

Jefferson County Circuit Court
Case Files - Civil
May 1875, NO. 8

Box

34 Folder 4

Franks, Catharine

vs

Franks, Francis

Franks, George

Franks, John

Franks, Mathias

Franks, Emma

Dower

199 acres, Lot 2, U.S. Survey
3059 as widow of Christopher
Franks

Catharine Franks
 P^{ty}
 vs
 Francis Franks
 George Franks
 John Franks
 Mathias Franks
 Emma Franks &
 Franks Defts

In the Circuit
 Court Jefferson
 County Missouri

The Plaintiff states that
 Christopher Franks, late of the County
 of Jefferson in the State of Missouri,
 died in the Month of September 1874
 seized and possessed of the following
 described tract of land situated
 in the County and State aforesaid,
 to wit Lot No. 2 U. S. Survey 3059, on
 which is about 60 acres in cultivation and a
 dwelling house containing 199 acrs.
 more or less.

Plaintiff further states that she is the
 lawful widow of the said Christopher
 and entitled by virtue of her marriage
 with him to a dower right in said
 land of one third thereof during
 her natural life.

Plaintiff further states that the defts.

✓ are all infants under eighteen years of age and
above named defendants are the children
of the said Christopher and the only
✓ persons interested in the said property
except the first named defendant
who is the brother of deceased and
administrator of the estate of said
Christopher, and who has possession
of said above described land

Plaintiff prays the Court to assign and
admeasure her dower in the premises
above described and for such other
relief as she may be entitled to.

Catharine Franks

by her atty

P. Perkins

Jefferson Circuit Court
May Term 1875-

Catharine Franks

vs

Francis Franks

George Franks

John Franks

Mathias Franks

Emma Franks &

Franks

Issue to all debt to J. H. Co. but
the last to St Louis Co. as to
her share with me

R. P. P. P. P.
atty.

Filed March 9 1875
C. Ho. Horine
Clerk

Verine
St Louis Co.
2 copies 100 60 100 1.60
1 with 1 copy 1.10
Debt Co
1 copy per 30 50 80
1 with 100 50 1.50
Debt 1/2 sides 15

Catharine Franks Plff
Francis^{vs} Franks George Franks
John Franks, Mathias Franks
Emma Franks & Franks Defts.

} In the Circuit Court
Jefferson County
Missouri.

The Plaintiff states that Christopher Franks, late of the County of Jefferson in the State of Missouri died in the month of September 1874 seized and possessed of the following described tract of land situated in the County and State of said State; Lot No. 2 U.S. Survey 3059 on which is about 60 acres in cultivation and a dwelling house, containing 199 acres more or less.

Plaintiff further states that she is the lawful widow of the said Christopher and entitled by virtue of her marriage with him to a dower right in said land of one third thereof during her natural life,

Plaintiff further states that the ~~defts.~~ ^{above named} defendants are all infants under eighteen years of age and ~~are the children of the said Christopher~~ ^{are the children of the said Christopher} and the only persons interested in said property except the first named defendant who is the brother of deceased and administrator of the Estate of said Christopher, and who has possession of said above described land. Plaintiff prays the court to assign and admeasure dower in the premises above described and for

such other relief as she may be entitled
to,

Catharine Franks
by her attorney

P. Pippin,

A true copy of the original petition

In testimony whereof I L. Thos. Norine
Clerk of said circuit court have
hereunto set my hand and
the seal of said court at
office March 9th 1875.

L. Thos. Norine
Clerk

The State of Missouri, } ss.
COUNTY OF JEFFERSON.

The State of Missouri,

TO THE SHERIFF OF THE COUNTY OF *St Louis* ~~JEFFERSON~~---GREETING:

We command you, that you summon *Franks*

Shew or if he be found in your County, *Shew or* 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* ~~Monday after the fourth~~ Monday of *May* next, then and there to answer unto

Catharine Franks

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

C. Tho Horine
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *9th*
day of *March* A.D. 18*73*

C. Tho Horine Clerk Circuit Court.

By Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May

TERM, 1875.

Catharine Franks

vs

Franko et al

Original

Executed this writ in St Louis County on the 1st day
of April 1875 by delivering a copy of the writ and petition
as furnished by the Clerk to Lena Franks

Emile Thomas Sheriff of St Louis
County
By P. Bischoff Dep

fee \$1.00

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 *Francis Franks*
George Franks, John Franks, Mathias Franks
and Emma Franks,

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*
Monday after the fourth Monday of May, next, then and there to
answer unto *Catharine Franks*

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

C. Tho Horine
Witness, **W. S. BOYCE,** Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *9th*
day of *March* A. D. 18*75*

C. Tho Horine Clerk Circuit Court.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

.....TERM, 187 .

Franklin
to
Franklin

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 *Francis Franks*
George Franks, John Franks, Mathias Franks
and Emma Franks

if ~~he~~^{he} be found in your County, that ~~he~~^{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*
Monday ~~after the fourth~~ Monday of *may* next, then and there to
answer unto *Catharine Franks*

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

C. Ho Horine
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *9th*
day of *March* A. D. 18*85*-

C. Ho Horine Clerk Circuit Court.

By _____ Deputy.

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

TERM, 187

Franks

vs

Franks 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 *Francis Franks, George Franks*
John Franks, Mathias Franks & Emma Franks,

if ~~he~~ *be* found in your County, that ~~it~~ *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*
~~Monday after the fourth~~ Monday of *May* next, then and there to
answer unto *Catharine Franks*

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

C. Tho. Horine
Witness, **W. S. BOYCE**, Clerk of our said
Circuit Court, with the seal thereof hereunto
affixed, at office in Hillsboro this *9th*
day of *March* A. D. 18*73*

C. Tho. Horine Clerk Circuit Court.

By _____ Deputy.

I Executed the within at the County of Jefferson State of Mo. on the within named Defendants Francis Frank Geo Frank and John Frank by Delivering F Frank a true copy of the writ and Petition as furnished me by the Clerk of Said Court and the others was served by copy of the writ on the 14. day of April 1873 - and Mathias Frank and Emma Frank not found in my County this the 19 day of April 1873 -

J. B. Mosey Sheriff

8 4013

RETURNABLE

TO

JEFFERSON CIRCUIT COURT.

May TERM, 1875.

Catharine Frank

v

Francis Frank

Geo Frank

John Frank

Mathias Frank

Emma Frank

Sheriff fee 400

24

384 393 412
 7
 393
 393
 393
 412

Leave to file answer & costs.
 Order appy. Answer grandam
 Leave to and. vent
 20th 3d Ind. for writ del. 15 1875

Catharine Franks, - Plaintiff

Against

Francis Franks, George Franks,
John Franks, Mathias Franks,
Emma Franks, & - Franks,
Defendants,

In the Circuit
Court of Jef-
ferson County
Missouri

(sued by the name of Francis Franks)
Francis Franks, for his separate Answer
to Plaintiff's petition, denies that Christopher
Franks, at the time of his death, in September
1874, was seized and possessed of the follow-
ing ^{described tract of} Land situate in Jefferson County, Missouri,
to wit, Lot No. Two, in N. S. Survey 3059, on which
is about 60 acres in Cultivation and a dwelling
house, containing 199 acres, more or less. -
But this Defendant admits that Plaintiff
is the lawful widow of said Christopher Franks,
dec'd, but denies that she is entitled to dower
in the said Land of one third of the same for
and during her natural life. For, this De-
fendant ~~states~~, that the said Christopher
Franks, deceased, and his ^{former} wife, Magdaline Frank,
on the 1st day of May 1871, executed and delivered
their deed to this Defendant, whereby they con-
veyed to him fifty four acres of the above
described Land, and which is described as
follows, to wit, a tract of land situate in Jef-
ferson County Missouri, and described as begin-

beginning at the South East Corner of Lot No. Four, of the
subdivision of the Estate of George A. Smith, deceased,
- thence West 27 chains and 50 links, to a black Oak
8 inches in diameter, North 16° W. 12 links distant, a white
oak 6 inches in diam., North 3° East 25 links distant
thence North 17 chains and 60 links, a white oak
12 inches in diam., North $85\frac{1}{2}^{\circ}$ West $22\frac{3}{4}$ links, (chains)
distant, and a Hickory 6 in. diam., South 80° $3\frac{1}{4}$
links distant, - thence East 33 chains, to the
Eastern boundary line of Survey No. 3059, a post
oak 12 in. diam., West $21\frac{1}{2}$ links distant, - thence,
South 12° West along said Eastern boundary line
to the place of the beginning, containing fifty
four acres. And this Tract of fifty four ^{acres} being
taken out of the Tract described in Plaintiff's
petition, reduces said Tract to one hundred
and forty five acres. This Defendant there-
fore denies that Plaintiff is entitled to
dower in the said whole Tract of 199 acres;
but, admits that she is entitled to dower
in the said 145 acres. But the Defendant
denies that the Plaintiff is entitled to Judgment
for the ^{admeasurement, assignment and} possession of her dower interest in said
Land, described in her petition, or in the 145
acres above described, ^{until this Defendant's Lease of the same expires,} For this Defendant states,
that, after the death of said Christopher Frank, and
while Plaintiff remained in possession of all
the Land described in her petition, she on the 26th day

of October 1874, entered into a written contract, by which she leased to this Defendant the Lands described in her Petition, for the term of five years, from and after the first day of March 1875, for the yearly rent of seventy dollars, to be paid to her yearly by this Defendant, - a copy of which Lease is here to the Court shown, - And Plaintiff immediately afterwards, delivered possession of said premises to this Defendant, - who is now in the possession of the same, and entitled to hold the same under said Lease, for five years, from the first day of March 1875, - Defendant therefore denies that Plaintiff is entitled to be seized and possessed of her dower interest in said premises, or ⁱⁿ said 145 acres of Land until the expiration of said Term of Lease,

And for further Answer, this Defendant denies that George Franks, or Matthias Franks, have any interest whatever in the Lands described in Plaintiff's Petition, - And Defendant further states that Francis Franks, Christopher Frank, and ^{an} infant (whose name is unknown) are children of said Christopher Frank, dec'd, and are entitled to an interest in said premises, and should be made parties in this suit,

This Defendant therefore denies that Plaintiff is entitled to Judgment for the assignment, or assignment of dower in said premises, or to any relief whatever.

Francis Franks
By Abner Green, his Attorney

Catherine Franky
or,
Francis Franky, Esq.,

Answer of
Francis Frank

Filed Aug. 4th 1875.
C. P. H. Horne
Clerk

Catharine Franks, - Plaintiff
 Against
 Francis Franks, George Franks,
 John Franks, Matthias Franks
 Emma Franks, & - Franks, - Defendants,

In the Circuit
 Court Jefferson
 County, Missouri

George Franks, John Franks, Matthias Franks,
 Emma Franks, and - Franks, minors, by Abner
 Green, their Guardian ad litem, appointed by the
 Court, for Answer to the Plaintiffs petition, ad-
 mit that the Plaintiff is the widow of the
 said Christopher Franks, dec^d, - but they deny
 that she is entitled to a dower in the Land
 described in Plaintiffs petition, of one third
 of the same during her life. For Defendants say
 that the said Christopher Franks dec^d in his life,
 time, and his then wife, conveyed on the 12th day of
 May 1871, Fifty four acres of the said described
 Land, to Francis Franks, and which deed is
 of record; and these Defendants therefore deny
 that the said Christopher Franks died seized
 and possessed of the whole of the Land
 described in Plaintiffs petition, - These
 Defendants further state that after the death
 of said Christopher Franks, and while Plaintiff
 was in possession of the Lands described in
 her petition, she leased the same on the 26th
 day of October 1874, to Francis Franks, one

of the Defendants herein, for five years, from
the 1st day of March 1875, - And said Defendant,
Francis Franks, being now in possession of
said Lands, holding ~~the same~~ under a
subsisting Lease, these Defendants deny
that Plaintiff is entitled to have her
dower in the same, as measured, assigned and
set off, to her, or judgment for the possession
of the same,

George Franks

John Franks

Matthias Franks,

Emma Franks, &

- Franks, minors

By Abner Green Their
Guardian ad litem

Catharine Frank's

vs,

Francis Frank's, Et al,

Answer

of Minor Defendants
Wm. Allen's Guardian

Filed Aug 4th 1875.

Chas. H. H. H.

Clerk
