

Jefferson County Circuit Court
Case Files - Civil
May 1856, No. 18

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hee, Israel

vs

Heldebrand, Peter
Heldebrand, John
Heldebrand, Michael
Heldebrand, Martin
et al

Partition

640 acres on Big River; other
plaintiffs James, Miletta, Silas
G., and Almira Heldebrand, Jane
and William Austin

In the Circuit Court of Jefferson
County
May Term 1856

Israel Lee

against

x Peter Hellerbrand Michael Hellerbrand
Martin Hellerbrand x James Hellerbrand
x John Hellerbrand
x Milata Hellerbrand
Jane ^{Austin} Hellerbrand
Mrs. Austin
Silas J Hellerbrand
Almira Hellerbrand

Plaintiff states that there was confirmed to Peter Hellerbrand a tract of land upon big River in Jefferson County containing four hundred six hundred and forty acres. That the said Peter conveyed to his son John Hellerbrand one hundred and fifty acres on the south end of the tract and the remainder of the tract at his death descended to the heirs of the said Peter. The said Peter had four children Betsey who married John M. Courtney David, Abraham, & Isaac. Plaintiff acquired the title of Betsey M. Courtney and her husband by deed executed on the 15th day of November 1841. That about the year 1831 David Hellerbrand conveyed his interest in the land to Samuel Lambert which deed was lost and testimony of its execution and delivery was perpetuated by testimony taken on the 22^d day of August 1845. That said Lambert conveyed to plaintiff the title he acquired of David Hellerbrand by deed

dated October 23^d 1832, and of record in the recorder's office of Jefferson County.

Abraham Helderbrand son of Peter the complainant had ~~four~~^{eight nine} children Peter John and David and Jane who married Hamilton Williams Eliza who married Michael Null Sally who married John Null Polly who married John King Mahala Brown who married Brown and after his death married ~~John King~~^{James Johnson} and Priscilla who married Marshall King.

Plaintiff has acquired the title of Jane Williams and Hamilton Williams and of Eliza and Michael Null by deed executed October 14th 1844 - he acquired the title of Sally Null by deed executed May 30th 1848. and the title of Priscilla and Marshall King by deed executed October 14th 1844 and the title Mahala & James Johnson and Mary and John King by deed executed June 2^d 1845 -

By the last mentioned deed he acquired the rights of Jane Eliza Sally Polly Mahala and Priscilla six out of the nine children of the said Abraham or six thirty sixths of the ~~four~~^{four} hundred and ninety acres which is in addition to the half of the tract which he acquired by the deed first above mentioned so that he is the owner of twenty four thirty sixths or two thirds of the tract besides the interest of Stephen Helderbrand son Peter who was the son of Abraham above named who was the owner of one half of one ninth of one fourth so that he is the owner of forty nine parts out of seventy two parts. Likewise the other child of the said Peter is the

owner of one part in seventy two.

John the son of Abraham is dead leaving two children named John and Mitela who are the owners of two parts out of seventy two parts.

David the son of said Abraham is also dead leaving three children now living named Jane, ^{who is the wife of Mr. Austin} Silas Green, and Elmira who are each entitled to one part in one hundred and eight parts or together one thirty sixth part.

Isaac Helderbrand the son of Peter the confinner is dead leaving two children named Isaac and Abraham, Isaac & Abraham sons of Isaac are both dead. Isaac left one child named Peter who is the only one of his children or of his descendants living Peter is entitled to one eighth part.

^{Michael the son of Abraham}
~~Abraham~~ the son of Isaac who was the son of Peter the confinner is entitled to one half of his father's share or one sixteenth and ^{his other son} James is entitled to one sixteenth, the said ^{Michael & James} ~~Abraham~~ being the only children of said Abraham.

~~Martin Peter Hel~~

The above named dependants John Mitela and James Helderbrand are supposed to be nonresidents, if they are residents their place of residence is unknown and as to them the publication is asked.

Plaintiff prays for a partition and division of the premises according to the respective rights of the parties and for a sale if it should appear that partition in kind cannot be had without great injustice to the ~~several~~ owners.

At Test full atty

Israel Lee makes oath and says that
 the foregoing petition and the matters therein
 as stated he believes to be true.
 Signed & sworn to before me Nov 28 1855
 Tho C Fletcher
 CLK

issued Peter Henderson } St Louis Co at coal diggings

issued { Martin
 Sam & Wm Austin } reside in Effingham Co
 Silas &
 Amine

Michael Henderson Franklin Co Cove Diggings

James H
 John & Milton H in Texas
 are perhaps on Black River

29/94
 Israel Lee Pet.

against
 Peter Henderson
 Martin Henderson
 John Henderson
 Michael Henderson
 Sam Henderson
 Silas & Henderson
 Amine Henderson
 Michael Henderson
 James Henderson
 JH

Petition for free
 action
 dismissed

Filed Jan 23rd 1856
 Tho C Fletcher
 CLK

6 copies pet.
 3 writs
 6 writs & 200 lbs.
 pp post 3500. Che

In the Circuit Court of Jefferson County
May Term 1856

Israel Lee

against

Peter Helderbrand, Michael Helderbrand

Martin Helderbrand James Helderbrand

John Helderbrand Miletta Helderbrand

Jane Austin William Austin

Silas G. Helderbrand, Almira Helderbrand.

Plaintiff states that there was confirmed to Peter Helderbrand a tract of land upon Big River in Jefferson County containing six hundred and forty acres that the said Peter conveyed to his son John Helderbrand one hundred and fifty acres on the South end of the tract and the remainder of the tract at his death descended to the heirs of the said Peter, the said Peter had four children, Betsey who married John M^cCourtney, David, Abraham and Isaac, Plaintiff acquired the title of Betsey M^cCourtney and her husband by deed executed on the 15th day of November 1841. That about the year 1831. David Helderbrand conveyed his interest in the Land to Samuel Lambert which deed was lost and testimony of its execution & delivery was perpetuated by testimony taken on the 22nd day of August 1845, that said Lambert conveyed to Plaintiff the title he acquired of David Helderbrand by deed dated October 23^d 1832, and of record in the recorder's office of Jefferson County, Abraham Helderbrand son of Peter the confirmed had nine children, Peter John & David and Jane who married Hamilton Williams, Eliza who married Michael Muel Sally who married John Muel, Polly who married John King, Mahala who married - Brown and after his death married James Johnston and Precilla who married Marshal King, Plaintiff has acquired the title

of Jane William and Harriet William and of Eliza and Michael Stull by deed executed October 14th 1844, he acquired the title of Sally Stull by deed executed May 30th 1848, and the title of Precilla and Marshal King by deed executed October 14th 1844, and the title Mahala and James Johnson and Mary and John King by deed executed June 21st 1845, By the last mentioned deed he acquired the rights of Jane, Eliza, Sally, Polly, Mahala and Precilla six out of the nine children of the said Abraham or six thirty sixths of the four hundred and ninety acres which is in addition to the half of the tract which he acquired by the deeds first above mentioned, so that he is the owner of twenty four thirty sixths or two thirds of the tract besides the interest of Stephen Hildebrand son - Peter who was the son of Abraham above named who was the owner of one half of one ninth of one fourth so that he is the owner of forty nine parts out of seventy two parts, Martin the other child of the said Peter is the owner of one part in seventy two, John the son of Abraham is dead, leaving two children named John and Milleta who are the owners of two parts out of seventy two parts, David the son of said Abraham is also dead leaving three children now living named Jane who is the wife of W^m Austin, Silas Green and Elmira who are each entitled to one part in one hundred and eight parts or together one thirty sixth part, Isaac Hildebrand the son of Peter the confirmed is dead leaving two children named Isaac and Abraham, Isaac & Abraham sons of Isaac are both dead, Isaac left one child named Peter who is the only one of his children or of his descendants living, Peter is entitled to one eighth part.

Michael the son of Abraham the son of Isaac who was the son of Peter the confirmed is entitled

to one half of his fathers share or one sixteenth
and his other son James, is entitled to one sixteenth
the said Michael and James being the only children of said
Abraham, The above named defendants John, Miles
and James Meldebrand are supposed to be now
residents if they are residents their place of residence
is unknown and as to them publication is asked.

Plaintiff prays for a partition and division of the premises according to the respective rights of the parties and for a sale if it should appear that partition in kind cannot be had without great prejudice to the owners,

Attest my hand and the seal of said city.

Israel Lee makes oath and says that the foregoing petition and the matters therein as stated he believes to be true

Israel ^{his} Lee

Israel ^{his} & Lee
mark

Signed & Sworn to before me

Nov 28th 1855. Tho. C. Metcher CLK.

Thos C Fletcher Clerk

In the Circuit Court of Jefferson County,
May Term 1856,

Israel Lee

against

Peter Heldebrand, Michael Heldebrand
Martin Heldebrand James Heldebrand
John Heldebrand Abileta Heldebrand
Jane Austin. Wm Austin
Silas G Heldebrand Almira Heldebrand

Plaintiff states, that there was confirmed to Peter Heldebrand a tract of land upon Big River in Jefferson County, containing six hundred and forty acres that the said Peter conveyed to his son John Heldebrand one hundred and fifty acres on the south end of the tract and the remainder of the tract at his death descended to the heirs of the said Peter, the said Peter had four children, Betsey who married John M^cCourtney, David Abraham & Isaac, Plaintiff acquired the title of Betsey M^cCourtney and her husband by deed executed on the 15th day of November 1841. that about the year 1831. David Heldebrand conveyed his interest in the land to Samuel Lambert which deed was lost and testimony of its execution and delivery was perpetuated by testimony taken on the 22nd day of August 1845 that said Lambert conveyed to Plaintiff the title he acquired of David Heldebrand by deed dated October 23^d 1832, and of record in the recorder's office of Jefferson County, Abraham Heldebrand son of Peter the confirmed had nine children, Peter, John and David and Jane who married Hamilton Williams Eliza who married Michael Nuel, Sally who married John Nuel, Polly who married John Stier, Mahala who married Brown and after his death married James Johnson and Prescilla who married Marshall

King. Plaintiff has acquired the title of Jane Williams and Hamilton Williams, and of Eliza and Michael null by deed executed October 14th 1844. he acquired the title of Sally null by deed executed May 30th 1848. and the title of Precilla and Marshal King by deed executed October 14th 1844. and the title of Mahala & James Johnston and Mary & John King by deed executed June 21st 1845. By the last mentioned deed he acquired the rights of Jane, Eliza, Sally, Polly, Mahala and Precilla Six out of the nine children of the said Abraham or six thirty sixths of the four hundred and ninety acres which is in addition to the half of the tract which he acquired by the deeds first above mentioned so that he is the owner of twenty four thirty sixths or two thirds of the tract besides the interest of Stephen Heldebrand son Peter who was the son of Abraham above named who was the owner of one half of one sixth of one fourth so that he is the owner of forty nine parts out of seventy two parts, Martin the other child of the said Peter is the owner of one part in seventy two, John the son of Abraham is dead leaving two children named John & Meleta who are the owners of two parts out of seventy two parts, David the son of said Abraham is also dead leaving three children now living named Jane, Silas Green and Elmira who are each entitled to one part in one hundred and eight parts or together one thirty sixth part. Isaac Heldebrand the son of Peter the confirmed is dead leaving two children named Isaac & Abraham, Isaac & Abraham sons of Isaac are both dead, Isaac left one child named Peter who is the only one of his children or of his descendants living. Peter is entitled to one eighth part.

Michael the son of Abraham the son of Isaac who was the son of Peter the confirmed is entitled to one half of

his fathers share or one sixteenth and his other son James is entitled to one sixteenth the said Michael & James being the only children of said Abraham.

The above named defendants John Milet and James Meldebrand are supposed to be non residents if they are residents their place of residence is unknown and to them publication is asked, Plaintiff prays for a partition and division of the premises according to the respective rights of the parties and for a sale if it shall appear that partition in kind cannot be had without great prejudice to the owners

M. Wipell atty.

Israel Lee makes oath and says that the foregoing petition and the matters therein as stated he believes to be true,

Israel ^{his} Lee
mark

Signed & sworn to before me

Nov 28th 1855, Tho C Fletcher CEN }

The foregoing is a true copy of the original petition and affidavit on file in my office in said cause.

In Testimony whereof I hereto set my hand and affix the seal of said court at office 25th Jan'y 1856.

Tho C Fletcher CEN

COUNTY OF JEFFERSON, SS.

The State of Missouri.

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

We command you, that you summon Martin Heldebrand
James Austin & William Austin, Silas G. Heldebrand
and Almira Heldebrand 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 fourth Monday of May next
next, then and there to answer unto Israel Lee

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

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 25th
day of January A. D. 1856

Thos C Fletcher

CLERK CIRCUIT COURT.

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the ^{Marshal} ~~Sheriff~~ of the County of ^{Saint Louis} ~~Jefferson~~—Greeting:

We command you, that you summon Peter Heldebrand

----- if he be
found in your County, that he do 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 May-----
next, then and there to answer unto Israel Lee

upon his----- original petition, a copy whereof is herewith annexed and
accompanies this writ—and have you then there this writ.

Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this 16th
day of April A. D. 1856

Thos C Fletcher

CLERK CIRCUIT COURT.

Israel Lee

Peter Heldbrand.

Copy for Defendant

A true copy of the writ
about this 6th March
1856

Executed this Writ in Saint Louis County
April 23rd 1856 by delivering a true Copy of the
Same an Petition to Peter Heldbrand the within
named defendant

Wm. H. Timberlake

Fee \$1

By Henry McMeins Deputy
Marshal

Isaac Lee
against
Martin Hilderbrand
John Hilderbrand
Miletta Hilderbrand
Wm Austin & Jane his wife
Siles B Hilderbrand &
Mary Adeline Hilderbrand

Amended petition

Plaintiff states that Peter Hilderbrand is now deceased & at his death was seized of six hundred and forty acres comprised to him by the United States upon Big River in Jefferson County. That at his death he left four children to wit Betsey who intermarried with John M. Country David Abraham and Isaac.

Isaac sold his interest in said land to Abraham.

Abraham by consent of the parties interested conveyed one hundred and fifty acres of said land to his son John from the south end of the tract.

That Plaintiff purchased the right of John M. Country and Betsey his wife in said land by deed executed November 18th 1841 This interest was $\frac{160}{420}$ of the remainder of the tract amounting one hundred and fifty acres conveyed to John Hilderbrand as above stated.

That about the year 1831 David Hilderbrand conveyed to Samuel Lambert

his interest it being one hundred and sixty acres or $\frac{160}{490}$ of said Remainder and the deed was lost and ~~testimony~~^{evidence} of its execution and delivery was perpetuated by testimony taken on the 22^d day of August 1845. That Samuel Lambert conveyed to Plaintiff his interest acquired by & from said David by deed dated October 23^d 1832

Abraham Aldenbourn departed this life leaving nine children to whom his interest descended it being $\frac{170}{490}$ of said remainder. The children were named as follows Peter John David Lane who married Hannah Lane Williams Phiza who married Michael Wall Sally who married John Wall Polly who married John King Mahala who first married Brown and after his death James ~~John Storr~~ Johnston and Priscilla who married Marshall King

Plaintiff has acquired the title of Hannah Williams & Lane his wife and of Michael Wall & Phiza his wife by deed executed October 14th 1844. He acquired the title of ~~John Wall~~ and Sally ~~his wife~~ widow of John Wall by deed executed May 30th 1848. He acquired the title of Marshall King and Priscilla his wife by deed executed October 14th 1844 and the title of James Johnston and Mahala his wife and of John King and Mary his wife by deed executed June 21st 1845, making six out of the nine parts of the said Abraham's interest.

He also acquired the title of Stephen

Helderboud who was a grandson of said Abraham and entitled to one half of one ninth of his grandfather's interest - he being one of two sons of Peter the son of Abraham so that plaintiff is the owner of six and half ninths of the said Abrahams interest amounting to the aggregate to $\frac{1185}{4410}$ of said 490 acres of land.

That Martin Helderboud ~~is entitled to~~ the brother of said Stephen is entitled to the other half of said ninth of Abrahams interest equal to $\frac{85}{4410}$ parts of said 490 acres.

That Mrs Austin and Jane his wife who was a daughter David Helderboud son of Abraham Helderboud are entitled $\frac{170}{13280}$ of said 490 acres and her brother Silas & and Mary Adeline her sister are ~~each~~ each entitled to an equal portion with Mrs Austin & wife and the three are entitled to $\frac{170}{4410}$ of said 490 acres.

That John and Miletu Helderboud children of Louis son of Abraham are each entitled to $\frac{85}{4410}$ and in the aggregate to $\frac{170}{4410}$ of said 490 acres.

Dependants interests are as above stated and the aggregate of plaintiffs interest is $\frac{3985}{4410}$ of said four hundred and ninety acres.

Plaintiffs prays for a partition and division of said land or for a sale thereof if it should appear that partition in kind cannot be made without great prejudice to the owners.

M Fairpell for
Plaintiff

Plaintiff makes oath and says that the foregoing amended petition and the matters therein as stated he believes to be true
 Signed & sworn to before me June 5th 1856
 Thos C Fletcher
 Israel ^{his} Lee
 mark

John, Milleta & ~~Silas~~ ^{Mary A} Hilderbrand have not been served with process. The last named resides in Cole Co but is expected here during the summer when she can be served with process. An alias summons must issue for John and Milleta Hilderbrand who reside in Clark River County not known. Mr Lee will ascertain the County and inform you.
 M. Foxwell

Israel Lee
 against

x Martin Hilderbrand

John Hilderbrand

Milleta Hilderbrand

x Mrs Austin and

x Sam his wife

x Silas S Hilderbrand

Mary A Hilderbrand

Amended petition

x Those marked x have
 been served with process

Filed June 5th 1856
 Thos C Fletcher
 CEN

Israel Lee Plaintiff

against
Martin Heldebrand

John Heldebrand

Meleta Heldebrand & others Defendants,
In the Circuit Court.

Jefferson County.

Isaac J. Wilson by leave of the court comes and for answer to said plaintiff's petition states that John Heldebrand the son of Abraham Heldebrand left at his death three children John S. Heldebrand, Meleta Heldebrand and Martin C. Heldebrand, who are entitled to the interest in said 490 acres of land which descended to said John Heldebrand deceased as son of Abraham who was son of Peter the Confirmed and who purchased from Isaac Heldebrand another son of ~~Ab~~ Peter the Confirmed, that said Isaac J. Wilson has purchased the entire interest in said land of said Martin C. John S. and Meleta the heirs of said John Heldebrand deceased.

Isaac J. Wilson the above defendant on oath states that the foregoing answer and the matters therein as stated he believes to be true,

Signed & sworn to before me

June 11th 1860

Olus J. Henry Clerk

Isaac Wilson
or

Apr 10th 1860

Dear Sir
no
bro W. L. de la Cruz
heirs,

Answer of Isaac
J. Milson

Filed June 12th 1860

Wm. J. Hooley
Att'y