

DeFensen County Circuit Court
Case Files - Civil

Box

7 Folder 64

November 1853, No. 19

Woodson, Ann Mariah

vs.

Bates, Henry P.

Bates, Mary

Bates, Walter

Bates, Vincent,

et al

Title

Other defendants James E. Bates,

Samuel L. Bates, Francis M. Bates,

William Bates, Edward Bates, Cornelia

Bates, Clarissa Sanford, Henry C. Sanford;

130 acres in S3T40R5E

Ann Maria Goodson

vs

Henry P. Bates & Mary his wife

James E. & Samuel L. Gatter

Vincent, Francis M. Williams

Edward Bates & Cornelia Bates &

Clara Sanford formerly Bates & her

husband Henry L. Sanford

In the Circuit Court
Jefferson County

Plaintiff states that

she is the daughter

of Elias Bates deceased

late of the County of

Jefferson & State of

Illinois. That prior

to the death of her

father, said Elias, he gave to his other children
property equal if not greater in value to the
tract of land herein described which he gave
to plaintiff to wit the North East fractional
Quarter of Section three in Township 40 of
Range 5 East containing one hundred and
thirty acres more or less in Jefferson County &
State of Illinois.

Plaintiff further states that said Elias had drawn
up a deed conveying said land to plaintiff,
intending to execute the same & probably did sign
it, but before said deed was acknowledged he
died. At the time said Elias had said deed drawn
up he stated to his grand son Elias F. Honey
that he intended that Maria, meaning plaintiff,
should have said land that others had gotten their
share or word to that effect.

In consideration of said land given as above stated
plaintiff never has claimed nor received any thing
from her father's estate since his death.

Plaintiff further states that so well satisfied
have all the heirs of said Elias been that said
land belonged to plaintiff, that they never have

Set up any claim to said land nor any part thereof notwithstanding she has lived upon cultivated improved said land for near twenty years if not quite twenty years, but on the contrary she has conveyances from all those interested in said land except the above named defendants—

Plaintiff alleges that for the seasons above given she is the equitable owner of said land, but is advised that as the legal title is still in said defendants, she is unable to make a perfect title & is in danger of being disturbed & harassed by reason of said incumbrance

Plaintiff further states that all of the above named defendants are children of James C. Bates & grand children of said Elias except Henry P. Bates wife & ^{Wife} Sanford. And that all of said children ^{of James C. Bates} are infants except Sanford wife James C. Samuel L. & that said Sanford & Claspain & his wife James C. Samuel L. Cornelia & Edward Bates & now residents of the State,

Plaintiff prays the Court for the above reasons,
to divest defendants of all their title to
said land & to vest the same in plaintiff
& for such other & further relief as to the Court
may seem meet & proper & as in duty bound
she will ever pray &c.

Ann Marsh Woodson
by her atty
P. Pipkin

Philip Pappan attorney for the plaintiff

Meeker oath & says that the foregoing petition
 & the matters therein contained he believes
 to be true
 P. Piskin

Known to & Subscribed

To Pipkin

before me Aug 22nd 1853.
Thos. B. Fletcher
clerk circuit

To the Officers & Gentl
Secret Nov. 27. 1853

Am. M. Goodman

Henry C. Bates &
deary his wife. James
E. Demmel & Chas. Evans
Thomas W. Cornelia Miller
& Edward Bates & ad

Let them know you
are not sleeping
P. H. M.
etc.

The State of Wisconsin

To the Sheriff of the County of Jefferson, Greeting:

We command you that you summon Henry P. Bates and Mary Bates his wife, Walter Bates Vincent Bates, Francis M Bates and William Bates if they be found in your county, that they be and appear before the Judge of our Circuit Court on the first day of the next Term thereof to be begun and held at Hillsboro' within and for the County of Jefferson on the fourth Monday of November next then and there to answer unto Ann Mariah Woodson upon her original petition a copy whereof is hereto annexed and have you then there this writ,

Witness Thos C Fletcher clerk of
our said Circuit Court with
the Seal thereof hereto affixed
at Office Oct 31st 1853,

Thos C Fletcher
CLK

I Executed the within writte on William Bates by reading
 the same in his presance and hearing and also by delivering to
 him said Bates a true copy of the original Petition ^{& writ as furnished by Clerk} this Nov the 3 day
 1853 I Executed the within Summons on Henry P Bates
 and Mary Bates by them acknowledging the service of the same
 this 4 day of Nov 1853 & by offering to read the same to them which they
 refused to hear

James McColloch Sheriff
 By Augustine Wiley Dept Sheriff

I also executed the foregoing writ at the
 county of Jefferson on the 9th day of
 Nov 1853 by reading the same and the
 petition hereto annexed in the presence
 & hearing of the Defendant Walter
 Bates therein named

James McColloch Sheriff
 Vincent Bates & Francis M Bates not
 found in my County Nov 14th 1853
 James McColloch Sheriff

No. 19.
 to Virgil H. Hester
 Order Nov. 1853.

Shown On Writ
 against } Summons
 Henry P Bates
 Mary Bates
 Walter Bates &
 Vincent Bates
~~Francis M Bates~~
 William Bates.

Sherriff fees \$4.50

Filed Nov 14th 1853
 J. B. McColloch
 Clerk

Sherriff

STATE OF MISSOURI, }
County of Jefferson. } ss.

In the Circuit Court, December 7th, 1853.

Ann M. Woodson, }

vs.

Henry P. Bates, et al. }

AND it appearing to the satisfaction of the Court, that said defendants, Henry C. Sandford, Clarissa A. Sandford, James E. Bates, Samuel L. Bates, Cornelia Bates, Edward Bates, Vincent Bates, and Francis Bates, are non-residents of the State of Missouri, it is ordered by the Court that they be notified by publication, that said plaintiff has filed her petition in the Circuit Court of Jefferson county, against them, the object and general nature of which is to divest them of all title to the northeast fractional quarter of section 3, in township 40, of range 5 east, containing 130 acres, in Jefferson county, Missouri, and to vest such title in the plaintiff for the reason of an intended conveyance of the same to the plaintiff, by Elias Bates, deceased, and that unless they be and appear at the next term of this Court to be begun and held on the fourth Monday of May next, and answer the said petition, the same will be taken as confessed; and it is further ordered that a copy of this order be published in the Missouri Republican, a newspaper published and circulated in this State, for eight weeks successively, the last insertion to be at least four weeks before the commencement of the term to which the defendants are required to appear. A true copy of the record. Attest:

feb3 w9w

THO. C. FLETCHER, Clerk.

STATE OF MISSOURI, }
COUNTY OF ST. LOUIS. }

Personally appeared before the undersigned a Justice of the Peace within and for the County of St. Louis, *George Thrapp* who, being duly sworn, deposeth and saith, that the annexed advertisement was published in the "Missouri Republican," printed in this State, the newspaper of which he is printer, for *three* times, the first insertion being on the *second* day of *July* and the last insertion on *eleventh* day of *April* 1854 as follows:

1854	<i>July</i>	10	in	mor.	8
"	"	17	"	"	7
"	"	24	"	"	8
"	<i>March</i>	3	"	"	10
"	"	10	"	"	11
"	"	17	"	"	11
"	"	24	"	"	12
"	"	31	"	"	13
"	<i>April</i>	7	"	"	14

George Thrapp

Sworn to and subscribed before me, this *22* day of *May*

1854
John W. Anthony Justice of the Peace

Printer's Fee, *8.00*
Affidavit, *23*
88.25

Woodson
v
Bates et al

proof Publ

Filed May 26th 1854
Thos Fletcher
clerk

In this cause there was a decree for Plaintiff
as prayed in petition, May 26th 1854
Book No 3 page 368.

Test Geo. S. Fletcher Clerk