

Jefferson County Circuit Court
Case Files - Civil
April 1859

Box 11 Folder 16

Draper, Henry von Phul
Jones, George H.
Jones, Maria

V.

Draper, Eleanor M.
Draper, Charles
Simmons, Maria
Draper, Philander adm.

Partition

Estate of Zachariah G. Draper, 240
acres in S21T40R3E and 40 acres in
S27T40R3E.

Henry Von Thul Draper
George H. Jones and Maria
Jones his wife, formerly Maria
Draper, daughter of Zachariah
G. Draper deceased, heirs at
law of Zachariah G. Draper deceased
Plaintiffs

Against
Eleanor M. Draper, widow,
Charles Draper, Minor Son of
Zachariah G. Draper deceased,
Maria Simmons, Minor
child of William O. Simmons
and Julia Ann, his late wife
formerly Julia Ann Draper
now deceased, and grand daughter
of Zachariah G. Draper deceased
and Philander Draper, Admin-
istrator of the Estate of said
Zachariah G. Draper deceased
also heirs at law and legal
representations of the said
Zachariah G. Draper deceased,
Defendants

In the
Haffertown
Circuit
Court

April Term
1859

Plaintiffs State that Zachariah
G. Draper died on or about the 2nd day
of July 1856 intestate, leaving as his sole
heirs at law and legal representations,

Plaintiffs and defendants, to wit, Henry Dow
Phil Draper, Son of the said Zachariah G.
Maria daughter of the said Zachariah, who
before the death of her said father
intermarried with George H. Jones, and
Maria Simmons, minor child of Julia
Ann Simmons, formerly Julia Ann Draper
and daughter of said Zachariah,
who before the death of her said father
intermarried with William O. Simmons
and departed this life on or about the

day of August 1855, leaving as sole issue
of said marriage & legal representative
the said Maria Simmons, Charles
minor son of the said Zachariah, and
Eleanor H. widow of said Zachariah.

Plaintiffs state that letters of Administration
on the Estate of said Zachariah G. Draper
were granted by the Municipal Probate
Court bearing date the 14th day of August
1856, to Philander Draper. That said
Zachariah G. Draper, at the time of his death
was seized of the following described real
estate, lying and being in the County of
~~Jefferson~~ and State of ~~Missouri~~ ^{Missouri}, to wit
the South East quarter of Section 21., in
Township 40, Range 3 East, containing
one hundred and sixty acres, the East

$\frac{1}{2}$ of the North East quarter of Section 21 in said Township and range containing Eighty acres, and the North West fourth of the North West quarter of Section 27 in said Township and Range, containing forty acres.

Plaintiffs state that on or about the 14th day of October 1856 said Eleanor M. Draper was appointed Guardian of said Charles Draper by the Hannibal Probate Court. Plaintiffs further state that on or about said 13th day of October 1856 said William O. Simmons was appointed Guardian of said Maria Simmons by the Hannibal Probate Court.

Plaintiffs further state that on or about the ~~1st~~ day of July 1857 said Eleanor M. Draper, widow of said Zachariah G. Draper deceased, by her deed of Election duly executed, acknowledged and recorded in the Recorder's office, among the record of deeds for Marion County, elected to take a child's part of the real and personal Estate of said Zachariah G. Draper, as her absolute property, subject to the payment of debts against said Estate, in lieu of dower in said Estate.

Plaintiffs therefore further state that the said Henry Onthul Draper, Maria

Jones, wife of said George St Jones, Maria Simmons
and Charles Draper, minors, and Eleanor M
Draper, widow of said Zachariah G Draper
are each entitled to one fifth part of
the aforesaid real Estate. Plaintiffs state
that they suppose said real Estate is susceptible
of division in kind, and they ask that the Court
may render a judgment for partition in this
Case and that Commissioners be appointed to
view and report upon a suitable partition of
said real Estate among the parties aforesaid
according to their respective rights aforesaid
Plaintiffs state that said Zachariah G
Draper left a large Estate consisting of real
and personal property, - that the indebtedness of
said Estate is small and that the personal
Estate will largely overpay the indebtedness
of the same, - Plaintiffs further ask, that,
if the said Commissioners should decide that
said real Estate is not susceptible of division
in kind, that an order may be made for the
sale thereof, and for a division of the proceeds
of such sale, and that such sale may be made
on such time as may be, ~~in the~~ judgment
of the Court, most conducive to the interests
of the said parties.

J. V. P. Draper
for Plaintiff.

State of Missouri
County of Marion

H. V. P. Draper

being duly sworn, says that he believes the above
and foregoing petition and the matters therein
stated are true

Sworn to & subscribed before
me this 10th day of Feby.
AD 1839.

H. V. P. Draper

Chas. T. Bourne, cld.

of the Hannibal Court of Common Pleas, at Hannibal, Mo.

In testimony whereof, I, the clerk aforesaid,

said, hereto set my hand and affix

the seal of said court at

Hannibal in the County of

Marion and State of Miss

souri, the date last above written

Chas. T. Bourne, cld.

Judge of partition June 15th 1859 book No 4 P 278
 atty fee alone " 20 " " " 35
 Report sale approved " " " " 36

1804

H. V. P. Draper Exal.

W. Z. Petition

Clarence M. Draper Exal.

~~~~~

Filed July 21 1859

Elias J. Hoarey  
 Clerk

Ch. J.

To Charles Draper, minor, Eleanor M Draper  
widow of Zachariah Draper, and Guardian of said  
Charles Draper, and Maria Simmons, minor,  
and William O. Simmons guardian of  
said Maria,

You and each of you are hereby  
notified, that at the next term of the Circuit  
Court for the County of Jefferson and  
State of Missouri, to be begun and held  
on the ~~fourth~~ <sup>last</sup> Monday of ~~May~~ <sup>April</sup> next  
at the town of Hillsborough in said  
County, a petition for partition of the  
real Estate of Zachariah Draper  
deceased in said County, of which the above  
and foregoing is a true copy, will be  
presented to the Court on the first day  
thereof or as soon thereafter as a hearing  
can be had, when and where you can  
attend and answer the same if you  
think proper,

Hamulab Mo  
Feb 10th 1839.  
~~January~~

Henry Bon Phil Draper  
George H Jones  
Maria Jones

Me, Eleanor M Draper for herself and  
as Guardian of Charles Draper, and  
William O Simmons, Guardian of  
Maria Simmons, acknowledge to  
have received notice of the within  
and foregoing petition. This 10<sup>th</sup> day  
of February 1859

Eleanor M Draper, for herself  
& Charles Draper

W. O. Simmons Guardian of  
Maria Simmons

Henry Von Thul Draper  
George H. Jones and Maria  
Jones his wife, formerly  
Maria Draper, daughter  
of Zachariah G. Draper decd,  
heirs at law of Zachariah  
G. Draper deceased  
Plaintiffs

Against  
Eleanor H. Draper, widow  
Charles Draper, minor son  
of Zachariah G. Draper decd,  
Maria Simmons, minor  
child of William A. Simmons  
and Julia Ann his late wife  
formerly Julia Ann Draper  
now deceased, and grand daughter  
of Zachariah G. Draper decd,  
and Philander Draper, Admin-  
istrator of the Estate of said  
Zachariah G. Draper decd,  
also heirs at law and legal  
representations of Zachariah  
G. Draper deceased  
Defendants

In the  
Jefferson  
Circuit  
Court.

April Term  
1869

Plaintiffs state that Zachariah G.  
Draper died on or about the 2<sup>nd</sup> day of  
July 1856 intestate, leaving as his sole

himself at law and legal representations, Plaintiffs  
and defendants, to wit Henry Von Thul Draper  
son of the said Zachariah G. Draper, daughter  
of said Zachariah, who before the death  
of her said father, intermarried with George  
H. Jones, and Maria Simmons minor child of  
Julia Ann Simmons, formerly Julia Ann Draper  
and daughter of the said Zachariah G. Draper,  
who before the death of her said father  
intermarried with William Simmons  
and departed this life on or about the  
day of August 1855, leaving as sole

~~issue~~ of said marriage & legal  
Representatives the said Maria Simmons,  
Charles, minor son of the said Zach-  
ariah, and Eleanor M. widow of  
said Zachariah. Plaintiffs

State that letters of administration on the  
estate of said Zachariah G. Draper were  
granted by the Hannibal Probate  
Court bearing date the 14<sup>th</sup> day of  
August 1856 to Philander Draper

That said Zachariah G. Draper at  
the time of his death was seized of  
the following described real estate  
lying and being in the County of Jefferson  
and State of Missouri, to wit; the South  
East quarter, of Section 21 in Township

40 Range 3 East containing one hundred and sixty acres, the East  $\frac{1}{2}$  of the north East quarter of Section 21 in said Township and range containing eighty acres, and the Northwest fourth of the Northwest quarter of Section 27 in said Township and range containing forty acres.

Plaintiffs state: that on or about the 14<sup>th</sup> day of Oct<sup>r</sup> 1856 said Eleanor M. Draper was appointed Guardian of said Charles Draper by the Hannibal Probate Court. Plaintiffs further state that on or about said 13<sup>th</sup> day of Oct<sup>r</sup> 1856 said Eleanor M. Draper, widow of said Jacobariah M. Draper deceased, said William C. Simmons was appointed Guardian of said Maria Simmons by the Hannibal Probate Court. Plaintiffs further state that on or about the 1<sup>st</sup> day of July 1857 said Eleanor M. Draper widow of said Jacobariah M. Draper deceased, by her deed of election duly executed, acknowledged, and recorded in the Recorder's Office, among the record of deeds for Marion County, Elected to take a child's part of the real and personal estate of said

Zachariah B. Draper, as her absolute property, subject to the payment of debts against said estate, in lieu of dower in said estate. Plaintiffs therefore further state that the said Henry Don Phil Draper, Maria Jones, wife of said George H. Jones, Maria Simmons and Charles Draper, minors and Eleanor M. Draper, widow of said Zachariah B. Draper are each entitled to one fifth part of said real estate.

Plaintiffs, state that they suppose said real estate is susceptible of division in kind, and they ask that the Court may render a judgment for partition in this case and that Commissioners be appointed to view and report upon a suitable partition of said real estate among the parties aforesaid, <sup>according to their respective rights above said</sup> Plaintiffs state that said Zachariah B. Draper left a large estate consisting of real and personal property, - that the indebtedness of said estate is small and that the personal estate will largely overpay the indebtedness of the same. - Plaintiffs further ask, that, if the said Commissioners should adjudge that said real estate is not susceptible of division in kind

that an order may be made for the sale thereof, and for a division of the proceeds such sale, and that such sale may be made on such time as may be, in the judgment of the court, most conducive to the interests of the said parties.

H. V. P. Draper  
for Plaintiffs

State of Wisconsin  
County of Marion

H. V. P. Draper being duly sworn says he believes the above and foregoing petition and the matters therein stated are true.

Sworn to & subscribed  
before this 10<sup>th</sup> day of  
February 1884

H. V. P. Draper

Chas D. Porrus, Clerk of the Hannibal  
Court of Common Pleas at Hannibal Mo.

In testimony whereof I the Clerk

aforesaid have set my hand  
and affix the Seal of said  
Court at Hannibal in the  
County of Marion and State  
of Wisconsin, the date last  
above written

Chas D. Porrus Clerk

Chas D. Porrus

Attn: Draper Chad

W {

Deavor M Draper Chad

Copy of Petition

Dated July 21<sup>st</sup> 1839

Oliver J. Honey Clerk

of Freedom Co

In Jefferson Circuit Court April Term 1839

Estate of J. G. Draper  
To P Draper  
Lo Dractive in case of  
H. V. P. Draper Et al.  
vs  
E. M. Draper Et al.  
In Partition }  
~~\$30.00~~  
\$20.00

The lands in this case sold for \$652.00

Expenses allowed for Twenty Dollars to be  
taxed as costs in the Cause

John H. Stowe Judge

In Circuit Court  
Hudson Co  
Sept 27 1839

Est P. O. Master  
To 3 The will  
P. Master

Filed July 21 1839  
Chas. Osborne, etc

9

Henry Van Pelt Draper  
George H Jones and Maria  
Jones his wife, formerly  
Maria Draper, daughters  
of Zachariah G Draper decd.

Plaintiffs

heirs at law of  
said Zachariah G  
Draper deceased

Against

Elizabet M Draper, widow,  
Charles Draper minor son  
of Zachariah G Draper decd  
Maria Simmons minor  
child of William Simmons  
and Julia Ann Simmons his  
late wife, formerly Julia Ann  
Draper now deceased, and her  
daughters of Zachariah G Draper  
deceased, and Philander  
Draper Administrator of  
the Estate of said Zach-  
ariah G Draper deceased  
also heirs at law and legal  
representatives of said  
Zachariah G Draper decd  
Defendants

In the  
Jefferson  
Circuit  
Court

April  
Term  
1859

Defendants for answer to the  
petition of Plaintiffs, state  
that the matters set forth in said  
petition are true, and they admit  
that the rights of the several parties

are correctly set forth, and believing  
the prayer of the petition reasonable  
they join in the same, and ask that  
judgment may be rendered in  
accordance therewith.

J. Draper  
for Defendants

State of Missouri  
County of Marion

W. C. Simmons being duly  
sworn, says the matters set forth in the  
 foregoing answer, he believes to be  
true.

W. C. Simmons

Sworn to and subscribed }  
before me this 10th day }  
of February, 1859 }

Ch. D. Bourne, Clerk

of the Hannibal Court of Common Pleas, at Hannibal Mo.

In testimony whereof, I, the clerk  
aforesaid hereto set my hand  
and affix the seal of said  
court at Hannibal in the  
County of Marion and State  
of Missouri, the date last  
above written -

Ch. D. Bourne, clerk

Wm. P. Draper & Co

vs

Chambers Draper & Co

Refused to pay

~~~~~

Dated July 21st 1854

Wm. P. Draper & Co

Refused to pay

State of Missouri }
County of Jefferson } In the Circuit Court
June 15th A.D. 1859.

Henry Von Phul Draper, George H. Jones
+ Maria Jones his wife Plaintiffs

^{vs}
Eleanor M Draper, Charles Draper
and Maria Simmons Defendants

Now at this day come said
Plaintiffs by their attorney, and present their
petition for partition of certain lands in their
petition described, and the answer of said
defendants, being filed, making no issues
between said parties, but admitting the facts
as stated in the petition of Plaintiffs. It is
considered by the Court, that partition and
division of the lands and premises in Plain-
tiffs petition described, be ordered and ad-
judge between said parties, according to
their respective rights and interests therein,
and the Court proceeding to ascertain and
settle the rights and interests of said parties
in and to said land, doth find, that the
said Henry Von Phul Draper, Maria Jones
wife of George H. Jones, Eleanor M Draper
Charles Draper and Maria Simmons
daughter of Julia Ann Simmons deceased

late Julia Ann Draper, are each entitled to, and own, one fifth of said land, and it appearing to the satisfaction of the Court, that said lands are so situate that partition thereof cannot be made without great prejudice to the said owners; It is ordered and decreed by the Court, that the Sheriff of Jefferson County proceed to sell the lands sought to be divided among said parties as described in the petition of Plaintiffs, to wit: The South East quarter of Section 21. Township 40 range 3 East, containing 160 acres; The E $\frac{1}{2}$ of N E quarter of Section 21. Township 40 Range 3 East, containing 80 acres, and North West quarter of the North West quarter of Section 27 Township 40 range 3 East, at public Auction to the highest bidder for ten per cent of the purchase money in cash at the time of sale, and the residue in twelve months and that he take from the purchaser or purchasers for the deferred payment a bond or note with good security, bearing interest from date of the Sale of Six per cent per annum that said Sale take place on some day during the sitting of the Circuit Court of said County and be governed in all things by the same regulations provided by law for the Sales of real estate under execution notice

thereof being given by the Sheriff in the same manner prescribed by law for such sales. and make report of his proceedings herein to the Court, and this Cause is continued

I Elias D. Honey Clerk of the Circuit Court within and for the County of Jefferson aforesaid, hereby certify that the foregoing is a true copy of the order of Sale of said Court in the above entitled Cause, as fully as the same remains of record in my office

In Testimony whereof, I have hereunto signed my name and affixed the Seal of said Court at Office in Hillsboro August. 29th 1859

Elias D. Honey Clerk

20 Johnson Birch Coast
December 1859

H. Van der Draper & Co.
Warden of Sale
Clearer to Draper &
Others

200 shares

200 shares of
20th 1860
Clear to Hones
Ch.

Monday 14

Sheriff's Sale

in Partition

Henry von Phil Draper George
H Jones & Maria Jones his wife
Against
Eleanor M Draper Charles Draper
and Maria Simmons Defendants

In the Circuit Court
Jefferson County Mo

By virtue and authority of an order made by
the Circuit Court of the County of Jefferson State of
Missouri I will on Thursday the 14th day of June next
A.D. 1860 At the Court house door in the Town of Hillsboro
between the hours of nine o'clock in the fore noon and five
o'clock in the afternoon of said day offer for sale to the
highest bidder the following Described Tract of land
lying between Dry creek and Big River To wit the
South East quarter of section 21 containing 160 Acres &
The East $\frac{1}{2}$ of NE quarter section 21 containing 80
Acres and NW $\frac{1}{4}$ of NW quarter of section 27 containing
40 Acres all in Township 40 of Range 3 East - 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 the residue
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 April 28th A.D. 1860

Oscar Dover Sheriff

Dr. Wm. B. Knapp, etc

Dr. Wm. B. Knapp, etc

Dr. Wm. B. Knapp, etc

Advertisement

Advertisement
Thursday 11th

State of Missouri }
County of Jefferson }

In the Circuit Court.
June Term 1860.

Henry Don Paul Draper, George A. Jones,
& Maria Jones, his wife, Plaintiffs
Eleanor M. Draper, Charles Draper
and Maria Summers, defendants.

To the Hon. the Circuit Court
of Jefferson County, Missouri, the undersigned Sheriff of said 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 at least six hand bills signed by me said Sheriff and put up at public places in different parts of said County. a copy of which hand bill is herewith filed and make a part of this report; I did on the nineteenth day of June A.D. 1860, at the Court House door, in the Town of Hillboro, between the hours of Nine O'Clock in the forenoon and five in the afternoon of that day and during the sitting of the Circuit Court, at the June Term thereof for that year, agreeable to said advertisement, expose to sale publicly the following described Real Estate To Wit: The South East quarter of Section 21. Town 40. Range 3, containing One Hundred and Sixty acres, Also the East half of the North East quarter of Section 21. Town 40. Range 3, Ark, containing 80 Acres, And also the North West quarter of North West quarter of Section 27. Town 40. Range 3, containing Forty acres; And at said Sale, Benaparte Dover became the highest and last bidder for the first above described tract of land at the sum and price of One \$700 dollars for same, making Two Hundred and Ninety Six dollars, the same was struck off and sold to him for that sum; And John Brown became the highest and last bidder for the second above described tract of land at the price and sum of Three dollars for same, making Two Hundred and a forty dollars, the same was struck off and sold to him the said Brown for that sum; And William Cleant became the highest and last bidder for the third and last above described tract, at the price and sum of One \$160 dollars for same, making One Hundred and Sixteen dollars, the same was struck off and sold to him the said Cleant for that sum; And they the said Benaparte Dover, John Brown, and Wm Cleant, having paid to me ten per cent, of the purchase money above mentioned and given me their notes with approved security for the balance of said purchase

Money agreeable to the terms of said Sale, This Report is respectfully
Submitted, this June 16th 1860.

Oscar Dover Sheriff

Indegment of Parkton
Inde 15th 1859 Book No 4 page 278

H. V. P. Draper et al } In Jeff Circuit Court
 vs } In Partition
 Eleanor M. Draper et al.

Honey Creek. In apt 100. copy order
 Sal. 50¢ C Seal 50¢ file 4 pr 20¢ Rept 25¢

Index 10¢ make cuts 25¢ \$2.80

Draper atty 20.00

O. Dover. Sheff. calls 20% notice \$1

Commis on 652 \$/ c 2 % • \$14.24
\$37.04 \$37.04