

Dufferin County Circuit Court

Box

31 Folder 141

Case Files

May 1873, No. 14

Heaton, Franklin D.

Heaton, Caroline

Rowe, John

Rowe, Joseph

et al

VS

Rowe, William

Rowe, Edwin H.

Rowe, Richard

Rowe, Philip

Partition

Heirs of Edward Rowe; 372 acres
in T38, 39 R5E; other plaintiff Ann
Rowe

Franklin D. Weston and
Caroline his wife John
Rome, Joseph Rome
and Ann Rome, Plaintiffs

vs
William Rome, Edwin
H. Rome, Richard
Rome, and Philip Rome
Defendants

In the Circuit Court of
Jefferson County Missouri.
May Term 1878.

The Plaintiffs state that some
two or three years ago Edward
Rome departed this life intestate
leaving in fee simple of the
following real estate situated
in Jefferson County Missouri
To wit: Lot No Two of the North
East quarter and the North West
quarter of the North West quarter
and the North East quarter of the
North West quarter and the North
half of the South East quarter of
the North West quarter all in Section
No Six, in Township No Thirty Eight
N. of Range No Five East containing
one hundred and seventy two and a half acres
Also the South West quarter of the North

East quarter and the East half of the
South West quarter and the South
West quarter of the South West quar-
ter and the North West quarter of the
South East quarter all in Section
No Thirty Three in Township No
Thirty Nine N. of Range No Five
East containing Two hundred
acres and leaving surviving him
x ✓ as his only heirs the following Chil-
dren viz: Caroline who intermarried
with Franklin D. Hesoton, John
Rowe, Joseph Rowe, Arin Rowe,
William Rowe, Edwin H. Rowe
Richard Rowe and Philip Rowe
the latter two being minors at
✓ this time under the age of twenty
one year. The Plaintiffs state
that there is more than sufficient
personal property and money to
~~discharge~~ belonging to the Estate
of said Deceased to pay off and
discharge all the debts and
claims against said Estate
✓ Plaintiffs state that each one of
the above children of said Deceased
are entitled to one eighth of said
Real Estate, the interest of the said
Caroline however being subject
to the life Estate of Franklin D.

Heaton her husband which he holds
by the County.

Plaintiffs therefore pray the Court
to order and decree a partition of
said real Estate among the parties
to this petition according to their
respective rights as therein set
out and if partition in kind
cannot be made without great
prejudice to the owners thereof to
order a sale of the same so
that the proceeds of such sale
may be distributed among
the owners. Plaintiffs also
pray the Court to appoint a
guardian ad litem for Richard
Rowe and Philip Rowe the
above named minor Defendants.

John L. Thomas & Bro.
Attys for Plaintiffs.

Franklin J. Kelton
et al

v

William Rowell et al

Petition for Partition

Filed April 2nd 1873

W. S. Boyce Clerk

By C. H. Harrison

DEP.

Franklin D Heaton and
Caroline his wife, John
Rowe, Joseph Rowe and
Ann Rowe. Plaintiffs

vs

William Rowe, Edwin H.
Rowe, Richard Rowe
and Philip Rowe Defendants.

In the Circuit
Court of
Jefferson
County, Missouri
May Term 1873

The Plaintiffs state that some two or three years ago Edward Rowe departed this life intestate seized in fee simple of the following real estate situate in Jefferson County, Missouri To-wit: Lot No Two of the North East quarter and the North West quarter of the North West quarter and the North East quarter of the North West quarter and the North half of the South East quarter of the North West quarter all in section No. Six, in Township No Thirty, Eighth N. of Range No Five East Containing one hundred and seventy two ^{1/2} acres, Also the South West quarter of the North East quarter, and the East half of the South West quarter, and the South West quarter of the South West quarter and the North West quarter of the South East quarter all in section No. Thirty three in Township No. Thirty Nine N. of Range No Five East Containing two hundred acres and leaving surviving him

as his only heirs the following children viz: Caroline who intermarried with Franklin D Heaton, John Rowe, Joseph Rowe, Ann Rowe, William Rowe, Edwin H. Rowe Richard Rowe and Philip Rowe the latter two being minors at this time under the age of twenty one years. The plaintiffs state that there is more than sufficient personal property and money belonging to the estate of said deceased to pay of and discharge all the debts and claims against said estate.

Plaintiffs state that each one of the above children of said deceased are entitled to one eighth of said real estate, the interest of the said Caroline however being subject to the life estate of Franklin D Heaton her husband which he holds by the courtesy.

Plaintiffs therefore pray the court to order and decree a partition of said real estate among the parties to this petition according to their respective rights as herein set out, and if partition in kind cannot be made without great prejudice to the owners thereof to order a sale of the same so that the proceeds of such sale may be distributed among the owners.

Plaintiffs also pray the court to appoint a guardian ad litem for Richard Rowe and Philip Rowe the above named minor defendants

John L Thomas & Bro
Attys for Plaintiffs

A true copy of the original petition
Witness W. S. Boyce clerk of said
court with the seal thereof herunto
affixed at office April 2nd 1873,

W. S. Boyce Clerk
By J. H. Horne sept

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 *William Rowe*
Edwin H Rowe, Richard Rowe
and Philip Rowe

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 *Second*
Monday after the fourth Monday of May next, then and there
to answer unto

Franklin D Heaton and Caroline
his wife, John Rowe, Joseph Rowe
and Ann Rowe

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

Witness, W. S. BOYCE, Clerk of our said

Circuit Court, with the seal thereof hereunto af-
fixed, at office in Hillsboro, this *Second*

day of *April* A. D. 18*73*
W. S. Boyce Clerk Circuit Court.

By *Chas. H. H. H. H.* Deputy.

I executed the within summons and Petition
 are furnished me by said clerk out the County
 of Jefferson State of Missouri on the within
 named defendants William Rowe Edwin
 H Rowe Richard Rowe Phillip Rowe
 by delivering to each of them a true copy
 of the original on the 11th day of
 April 1873

J. D. Moss, Sheriff
 By J. A. Williams Det.

80, 91, 140, 164, 188, 189,

355-0

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1873.

J. D. Hoaton et al

- vs -

William Rowe

Edwin H Rowe

Richard Rowe

Phillip Rowe,

original

2.00
 Sheriff fees \$2.00
 paid April 11

He sented the within summons at the
county of Efferson late of Windsor
on the 11th day of April 1873 by deliv-
ering to Wm Bowie the first party
served a copy of the said summons
and a copy of the aforesaid petition as
furnished me by the clerk executed
the same further on the same day
by delivering to each one of the
following parties a copy of said
summons ^{with} the return ^{with} a copy
~~to each~~ ^{copy} Richard Dace, Philip
Hawes, a copy

Wm Bowie
Jy J H Williams Det

Franklin D Heaton and wife
Caroline, John Rowe, Joseph
Rowe and Ann Rowe Plaintiffs

vs

William Rowe, Edwin H. Rowe, Richard
Rowe & Philip Rowe Defendants

In the Circuit Court
of Jefferson Co. Mo.
September Term 1873

The defendants Richard Rowe and
Philip Rowe, minors, by their guardian ad-litem
Thomas H. McMullin, doth for answer to the
petition, filed by plaintiffs herein, Admit and
say that during, or prior to the year AD 1870, Edward
Rowe departed this life, intestate as they believe, and
leaving surviving him the following named children
viz. Caroline, intermarried with Franklin D Heaton, John,
Joseph, Ann, William, Edwin H, Richard and
Philip Rowe, the parties to this action, who are his
heirs at law, and as such, inherited by descent
from their said father, the following described real
estate, as tenants in common, to which he died
seized of an indefeasible estate in fee simple
described to wit: Lot No. two of the North East
quarter and the North west qr of the North west
quarter and the North east qr. of the North west
quarter and the North half of the South East quarter
of the North West quarter All in Section Six
Township thirty eight Range five East containing
one hundred and seventy two $\frac{1}{4}$ acres Also

the south West qr. of the North East quarter, and the East half of the South West qr and the South west qr. of the South West quarter and the North West qr of the South East quarter all in Section No Thirty three in Township thirty nine of Range five East, containing 200 acres.

That each of the ^{children} ~~parties to this action~~ named own an undivided one eighth part of the above described lands, but that the interest of Caroline is subject to the life estate of her husband Franklin D. Neaton, as tenant by courtesy. That these relations are yet under the age of 21 years and that they believe there are sufficient ^{personal} assets belonging to the estate of Edward Rowe, their father, to discharge all the liabilities of his estate.

And further these defendants saith not—

Richard Rowe and
Philip Rowe

By Thomas A. McMullen
their Guard, ad litem

J. D. Heaton et al
vs
William Rorer et al

In Partition

Assignor of minor depts,
Richard & Philip Rorer

Filed July 18 1883
W. B. D. Clerk

State of Missouri Jp. In the Circuit Court
County of Jefferson September Term AD 1873,
September 20th 1873.

Among other proceedings therein
had the following appears of record to-wit:

Franklin D Heaton and Caroline his wife, John Rowe,
Joseph Rowe and Ann Rowe plaintiffs.

vs
William Rowe, Edwin Rowe Richard Rowe and
Philip Rowe defendants,
Now. Partition

Now on this day came
the Plaintiffs and the said Richard and Philip Rowe by
their Guardian ad litem and the said William and Edwin
H Rowe failing to appear and show any cause for setting a-
side their default herein entered and all and singular
the matters being submitted to the court and by the court
seen and heard, the court doth find that the parties hereto
are entitled to and interested in the lands in the petition
described to-wit: Situate in Jefferson County Missouri,
Lot No. Two of the North East quarter and the North West
quarter of the North West quarter and the North East quar-
ter of the North West quarter and the North half of the
South East quarter of the North West quarter, all in Section
No Six in Township No. Thirty eight, N. of Range No. Five
East, containing one hundred and Seventy two $\frac{19}{1000}$ acres.
Also the South West quarter of the North East quarter,
and the East half of the South West quarter and the

South west quarter of the South west quarter and the North west quarter of the South East quarter all in Section No. Thirty three in Township No Thirty nine N. of Range No Five East containing two hundred acres, in the manner following, that is to say that the Plaintiffs, Franklin A Heaton and Caroline Heaton his wife own one eighth aforesaid real estate, the estate of said Caroline being subject to the Courtesy of her said husband, and that John Rowe, Joseph Rowe, Ann Rowe, William Rowe, Edwin N Rowe, Richard Rowe and Philip Rowe are each entitled to one eighth of said real estate, It is thereupon considered by the court that partition aforesaid premises be made among the parties thereto according to their respective interests therein, and it appearing to the court that partition in kind aforesaid Real Estate cannot be made without great prejudice to the parties in interest, it is ordered by the court that the Sheriff proceed to advertise and sell said Real Estate at public auction to the highest bidder for ten per cent of the purchase money in cash and the balance in twelve months and for the deferred payment take a bond or note from the purchaser with good and sufficient security bearing interest at ten per cent per annum from date, that said sale take place on some day during the session of the circuit court and be governed by the same regulations prescribed by law for sales of Real Estate under execution

Notice thereof being given in the manner provided by
law for such sales, and report his proceedings herein
to the court at its next term,

A true copy from the record.

Witness, W. S. Boyce clerk of said circuit
court with the seal thereof hereunto af-
fixed at office November 5th 1873.

W. S. Boyce clerk

By C. H. H. Horine depk.

Jefferson Circuit Court,
January 3. 1874

J. D. Keaton et al

vs

Chas Rowe et al

For Partition

Decree and
Order of Sale

Filed Jan'y 20 1874
W. L. Boyce Cl.

Sheriff Sale in Partition.

[In the circuit court of Jefferson county, Mo.]

Franklin D. Meaton and Caroline, his wife, John Rowe, Joseph Rowe and Anna Rowe, Plaintiffs; vs. William Rowe, Edwin H. Rowe, Richard Rowe and Philip Rowe, Defendants.

By virtue and authority of an order made by the circuit court of the county of Jefferson, state of Missouri, at its September term, A. D., 1873, I will on **Thursday the 12th day of January next, 1874**, at the court house door in the town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit:

Lot number two of the north east quarter, and the north west quarter of the north west quarter, and the north east quarter of the north west quarter, and the north half of the south east quarter of the north west quarter, all in section number six, in township number thirty-eight, north of range number five east, containing one hundred and seventy-two and 19-100 acres. Also the south west quarter of the north east quarter, and the east half of the south west quarter, and the south west quarter of the south west quarter, and the north west quarter of the south east quarter, all in section number thirty-three, in township number thirty-nine, north of range number five east, containing two hundred acres, all situate in Jefferson county, Missouri.

For the purpose of making partition between said parties, for which the purchaser will be required to pay ten per cent. of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving his bond, with approved security, bearing interest at the rate of ten per cent. per annum from date, this 10th day of December, 1873.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 16 day of January 1874, 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 4 weeks, the first insertion being on the 12 day of Dec, 1873, and the last insertion on the 2 day of January, 1874, as follows, to-wit:

number thirty-three, in township number thirty-nine, north of range number five east, containing two hundred acres, all situate in Jefferson county, Missouri.
For the purpose of making partition between said parties, for which the purchaser will be required to pay ten per cent, of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving his bond, with approved security, bearing interest at the rate of ten per cent, per annum from date, this 10th day of December, 1873.
(49)
T. B. MOSS, Sheriff.

In No. 49	Dec 12	, 1873
In No. 50	" 19	, 1873
In No. 51	" 26	, 1873
In No. 52	Jan 2	, 1874
In No. 53		, 1874

Sworn to and Subscribed before me this

16 day of Jan, 1874.

Printer's Fee, \$ (P.R.)
Affidavit, \$ (2.50)
1874

Received Payment.

Franklin D. Heaton & family
his wife John Rowe Joseph Rowe
Ann Rowe Plaintiffs
William Rowe, Edwin H.
Rowe, Richard Rowe &c
Philip Rowe Defendants

In the Jefferson County Circuit Court.

January Term 1874

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

The undersigned Sheriff of Jefferson County would respectfully report that, in obedience to the annexed order of sale, issued from the office of the Clerk of said Court, that, having previously given not less than twenty days notice of the time, terms and place of sale, and what Real Estate was to be sold, and where situate, as the law directs, by advertisement in the *Jefferson Democrat*, a newspaper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on Thursday, the Fifteenth day of January, A. D. 1874, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of said day, and during the session of the Circuit Court of said County, at the January term thereof, for the year Eighteen Hundred and Seventy

four, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: Lot No Two of the North East quarter ^{and} the North East quarter of the North West quarter ^{and} the North East quarter of the North East quarter and the North half of the South East quarter of the North West quarter all in Section No Six in Township No Thirty eight N of Range No five east containing one hundred and seventy two ^{1/2} acres - Also the South West quarter of the North East quarter ^{and} the East half of the South quarter ^{and} the South West quarter of the South West quarter ^{and} the North West quarter of the South East quarter all in Section No Thirty three in Township No Thirty nine N of Range No five east containing two hundred acres - and at said sale Edwin H. Rowe was then and there the highest and last bidder for the S W 1/4 of the N E 1/4 ^{and} the N W 1/4 of the S E 1/4 Section 33. Township 39 Range 5 east containing 80 acres at the price and sum of one hundred and thirty dollars and Edwin H. Rowe was then and there the highest and last bidder for Lot 2 of N E 1/4 Section 6 Town 38 Range 5 east containing 69 ⁴⁸/₁₀₀ acres at the price and sum of two hundred and fifty five dollars, making in the aggregate three hundred ^{and} eighty five dollars and the same were stricken off and sold to him for those sums, of which he has to me in hand paid ten per cent and has given bond for the balance as required by the terms of sale - Also at said sale Joseph Rowe was then and there the highest and last bidder for the E 1/2 of S W 1/4 ^{and} S W 1/4 of S W 1/4 Section 33 - Township 39 - Range 5 East containing 120 acres at the price and sum of six hundred and ten dollars

and the same was stricken off and sold to him for that sum of which he has to me in hand paid ten per cent and given bond for the balance as required by the terms of sale - Also at said Sale W. J. Rowe was then and there the highest and last bidder for the NW¹/₄ of NW¹/₄ and the NE¹/₄ of NW¹/₄ and NW¹/₄ of NW¹/₄ Section 6. Township 38 Range 5 east containing 100 acres more or less - at the price and sum of Eleven hundred and fifty Dollars. and the same was stricken off and sold to him for that sum of which he has to me in hand paid ten per cent and has given bond for the balance as required by the terms of sale. - And this report is respectfully submitted. - January 15th 1874

J B Mof Sheriff

J S Steaton et al } Partition
 Mr Rome et al }

Boyce clk

Files ²⁰ 2 cap bet. @ ¹⁵⁰ 75^c / writ & 40 copies ¹⁴⁰ \$ 3.10

Dockets ⁴⁵ / order ³⁵ Default ³⁵ / cont ²⁵ 1.40

order app't l's ad litem ³⁵ / Sub ³⁵ / vend ³⁵ 1.05

Judgt. ⁵⁰ / order ³⁵ / cont ²⁵ 1.10

Report sale ³⁵ / order ³⁵ 70

2 orders allow atty fee 70

ack deed ⁵⁰ / cert ⁵⁰ 1.00

Copy order Sale exs. ¹²⁵ / DB ¹⁰ 1.35

making casts

2 certs & seals

75 ~~11.15~~
1.00 \$ 12.15

The McMullin l's ad litem

20.00

Thomas & Bro.

100.00

DB Map Shff.

Commission on \$1000.00 @ 2% \$ 20.00

" " \$1145.00 @ 1% 11.45

order ¹⁰⁰ / 4 Defths ⁴⁰⁰ / calls ⁵⁰ 5.30

Total

McMullin Printer

\$36.75
\$168.90

10.25

179.15

2386.30 amt of sale
with int to Apr 15/75

179.15 costs

\$2207.15

275.89 $\frac{3}{16}$ each share