

T Jefferson County Circuit Court
Case Files - Civil

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September 1872

Hendricksen, Lizzie H, gdn,
Hendricksen, John

vs

Hendricksen, Rebecca
Hendricksen, Oscar
Hendricksen, Samuel C
Hendricksen, Richard

Reform deed

81 acres in S25 T41 R5E

Lizzie H. Hendrickson in
 her own proper person and
 John Hendrickson a
 minor under twenty one
 years of age by Lizzie H.
 Hendrickson his natural
 guardian, Plaintiffs
 Against
 Rebecca Hendrickson
 Samuel C. Hendrickson
 Oscar Hendrickson
 Richard Hendrickson
 Defendants

In the Circuit Court
 of Jefferson Co Mo.
 Sept Term 1872.

Plaintiffs state that Lizzie H. Hendrickson
 one of said Plaintiffs is the widow
 of the late Samuel C. Hendrickson
 deceased and that John Hendrickson
 is the only child of said deceased
 who is now a minor under the
 age of twenty one year and who
 appears to this action by his
 mother and natural guardian
 Lizzie H. Hendrickson.
 Plaintiffs further state that heretofore

viz: On the 7th day of September 1859 John
Hendrickson the father of said Deceased
was seized in fee simple of the following
real estate situate in Jefferson County
Missouri viz: The West half of
the South East quarter of Section
Twenty five, Township Forty one
N. of Range Five East containing
Eighty one $\frac{60}{100}$ acres, and that
on that day he sold to said
Samuel C. Hendrickson his son
who has since died the said tract
of land for the price and sum
of

dollars which was then paid to
him and undertook to execute a deed
to said Samuel C. for it but in
describing the land by mistake omitted
one portion thereof that is to say
the North half of the same, the number
contained in said deed being by
mistake the S $\frac{1}{4}$ of S E $\frac{1}{4}$ of sec. 25
Town 41 R. 5. E. Containing seventy
three $\frac{43}{100}$ acres instead of the West
half of the South East q^r. of Section
Twenty five, Township Forty one
N. Range Five East containing
Eighty one $\frac{60}{100}$ acres.

Plaintiffs further state that said mistake was not discovered until after the death of said John Hendrickson and said Samuel C. Hendrickson and that said Samuel C. had possession of said land after said sale up to the time of his death and Plaintiffs here had possession since claiming title to the whole.

Plaintiffs aver that John Hendrickson departed this life some years since leaving^{as} his the said Samuel C. and the above named dependents, Richard being a son and Rebecca being the widow and Samuel C. and Oscar being children of a deceased son.

Plaintiffs state that said Samuel C. departed this life some years since intestate leaving Lizzie H. Hendrickson as his widow and John Hendrickson as his only child and him as law.

Plaintiffs state that Samuel C. and Oscar Hendrickson two of said dependents are minors under the age of twenty one years and that they and the said Rebecca

are non-residents of Missouri
Wherefore I pray the Court
to reform said deed dated Sept
7th 1859 executed by said John Hendrickson
son to Samuel C. Hendrickson
as aforesaid so as to make it
conform to the real intentions of
the parties and to divest the title
to the NW 1/4 of Sec 8 of said Section
Township and Range out of
defendants and vest the same
^{in Plaintiff} according to their respective
rights therein and for other
proper relief

John H. Thomas & Bra
Attys for L. H. Hendrickson
Samuel C. Hendrickson &
Oscar Hendrickson
By their mother & natural
Guardian L. H. Hendrickson

John H. Thomas, attorney for Plaintiff
makes oath and says that the above
petition and the matters therein stated
he believes to be true, and that
Rebecca, Samuel C. and Oscar
Hendrickson the said defendants
are non-residents of Missouri

Subscribed & sworn to before
me this July 8th 1872
W. B. Boyce Clerk
By C. H. Starnes Depy.

John H. Thomas

Lizzie H. Henderson
et al

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Rebecca Henderson
et al

Petition to Reform
Act.

Filed July 8 1872
In force of law

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

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeling:

We command you, that you summon

Richard Hendrickson

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 ~~second~~ Monday ~~for the fourth Monday of~~ *September* next, then and there to answer unto *Lizzie H. Hendrickson* in her own proper person and *John Hendrickson* a minor under twenty one years of age by *Lizzie H. Hendrickson* his natural guardian upon *their* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

W. S. Pryce
Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,
with the seal thereof hereunto affixed, at office in Hillsboro, this
Eighth day of *July* A. D. 1872

W. S. Pryce
Clerk Circuit Court.
By *E. M. Hume Dep*

I Executed the within in the county of Jefferson
State of Missouri on Richard Henderson on
22 day of August 1872 by Delivering him a
true copy of the writ and Petition as furnished
me by said Clerk of said Court

J. B. Mob. Sheriff
By R. A. Williams
Deputy

TO

JEFFERSON CIRCUIT COURT.

September Term, 1872,

vs
Lizzie H. Henderson
et al.

Richardson Henderson
et al.

Original

Order of Publication.

IN the Circuit Court of Jefferson county, State of Missouri, in vacation, July 8th, 1872:

Lizzie H. Hendrickson, in her own proper person, and John Hendrickson, a minor, under twenty-one years of age, by Lizzie H. Hendrickson, his natural Guardian, Plaintiffs,
against

Rebecca Hendrickson, Samuel C. Hendrickson, Oscar Hendrickson, Richard Hendrickson, Defendants.

Now, at this day, come the Plaintiffs in the above entitled cause, before the undersigned Clerk of the Circuit Court of Jefferson county, in vacation, and file their petition and affidavit, stating, among other things, that the above named Defendants, Rebecca Hendrickson, Samuel C. Hendrickson and Oscar Hendrickson, are non-residents of the State of Missouri. It is thereupon ordered by the Clerk aforesaid, in vacation, that publication be made, notifying them that an action has been commenced against them by petition, in the Circuit Court of Jefferson county, in the State of Missouri, the object and general nature of which is to obtain a decree of said Court to reform a certain deed, executed by John Hendrickson to Samuel C. Hendrickson, dated September 7th, 1859, and to divest said Defendants of all title to the north west quarter of south east quarter, section 25, township 41, range 5 east, and to vest the title to the same in plaintiffs according to their respective rights therein. And that unless they be and appear at the next term of said Court, to be holden at the Court House, in Hillsboro, within the county of Jefferson, on the second Monday of September, A. D. 1872, and on or before the sixth day thereof, answer to said petition, the same will be taken as confessed and judgment rendered accordingly. It is further ordered that a copy hereof be published in the Jefferson Democrat, a newspaper, printed and published in Jefferson county, State of Missouri, for four weeks successively, the last insertion to be at least four weeks before the commencement of said next term.

A true copy from the Record. Witness W. S. Boyce, Clerk of said Court, with the
{ SEAL. } Seal thereof hereunto affixed, this
{ } July 8th, 1872.

W. S. BOYCE, Clerk.

By C. THO' HOMER, Deputy.

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 2 day of Aug 1872 before the undersigned Clerk of the County Court of Jefferson county, Mo., came R. W. McMULLIN, who being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 12 day of Aug 1872, and the last insertion on the 2 day of Aug 1872, as follows, to-wit:

Know all men by these presents, that R. W. McMULLIN, of the County of Jefferson, State of Missouri, for and in behalf of said McMULLIN, do hereby certify that the within and foregoing is a true and correct copy of the original of said advertisement, as the same appears in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, for four weeks successively, the last insertion to be at least four weeks before the expiration of said term. Witness W. S. Boyce, Clerk of said Court, with the seal thereof hereunto annexed, this July 8th, 1872.

SEAL. W. S. BOYCE, Clerk.
By C. THO' HORNE, Deputy.

In No. 27	Aug	12	, 1872
In No. 28,	"	19	, 1872
In No. 29,	"	26	, 1872
In No. 30,	Aug	2	, 1872
In No.			, 1872

Wm. McMullin

Sworn to and Subscribed before me this

2 day of Aug 1872.

Printer's Fee, \$12.50 } 12.75
Affidavit, \$.....2.25 }

W. S. Boyce Received Payment.

Lizzie H. Hendrickson
and John Hendrickson by
his Mother and Natural
Guardian Lizzie H.
Hendrickson Plaintiffs

Against
Richard Hendrickson, and
Rebecca Hendrickson, and
Samuel C. Hendrickson, and
Oscar Hendrickson, Defendants,

Now at this day come Samuel
C. Hendrickson and Oscar Hendrickson,
two of the above named defendants, by
their Guardian, Adlitem and state, that
they believe the facts as set forth in
the Plaintiffs petition are true

J. J. J. J.

Guardian Adlitem

Lizzie H. Hendrickson

Etal.

against

Rebecca Henderson

Etal.

Answer of minors

by their Guardian ad litem

Filed May 12 1873

W. S. Pryce Clerk

No. 3557

Jefferson Circuit Court.

September Term, 1872

Lizzie H. Hendrickson
vs. John Hendrickson

VS.

Rebecca Oscar Samuel C.
Richard Hendrickson

Judgment, - - \$

Date 18

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Judg't Docket, Page

Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis,