

Case Files - Civil

May 1888, NO. 98

Roberts, Elizabeth
Roberts, Joseph E.
Roberts, Maranda J.
Roberts, Annanta

et al
vs.

Moon, Amanda
Moon, Andrew
Moon, Lucy M.

Partition

Heirs of James Roberts; 160 acres
in S18T38R4E; other plaintiffs
Celelia Roberts, Sarah + Samuel
Huey, Cassandra + James M. Long,
Daisy M. + Agnes Roberts

State of Missouri }
County of Jefferson } o.p.:

Elizabeth Roberts, Joseph E. Roberts, Maranda
J. Roberts, Araminta P. Roberts,
Cordelia Roberts Sarah A. Huey and
Samuel Huey her husband
Cassandra Long and James M. Long
her husband, Dailey M. Roberts a
minor by Elizabeth Roberts his guardian
and Ada Agnes Roberts a minor
by Elizabeth Roberts her guardian.

Plaintiffs

against

Amanda Moon & Andrew Moon her
husband and Lucy M. Moon

Defendants

In the Circuit Court of Jefferson
County Missouri May Term
A.D. 1888.

Plaintiffs state that Sarah
A. Huey and Samuel Huey are husband
and wife, and Cassandra Long
and James M. Long are husband
and wife, That Dailey M. Roberts
is a minor under the age of twenty
one years to wit of the age of 13 years
and that Ada Agnes Roberts is a minor
under 18 years of age to wit of the
age of nine years, That Elizabeth Roberts
has been duly appointed guardian and

Curator of the estate of the said Daisy
M. Roberts and Anna Agnes Roberts
by the Probate Court of Jefferson
County Missouri and has qualified
and entered on her duties as such
Plaintiffs further state that Amanda
C. Moon and Andrew Moon
are husband and wife, and
that Lucy M. Moon is a minor
under the age of eighteen years.

Plaintiffs further state that
James H. Roberts in his life time
was the owner of the following des-
cribed Real Estate situate
partly in Jefferson County and
partly in St. Louis County,
Missouri to wit: The South East
quarter of Section Eighteen
(18) in Township Thirty eight (38)
North of the Base line, in Range
Four (4) East of the 5th Principal
Meridian containing 160 acres
That the said James Roberts departed
this life in the year 1887 leaving
Elizabeth Roberts his widow, and
Joseph E. Roberts, Maranda J. Roberts
Araminta P. Roberts, Caroline Roberts,
Sarah A. Huey, Cassandra Long.

Amanda b. Moon, Daisy M. Roberts, and
Ada Agnes Roberts Children and
Lucy M. Moon a daughter of Cynthia
A. Moon who was a daughter of the
said James Roberts who died many
years ago. Plaintiffs state that
Elizabeth Roberts, and Daisy M. Roberts
and Ada Agnes Roberts are entitled
to a Homestead on said property
for and during the natural life of
the said Elizabeth Roberts and
during the minority of the said Daisy
M. Roberts and Ada Agnes Roberts.
That the said Joseph E. Roberts,
Maranda J. Roberts, Araminta P. Roberts
~~Cardelia~~ Cardelia Roberts, Sarah
A. Huey, Cassandra Long, Amanda
b. Moon, Lucy M. Moon, Daisy
M. Roberts and Ada Agnes Roberts
are ^{each} entitled to the undivided
one tenth part of said land
subject to the Homestead of
the said Elizabeth Roberts and
the minor children of said James
Roberts, Daisy M. Roberts and
Ada Agnes Roberts until they
arrive at their majority.
Plaintiffs further state that

They are desirous of and believe
it would be to the best interest
of all parties ^{concerned} interested in
said Real Estate to have the
same sold as it ^{cannot} ~~could~~ not
be divided ^{in kind} without great
injury ^{or prejudice to their said interests} to the same, and that
to sell the same without the
Homestead interest being sold
also, the property would be
sacrificed and the said
Elizabeth Roberts being desirous
of going to Bonne Terre to live in
order to school & educate her
said children she ^{consents} ~~consents~~
to the sale of the interest of
herself & the interest of the minor
children in the Homestead.

Wherefore Plaintiff asks
judgment of Partition and
that said land be sold and
the proceeds divided among
the parties according to their
several interests as hereinbefore
set out and for such other
and further relief as ~~the Court~~
^{the Court may find them} ~~they~~ ^{may} be entitled to.

Thomas & Morine
Attorneys for Plaintiffs

#98

John Lewis Smith
Dooley Den 1888.

Elizabeth Roberts
Et al

vs

W J Gauthier

Amelia Mann
et al.
vs

Petition

Filed April 24th 1888

2 copies
600 m. l. ea
3 m. l. ea

R. D. Veager

clerk

Thomas Starnes
for vs

COUNTY OF JEFFERSON

ELIZABETH ROBERTS, JOSEPH E. ROBERTS, MARANDA J. ROBERTS,
ARIMINTA P. ROBERTS, CORDELIA ROBERTS, SARAH HUEY, AND
SAMUEL HUEY HER HUSBAND, CASSANDRA LONG AND JAMES M. LONG
HER HUSBAND, DAILY M. ROBERTS A MINOR BY ELIZABETH ROBERTS
HIS GUARDIAN, AND ADA AGNES ROBERTS A MINOR BY ELIZABETH
ROBERTS HER GUARDIAN,

PLAINTIFFS,

AGAINST

AMANDA MOON AND ANDREW MOON HER HUSBAND,
AND LUCY M. MOON,

DEFENDANTS.

IN THE CIRCUIT COURT OF
JEFFERSON COUNTY MISSOURI,

MAY TERM A.D. 1888.

PLAINTIFFS STATE THAT SARAH A. HUEY AND
SAMUEL HUEY ARE HUSBAND AND WIFE AND CASSANDRA LONG AND JAMES
M. LONG ARE HUSBAND AND WIFE. THAT DAILY M. ROBERTS IS A MINOR
UNDER THE AGE OF TWENTY-ONE YEARS TO-WIT, OF THE AGE OF 13 YEARS
AND THAT ADA AGNES ROBERTS IS A MINOR UNDER 18 YEARS OF AGE
TO-WIT, OF THE AGE OF NINE YEARS. THAT ELIZABETH ROBERTS
HAS BEEN DULY APPOINTED GUARDIAN AND CURATOR OF THE SAID DAILY
M. ROBERTS AND ADA AGNES ROBERTS BY THE PROBATE COURT OF JEFF-
ERSON COUNTY MISSOURI AND HAS QUALIFIED AND ENTERED ON HER
DUTIES AS SUCH.

PLAINTIFFS FURTHER STATE THAT AMANDA C. MOON
AND ANDREW MOON ARE HUSBAND AND WIFE AND THAT LUCY M. MOON IS
A MINOR, UNDER THE AGE OF EIGHTEEN YEARS.

PLAINTIFFS FURTHER
STATE THAT JAMES ROBERTS, IN HIS LIFE TIME WAS THE OWNER OF THE
FOLLOWING DESCRIBED REAL ESTATE SITUATE PARTLY IN JEFFERSON
COUNTY AND PARTLY IN ST. FRANCOIS COUNTY MISSOURI, TO-WIT:

THE SOUTH-EAST QUARTER OF SECTION EIGHTEEN 18 IN
TOWNSHIP THIRTY-EIGHT 38 NORTH OF THE BASE LINE, IN RANGE
FOUR 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CONTAINING 160 ACRES

THAT THE SAID JAMES ROBERTS DEPARTED THIS LIFE
IN THE YEAR 1887, LEAVING ELIZABETH ROBERTS HIS WIDOW, AND
JOSEPH E. ROBERTS, MARANDA J. ROBERTS, ARAMINTA P. ROBERTS, CAROLINE
ROBERTS, SARAH A. HUEY, CASSANDRA LONG, AMANDA C. MOON, DAILY M.
ROBERTS AND ADA AGNES ROBERTS CHILDREN AND LUCY M. MOON A DAU-
GHTER OF CYNTHA A. MOON WHO WAS A DAUGHTER OF THE SAID JAMES
ROBERTS WHO DIED MANY YEARS AGO.

PLAINTIFFS STATE THAT ELIZABETH ROBERTS AND DAILY M. ROBERTS AND ADA AGNES ROBERTS ARE ENTITLED TO A HOMESTEAD ON SAID PROPERTY FOR AND DURING THE NATURAL LIFE OF THE SAID ELIZABETH ROBERTS AND DURING THE MINORITY OF THE SAID DAILY M. ROBERTS AND ADA AGNES ROBERTS.

THAT THE SAID JOSEPH E. ROBERTS MARANDA J. ROBERTS, ARIMINIA P. ROBERTS, CORDELIA ROBERTS, SARAH A. HUEY, CASSANDRA LONG, AMANDA C. MOON, LUCY M. MOON, DAILY M. ROBERTS AND ADA AGNES ROBERTS ARE EACH ENTITLED TO THE UNDIVIDED ONE TENTH PART OF SAID LAND, SUBJECT TO THE HOMESTEAD OF SAID ELIZABETH ROBERTS AND THE MINOR CHILDREN OF SAID JAMES ROBERTS. DAILY M. ROBERTS AND ADA AGNES ROBERTS UNTIL THEY ARRIVE AT THEIR MAJORITY.

PLAINTIFFS FURTHER STATE THAT THEY ARE DESIROUS OF AND BELIEVE IT WOULD BE TO THE BEST INTERESTS OF ALL THE PARTIES CONCERNED IN SAID REAL ESTATE TO HAVE THE SAME SOLD AS IT CANNOT BE DIVIDED IN KIND WITHOUT GREAT INJURY OR PREJUDICE TO THEIR SAID INTERESTS AND THAT TO SELL THE SAME WITHOUT THE HOMESTEAD INTEREST BEING SOLD ALSO, THE PROPERTY WOULD BE SACRIFICED AND THE SAID ELIZABETH ROBERTS BEING DESIROUS OF GOING TO BONNE TERRE TO LIVE IN ORDER TO SCHOOL AND EDUCATE HER SAID CHILDREN SHE CONSENTS TO THE SALE OF THE INTEREST OF HERSELF AND THE INTEREST OF THE MINOR CHILDREN IN THE HOMESTEAD.

WHEREFORE PLAINTIFFS ASK JUDGMENT OF PARTITION AND THAT THE SAID LAND BE SOLD AND THE PROCEEDS DIVIDED AMONG THE PARTIES ACCORDING TO THEIR SEVERAL INTERESTS AS HEREINBEFORE SET OUT AND FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT MAY FIND THEM ENTITLED TO.

THOMAS AND HORINE
ATTORNEYS FOR PLAINTIFFS

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 *24th* day of *April* 188*8*.

D. B. Yeager 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 *St. Francois* County—Greeling:

WE COMMAND YOU TO SUMMON *Amanda Moon & Andrew*
Moon her husband and Lucy M. Moon

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
May next, A. D. 188*8*, then and there, before the Judge of our said Court, to answer
the Petition of

Elizabeth Roberts et al

(a certified copy of which said Petition is herunto 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
24th day of *April* A. D. 188*8*.

D. B. Yeager CIRCUIT CLERK.

By *D. C.*

CERTIFICATE TO COPY OF SUMMONS.

STATE OF MISSOURI, }
COUNTY OF *Jefferson* } 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

Elizabeth Plaintiff, and
Defendant,

Given under my hand and official seal at office in
County and State aforesaid, on this _____ day of _____
A. D. 188*8*.

CIRCUIT CLERK.

By *D. C.*

I Executed the within writ in any County of St Francis
and State of Missouri on the 27th day of April A.D. 1888
by delivering in to the hand of the within named
Amanda Moon a true copy of Petition & Summons and
to Andrew Moon and Susan M Moon each a copy
of the original Summons as certified to me by
the Clerk

Fee \$3.00

Paid by Thomas & Herine

Per Benham Sheriff
by S R Turley, D.C.

Record Entries

329, 357, 416

May 22/88 Grand Juror's office 13 - 329
Default & Return to ans. cont, "

Aug 7 - Ans. Grand Juror's office " 357
Verd. Judgt &c " 416

98

CERTIFICATE TO

PETITION AND SUMMONS.

Jefferson Co, CIRCUIT COURT,

May TERM, 1888,

Elegance Rodent &c

VS. PLAINTIFF.

Amanda Moon &c

Original DEFENDANT.

Elizabeth Roberts et al Plaintiff.
Against

Amanda Moon and
Andrew Moon her husband
and Lucy M. Moon Defendants
In Circuit Court of Jefferson
County Missouri.

Now comes James F. Green who
has been by the Court appointed
Guardian ad litem for Lucy M. Moon
minor defendant herein and accepts
his appointment as such Guardian,
and for answer to the petition of plain-
tiffs herein says he has no knowledge
as to whether the allegations in said
petition contained are true or not and
therefore denies generally each and
every allegations in said petition con-
tained, except the averments as to re-
lationship of the parties plaintiffs and
defendants to James Roberts deceased,
and this Guardian further admits that
the interests of the parties are correctly
stated in said petition.

James F. Green
Guardian ad litem for Lucy M. Moon

Wm. H. H. Roberts
et al
vs
Robts

Summa Mon et al
vs

Summa of Summa
et al

Filed Aug. 11/1888

W. H. H. Roberts
Clerk

CERTIFIED COPY OF ORDER.

(Rev. Stat., Sec. 2321.)

STATE OF MISSOURI,

COUNTY OF

Jefferson

SS.

September

Term, 1888

In the

Circuit

Court of said County, on the

26th

day of September, 1888, the following, among other proceedings, were had, viz:

Elizabeth Roberts, Joseph E. Roberts, Maranda J. Roberts, Araminta P. Roberts, Cordelia Roberts, Sarah A. Huey & Samuel Huey her husband, Cassandra Long & James M. Long, her husband & Mary M. Roberts a minor by Elizabeth Roberts, his guardian & Ada Agnes Roberts a minor by Elizabeth Roberts her guardian Plaintiffs
 Amanda Moon & Andrew Moon her husband & Lucy M. Moon Defendants

Now at this day comes the Plaintiffs by their Attorneys, and also comes the minor defendants Lucy M. Moon by her guardian additum J. F. Green, but the defendants Amanda Moon & Andrew Moon, her husband being three times solemnly called & come not, neither have they appeared to set aside the default heretofore entered against them. It is therefore ordered that the default heretofore entered as to said Amanda Moon and Andrew Moon, her husband be made final. And the cause being submitted to the Court then upon the petition of plaintiff and the answer of the Guardian additum, the Court doth find that the plaintiffs and defendants are the owners and tenants in common of the Real Estate described in the petition of plaintiffs situated in partly in Jefferson County, & partly in St. Francois County, Missouri to wit: The South East quarter of Section Eighteen (18) in Township Thirty Eight (38) North of the base line in Range four (4) East of the 5th principal Meridian containing 160 acres. And the Court doth further find that said parties Plaintiffs & Defendants are interested in the lands as follows to wit: That Elizabeth Roberts, Mary M. Roberts & Ada Agnes Roberts are entitled to a homestead in said property during the natural life of the said Elizabeth Roberts, & during the minority of the said Mary M. Roberts & Ada Agnes Roberts. That the said Joseph E. Roberts, Maranda J. Roberts, Araminta P. Roberts, Cordelia Roberts, Sarah A. Huey, Cassandra Long, Amanda C. Moon, Lucy M. Moon, Mary M. Roberts & Ada Agnes Roberts, are each entitled to the undivided one tenth part of said land, subject to the homestead of the said

Elizabeth Roberts and the Minor Children ^{and} of James Roberts, ^{deceased} ^{the} ~~deceased~~ Ada Agnes Roberts until they arrive at their majority. And the Court further finds that it will be for the best interests of all parties concerned in said real estate to have the same sold, as it cannot be divided in kind without great prejudice or injury to their said interests, and that to sell the same without the Homestead interest being sold also, the property would be sacrificed, and it further appearing that the said Elizabeth Roberts, being desirous of removing from the Homestead to school and educate her said Minor Children, consents to the sale of the interests of herself and the interests of the Minor Children in the Homestead. It is thereupon considered and adjudged by the Court here that partition and division of said real estate be made between said parties according to their respective rights and interests as herein declared by the Court. And because said real estate cannot be divided in kind without great prejudice to the interests of said parties it is ordered by the Court here that the Sheriff of Jefferson County, State of Missouri proceed to advertise and sell said real estate at public Auction to the highest bidder for money (20%) per cent of the purchase money cash, and the balance in twelve months and with interest from date of such sale at eight per cent (8%) per annum (or all cash at the option of the purchaser) and for the deferred payments take from the purchaser or purchaser thereof a bond or note with approved security, bearing interest as aforesaid. And it is further ordered that the Sheriff in making such sale proceed as by the Statute in such cases made and provided ^{and} make advertisement preliminary to such sale and also a ~~statement~~ as is required by law. And that he make a report of such sale and also a statement of all money received by him and all costs ^{and} expenses paid or incurred by him in the transaction of the business of making said sale. And it is further ordered that out of the proceeds of such sale, he shall pay, first

The Cost and Expenses of this proceeding and of the Sale
And divide the remainder among the parties hereto
according to their respective interests as herein declared
by the Court. Ordered that these proceedings be certified
and the Cause continued for the report of the Sheriff
under this order

STATE OF MISSOURI,
COUNTY OF Jefferson } ss. I, 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 proceedings of our said Circuit Court, on the day and
year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of said Court, at office in Hillsboro, this
the 20th day of September 1888.

D. B. Veazey
Clerk Circuit Court.

By _____ D. C.

To the Hon. Circuit Court of Jefferson County Missouri
The undersigned Sheriff of Jefferson County Missouri respectfully reports that
in obedience to the aforesaid order, I did proceed to and give notice of the time, terms and place
of sale and of the property to be sold, by advertisement for twenty days in the Jefferson Democrat
a newspaper printed and published in Jefferson County Mo. a copy of which advertise-
ment, with the affidavit of publisher attached is herewith returned and made a part
of this report, and in accordance with said advertisement or notice I did on Tuesday
the 15th day of January 1889, between the hours of 9 am and 5 pm, at the Court house door in
Hillsboro Jefferson County Mo. offer for sale at public auction the real estate in this order
described, to wit, the Southeast quarter of section eighteen (18) in Township thirty eight (38)
north of the base line in range four (4) East of the 5th principal meridian containing
160 acres, situated partly in Jefferson County and partly in St. Francis County Missouri
for the purpose in the order mentioned, and Leander Cole, being then and there the
highest and best bidder for said real estate at and for the sum of Nine hundred and fifty dollars,
the same was struck off and sold to him at that price and sum, and said Leander Cole
has complied with the terms of the sale by paying all ~~the~~ ^{the} purchase money
in hand at time of sale and giving his note and security for the balance, due
~~within months after sale at the which interest from date of the sale of six per cent~~
~~per annum~~ All of which is respectfully reported for approval of the Court
January 16th 1889.

E. B. Mansur

Sheriff Jefferson County Mo.

Elizabeth Roberts Et. al, Plaintiffs
 against
 Amanda Moon Et. al, Defendants
 In the Circuit Court of
 Jefferson County Mo.
 January Term A.D. 1889.

The land sold for \$ 950.00
 less of 90.55-
 Amount to be distributed \$ 859.45-
 Elizabeth ~~Moon~~ ^{Roberts} will be 50
 years old at her next
 birth day & her & the
 Minors Dailey M. Roberts
 & Ada Agnes Roberts are
 entitled to Homestead
 until death of Mrs Roberts
 & the Minors ~~any~~ arrive
 at age. to wit:

1	Joseph Roberts	\$ 37.38 $\frac{1}{2}$
2	Marand J. Roberts	37.38 $\frac{1}{2}$
3	Aronuta P. Roberts	37.38 $\frac{1}{2}$
4	Cordelia Roberts	37.38 $\frac{1}{2}$
5	Sarah A. Huey	37.38 $\frac{1}{2}$
6	Cassandra Long	37.38 $\frac{1}{2}$
7	Dailey M. Roberts	37.38 $\frac{1}{2}$
8	Ada A. Roberts	37.38 $\frac{1}{2}$
9	Amanda Moon	37.38 $\frac{1}{2}$
10	Lucy M. Moon	37.38 $\frac{1}{2}$
		\$ 373.85

Since the Commencement of
 this suit Joseph Roberts has died

leaving no children or wife and
his mother Elizabeth Roberts &
Daisy Roberts & Ada Roberts of
the whole blood & the others
of the half blood as follows

2	Elizabeth Roberts	\$ 5.75-
2	Daisy Roberts	5.75-
2	Ada A. Roberts	5.75-
	Morand J. Roberts	2.87½
	Araminta P. Roberts	2.87½
	Cordelia Roberts	2.87½
	Cassandra Long	2.87½
	~~Daisy M. Roberts~~	~~2.87½~~
	Amanda Moon	2.87½
	Lucy M. Moon	2.87½
	Sarah A. Huey	2.87½

37.25

Elizabeth Robert
vs
Annanda Mon et al

Order of Distribution

Filed Jan'y 21st 1889
D. J. Neary et
Clare

6354

No. Box

Superior Court,

Jefferson County.

Elizabeth Roberts

vs.

Amanda Moon

et al

Cause of Action *Partition*

Filed *April 24th* 18*88*

W. D. Hoag
CLERK.

Thomas S. Hume
PLAINTIFF'S ATTORNEY.

DEPENDANT'S ATTORNEY.

LIST OF PAPERS IN THIS SUIT.