

Jefferson County Circuit Court
Case Files-Civil
January 1875

Box 33 Folder 45

Wells, Solomon

Wells, Sarah

vs.

Beckett, Josephine

Beckett, Isabella

Beckett, Lilly P.

Beckett, Charles-H.

Partition

Block 17 of Kinswick

Solomon Wells and Sarah Wells, his wife Plaintiffs	} In the Jefferson Circuit Court. Jan. Term 1895.
Josephine Beckett, Isa- bella Beckett, Lily P. Beckett & Charles H. Beckett, Defendants	

The Plaintiffs state that they are husband and wife and are now living this suit.

Plaintiffs state that Sarah Wells wife of Solomon Wells, Solomon Wells, and Defendants are tenants in common of the following real estate situated in Jefferson County Missouri viz: Block No. Seventeen (17) in the Town of Tipton Missouri upon which are a large brick dwelling house and other improvements that they acquired title to said property as tenants in common by virtue of a decree of this Court rendered on the 24th day of September 1874 in a cause then pending in said Court wherein John H. Morse was Plaintiff and the parties to this suit were Defendants.

That by said decree the title to said property was vested in the parties to this suit in the following ~~pro~~ proportions viz: ~~to~~ Sarah Mills one fifth thereof ^{in fee} subject to the life Estate of ~~her~~ said husband; in Joseph^{sr} Beckett, Isabella Beckett, Lily P. Beckett & Charles H. Beckett each one fifth thereof in fee, but subject however to the payment of the following sums which were by said decree made a specific lien on said property viz: To Philip Piskin the sum of Three hundred and Eighty two $\frac{72}{100}$ dollars with interest thereon from April 23rd 1874 which sum said Piskin had ~~laid~~ previously laid out and expended for the benefit of said property and to H. L. Broolatti the sum of two hundred and Sixty dollars which said Broolatti had laid out for the benefit of said property.

Plaintiffs stoly that there are no other debts due any one for which said property is previously or ultimately liable.

Wherefore Plaintiffs state that the defendants are minors under the age of twenty one years.

Wherefore Plaintiffs pray the Court to order and adjudge that partition of said premises be made among the parties to this suit according to their respective interests as herein set out subject to the payment of the sum of money above named and if partition thereof in kind cannot be made without great prejudice to the owners to order a sale thereof in pursuance of the Statute in such cases made and provided and that the Sheriff out of the proceeds of such sale pay the expenses of this proceeding and the sum of money above specified with the interest thereon and to divide the remainder among said parties according to their said interests.

John L. Thomas & Bros.
Atts for Plaintiffs.

Solomon Wells service

27

Joseline Beckett et al

Petition for Partition

Filed Dec. 14 1874

W J Boyce

CLK

D. C. Ho. Wm. Leach

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 *Josephine Beckett*
Isabella Beckett, Lilly P Beckett
and Charles H Beckett

if ~~he~~ *be* found in your County, that ~~he~~ *be* and appear before the Honorable 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~~ *second*
~~Monday after the fourth Monday of January~~ *Monday of January* next, then and there to
answer unto *Solomon Wells and Sarah Wells*
his wife.

upon *their* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *14th*
day of *December* A.D. 18*74*

W. S. Boyce Clerk Circuit Court.

By *C. J. H. Horine* Deputy.

State of Missouri
County of Jefferson

I Executed the within writ on the within named Defendants, Isabella Berkett by Delivering her a true copy of the writ and Petition as furnished me by the clerk on the 23rd day of Dec, 1874 and I did serve on Lilly P. Berkett and Char Berkett by Delivering them a copy of the writ on the same day and Josephine Berkett not found in my County this the 25 day of Dec 1874
J. B. Mop Sheriff

156708
498 my 9
1874

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

January TERM, 1875.

Solomon Wells and
Sarah Wells his wife

vs

Josephine Berkett
Isabella Berkett
Lilly P. Berkett
Charles H. Berkett

original

Sheriff's fee 3.50.

I acknowledge service of the within writ and waive the necessity of service by an officer Dec. 29 1874.

234382 318 119.07 100 007

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 *Josephine Beckett*
Isabella Beckett *Lilly P Beckett*
and Charles N Beckett

if they be found in your County, that they be and appear before the Honorable 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 after the fourth Monday of *January* next, then and there to
answer unto *Solomon Wells and Sarah Wells*
his wife

upon *their* original petition, a copy whereof is hereunto annexed
and accompanies this writ, and have you then there this writ.

Witness, W. S. BOYCE, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *14th*
day of *December* A.D. 18*74*

(Seal)

W. S. Boyce Clerk Circuit Court.

By *Geo. Horine* Deputy.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

January TERM, 1875.

Wells wife

vs
Beckwith et al

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 *Josephine Beckett*

if she be found in your County, that she be and appear before the Honorable 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 after the fourth Monday of *May* next, then and there to answer unto

Salomon Wells and Sarah Wells
his wife

upon *this* original petition, a copy whereof is hereunto annexed and accompanies this writ, and have you then there this writ.

C. Tho Horne
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *16th*
day of *March* A. D. 18*75*

C. Tho Horne Clerk Circuit Court.

By

Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

TERM, 1875.

May

Wells

Beckwith

original

I acknowledge service of this notice this 31st
day of March 1875. Josephine Beckett

Heaven March 31st 1875.

Judge Peffer

I send you the
Summons with Coia's Signature
If I had a copy of the Petition
I would look it over and put
in an answer if desirable
they expect the property to be
sold But I presume would be
glad to have it postponed
as long as convenient fearing
if sold now it will bring
little or nothing as money
is so very close

Yours Truly

S. W. Bower

I should have returned ^{the note} ~~at~~ ^{some}
but for being very busy -

Salomon Wells and Sarah
Wells, his wife, plaintiffs,

versus

Josephine Beckett Isabella
Beckett, Lilly P. Beckett, and
Charles W. Beckett, defendants.

On the circuit
Court of Jefferson
County, Missouri,

Now come Isabella Beckett, Lilly P. Beckett
and Charles W. Beckett, minor defendants
by their Guardian at litem Henry F. Ahlers,
and in answer to plaintiffs' petition ad-
mit, that plaintiffs and defendants are
tenants in common of the Real Estate
described in plaintiffs' petition, that they
acquired title thereto as stated in said
petition, that the interests or estates of
the parties, plaintiffs and defendants,
are as set forth in plaintiffs' petition
subject to the payment of the amount, set
forth in said petition.

Isabella Beckett, Lilly P. Beckett,
and Charles W. Beckett,
minor defendants

by
Henry F. Ahlers, their
Attorney at litem.

In the lastest issue
of Jefferson Co. Mo.

Solomon Wells
and Sarah Wells,
plainiffs,

against

Josephine Beckett,
Isabella Beckett,
Lilly D. Beckett,
and Charles H. Beckett,

Partition suit.

Answer
of Isabella, Lilly D.
and Charles H. Beckett
minors by Henry F.
Ahlers, their Guardian
ad litem.

blank note for the
file April 9 1880
O. H. H. H. H.
C. H.

The State of Missour } ss.
County of Jefferson

The State of Missouri.

To the Sheriff of the County of Jefferson Greeting:
We command you that you summon Howard Wells and Perry Wells if they be found in your County, that they be and appear before the Honorable 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 of May next, then and there to answer unto, and show cause, if any they have why they should not be made parties plaintiff in the case of Solomon Wells et al against Josephine Beckett et al for partition, now pending in said Court, and why said cause should not ~~stand~~ be continued and revived in the name of ~~Howard~~ Wells and Perry Wells as parties plaintiff therein, and have you then there this writ.

Witness @ Tho. Horine, Clerk of our said Circuit Court with the seal thereof hereunto affixed at office in Hillsboro, this 29th day of March A.D. 1876.

Chas. Tho. Horine

Clerk Circuit Court.

May Term 1876
— " —

Salomon Wells
et al

vs

Josephine Beckell
et al

Sci Fia
— " —

Original
— " —

Serve Copy on

Howard Wells &
Perry Wells
— " —

Children of Sol. Wells

Sheriff fee \$30

State of Missouri
County of Jefferson B Served the within writ, at Jefferson
Co. Missouri, April 20th 1876 by delivering a
copy thereof to the within named Howard Wells and
the within named Perry Wells is not found in
my county but is reported to me to be deceased
Shff. fee \$1.50

J. B. Mop Sheriff

The State of Mississipi } p.
County of Jefferson }
The State of Mississipi.

To the Sheriff of the County of Jefferson, Greeting:
We command you that you summon Howard Wells
and Perry Wells if they be found in your County,
that they be and appear before the Honorable 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 of May next, then and
there to answer unto, and show cause, if
any they have why they should not be made
parties plaintiff in the case of Solomon Wells
et al against Josephine Beckett et al for
partition, now pending in said Court, and why
said cause should not be continued and
revived in the name of Howard Wells and
Perry Wells as parties plaintiff therein, and
have you then there this writ.

Witness C. Thos. Horine, Clerk of our said Cir-
cuit Court with the seal thereof hereunto
affixed at office in Hillsboro, this
29th day of March A.D. 1876.

Chas. Thos. Horine

Clerk Circuit Court

(L)

Solomon Wells et al

vs

Josephine Beckwith
et al

—

Cotter

Solomon Mills et al }
 vs } In the Circuit
 Josephine Bickett } Court
 et al } Liffles Mo

ad litem Now comes the defendant
 Howard Mills by his guardian
 Philip Diphin and for answer
 to the petition of the plaintiff and
 says that he admits the allegations
 in plaintiffs petition to be true,
 and knows of no reason why
 the prayer of said petition
 may not be granted
 And defendant further says
 that he is the only surviving
 child of his mother Sarah Mills
 deceased, that his mother died
 leaving a husband Solomon
 Mills father of defendant,
 and a brother Perry Mills who
 died recently and since his
 mother, so that the interest of
 his said mother being one
 fifth of said lands, is owned
 in common as in petition stated,
 and in which defendant has
 an interest of three fourths of one

fifth and said Solomon Mills an interest
of one fourth of one fifth
Subject to the life estate of said
Solomon Mills as husband
of said Sarah.

J. P. Kins guardian
at tithes for
Deft Howard
Mills

Solomon Mills
chal

27

Josephine Beck
chal

Answer of Howard
Mills by Guardian
ad litem

Filed May 10th 1876
C. Ho. Corinck.
By C. Marsden Dep't.

State of Missoury } In the Circuit Court
County of Jefferson } May Term 1876,
Thursday May 11th. 1876,
Among other proceedings therein had, the
following appears of record, viz:

Solomon Wells Plaintiff } For Partition
Joseph Beckett, Isabella Beckett } (Now come the
Lilly P Beckett, Charles H Beckett } adult parties
and Howard Wells, Defendants, } in their proper
persons as well as by attorneys and the minor de-
fendants by their Guardian ad litem and this
cause coming on to be heard upon the pleadings and
the evidence offered by the parties and the matters
herein were submitted to the court and the court
doth find that Solomon Wells is entitled to a
life estate in and to one undivided fifth of
the land described in Plaintiffs petition viz:
Block No. Seventeen in the Town of Kimmick
Jefferson County Missouri as well as to one
undivided twentieth of said land in fee
subject to his own life estate therein; that How-
ard Wells is entitled to three twentieths of
said land in fee subject to the life estate
of Solomon Wells and that Josephine Beckett,
Isabella Beckett, Lilly P Beckett & Charles
H Beckett are each entitled to one fifth
of said land in fee. The court doth further
find that the interests of said parties in

said land as herein set out are subject to the following specific liens as alleged in said petition viz: To Philip Pipkin for the sum of three hundred and eighty two & ⁷²/₁₀₀ dollars with interest thereon from April 23^d 1874 which sum said Pipkin has expended for the benefit of said property and to H L Bralaski in the sum of two hundred and sixty dollars being for money he expended for the benefit of said property. The court doth further find that said property cannot be divided between the owners thereof without great prejudice to them, wherefore the court doth order, adjudge & decree that said land be sold by the Sheriff of said County at the next term of this court, in pursuance of the Statute in such case made and provided for one fifth cash and the balance on credit of twelve months, the purchaser to give a note with security to be approved by said Sheriff for the deferred payment with interest from date at the rate of six per cent, & and out of the proceeds of said sale when collected the said Sheriff shall pay first the costs of this proceeding & second the sums of money due said Pipkin and Bralaski with the interest thereon as also the taxes that may be due and owing on said land at the time of sale and the

balance he shall distribute to the parties
to this proceeding in the proportions above
set out.

A true copy from the record.

In Testimony whereof I have
hereunto set my hand and af-
fixed the seal aforesaid at
office in Hillsboro July 8 1876.

C. H. H. H. H.

Clerk

September Term
1876

Salmon Wells

vs
Josephine Beckett
et al

for Partition

Order of Sale

Filed Sept 16 1876
C. H. H. H. H. H.
Clark

Solomon Wells Plaintiff

- vs -
Josephine Beckett
Isabel Beckett Lilly
P Beckett Chas H Beckett
+ Howard Wells

In the Jefferson County Circuit Court.

September Term 1876

REPORT OF SALE.

To the Hon. Circuit Court of Jefferson County, Missouri:

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 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 advertisement in the *Jefferson Democrat*, a new-saper, published in said County, a copy of which advertisement is herewith filed and makes part of this report, I did, agreeable with said advertisement, at the Court House door, in Hillsboro, on Tuesday, the Twelfth day of September, A. D. 1876, 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 of said County, at the September term thereof, for the year Eighteen Hundred and Seventy Six, expose to sale at public auction, the following described Real Estate, situate in said County,

to-wit:

Block No Seventeen in the town of Kirksville Jefferson County Missouri and at said sale John Winom was then and there the highest and last bidder for the above described Real Estate at the price and sum of fourteen hundred and seventy five dollars and the same was stricken off and sold to him for that sum - of which he has to me in hand paid twenty per cent, and has given bond for the balance as required by the terms of sale. -

And this report is respectfully submitted
September 12th 1876

J. B. M of Sheriff