

Jefferson County Circuit Court  
Case Files - Civil

Box

19 Folder 46

November 1867 - No. 8

Fine, Henry

vs

Fine, Margaret

Fine, Levinia

Petition to Partition

162 1/2 acres Lot 2

Survey No. 1976

THIRTE; depositions

Henry Fine, Plff.

vs  
Margaret Fine &  
Lavinia Fine Defs.

In the circuit  
Court of  
Jefferson County  
Missouri

November Term 1867

Plaintiff States that heretofore to wit  
on the 13<sup>th</sup> day of July 1863 James  
A. Beal being the legal owner of the  
following described Real Estate Situate in  
Jefferson County Missouri To wit Lot  
Number Two being in Subdivision  
of United States Survey No. 1976 Town-  
-ship Forty one Range Four East origin-  
-ally confirmed to David Boyles Court-  
-aining one hundred and sixty two and one  
half acres by Deed of that date conveyed  
said Real Estate to Plaintiff and Defend-  
-ants as Tenants in common, Plaintiff there-  
-fore States that the Plaintiff and Defendants  
are each owners <sup>in fee simple</sup> of the undivided one  
third part of said Real Estate, Plaintiff  
prays the Court to order and Decree that  
partition be made of said Real Estate  
between Plaintiff and the Defendants accor-  
-ding to the respective rights of the parties -  
and that Commissioners be appointed to  
make partition and division of said Lands  
between Plaintiff and Defendants and that  
an order for the sale of the same be  
made if the same can not be divided  
without great prejudice to the owners  
thereof, Plaintiff States further that  
the Defendants are minors under the

age of Twenty one years ~~of age~~ and  
prays that a Guardian ad Litem be  
appointed for them to answer this petition  
and defend their interests herein

Jos. Williams  
Atty. for Plaintiff

Henry Jim on oath says that the foregoing  
petition and the matters therein stated are  
true to the best of his knowledge & belief

Subscribed to and  
Subscribed before  
me this 9<sup>th</sup> day of  
September 1867

Henry Jim.

G. A. Rothman  
County Court  
Justice of Jefferson  
County—

Henry &ie  
Margaret &ie  
Errol

Position for Position

File of Sept 9<sup>th</sup> 1867

Edw. J. Horney Clerk

\$3.00 by O. L. H. H.

Best in Process

Well and  
for plain life

THE STATE OF MISSOURI, }  
COUNTY OF JEFFERSON. } ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson—Greeting:

We command you, that you summon

*Margaret Fine*  
*and Lavinia Fine*

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 *First* Monday after the  
~~fourth~~ Monday of November next, then and there to answer unto

*Henry Fine*

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

Witness, ELIAS F. HONEY, Clerk of our said Circuit Court,  
with the seal thereof hereunto affixed, at office in Hillsboro, this

*Eleventh* day of *September* A.D. 18*67*,

*Elias F. Honey*

Clerk Circuit Court.

By *C. J. Dorrine* Deput



Henry Fine, Plaintiff  
against  
Margaret Fine, & Leovina  
Fine defendants.

In the Jefferson  
Circuit Court.

Now at this day comes W<sup>m</sup> C. Fine &  
states that he is the legal owner of the  
land sued for in this suit & that he is  
in the actual possession thereof.  
He therefore prays the Court to make  
him a party defendant herein in order  
that he may protect his rights.

John L. Thomas  
Atty for W<sup>m</sup> C. Fine

W<sup>m</sup> C. Fine makes oath & says that he  
believes the above petition & the matters  
as therein stated are true.

Sworn to & subscribed  
before me Nov 7<sup>th</sup>  
1867.

W<sup>m</sup> C. Fine

Sworn to and subscribed  
before me Nov 7<sup>th</sup> 1867

Elias McNeely clerk

By C. D. Home Deput.



Henry Fine } In the Circuit Court of  
 vs } Jefferson County Missouri  
 Margaret Fine & }  
 Levina Fine }

Now at this day comes Henry Fine and for himself and also for the said Margaret & Levina Fine by way of Counter affidavit to that filed by said Wm C. Fine for the purpose of being made a party to this Suit says &

1<sup>st</sup> That it is not true as is stated in the petition & affidavit of said Wm C. Fine that he is the owner of the Lands mentioned & described in the petition of the Plaintiff in this Cause, but on the contrary said Wm C. Fine has no right or interest either Legal or Equitable in said Land

2<sup>nd</sup> That though said Wm C. Fine may now be in the possession of said Land he has ~~now~~ no right to the possession thereof and is not a necessary party to this Suit & has no interest whatever in the event of the same.

Henry Fine

Signed

Sworne to and  
 Subscribed before me  
 this 8<sup>th</sup> day of November  
 A.D. 1867

Oliver H. Honey, Clerk of Court  
 By C. D. Morris Deput

Henry Fine

Mo 8 & 9 June

Attest  
Henry Fine

Attest this 8th day

of June 1869

|                                                 |                                                             |
|-------------------------------------------------|-------------------------------------------------------------|
| Henry Fine, Plaintiff                           | } In the Jefferson County<br>Circuit Court.<br>In Vacation. |
| Against                                         |                                                             |
| Margaret Fine, Levina<br>Fine & William C. Fine |                                                             |
| Defendants                                      |                                                             |

Now at the day comes William C. Fine one of the above named defendants and for answer to the petition of the Plaintiff admits that on the 13<sup>th</sup> day of July 1863, James A. Beal conveyed the land described in said petition to Henry, Margaret & Levina Fine, but this defendant denies that they are the owners thereof.

Defendant for further answer to said petition states that in 1863, he bought the land described in said petition of James A. Beal and paid him therefor the sum of nine hundred dollars in cash. The means of this defendant individually - that at that time a war was raging between the two sections of our country - in order to provide against any difficulties which might arise in regard to the title to real estate, upon the success of either side & to preserve a home for himself & children in any event he had the title to said Plaintiff & his Co-defendants, as stated by Plaintiff - But this defendant

demis that Plaintiff or his Co-defendants,  
ever advanced one cent of the consideration  
of said deed for said land.

This defendant further says that he has  
been in the possession of the land in con-  
troversy ever since his purchase from  
said Beal: that Henry Fine, Margaret  
Fine & Levinia Fine were at the time  
said deed was made minors under the age  
of Twenty one year - that since said was  
made other children have been born to  
this defendant in lawful wedlock &  
that it would be doing his other children  
great & manifest injustice to allow those  
to whom said deed was made to have  
all said land to the exclusion of the other  
children & the father.

This defendant therefore dems the right of  
his Co-defendants & the Plaintiff to have  
partition of said land - that said deed  
was made for his - this defendant's benefit,  
& that said land in equity belongs to him.  
He therefore asks the Court to divest Henry  
Fine, Margaret Fine & Levinia Fine of  
any title they may have to said land and  
to vest the same absolutely in this defend-  
ant & for other proper relief -

John L. Thomas,  
Atty for W. B. Fine -

Henry Thir

3

Mr. Thirickel

Answer of Henry

Thir-

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Printed March 10 1888

W. H. Thirickel

Depositions of witnesses, produced sworn  
and examined on the 7 day of May in the year of  
our Lord 1868 between the hours of eight o'clock  
in the forenoon and six o'clock in the afternoon of that  
day at the office of J. A. Beal Esq Number  
413 Chestnut Street in the City and County of St Louis  
Missouri before me the undersigned a Notary Pu-  
blic within and for said County and State in a  
certain cause now pending in  
the Circuit Court of the County  
of Jefferson in the State of Mis-  
souri, between                      Fine plaintiff  
and                      Fine<sup>oral</sup> defendant on the part  
of the defendants

John M. Fulton  
Notary Public

For  
St Louis Co Missouri  
James A. Beal of lawful age being  
produced sworn and examined  
on the part of the defendant depo-  
sith and saith

I am acquainted with the par-  
ties to this suit - About the  
year eighteen hundred  
and sixty three or four  
I sold William C Fine  
a farm in Jefferson  
County Missouri for the  
sum of one hundred  
dollars - he paid me  
the money for it - his  
farm is a tract of a  
town one hundred and

sixty acres of land near  
Sandy Creek - on the  
neighborhood of Judge  
Johnson's - William  
to him paid some  
the purchase money  
- it is the price of land  
in controversy in the above  
suit -

Subscribed and J. A. Beal  
sworn to before  
me this 7th day  
of May A.D. 1868  
John H. Clifton  
Notary Public.

State of Missouri  
County of St. Louis. I, J. A. Beal, do hereby certify  
that on the 7th day of May A.D. 1868 I a Notary Public within  
and for said County and State and  
duly commissioned and acting as such  
came before me at the office of J. A. Beal  
Number 413 Chestnut Street in the City of  
St. Louis County of St. Louis and State of  
Missouri J. A. Beal who was by me  
sworn to testify the whole truth of his  
knowledge touching the matter in contro-  
versy aforesaid, that he was examined and  
his examination reduced to writing and  
subscribed by him respectively in my pre-  
sence on the 7th day of May between the  
hours aforesaid and at the office of  
the said J. A. Beal Esq. No 413

Chestnut Street in the City of St  
Louis Missouri

In testimony whereof I have here  
unto set my hand and af  
fixed my notarial seal  
at office this 7<sup>th</sup> day  
of May A.D. 1868  
John M. Sullivan  
Notary Public  
for St. Louis Mo

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Find

Find  
the  
submissions  
of the state

Notary's fee  
\$2.50

|                 |                                                            |
|-----------------|------------------------------------------------------------|
| Henry Fine      | } In the Circuit<br>Court of Jefferson<br>County, Missouri |
| Margaret Fine & |                                                            |
| Levina Fine &   |                                                            |
| W.C. Fine       |                                                            |

Now at this day comes  
the plaintiff and moves the Court  
to strike out the answer of  
W.C. Fine filed in this cause for  
the following Reasons, To wit,

1<sup>st</sup> Because said W.C. Fine has  
no interest in this action

2<sup>nd</sup> Because said W.C. Fine is not  
properly a party in this cause and  
has not legal right to defend the  
land,

3<sup>rd</sup> Because said W.C. Fine  
does not in his said answer  
set up any legal or equitable  
defense to this suit for partition

4<sup>th</sup> Because If said W.C. Fine has any  
legal or equitable right to said land he  
can not assert such right if any by way  
of defense to this action

Jos. J. Williams, Atty. for Plaintiff

Henry John

W. C. Price, Esq.

Question to write  
out - answer of  
W. C. Price

Given May 12<sup>th</sup> 1888  
Ed Henry Ed

Henry Fine  
 vs  
 Margaret Fine.  
 Serena Fine &  
 W.C. Fine

In the Circuit  
 Court of  
 Jefferson County  
 Missouri

Now at this day comes the  
 Plaintiff & for Replication to  
 the answer of W.C. Fine says  
 that it is ~~not~~ true as is alleged  
 in the answer of said Fine,  
 that he paid the purchase money  
 for said Land to James A  
 Beal but denies that said  
 W.C. Fine had the title placed in  
 Plaintiff & his sisters Margaret &  
 Serena <sup>in consequence of the civil war then going</sup>  
 on between two sections of our country  
 against any difficulties which  
~~may~~ might arise in regard to the  
 titles to Real Estate upon the success  
 of either ~~side~~ side & to provide a  
 home for himself and ~~family~~ Children  
 in any event. Plaintiff admits  
 that said Fine has been in the  
 possession of <sup>said</sup> Land most of the  
 time since the execution of the said  
 Deed by Beal to Plaintiff and his  
 said sisters, and the Plaintiff  
 avers that at the time said W.C.  
 Fine ~~was~~ bought said Land and

had the deed for the same made  
by said James A. Beal to this  
Plaintiff & his said sisters  
Margaret & Levina Fine. He was  
largely involved in debt and insolvent  
that among his creditors were  
L. Townsend & Co. and divers others  
to whom said W. C. Fine owed  
a large amount of money. That being  
so in debt & insolvent said W. C. Fine  
conceived the design of hindering  
and delaying <sup>defrauding</sup> & defeating his said  
creditors in the collection of their  
debts against him and purchased  
the Land described in Plaintiff's  
petition and had the title of the  
same placed in this Plaintiff and  
said Margaret & Levina Fine for  
the sole purpose of hindering <sup>defrauding</sup> and  
delaying and defeating his creditors  
in the collection of their demands  
against him. And Plaintiff says  
that under such circumstances he  
denies that it would be unjust or  
inequitable for Plaintiff & his said  
sisters Margaret & Levina Fine to  
keep said property to the exclu-  
sion of said W. C. Fine or to the

Exclusion of any children that  
may have been born to said W.C.  
Fine since the execution of said  
Deed by Beal to said Plaintiff &  
his said sisters,

and here again prays the  
Court to order & decree that Partition  
and division of said premises be  
made between Plaintiff & said  
Margaret & Lucia Fine according  
to the prayer of his said Petition

Jos. J. Williams  
Atty. for Plaintiff

Henry Thrie

(m)  
Mr. C. Thrie Thal

Repetition to  
renewer of

W.C. Thrie

Chas. May 18<sup>th</sup> 1868,  
Waltham Mass

COUNTY OF JEFFERSON.

The State of Missouri,

To *Michael Moss & Richard J. Moss*

YOU ARE HEREBY COMMANDED, That setting aside all manner of excuse and delay, you appear before our Circuit Court for the County aforesaid, ~~on the~~ *forthwith*

at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

*Henry Jone* is Plaintiff, and *Margaret & Larina & Mrs C Jone* are

Defendant, on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said

Court, with the seal thereof hereto affixed, at office,

this *18<sup>th</sup>* day of *May* A. D. 1868,

*Elias F. Honey* Clerk.

By *Edw. H. Morris* Deputy

# SUBPOENA.

To Jefferson Circuit Court.

May

Term, 1868,

Fine  
vs  
Fine

For D

Michael J. Mos

John Williams  
Sheriff fee \$1. 50

Whereas the within in Application County Mos on the  
29<sup>th</sup> day of May 1868 on 17<sup>th</sup> of Mos and others Mos  
by Meeting the same to each of them

John Williams Sheriff

|                                                  |                                                                             |
|--------------------------------------------------|-----------------------------------------------------------------------------|
| Henry Fine, - plaintiff                          | } In the circuit<br>Court of Jefferson<br>County Missouri,<br>May Term 1868 |
| Against                                          |                                                                             |
| Margaret Fine, and<br>Lavinia Fine, - Defendants |                                                                             |

The above Defendant, Margaret Fine and Lavinia Fine, by Abner Green their Guardian ad litem appointed by the Court, for Answer to Plaintiffs Petition, state that their rights to the Lands therein described are correctly set out, and that they are each entitled to the undivided one third part of the Land therein described, by virtue of the Deed of James A. Beal referred in said Petition, - And they ask that their rights be protected, and that, if a division and partition of said Lands cannot be made without great prej'udice to the owners thereof, that a sale of the same may be made and the proceeds thereof divided among the Parties in interest according to their respective rights & interests.

Abner Green  
Guardian ad litem for  
Margaret, & Lavinia Fine

Many times  
is,

Margaret's fine  
flourine's fine

---

Shower of  
beets by their  
Guaranteed



Giles May 20<sup>th</sup> 1868  
E. J. Honey O.



John  
P. Thine  
} Thine

Q. Q. Attorney's bill, copy sent,  $\frac{50}{100}$  cas  $\frac{30}{100}$  milk + 2 cop,  $\frac{11.20}{100}$  dock  $\frac{10}{100}$  file  $\frac{35}{100}$  \$ 2.65  
plus out at printing  $\frac{20}{100}$  ord  $\frac{20}{100}$  deacons and "  $\frac{20}{100}$  apply to deacons,  $\frac{80}{100}$  motion mls.  $\frac{20}{100}$  1, 50  
and  $\frac{20}{100}$  paper  $\frac{10}{100}$  dot  $\frac{35}{100}$  budget,  $\frac{50}{100}$  ord  $\frac{20}{100}$  Rep  $\frac{20}{100}$  app, 15<sup>c</sup> 1, 70  
making cash,  $\frac{40}{100}$  9.18  $\frac{10}{100}$  cas  $\frac{50}{100}$  140  $\frac{25}{100}$  1, 25  
7, 18-

John Thine Sheriff, are 20 cts 1.20  
are 2 cts 1, 00

Calls  $\frac{1.15}{1.15}$  3, 15-

amt paid by Henry Thine 3, 20