

Dofferson County Circuit Court
Case Files- Civil

Box

20 Folder 46

November 1867, No. 89

Stroupe, Peter

vs

Stroupe, Susan

Stroupe, William

Stroupe, Austin

Stroupe, Millard F.

Partition

Heirs of John Stroupe; 280 acres
in S 5, 6 T40 R5 E

Peter Stroupe, — Plaintiff

Against

Susan Stroupe,

William Stroupe

Austin Stroupe, and

Millard F. Stroupe, By

William Stroupe, his Guardian

Defendants,

} In the Circuit Court of
} Jefferson County, Missouri
November Term 1867

The Plaintiff states that John Stroupe late of Jefferson County aforesaid, died in the year 1862, seized in fee simple of the following Lands, situate in Jefferson County Missouri, and described as follows, to wit, the South West quarter of the North West quarter of Section five, in Township Forty, North of Range Five East, containing Forty acres; also the North West quarter of the North West quarter, and the North West quarter of the South East quarter, and the West Half of the South West quarter of Section No. Five, and the South East quarter of the South East quarter, and the North East quarter of the North East quarter of Section No. Six, all in Township Forty, North of Range No. Five East, containing in all, Two hundred and forty acres, and that said John Stroupe deceased, left surviving him five

Children and heirs, to wit, Susan Stroupe, William Stroupe, Peter Stroupe, Austin Stroupe, and Millard Stroupe, to whom said Lands descended as the heirs of said John Stroupe, - That the Plaintiff and the Defendants hold said Lands as Tenants in Common, - and that the Estate of John Stroupe, deceased, is fully settled up and all the debts paid. - The Plaintiff, Peter Stroupe, states that he is entitled in fee simple to the undivided one-fifth part of said Lands, - and that the defendants, Susan Stroupe, William Stroupe, Austin Stroupe, and Millard F. Stroupe, are each entitled in fee simple to the undivided one-fifth

And Plaintiff states that he has made improvements on said part of said Lands, ^{lands of the value of 400 dollars,} and asks Judgment against Defendants ^{For} four-fifths of that sum.

Plaintiff asks the Court to make an order and decree for the partition and division of said Lands according to the rights and interests of the parties therein, if the same can be done without great prejudice to the parties interested therein, and if not, then for an order for the sale of the Lands aforesaid, and a division of the proceeds thereof among all of the Parties therein, according to their respective rights and interests as herein set forth.

Abner Green
} Attorney for the Plaintiff
Peter Stroupe, the Plaintiff, makes oath and says

the above petition and the matters therein as
stated he believes to be true.

Subscribed and Sworn to before Peter Strong
me this Sept 11th 1867

Elias J. Henry Clerk.

By C. D. Strong Deft

In the Circuit Court
 Jefferson County

Peter Shoup

vs.

James Shoup
 and others

Petition for Partition
 of Summons
 W. Green
 for Deft

Copy Mt.	\$1.00
Record	30
Writ	1.00
Deputy	40
deputy	10
affid	15
rules	15
one sale	35
decreed	20
one	20
judgt	50
one	20
two to judgt	10
indctee	15
2 court	50
and apward	20
apaper	60
default	35
order	50
Copy same. Led.	1.50
att. Seal	75
making ends	150
	<u>\$10.70</u>

THE STATE OF MISSOURI, } SS.
COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon *Susan Stroupe*
William Stroupe *Justin Stroupe*
and *Hillard*

if they be found in your County, that
they 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 *First* Monday ~~after the~~
~~fourth Monday~~ of *November* next, then and there to answer unto
Peter Stroupe

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this
Eleventh day of *September* A.D. 18*67*

Elias F. Honey
Clerk Circuit Court.

By *C. D. Worine* Deft

21089

2703

JEFFERSON CIRCUIT COURT.

November Term, 1867.

Wm Stroup

vs

Susan Stroup

William Stroup

Justin Stroup

Willard Stroup

vs

John William Stroup

fee \$4.00

Sentenced September 18

I Executed this Writ in Jefferson County Mo
on the 18th Day of September 1867 By Deliv-
ing William Stroup a true copy of this Writ
and Petition and I further Executed this Writ
on Susan Stroup Justin Stroup and
Willard Stroup By Delivering to each of
them a true copy of Writ
John William Sheriff

Peter Stroup, Plff.

^{vs}
Susan Stroup

William Stroup

Auston Stroup &

Millard F. Stroup Defts.

In the Circuit
Court of Jefferson
County Missouri

Nov. Term 1867

Now at this day comes the
Defendant Millard F. Stroup by his
Guardian ad Litem Joseph J. Williams
and for answer to the petition of Plaintiff
sayeth that John Stroup the ancestor of
Plaintiff & Defendants died at the time
stated in said petition of Plaintiff seized
& possessed of the Lands mentioned by
said Plaintiff in his said petition
and that the rights & interests of the
parties Plaintiff & Defendant are
correctly set out & described and
further sayeth not

Millard F. Stroup
By Joseph Williams his
Guardian ad Litem

Peterborough

or

Indian Shovel Chalk

Contents of Mr. H. H. Shovel
by Guardian No. 1000

Filed Nov 12th 1884
at New York City

~~\$100~~ ~~\$100~~ ~~\$100~~

State of Wisconsin } In the Jefferson Circuit
County of Jefferson } Court May 22 1868,

The following proceedings were

had to wit:

Peter Stroupe	}	In Partition
Susan Stroupe, William Stroupe		} Order of Sale,
Austin Stroupe and Millard D.		
Stroupe by William Stroupe		
his Guardian,		Now at this day comes

the plaintiff by his attorney and Millard D. Stroupe of his guardian ad litem, and the said Susan Stroupe William Stroupe & Austin Stroupe failing to appear and set aside their default herein entered at the last term of this court, and this cause coming on to be heard upon the petition and ^{ver} evidence adduced by said plaintiff, and ~~and~~ ^{and} M D Stroupe, the court doth find that the allegations in Plaintiff's petition are true, and that Plaintiff and Defendants are tenants in common of the Real Estate described in Plaintiff's petition to wit: The South west quarter of the North west quarter of Section five in Township forty, North of Range Five East containing forty acres also the North west quarter of the North west quarter and the North west quarter of the South East quarter and the west half of the South west quarter of Section five and the South East quarter of the South East quarter, and the North East quarter of the North East quarter of Section six, all in Township

Forty North of Range five East containing in all two hundred and Forty acres, situate in Jefferson County Missouri. And the Court proceeding to adjust and settle the rights and interests of said parties in and to said Real Estate doth declare the same to be as follows viz: That Peter Stroupe is entitled in fee simple to the undivided one fifth part of said lands, that the defendants Susan Stroupe, William Stroupe, Austin Stroupe andillard & Stroupe, are each entitled in fee simple to the undivided one fifth part of said lands. And it appearing to the satisfaction of the Court that said lands are so situated that partition and division thereof in kind cannot be made without great prejudice to the owners, It is thereupon ordered, adjudged and decreed by the Court that partition and division thereof be made, and that the Sheriff of said Jefferson County advertise and proceed to sell said Real Estate at public auction to the highest bidder for ten per cent 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 or purchasers thereof with approved security bearing interest at the rate of six per cent per annum. And that said sale take place on some day during the session of the Circuit Court for said Jefferson County and be governed by the same regulations prescribed by law for sales of Real Estate under execution

Notice thereof being given by said Sheriff in the manner provided by law for such sales and divide the proceeds thereof among the parties according to their respective rights herein set out. And it further appearing to the Court that said plaintiff has made lasting improvements on said Land amounting to four hundred dollars. It is thereupon considered by the court that said plaintiff have and recover of and from said Defendants their proportionable part of Four fifths of said Four hundred dollars and the said Sheriff is hereby ordered to pay the same out of the proceeds of said sale to said ^{Plaintiff} Defendants, and this cause is continued

A true copy from the record,

Witness my hand and the seal of said Circuit Court at office in Hillsboro
this June 25th 1868,

Elias J Honey Clerk
Per Thos Horne Depy

Bellevue Hotel
= 200 =
Mrs. M. M. M. M. M.
Corduroy Hall



Peter Stroup
against
Wm Stroup et al

} Report of Sale
In the Circuit Court
November Term 1868

To the Hon. Circuit Court of Jefferson County
Mo. 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 County Leader, a newspaper published in
said County; a copy of which Advertisement is here-
with filed and makes part of this report. I did
agreeable with said Advertisement at the Court
house door in Hillsboro on Wednesday the Eighteenth
day of November A.D. 1868 between the hours of Nine
O'clock in the forenoon and Five O'clock in the after-
noon 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 Eight, expose to
sale at public Auction the following described Real
Estate situate in said County. To Wit: S W 1/4 N W 1/4
& N W 1/4 N W 1/4 - N W 1/4 S E 1/4 & W 1/2 S W 1/4 Sec 5 = Town 40
Range 5 east cont 200 acres also N E 1/4 N E 1/4 Sec
6 = Town 40 = R 5 east cont 40 acres and Peter
Stroup was then and there the highest and last

bidden for the S W 1/4 N W 1/4 & N W 1/4 N W 1/4 Sec 5 = T 40 = R 5 East & N E 1/4 N E 1/4 Sec 6 = Town 40 = Range 5 East cont 120 acres at the price and sum of Seven hundred Dollars & for the N W 1/4 S E 1/4 Sec 5 = Town 40 = R 5 East at the price and sum of One hundred Dollars of which sums he has to me in hand paid ten per cent and has given bond with approved security for the balance as required by terms of sale and Wm Shoup was then and there the highest and last bidder for the W 1/2 S W 1/4 Sec 5 Town 40 = R 5 East cont 80 acres at the price and sum of Two Hundred Dollars of which sum he has to me in hand paid ten per cent and has given bond for the balance (with approved security) as required by terms of sale. And this report is respectfully submitted.

John Williams Sheriff.

PETER Stroup vs. Wm. Stroup &c.
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. 1868, I will on the 18th day of November next, 1868, at the Court House door, in the town of Hillsboro, between the hours of 9 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:

The s w qr of the n w qr of sec 5, township 40 of range 5 east, containing 40 acres; also the n w qr of the n w qr, and the n w qr of the s e qr, and the w hf of the s w qr of section five, and the se qr of the se qr, & the n e qr of the ne qr of section 6, all in township 40, north of range 5 east, containing 240 acres, 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 time of sale, the balance in twelve months, the purchaser giving his bond with approved security, bearing interest at the rate of six per cent per annum from date, this thirteenth day of October, 1868. JOHN WILLIAMS,

State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 21 day of November A. D. 1868, before me, the undersigned Clerk of the County Court of Jefferson county, came Chas. A. ~~Coff~~ ^{Kepley}, 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 4 times, the first insertion being on the 23 day of October 1868, and the last on the 12 day of November 1868, as follows, to-wit:

THE JEFFERSON COUNTY LEADER

In No. 42,	October 23	1868.
In No. 44,	" 30	1868.
In No. 45,	November 6	1868.
In No. 46,	" 13	1868.
In No. ,		186..
In No. ,		186..

Chas. A. Kepley

Sworn to and subscribed before me, this 21 day of November 1868.

Wm. M. Allen *Deed*

Printer's fee 8/00 Received Payment.
10, 00

Peter Throup } In the Circuit
vs } Court of the
Wm Throup et al } County of Jefferson

Now comes Susan Throup one of
the defendants herein and moves the
Court to set aside the order of sale
made in this Cause for the following
reasons — Because

1. The land was susceptible of
division without prejudice to the
parties in interest
2. The Court had no power to
enter up an order against this
defendant & Compell him to pay
plaintiff for any improvements
made upon the premises

And the said defendant moves
the Court to set aside the report
of the sale made in this Cause
for the following reasons

1. The land was not sold
in small lots but in large tracts
when a sale in smaller lots would
have brought more money.

2. The said Plaintiff and the
defendant William Throup entered
into each other to buy the land at
a reduced price and for less than

its true value

3. Because the said Order to riden
this defendant to abstain from
bidding on said land promised
to make ~~the~~ defendants share
in said land being two dollars
per acre and in consequence of
said promise this defendant did
abstain from bidding and was not
present at said sale,

Thompson
by
Thompson

Motion to set aside
Order of sale and
dismiss report of
sale

Dated Nov 23rd 1888,
E. A. Hemeny C.