

Jefferson County Circuit Court  
Case Files - Civil  
Nov 1866, No. 45

Box No. 17 Folder No. 64

Cook, Rudolph T.

vs

Cook, Nancy

Cook, Calvin C.

Cook, ROLANDER W.

Cook, JOSEPH J., et al

Partition

Heirs of Aaron Cook, Sr.'s Harriet

Cook; also named Thornton J.

Smith; America Smith & unknown

heirs of Elizabeth Jones, deceased;

S 35-T 41-R 4E 80 acres

|                                                                                                           |                                                                                      |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Rudolph T. Cook, - Plaintiff                                                                              | } In the Circuit<br>Court of Jefferson<br>County Missouri,<br>November Term<br>1866. |
| Against                                                                                                   |                                                                                      |
| Nancy Cook, Calvin C. Cook,                                                                               |                                                                                      |
| Rolander W. Cook, Joseph J. Cook,                                                                         |                                                                                      |
| Thomnton J. Smith, America Smith,<br>and the Unknown Heirs of<br>Elizabeth Jones, deceased, - Defendants, |                                                                                      |

The Plaintiff states that Aaron Cook, Sr. late of Jefferson County Missouri, died some time in the year 1839, seized in fee simple of the following described tract of Land, situate in Jefferson County Missouri, to wit, The North Half of the South West quarter of Section No. Thirty five, in Township No. Forty one, North of Range No. Four East, containing Eighty acres. Plaintiff states that said Aaron Cook, Sr. deceased, left surviving him, his widow, Nancy Cook, and nine children, to wit, Rudolph T. Cook (the Plaintiff) and Calvin C. Cook, Rolander W. Cook, Joseph J. Cook, America Cook, (since married to Thomnton J. Smith) Aaron G. Cook, Mahala Jane Cook (since married to Joshua Drennan) Matilda E. Cook (since married to Silas Williams) and Elizabeth Cook, (afterwards married to Jesse Jones) and now dead leaving some unknown heirs; and to whom the Land aforesaid descended as the heirs of said Aaron Cook, Sr. deceased, - Plaintiff states that he has since purchased and received a Deed for the interests of Aaron G. Cook, Mahala Jane Drennan (and her husband) and Matilda E. Williams and her husband, to the Land above described; and that Plaintiff is therefore entitled in fee simple to the undivided four-ninths of the Land aforesaid, subject to the widow's dower, - That the defendants,

Calvin C. Cook, Rolander M. Cook, Joseph J. Cook  
and America Smith (wife of Thornton J. Smith)  
are each entitled in fee simple to the undivided  
one-ninth of said Land, subject to the widow's  
dower - and that the <sup>children and</sup> unknown heirs of Elizabeth  
<sup>whose names are not inserted herein, because they are unknown to</sup>  
<sup>plaintiff</sup> ~~Elizabeth~~ Jones, are entitled in fee simple to the un-  
divided one-ninth of said Land subject to said  
dower; and that Nancy <sup>Cook</sup> ~~the widow~~, the widow  
is entitled to dower in said Land, of one third  
for and during her natural life. - Plaintiff  
states that Joseph J. Cook is a minor, and for  
whom he asks the Court to appoint a Guardian  
ad litem. - Plaintiff therefore states that  
he and the said Defendants hold the above  
described Lands as Tenants in Common.

Plaintiff therefore prays the Court to make an  
order and decree for a division and partition  
of the premises above described, according to the  
respective rights of the parties interested therein,  
and for a sale thereof if it shall appear that  
partition cannot be made without great pre-  
judice to the owners thereof.

Abner Green, Jas. C. Power  
Attorneys for Plaintiff

Rudolph J. Cook, Plaintiff, makes oath and  
says the above petition and the matters therein  
as stated he believes to be true; and that Calvin  
C. Cook, and Rolander Cook, are non-residents of  
the State of Missouri, and that the names of  
the children and heirs of Elizabeth Jones are not in-  
serted in the petition because they are unknown  
to Plaintiff.

Sworn to and Subscribed before  
me this 28th day of August 1866

James A. Pappel

1 copy left with  
3 copies with

In Circuit Court  
Jefferson County

August 17, 1866

vs.  
Fanny Williams  
and others

Partition.  
Not numerous name  
to 80th. - except  
Calvin L. Cook and  
Robert Cook, and  
the unknown heirs of  
Elizabeth Jones, and  
publication as to them.

Green & Pomeroy  
for 1866.

Filed Aug 28th 1866,  
Samuel H. Pomeroy Clerk

**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 *Nancy Cook, Calvin C. Cook,*  
*Rolander W. Cook, Joseph J. Cook, Thornton J. Smith*  
*America Smith, and the unknown heirs of Elizabeth*  
*Jones deceased,*

*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 ~~second~~ <sup>first</sup> Monday after the fourth*  
*Monday of November* next, then and there to answer unto

*Rudolph L. Cook,*

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

*Samuel A. Reppy*  
Witness, *ELIAS E. HONEY,* Clerk of our said Circuit  
Court, with the seal thereof hereunto affixed, at office  
in Hillsboro, this *Fifth*  
day of *October* A. D. 18*86*

*Samuel A. Reppy,*  
Clerk Circuit Court.

I executed the within writ at the County of  
 Jefferson State of Missouri on Jos I Cook Thornton  
 Smith America Smith and Nancy Cook on the  
 17 day of Oct 1866 by delivering to Nancy Cook  
 the first served a true copy of this writ and annexed  
 petition and on Jos I Cook Thornton Smith and  
 America Smith by delivery to <sup>each</sup> a copy of this writ

Ch Hatcher  
 Sheriff

TO JEFFERSON CIRCUIT COURT

November Term, 1866

Rudolph J. Cook

vs { summons

Nancy Cook

Calvin C. Cook

Rolander W. Cook

Joseph J. Cook

Thornton J. Smith

America Smith and

the unknown heirs of

Elizabeth Jones deceased

Original Petition

and writ

Hatcher \$4.00

294-335-342-347-402-492-535-548-783



Printed for, \$12.50

State of Missouri, } SS.  
County of Jefferson.

BE IT REMEMBERED, That on this 21<sup>st</sup> day of September A. D. Eighteen Hundred and Sixty-six, before me, the undersigned clerk of the Circuit Court of Jefferson county, Charles A. Clark who by me being duly sworn, says that the annexed advertisement came.....

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 five times, the first insertion being on the 31<sup>st</sup> day of August 1865, and the last on the 2<sup>nd</sup> day of September 1866, as follows, to-wit:

**ORDER OF PUBLICATION.**  
IN the Circuit Court of Jefferson county, Missouri, Nov. term, A. D. 1866.  
In vacation, August 29th, 1866.  
Rudolph T. Cook, plaintiff,  
against  
Nancy Cook, Calvin C. Cook, Rolander W. Cook, Joseph J. Cook, Thornton J. Smith, America Smith, and the unknown heirs of Elizabeth T. Cook, defendants.  
Petition for Partition.  
Addition of plaintiff.

|            |              |      |
|------------|--------------|------|
| In No. 35, | August 31,   | 1865 |
| In No. 36, | September 7, | 1865 |
| In No. 37, | " 14,        | 1865 |
| In No. 38, | " 21,        | 1865 |
| In No. 39, | " 28,        | 1865 |
| In No. 40, | " 28,        | 1866 |

Sworn to and subscribed before me this 28 day of

September 1866  
Samuel A. Phipps Clerk.

R. J. Cook  
by Joseph J. Cook & others } In the Circuit -  
Court of Jefferson  
Co. Mo. Nov. Term 1866

Now comes Jos. J. Williams  
Guardian ad Litem, for Jos. J. Cook  
a minor Defendant in this Cause & for  
answer to the petition in this behalf says  
that he has no sufficient knowledge to  
form a belief as to the correctness of  
the facts set forth in said petition  
~~& asks the Court but~~ supposes that  
said petition is correct.

Jos. J. Williams  
Guardian ad Litem for  
Jos. J. Cook

P. J. Wood

5

Geo. J. Wood 1844

Cent. of Guardian  
at the time

Filed Nov 16/66

Samuel R. P. 1844

State of Missouri ( In the Circuit Court  
County of Jefferson ) May 10<sup>th</sup> 1867.

Be it remembered that among the pro-  
ceedings in said court had this day, the following  
remains of Record viz:

Rudolph J. Cook Plaintiff  
Against,  
Nancy Cook, Calvin C. Cook  
Polander W. Cook, Joseph J. Cook,  
Thornton J. Smith, America Smith  
and the unknown heirs of Elizabeth  
Jones deceased. Defendants

In Partition  
Order of Sale

Now at this day comes the  
Plaintiff by his attorney and the Defendants Nancy Cook Joseph  
J. Cook Thornton J. Smith & America Smith having been duly served  
with process, and Calvin C. Cook Polander W. Cook and the  
unknown heirs of Elizabeth Jones, having been duly notified  
by publication, and Joseph J. Cook answering by his guardian  
ad li-tem and no good cause being shown for setting aside  
the default heretofore entered against the other defendants  
and this cause coming on to be heard, upon the petition and  
evidence produced by the Plaintiff, The court doth find  
that said Plaintiff and defendants are the owners and  
tenants in common of the following described real estate  
situate in Jefferson County Missouri To wit: The North  
half of South West Quarter of section No thirty five in  
Township No Four one North of Range No Four East  
containing Eighty acres, And the court

proceeding to ascertain and settle the rights and interests of said parties in and to said lands doth declare the same, as follows. said Plaintiff R. J. Cook, is entitled in fee to the undivided four ninths of said land, and said defendants, C. C. Cook R. W. Cook Jas. J. Cook & America Smith (wife of Thornton Smith) are each entitled in fee to the undivided one ninth of said land subject to the widows dower and that the unknown children and heirs of Elizabeth Jones, are entitled in fee to the one undivided one ninth of said land, subject to said dower of the widow of Aaron Cook Decd. And it appearing to the satisfaction of the court, that partition in kind of said land cannot be made without great prejudice to the owners thereof. It is therefore ordered adjudged and decreed that partition and division of said land be made between said parties according to their respective rights and interests therein as herein ascertained and adjudged by the court. It is therefore ordered by the court, that the Sheriff of Jefferson County proceed to sell said lands at public auction, to the highest bidder, at the Court house door of said County, for twenty 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 security, bearing six per cent interest.

from date, that said sale take place some day during  
the sitting of the Circuit Court of said County, and  
be governed by the same regulations prescribed by law for  
sales of Real estate under execution, Notice thereof  
being given by the Sheriff in the same manner  
as provided by law for such sales, and bring  
into court the proceeds of said sale to abide  
the further order of the court herein,

State of Missouri }  
County of Jefferson }

I the undersigned clerk of the Circuit  
Court within and for said County do hereby certify  
that the above and foregoing is a true and complete  
copy of the judgment of Partition and order of  
sale in the above ~~and~~ entitled cause, as full and  
complete as the same appears and remains of  
record in my office

Witness my hand and the seal of said Court  
at office this 27th day of May  
A.D. 1867.

By Chas. J. Honey clerk  
By Chas. H. Morris Deputy

In the Circuit Court  
November Term 1869

Edolph Spear,  
vs.  
Mancy Corrodat

Ordnance Fee  
in Partition

20-12-1869

Printers Fee \$6.50  
Paid by Sheriff Williams



# State of Missouri, COUNTY OF JEFFERSON.

Be it Remembered, That on this 19<sup>th</sup> day of May A. D. 1868, before me, the undersigned Clerk of the Court of Jefferson county, came Chas. A. Clark, 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 3 times, the first insertion being on the 16<sup>th</sup> day of April 1868, and the last on the 30 day of April 1868, as follows, to-wit:

|            |          |      |
|------------|----------|------|
| In No. 16, | April 16 | 1868 |
| In No. 17, | " 23     | 1868 |
| In No. 18, | " 30     | 1868 |
| In No. ,   |          | 1868 |
| In No. ,   |          | 1868 |
| In No. ,   |          | 1868 |

Charles D. Clark

Sworn to and subscribed before me, this 19<sup>th</sup> day of May 1868

Wm. M. Clark

Printer's fee..... Received Payment.....

8, 50

R. T. Cook.  
against  
Nancy Cook et als

} Report of Sale  
In the Circuit Court  
May, 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 pre-  
viously 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 herewith filed and  
makes a part of this Report. - I did agreeable with  
said advertisement, at the Court house door in Hillsboro  
on ~~Friday~~ the Fifteenth day of May.

A.D. 1868 between the hours of Nine O'clock in  
the forenoon and Five O'clock in the Afternoon of said  
day, and during the session of the Circuit Court for  
said County, at the May 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: -

North half of South West quarter Section 33 =  
Township 41 - R 4 - cont 80 acres

and Merideth Williams was then and there the highest and last bidder for the above described Real Estate at the price and sum of Six hundred and seventy dollars of which sum he has to me in hand paid 10 per cent and has given his bond with approved security as required by the terms of sale - and this report is respectfully submitted

John Williams Sheriff. -

State of Missouri }  
County of Jefferson } In the Jefferson Circuit  
Court November 15<sup>th</sup> 1867, the following pro-  
ceedings were had to wit:

Ludolph Cook

- vs -

Nancy Cook Calvin Cook  
Solander W Cook Joseph J Cook  
Thornton J Smith, America Smith  
and the unknown heirs of Elizabeth Jones, deceased }

Renewed  
Order of sale,

Now again at  
This day comes the parties aforesaid by their respective  
attorneys, and it appearing to the satisfaction  
of the Court that the order of sale heretofore  
made at the May Term 1867 has not been com-  
plied with, On motion of the attorney for the  
Plaintiff with the consent of the defendants  
It is ordered by the Court that a renewed  
order of sale be made directing the Sheriff  
of Jefferson County to again proceed to  
sell the Lands in Plaintiffs petition  
described to wit, The North half of the  
South West Quarter of Section No thirty five  
in Township No Forty one North of Range  
No Four East, containing eighty acres,  
And the Court doth find that the Plaintiff  
J D Cook is entitled in fee simple to the  
undivided four ninths of said Land

subject to the widows dower, that the Defendants Calvin C Cook, Rolander W Cook, Joseph J Cook and America Smith (wife of J J Smith) are each entitled in fee simple to the undivided one ninth of said Lands subject to the widows dower. And that the unknown Children and heirs of Elizabeth Jones, whose names are not inserted herein are entitled in fee simple to the undivided one-ninth of said Lands subject to said dower, And that Nancy Cook the Widow is entitled to dower in said Lands of one third for and during her natural life, and it appearing to the satisfaction of the Court that said land is so situate that partition thereof in kind cannot be made without great prejudice to the owners thereof, It is therefore ordered by the Court that the sheriff again advertise and 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 security bearing six per cent interest from date that said sale take place some day during

the session of the Circuit Court of said  
County and be governed by the same regu-  
lations prescribed by law for sales  
of Real Estate under execution, Notice  
thereof being given by the Sheriff in the same  
manner as prescribed by law for  
such sales, and bring into Court the  
proceeds of said sale to abide the further  
order of the Court herein,

A true Copy from the Records  
Witness my hand and the seal of  
said Court hereunto affixed  
at Office this Nov 30<sup>th</sup> 1864  
Elias D. Carey Clerk

2232

R. D. Hook  
Nancy Hook Esq  
Newark  
Order of Sale

To the Honorable Circuit Court of Jefferson  
County Missouri.

The undersigned heirs of Aaron  
Cook respectfully state to this Honorable Court  
that some three or four years ago some  
land was sold in this County under an  
order of partition made by this Court ~~but~~  
upon the petition of a part of the heirs  
of said Cook against the rest: that  
Roland W. Cook was one of the children  
and heirs of said Cook and was made  
a party to such partition & that his interest  
in the proceeds of such sale after paying  
the costs amounted to fifty three  $\frac{40}{100}$  dollars  
which amount is now in the hands  
of John Williams Sheriff of said County  
subject to the orders of this Court. They  
further state that said Roland W. Cook  
has been absent from Missouri for more  
than seven successive years without being  
heard from, although he once lived here and  
went from this State many years ago—  
his absence under the circumstances raises  
the presumption of his death.

Therefore they pray this Court to make an  
order on said John Williams Sheriff as  
aforesaid to distribute the share of said R. W.  
Cook among the heirs of said Aaron

look according to their respective interests  
~~as set forth in said order of partition~~ according  
to law.

Silas Millions  
Matilda Millions  
Nancy Cook

2 2 3 2  
look

3  
Cook

App.

Filed Sept. 19 1892  
W. S. Beece  
Clerk

|                    |      |           |    |
|--------------------|------|-----------|----|
| Robert Clark       | ages | 13        | yo |
| Charles L. Clark   | "    | 11        | "  |
| Eugene M. Clark    | "    | 6         | "  |
| My Book            | "    | 3         | "  |
| R. J. Clark        | "    | 11 months |    |
| <u>R. J. Clark</u> |      |           |    |
| 20,                |      |           |    |

Harriet Book no more of R. J. Book Dec<sup>r</sup> - and  
 John R. Book, Charles L. Book, Emma M. Book,  
 My Book and R. J. Book children heirs of R. J.  
 Book Dec<sup>r</sup> - by their Guardian Harriet Book, on  
 motion are substituted on parties, Plaintiff  
 in the above Cause, in place of R. J. Book, Dec<sup>r</sup>

H. H. Cook } Lunch for  
 per } \$665  
 Stanley Cost Effect }  
 cost what is a gift for  
 answering as given on 18 Dec  
 \$15.00

~~8/5.00~~

Re W. Cook

Now  
Money Book in partition.  
cannot

the count will please allow  
attorney fees to Green & Davis  
say 5000