

Jefferson County Circuit Court
Case Files - Civil
October 1858, No. 26

Box 10 Folder 40

Hudson, Robert
Hudson, Mary W.
Paton, Agnes H.
Bell, Willis H., et al

v.

Armstrong, Dennis

Partition

165 $\frac{50}{100}$ acres in S25 & 26 T41 R4E; Other
Plaintiffs: John T. Bell, Elizabeth M. Bell,
Josephine B. Bell, Delilah E. Bell, Ritter D.
Bell, and John Paton.

Robert Hudson & Mary H Hudson his wife
Agnes H Paton, Willis H Bell & John T Bell
Elizabeth M Bell, Josephine B Bell and
Delilah E Bell by their Guardian John
Paton and Rites D Bell by his guardian John
Paton, Plaintiffs

against

Dennis Armstrong Defendant.

In the Circuit Court Jefferson County.

Wipori Oct Term 1858.

Plaintiffs state that they are
the owners and interested in an estate of inheritance
as tenants in common with the defendant in the
following described real estate situated in the County
of Jefferson Wipori to wit,

The west half of the north west quarter of section
No twenty five and the East half of the North East quarter
of section No twenty six in Township No forty one of Range
No four East, containing in the whole one hundred
and sixty five ~~and~~ acres and fifty hundredths

Plaintiffs state that they are together the
owners of one undivided fifth part of the whole of said
land, or one fortieth each, and the defendant to four fifths
thereof.

Plaintiffs pray the Court for a partition and division
of said land among the said parties according to their
rights and for a sale thereof if it shall appear that
partition thereof cannot be made without prejudice
to the owners thereof

Thos C Fletcher atty for Plffs

Thomas C Fletcher attorney for plaintiffs being sworn on
oath states that the foregoing petition and the facts therein
stated he believes to be true as therein stated
Signed & sworn to before me } Thos C Fletcher
Sept 21st 1858. Elias Honey clerk

Robert Shudam et al
vs
Dennis Armstrong
Dor Dartmouth

Levee Creek
Witness for D & A

Attest Sept 20th 1858
Elias H. Honeycutt

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Derms Armstrong

if he
found in your County, that he be and appear before the Hon.
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 fourth Monday of October
next, then and there to answer unto Robt Hudson & Mary W Hudson
his wife Agnes C Paton, Willis C Bell & John T Bell, Elizabeth W
Bell, Josephine B Bell, Delilah E Bell and Rutter S Bell by their
counselman John Patton
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias J Honey

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 22
day of September A. D. 1858

Elias J Honey

CLERK CIRCUIT COURT.

I executed the within writ in the County of Jefferson
State of Missouri on the 28th day of September AD 1858 on
Dennis Armstrong by delivering him a true copy of
this writ & petition as furnished me by the clerk,
to Dennis Armstrong - (Oscar Davis) Sheriff of Jefferson
Co Missouri

No 26
1858
October 28th 1858

Robert Hudson et al

vs
Dennis Armstrong

Sherriff fee \$1.00

Filed Oct 9th 1858
Oscar Davis

Ch

Robert Hudson et als } In the Circuit Court
vs } Jefferson County.
Dennis Armstrong }

The defendant for answer
to the petition of said plaintiffs states that he
cannot deny that plaintiffs are entitled
to the share and interest claimed by them
in the land in petition described, and
that his interest therein is correctly
set forth, and admits the allegations
of petition to be true.

Real Atty

D Armstrong defendant on oath states
that the foregoing answer and the facts
therein he believes to be true as therein
stated,

Signed & sworn to before } D Armstrong
me Oct 30 - 1858. }
Elias J Hoovey Clerk }

Robt Hudson
& others

vs.

Saml Cunningham

Cum gratia

Filed Oct. 30th 1858

Chas J Hooley clk

State of Missouri }
County of Jefferson } In the Circuit Court
October 30th 1858

Robert Hudson & Mary W. Hudson his wife
Agnes H. Patton, Willis H. Bell & John T.
Bell, Elizabeth M. Bell, Josephine B.
Bell, and Delilah E. Bell by their
guardian John Patton, and Ritter D.
Bell by his guardian John Patton. Plaintiffs

v.
Dennis Armstrong. Defendant.

In Partition
Order of Sale

Now at this day come said Plaintiffs
by their attorney, and said defendant, having
filed his answer, admitting the facts as set
out in the petition of said Plaintiffs. It is con-
sidered by the court, that partition and division
of the following described lands in plaintiffs
petition mentioned, situate in the County
of Jefferson Missouri; to wit: The West half
of the North West quarter of Section No. twenty
five, and the East half of the North East quarter
of Section No. Twenty Six, in Township No. forty
one, of range No. four east, containing in the
whole One Hundred and Sixty five acres and
fifty hundredths, be ordered and adjudged
between said parties, according to their
respective rights and interests therein; and
the court proceeding to ascertain and settle

the rights of said parties in and to said real estate, doth adjudge and declare the same as follows to wit: The said plaintiffs Robert Hudson and Mary H. Hudson his wife, Agnes H. Patton Willis H. Bell, John L. Bell, Elizabeth M. Bell Josephine B. Bell, Delilah E. Bell & Rittor D. Bell are entitled to one undivided fifth collectively or one fortieth part each of said lands and the defendant, Dennis Armstrong, to the remainder, four fifths thereof. And it appearing to the satisfaction of the Court, that said lands are so situate that partition thereof cannot be made without prejudice to the said owners: It is ordered by the Court, that the Sheriff of Jefferson County, proceed to sell said Real Estate at Public Auction to the highest bidder for ten percent. of the purchase money in cash and the residue in twelve months, and for the deferred payment, take a Bond or Note from the purchaser, with security, bearing six per cent interest from date, that said Sale take place on some day during the sitting of the Circuit Court, for Jefferson County, and be governed by the same regulations prescribed by law, for sales of Real Estate under Execution Notice thereof being given by the Sheriff in the same manner provided by law, for such sales and pay over the proceeds to said parties as herein adjudged by the Court, and make report to the Court of his proceedings herein

I Elias J. Honey Clerk of the Circuit Court in
and for the County of Jefferson aforesaid do
hereby certify that the foregoing is a true, full
and complete copy of the order of sale made
by said Court in the cause wherein Robert Hud-
son and Mary W. Hudson, Agnes H. Paton, Will-
is H. Bell and others are plaintiffs and Dennis
Armstrong defendants as complete as the
same remains and appears in the record of
said Court in my office in Book No 4 pages
204 and following

For Testimony whereof I have
hereunto signed my name
and affixed the Seal of said
Court at office in Hillsboro
December Fifteenth A. D.
1858

Elias J. Honey Clerk

To David-Count
April 20th 1859

North-Hudson-ridge road
as Order of Sale
Deacons Armstrong

Filed June 15th 1859
Edw J. Hoare
Clerk

Thomas J. Hoare 19 June 1859

Sheriff's Sale In Partition

Robert Hudson & Mary W. Hudson

Agnes H. Patton Willis H. Bell

John T. Bell Elizabeth M. Bell

Josephine H. Bell Delilah E. Bell

Ritter D. Bell by their guardians

John Patton Plaintiffs

Sale in Partition

Dennis Armstrong Defendant

By authority of an Order of Sale made by the Circuit Court of Jefferson County on the 30th day of October 1858 in the above Suit the undersigned Sheriff of Jefferson County State of Missouri will on Thursday the 9th day of June 1859 between the hours of Nine o'clock in the forenoon and five o'clock in the afternoon of that day at the Court House Door in the Town of Hillsboro in said County of Jefferson and during the sitting of the Circuit Court Sell at public auction to the highest bidder on the terms stated below all the right title interest and property of the parties to said Suit of in and to the following described tracts of land Situate in the County of Jefferson and State of Missouri to wit the West half of the North West quarter of Section No Twenty five and the East half of the North East quarter of Section No 36 in Township No 41 of Range No 4 east containing in the whole 165 $\frac{50}{100}$ acres

Terms of Sale ten per cent of the purchase money to be paid in cash at the time of Sale the remainder in Twelve months the purchaser giving Note or Bond with approved security bearing interest at the rate of Six per cent per annum from date This the 7th day of January AD 1859

Oscar Dower Sheriff

By Augustine Wiley Deputy

Let Hutton et al
be 3 in position
Janni's construction
Chapman's

Robert Hudson & Wife, et al } In the
vs } Circuit Court.
Dennis Armstrong, } In Partition

To the Hon. the Circuit Court of Jefferson County, Missouri
The Undersigned Sheriff of Said 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 ~~located~~ sold and where Situate, as the law directs, by at least,
Six hand bills signed by me Said Sheriff, and put up in different
parts of Said County, a copy of which hand bill is herewith filed, and
make a part of this report; I did on the Ninth day of June A.D.
1857, at the Court Room door in the Town of Hillboro, between the
hours of Nine O'clock in the forenoon, and Five O'clock in the af-
ternoon of that day, and during the sitting of the Circuit Court,
at the June Term, thereof for said year, agreeable to Said advertise-
ments, expose to Sale publicly, the following described lands, To wit,
The West half of the North West quarter of Section No. Twenty seven,
and the East half of the North East quarter of Section No. Twenty Six
in Township No. Forty one, of Range No. four East, containing in the
whole One Hundred and Sixty five Acres and fifty hundredths, Situate in
Jefferson County, Mo. and Thornton Jarvis, became the highest and last
bidder for Said described lands, at and for the sum and price of Seven
Hundred dollars, the same was Struck off and sold to him the Said
the Said Thornton Jarvis, for that sum; ^{which sum he has to me in hand} and he has
fully paid, and asks a deed for the same, ~~and he has to me in hand~~
~~and he has to me in hand~~ ~~and he has to me in hand~~ ~~and he has to me in hand~~
and he has to me in hand, leaving to me the sum of Twenty dollars, being the
purchase money, and giving him a Note for the balance, as required by the order of Sale
This Report is respectfully submitted

Oscar Dover - Sheriff

Shirley's Report

Robert Hudson et al } In the Circuit Court
 vs } Jefferson County
 Dennis Armstrong } In Partition
 "See Bill"

Money clerk 1 copy pet 50¢ 1 Cert 50¢ writ 1¢
 copy 20¢ aff. 15¢ answer 25¢ aff. 15¢ docket 10
 Index 10¢ Order of sale 30¢ Copy same 50¢ Cert
 Seal 50¢ Judgt 50¢ report 25¢ file 3 prs 15¢ make
 up costs 25¢ atty fee 25¢

45.80

O Dover sheriff serve writ

\$1.00

companion on

15.00

16.00

J. C. Fletcher Attorney

25.00

\$ 46.80

Wm. H. H. H. H.

as I see. Will

Dear Mr. H. H.