50	
1873	600	320	50	
1879	350	250	50	
1882	000	460	50	offset
1882	56	50	50	
1883.06		50	50	

Plaintiff states that the Plaintiff
owns and is entitled to the undivided
Three Eighths of said Tract of Land
as owned in common by Plaintiff
and Defendants, and that the
Defendant Millard Stroup is
the owner of and entitled to the
undivided Two Eighths thereof,
and that the Defendant
Susan Stroup is the owner of
and entitled to the undivided
Three Eighths thereof.

Plaintiff further avers that Millard

Stroup is a minor under the age of Twenty one Years, for whom Plaintiff prays the Court to appoint a Guardian Ad Litem to ~~defend~~^{answer} this petition, and defend his interests herein,

Plaintiff therefore in consideration of the premises prays the Court to Decree that Partition and Division of the aforesaid Real Estate be made between the parties Plaintiff and Defendants in accordance with their respective rights and interests therein, and that Commissioners be appointed by the Court to set off to them their several shares thereof separately if the same, can be done without great prejudice to the several owners thereof of said Real Estate that and Order be made for the sale of the whole thereof and the proceeds of the same divided between Plaintiff and Defendants in accordance with their several rights therein

John L. Thomas & Bros.
Attys for Plaintiff

W. H. H. Thomas one of the attorneys
for plaintiff makes oath &
says the foregoing petitions &
matters as therein stated he
believes to be true

Subscribed & sworn to } W. H. H. Thomas
before me this February 13th 1872 }

W. Boyce Clerk

By Geo. H. H. Deft.

John Williams
against
Susan Stroup Et. als.

Partition
Original

Filed July 18th 1872
W. S. Boyce clerk
By C. Tho. Hoime ^{Deputy}
Clerk please issue to
the Sheriff of
Jefferson Co. Mo.
John L. Thomas & Bro
attys for Pla.

John Williams Plaintiff } In the Jefferson
Susan Shoup and } County Circuit
Willard H. Shoup Defendants } Court
March Term 1872.

Plaintiff states that he and Defendants are owners and tenants in common of the following described Real Estate situate in Jefferson County Missouri to wit: Three hundred and twenty acres of land bounded as follows to wit: Beginning at the most Eastward corner of United States Survey Number Twenty, one hundred and twenty Six (2126) in Township forty N of Range Five East, Thence running South forty degrees West with the old claim line forty chains to a stake, Thence North fifty four and three fourths degrees West ($54\frac{3}{4}^{\circ}$) Thirty six chains to a stone six inches wide and sixteen inches long Thence North Eighty six and one half degrees West ($86\frac{1}{2}^{\circ}$) Three & $\frac{60}{100}$ chains Thence down the West bank of the old bed of Jacksins Creek Ten and $\frac{25}{100}$ chains to an iron cup-pole, Thence North Seventy eight and one half degrees West ($78\frac{1}{2}^{\circ}$) Thirty five & $\frac{20}{100}$ chains to the North Western boundary line of said survey Thence North Forty Degrees East Forty nine chains to the old claim corner, thence South fifty degrees East with the old claim line Sixty nine & $\frac{60}{100}$ chains to the place of the beginning except twenty acres owned by the St Louis and Iron Mountain Rail Road Company being a strip

of land entering said tract by crossing the Northern boundary line thereof at a station of said Rail Road No 1854.60 & leaving it by crossing the Southern boundary line at a station No 1883.06 and which is particularly described by the following table which shows the width, courses and distances of said twenty acres of land as conveyed to said Rail Road Company by John Stoup a former owner of said tract of land under whom Plaintiff and Defendants derive their title viz:

Station of Rail Road	Distance of feet from last mentioned Station	width from center line of Rail Road in feet	width from center line of Rail Road in feet	
		Left	Right	
<u>1854.60</u>	290	35	55	Width measured on Boundary line
<u>1857.30</u>	000	50	50	
<u>1857.30</u>	750	340	50	offset
<u>1865</u>	800	220	50	
<u>1873</u>	600	320	50	
<u>1879</u>	350	250	50	
<u>1882</u>	000	460	50	
<u>1882</u>	56	50	50	offset
<u>1883.06</u>		50	50	

Plaintiff states that the Plaintiff owns and is entitled to the undivided Three Eighths of said tract of land as owned in common by Plaintiff and Defendants

and that the Defendant Millard Throup
is the owner of and entitled to the undivided
two eighths thereof and that the Defendant
Susan Throup is the owner of and entitled
to the undivided three eighths thereof
Plaintiff further avers that Millard
Throup is a minor under the age of twenty
one years for whom Plaintiff prays the
court to appoint a Guardian ad Litem
to answer this petition and defend his
interests herein. Plaintiff therefore in consid-
eration of the premises prays the court to Decree
that Partition and division of the aforesaid
Real Estate be made between the Plaintiff
and Defendants in accordance with their
respective rights and interests therein, and
that Commissioners be appointed by the Court
to set off to them their several shares thereof
separately if the same can be done without
great prejudice to the several owners of said
Real Estate that and order be made for the
sale of the whole thereof and the proceeds
of the same divided between Plaintiff and
Defendants in accordance with their several
rights therein

John L Thomas Jr.
Attys for Plaintiff
W. H. Thomas one of the attorneys
for Plaintiff makes oath and says the

foregoing petition & matters as therein as
stated he believes to be true.

Subscribed & sworn to
before me this February 13th 1872.

W. S. Bryce Clerk
By C. W. Harne (Dept.)

W. H. Thomas

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

Witness W. S. Bryce Clerk of said
Court with the seal thereof hereunto
affixed at office this February
13th 1872.

W. S. Bryce Clerk
By C. W. Harne
Deputy

THE STATE OF MISSOURI, }
COUNTY OF JEFFERSON. } SS.

THE STATE OF MISSOURI,

TO THE SHERIFF OF THE COUNTY OF JEFFERSON—GREETING:

We command you, that you summon

Susan Shoup and
Willard J. Shoup

if they be found in your County, that they be and appear before the Honorable
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 third Monday after the fourth Monday
of March next, then and there to answer unto

John Williams

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

W. S. Joyce
Witness, ~~ELLIS F. HONEY~~, Clerk of our said
Circuit Court, with the seal thereof hereunto affixed,
at office in Hillsboro, this thirtenth
day of February A. D. 1872.

W. S. Joyce Clerk Circuit Court.
By C. W. Hume Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

March Term, 1872

John Williams Plaintiff

AGAINST

Susan Stroup and

William F. Stroup Defendants

(original)

John Williams

Sheriff

\$200

I Executed this Writ in Jefferson County Mo on the first Day of March 1872 Susan Stroup by Delivering to her a true copy of this Writ and Petition and William F. Stroup by Leaving a true copy of this Writ at his usual place of abode with a white Person of his family over the age of fifteen years

John Williams Sheriff

No.

3419

Tefferson Circuit Court.

March Term, 1872.

John Williams

vs.

Susan Stroup &
Millard f Stroup

Judgment, - - \$

Date 18

Fee Book No. 1 Page 204

Judg't Docket, Page

Thomas & Bro.

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.