

St. Peters County Circuit Court
Administrative Records

May, 1866, No. 49

Herald, John G.
Herald, William G.
Williams, Thomas L.
Staples, John W., et al

Petition for partition

153 acres in S3T34R4E; other
petitioners John Williams, John C.
Cape, Francis Cape, James M. Cape,
Rebecca J. Cape, Theodosia E. Cape,
Leander Cape, Henry M. Cape

Box

17

Folds,

14

John G. Herald, William G. Herald,
 Thomas L. Williams, James W. Stapees,
 by John Williams, his Guardian, John
 C. ~~Cooper~~ Cape, and the following
 minors Francis Cape, James M. Cape,
 Rebecca J. Cape, Theodora E. Cape,
 Leander Cape, and Henry A. Cape,
 by John C. Cape, their Guardian,
 all ex parte petitioners.

In the Circuit
 Court of
 Jefferson Co
 Mo.
 May Term
 1866.
 Petition for partition

The above named petitioners state,
 that they are the owners of and tenants
 in common of the following described
 real property, situated in the County of
 Jefferson and State of Missouri, to wit:
 Lot No. two of the North west quarter of
 section two and East half of lots Nos.
 four and five of the North East quarter of
 section three in Township 39. Range 4
 east, containing $153 \frac{95}{100}$ acres / one
 hundred and fifty three and ninety five hun-
 dredths of an acre.

Said petitioners further state, that
 the quantity of estate, which they respectively
 have in the aforescribed land is as fol-
 lows: John G. Herald and William G.
 Herald are together and equally entitled to
 the undivided five eighths of said land in fee simple.
 Thomas L. Williams is entitled to ^{the undivided} one

eightth part of said land in fee simple; James W. Staples is entitled to the undivided one eighth part of said land in fee simple; John C. Cape is entitled to an estate for his life by the courtesy in the undivided one eighth part of said land; and the minors Francis Cape, James M. Cape, Rebecca J. Cape, Theodora C. Cape, Lander Cape, and Henry A. Cape are entitled each to an Estate in Reversion after the determination of the life estate of said John C. Cape by the courtesy in the undivided one forty eighth part of said land.

The petitioners aforementioned ask Judgment of partition of the land described, according to the respective quantities of interest, as above set forth.

Thomas J. Athlens,
Attys for petitioners

John L. Thomas
~~John L. Thomas~~, one of attys for said petitioners makes oath and says, that he believes, the foregoing petition and the matters therein stated to be true.

I sworn to and subscribed
ed before me, this ~~19th~~ ^{May} 1866 John L. Thomas
day of ~~March~~ ^{May} 1866
Henry P. Athlens
Notary public.

49
Lewistown, Pa.
Jefferson Co. Pa.
May Term 1866.

John C. Howard
et alio.
vs Party Petitioners

Petition for Partition

Filed April 25 1866.
Samuel M. Saylor Clk

June 19 - 1866

John G. Herald, William G. Herald,
Thomas L. Williams, James W. Staples,
by John Williams his Guardian, John
C. Cape, and the following minors,
Francis Cape, James M. Cape, Rebecca
J. Cape, Theodora C. Cape, Leander
Cape, and Henry A. Cape by John
C. Cape their Guardian all Ex parte
Petitioners —

Petition for
Partition

Ex-Parte

Order of Sale

Now at this day comes Said
Parties by their Attorney, and this cause coming on to
be heard upon the petition and evidence Submitted by Said
Parties, the Court doth find that Plaintiffs are the
owners and tenants in common in the Real Estate
and premises in their petition mentioned and des-
cribed as follows; viz: Lot Number two of the North
West quarter of Section Two and the East half of Lots
Numbered Four and Five of the North East quar-
ter of Section Three in Township No 39 Range No
4 East, containing $153\frac{25}{100}$ acres, in the following
proportions and Shares. John G. Herald, and
William G. Herald, are together equally entitled
to the undivided five eighths of Said land, in
fee Simple, Thomas L. Williams, is entitled to the
undivided one eighth of Said land in fee Simple.
James W. Staples is entitled to the undivided one
eighth part of Said land in fee Simple, John
C. Cape, is entitled to an estate for his life by the
courtesy in the undivided one eighth part

of Said land, and the Minors Francis Cape, — James M. Cape, Rebecca J Cape, Theodora C Cape, Leander Cape, and Henry N. Cape, are entitled each to an Estate in reversion after the determination of the life estate of John C. Cape, by the Court in the undivided one forty eighth part of Said land. And it appearing to the Satisfaction of the Court that partition in kind of Said premises cannot be made without great prejudice to Said owners.

It is ordered and decreed by the Court that the Sheriff of Jefferson County Missouri, sell the lands hereinbefore described at Public Vendue to the highest bidder for cash; that Said Sale take place on some day during the Session of the Circuit Court of Said County of Jefferson, at the Court House door in the Town of Hillsboro, in the State of Missouri; and be governed in all things in the manner required by law for Sales of Real Estate under Executions. Notice thereof being given by the Sheriff in the manner provided by law for such Sales, and pay over the proceeds of Said Sale to the Several parties according to their respective rights^{and} interests therein, as herein ascertained by the Court, and this cause is continued

State of Missouri } ss
County of Jefferson } the undersigned clerk
of the Circuit Court, within and for said County,
hereby certify, that the above and foregoing
is a full true and complete copy from
the Record of the Order of Sale made in
the case as therein set forth

Witness my hand and the seal
of said Court at office, this 25th
day of September 1866.

Samuel A. Rippy clerk



To the Jefferson Bicentennial
November Term 1866.

John G. Howard et al

Ex Parte

Order of Sale



508 1/2

all

John G. Herald, Wm. G. Herald }
 Thos L. Williams, James W. Staples } Report of Sale
 by John Williams, his guardian, John }
 C. Cape and the following minors Francis }
 Cape, James M. Cape, Rebecca Cape, Theadora }
 & Cape Leander Cape & Henry Cape by } In the Circuit
 John C. Cape guardian - Ex parte petitioners } Court Nov. Term 1866

To the Hon. Circuit Court of Jefferson
 County Missouri: The undersigned Sheriff
 of Jefferson County Missouri 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 by publishing the
 same in the Jefferson County Leader, a copy
 of which advertisement is herewith filed
 and makes a part of this report. I did agreeably
 with said Advertisement at the Court House
 door in the Town of Hillsboro on Thursday the
 Eighth day of November, A.D. 1866 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 for said County
 at the November term thereof for the year
 Eighteen hundred and Sixty Six expose to sale
 at public auction the following described
 Real Estate situate in said Jefferson County
 to wit: Lot number two of the North west quarter
 of Sec. two, and the East half of Lots numbered

four and five of the northeast quarter of Section
3 in Township No 39, range No 4 East containing
153 $\frac{95}{100}$ acres and John L. Beall and Wm L.
Aberdall being then and there the highest
and last bidders for the above described land
at the price and sum of Fifty Dollars, &
which sum he has to me in hand paid as
required by terms of sale. And this Report
is respectfully submitted

C. C. Fletcher
Sheriff of Jefferson Mo

Report of Sales

Printers fee, \$7.50
 Paid for my
 E. A. Clark.

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 7th day of December, A. D. 1866, before me, the undersigned Clerk of the County, Court of Jefferson county, came Chas. A. Clark, who being by me duly sworn, says that the annexed advertisement was published in the JEFFERSON COUNTY LEADER, a newspaper printed and published in the town of Hillsboro, in said county, of which he is printer, for some times, the first insertion being on the 25th day of September, 1866 and the last on the 19th day of October, 1866 as follows, to-wit:

Sheriff Sale in Partition.

In the Circuit Court of Jefferson county, Missouri.
 John G. Herald, Wm G. Herald, Thos. L. Williams, James W. Staples by John Williams, his guardian, John C. Cape, and the following minors: Francis Cape, James M. Cape, Rebecca J. Cape, Theodora E. Cape, Leander Cape and Henry N. Cape, by John C. Cape, their guardian, all ex parte petitioners.

By virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its May term, A. D. 1866, I will on the 8th day of November next, 1866, 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 west quarter of sec two, and the east half of lots numbered four and five of the northeast quarter of section 3, in township No. 39, range No. 4 east, containing 153 95-100 acres.

For the purpose of making partition between said parties, for which the purchaser will be required to pay cash in hand at the time of sale. This 26th day of September, 1866.
 CHAS. C. FLETCHER,
 Sheriff.

In No. 39,	Sept. 28,	1866
In No. 40,	Oct. 5,	1866
In No. 41,	" 12,	1866
In No. 42,	" 19,	1866
In No. ,		1866
In No. ,		1866

Edward A. Clark

this 7th day of November, 1866.

Wm. McMillin Clerk

Reptsr File Ref & af 30 Docks 100 Entered order of
Recd 100 Index 20 Copies of same each & Seal 175
File & approve Shuiff's Report 50
Index 20 Dockets 20 Cont Ackn Seal of
Recd & each & same 1.00 Index 10

310

Recording same 175
Sketcher Shuiff Advertising 7.50 case 10 10 60
Seal 700 Stamp 50 same
Thomas & Sheroo Attys

46.00
57.70

46.00
135
710