

Jefferson County Circuit Court
Case file - civil No. 60

April 1859, No. 60

Box

11

Folder 4

James Cape

John Cape

William Cape

Joel Cape, et al

et al

VS

Moston Cape

Partition

Heirs of Rebecca Cape; 40 acres in
S28T39R4E; other plaintiffs Joshua
Cape, John Stickleland, Mary Ann
Stickleland, Madison Stephens, Nancy
Stephens, Amy Beard

James Cape, John Cape
William Cape, Joel Cape
Joshua Cape, John Strickland and
Mary Ann his wife, Madison Stephens
and Nancy his wife and Amy Beard. Plaintiffs

against

Mason Cape Defendant.

In the Circuit Court

Jefferson County.

Plaintiffs state that Rebecca Cape late of said county deceased, died the owner in fee of the following described tract or parcel of land to wit. The North East quarter of the North East quarter of Section 28 Township 39 Range 4 E containing 40 acres which was not necessary for the payment of her debts, that she left surviving her the plaintiffs James Cape, John Cape, William Cape, Joel Cape, Joshua Cape, Mary Ann Strickland Nancy Stephens and Amy Beard and the defendant Mason Cape. her children, to whom the said tract of land descended, wherefore plaintiffs say they are owners and interested in an estate of inheritance as tenants in common with the defendant in the said tract of land. They state that they and the defendant are each entitled to one ninth of said premises.

Plaintiffs pray for a partition and division of said premises according to the rights and interests of the parties interested, and for a sale thereof if it shall appear that said premises cannot be divided

without prejudice to the owners, They state that the defendant is a minor, for whom it is prayed a guardian ad litem may be appointed

Fletcher atty for Peff

Thos B Fletcher attorney for said plaintiffs, on oath says that the foregoing petition and the matters therein as stated he believes to be true.

Signed and sworn to before me
This 24th day of November 1858.

Thos B Fletcher

Elias S Honey Clerk

James Lapee & als
vs
Marion Lapee,

for Partition

Deene proceff.
J. L. Tchen atty.

Dated Nov. 24th 1858

William D. Hooley clerk

20 p. 100 60
20 p. 100 500
and 10 p. 100
10 p. 100 100

James Cape John Cape
William Cape Joel Cape
Joshua Cape. John Strickland
and Mary Ann his wife Madison
Stephens and Nancy his wife and
Amy Beard. Plaintiffs

Against
Maston Cape Defendant

In the Circuit Court
Jefferson County.

Plaintiffs state that Rebecca Cape late of
said County deceased, died the owner in fee of the fol-
lowing described tract or parcel of land to wit the
North East quarter of the North East quarter of section
28. Township 39. Range 4 E. containing 40 acres, which
was not necessary for the payment of her debts. that
she left surviving her the plaintiffs James Cape John
Cape William Cape Joel Cape. Joshua Cape Mary
Ann Strickland. Nancy Stephens and Amy
Beard. and the defendant Maston Cape her
children, to whom the said tract of land descended
wherefore plaintiffs say they are owners and interes-
ted in an Estate of inheritance as tenants in com-
mon with the defendant in the said tract of
land. They state that they and the defendant are
each entitled to one ninth of said premises.
Plaintiffs pray for a partition and division of said
premises, according to the rights and interests of the
parties interested, and for a sale thereof if it shall
appear that said premises cannot be divided with-
out prejudice to the owners. They state that the
defendant is a minor, for whom it is prayed a
Guardian ad litem may be appointed
Sketcher atty for Plffs

Thos C Fletcher attorney for said plaintiffs, on oath
says that the foregoing petition and the matters
therein as stated he believes to be true
Signed and sworn to before me
this 24th day of November 1858 } Thos C Fletcher
Elias S Honey Clerk

Endorsed
"Filed Nov. 24th 1858. Elias S Honey Clerk"

A true copy of the original petition
and affidavit on file in my office
In Testimony whereof I hereto
set my hand and affix the
Seal of said Court at office this
25th day of November 1858
Elias S Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Waston Cape

----- if he be
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 April
next, then and there to answer unto James Cape. John Cape. Wm
Cape. Joel Cape. Joshua Cape. Jos Strickland and Mary Ann his wife
Madison Stephens & Nancy his wife and Arny Beard
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias D. Honey
Witness, THOS. A. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 25th
day of November A. D. 1858

Elias D. Honey

CLERK CIRCUIT COURT.

I Executed the within writ in the County
of Jefferson State of Missouri on the 29th day
of March 1859 by Reading the same
in the Presence and hearing of Maston
Cape and Delivering to him a copy
of the within writ and a copy
of the Partition as furnished to me by
the Clerk
Edward Davenport Sheriff
by J. H. Paine Deputy

No. 6.
1859
Jefferson Circuit Court
April Term 1859

James Cape et al
vs J. Davenport

Maston Cape et al

Sherrill, Dec 1858
Filed April 11 - 1859
Oliver J. Moorey
Clerk

Chd

James Cape, John Cape
William Cape, Joel Cape
Joshua Cape, John Strickland &
Mary Ann his wife, Madison Stephens
and Nancy his wife and Amos Beard.
against
Mason Cape.

In the Circuit Court
Jefferson County.

The defendant for answer to the plaintiffs
petition, comes by his Guardian ad litem, appointed
by the court, and says, That the rights and interests
of said parties in the land in petition described
are ~~so~~ he believes correctly stated, and that the
parties are tenants in common as stated in petition.

John C Cape
John C Cape Guardian ad litem for defendant
or oath says that the facts in the foregoing answer
contained he believes to be true. John C Cape

Sworn to before me
June 10th 1859

Elias P. Honey, Clerk

Guardian appointed & qualified
as such & appointed Guardian
ad litem for Mason Cape.

James Cooper et al
vs
Mason Lake

Answer of
James & Helen

Dated June 10th 1879
Ellis & Hoovey
Clerks

Sheriff's Sale in Partition

Janes Cape. Joel Cape William Cape
John Strickland and Mary An his wife
Maddison Stephens and Nancy his wife
Amy Beard and Joshua Cape
Plaintiffs vs

In the Circuit
Court of Jefferson
County Mo

Morton Cape Defendant

By virtue and authority of an order made
by the Circuit Court of the County of Jefferson
State of Missouri I will on Friday 15th day of ~~June~~
next At the Court house door in the Town of
Hillsboro between the hours of nine o'clock in the
fore noon and five o'clock in the afternoon of that
day offer for sale at public auction to the highest
bidder the following Described Tract of Land for
the purpose of making partition between said
parties To wit the North East quarter of North
East quarter of section No 28 Township No 39 Range
4 East containing 40 Acres - For which the purchaser
will be required to pay ten per cent of the
purchase money in hand the residue in twelve
months the purchaser giving his note with
approved security bearing interest at the rate
of six per cent per annum from date
this April 24th A D 1860

Oscar Dover Sheriff

Adrian Toemant
Friday 15

State of Indiana }
County of Jefferson }

In the Circuit Court
June Term 1860.

James Cape, John Cape, Wm Cape, Geo. Stucklin
and Mary Ann his wife, Madison Stephens and Nancy
his wife, Amy Beards, Joel Cape & Arthur Cape
Plaintiffs, against

Report Sale of
Real Estate June 15/60.

Defendants,
Martin Cape, Sheriff of said County, Indiana, 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 the Circuit 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 at least
six hand bills signed by me said Sheriff, and put up in public places, in dif-
ferent parts of said County a copy of which hand bill is herewith filed and
make a part of this report; And on the Fifteenth day of June ad 1860,
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 said day
during the session of the Circuit Court for said County at the June Term
thereof for said year, agreeable to said advertisement, exposed to sale
publicly to the highest bidder, the following described real Estate, to wit:
The North East quarter of the North East quarter of Section 28. Town 39. Range
Elev. East, containing Forty acres; And Joel Cape, became the highest
and last bidder for the above described tract of land at and for the sum
and price of Fifty dollars, the same was struck off and sold to
him the said Joel Cape for that sum, and he having paid to me
ten per cent of the purchase money, and given his bond with ap-
proved security for the balance, in accordance with the terms
of Sale, This report is respectfully submitted this June 16th 1860.

Oscar Doved Sheriff

James P Cape et al } Judgt of Partition
 v } June 1859
 Maston Cape.

Honey Clerk. 2 Copies per 60¢ 2 Certs Heals 1.00
 mit Copy 1.20. affo. 25%. dock. 10¢ order 10¢
 Ans. Guard. 25%. trial 50¢ Judgt. 1.00. file 3pr
 15¢ copy order sale 50¢ C H. 50. Report 25%. Index 10¢
 make up Certs 10¢ atty fee 10¢

\$6.70

O Dover sheff Sene mit 14

Comp. 14 Notice 1

3.00

Geo C Fletcher atty

10.00

19.70

State of Missouri } In the Circuit Court
County of Jefferson } June 15th A.D. 1859

James Cape, John Cape,
William Cape John Strickland
and Mary Ann his wife, Madison
Stephens and Nancy his wife, Amy
Beard, Joel Cape and Joshua
Cape. Plaintiffs } Order of
Sale
against
Moston Cape Defendant.

Now at this day comes
said Plaintiffs by their attorney, and the de-
fendant, having answered by his Guardian
ad litem making no issue. It is considered by
the court, that partition and division of the
land and premises in the plaintiffs petition
described be ordered and adjudged between
said parties, according to their respective rights
and interests therein, And the court proceed-
ing to ascertain and settle the rights of said
parties, in and to said land, doth find that
said James Cape, John Cape, William Cape
Mary Ann Strickland, Nancy Stephens
and Amy Beard, Joel Cape Joshua Cape
the Plaintiffs are each the owners of and
entitled to one Ninth of said land, and
the Defendant Moston Cape to the re-

maining one ninth: And it appearing
to the satisfaction of the Court, that partition
and division of said land cannot be made
without great prejudice to the said owners:
It is ordered by the Court, that the Sheriff of
Jefferson County proceed to sell the land
sought to be divided. To Wit: The North
East quarter of the North East quarter
of Section No Twenty Eight in Township
No. 39, range four East. at Public Auction
to the highest bidder, for ten per cent of the
purchase money in cash, and the residue
in twelve months, bearing interest from
date of sale at the rate of Six per cent
per annum, that he take from the pur-
chaser, a bond or note with sufficient
Security for the deferred payment, that
said sale be governed in all things by
same regulations, as provided by law for
the sales of Real Estate under Executions
Notice thereof being given by the Sheriff in
the same manner prescribed by law for
such sales, and pay over to the parties the
proceeds as has been ascertained and adjud-
ged by the Court, and make report of his
proceedings herein to the Court

J. Elias J. Hoarey clerk of the

Circuit Court within and for the County of
Jefferson aforesaid hereby certify that the
foregoing is a true copy of the order of said
Court as fully as the same remains of
record in said Court in my office

In Testimony whereof I have
hereunto signed my name
and affixed the seal of said
Court at office in Hillsboro
August 31st. A D 1859
Elias D. Hooney Clerk

20 Jefferson Circuit Court
December Term 1859

James Leape et al
vs { Under Sale

Wheaton Leape

For Sheriff

Shel and Appraisal
June 20th 1860
Chas D Honeywell