

DeForsen County Circuit Court
Case Files - Civil

Box

22

Folds,

7

July 1868 - No. 5

Lee, William H,
vs

Power & Davis Co., Adm.
McCollough, James

Appeal

Plaintiff appealed from County
Court on \$4575 account for cash
loaned; & depositions

Estate of James M Colloch deceased
1861. To William M. Lee
To be repaid at two different
times

\$42.00

Just

375-

allowed 5th day \$45.75-

State of Missouri)
County of Marion) ss. //

William M. Lee makes
oath & says that he has given all just
credits and offsets to which the estate of
James M^e Colloch deceased is entitled
and that the balance of forty two dollars
as above claimed is justly due this
account.

(Signature) William M Lee

Subscribed and sworn to before me, this 29th day
of February 1868. In testimony whereof
I have hereunto set my hand & caused
to be affixed my seal of office the day
above written.

R. W. Anderson, clerk
County Court

W. M. Lee

or

Est. James McColloch
Dec. 1

o/c.

Paid July 22/60
W. McNeill & Co

Allowed on the within demand by J. Lee, Cash July 22nd 1860
The sum of forty four \$44.00 Dollars and pence in the sum

W. McNeill & Co

William H. Lee } In the County
 Against } Court of Jef-
 The Estate of James } ferson County
 Mc Colloch, deceased } Missouri
 July Term 1868,
 State of Missouri }
 County of Jefferson } ss,

James C. Power, Administrator of the Estate
 of James M. Colloch, deceased, makes oath
 and says that his application, as such
 Administrator for an appeal from the
 Judgment of the County Court aforesaid
 rendered in the above entitled cause
 to the Circuit Court of said County
 is not taken for the purpose of resea-
 tion or delay, but because this Affiant
 believes that the said Estate ~~the ap-~~
 pellant is aggrieved by the judg-
 ment and decision of said County

Court,

Sworn to & subscribed before me
 July 22nd 1868

Jas C. Power
 Administrator

Wm. H. Lee

The Appeal Granted

W. M. Lee
vs
Est. Jas. McCallan
apps for appeal

Filed July 22nd 1868
J. M. McCallan
clerk

State of Missouri } In the County Court
County of Jefferson } July 22nd 1868

The following proceedings were had to wit
Wm. M. Lee } On acct,

Est. of Jas. McCulloch Dec. } The demand of the plaintiff is allowed
by the Court for the sum of forty five & 2/10 Dollars and placed
in the fifth class.

Wm. M. Lee }

Est. of Jas. McCulloch Dec. } Now at this day comes James C.
Power administrator of the estate of James McCulloch Dec.
and files his affidavit for an appeal from the decision
of the Court made this day in this cause to the Circuit Court
of Jefferson County Mo. which is granted by the Court.

R. W. McMullin Clerk of the County Court within and
for the County of Jefferson aforesaid hereby certify the above
to be correct transcripts of the proceedings of said Court in the
above entitled cause as fully as the same remains of record
in my office.

Witness my hand and the Seal of said Court
hereunto affixed this 28th day of July A.D. 1868
R. W. McMullin Clk

W. M. Lee ^{770 5}

Est. of James McCulloch decd,

2673

Robertson & Co	\$1.50
John Williams Sheriff	1.00

Filed July 28th 1868
E. J. Harey Cl

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

William McKay

if he be found in your County, that he 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 ~~Seventh~~ Monday after the fourth Monday of March 1869 ^{and within the first four days of said} ~~next~~, then and there, to answer unto ^{John} show cause if any he has, why an action instituted by J. C. Lance, and against James Evans now deceased, should not be revived in his said ^{Wm} McKay name, as the representative of James Evans deceased, upon ~~original~~ ^{original} petition, a copy whereof is herewith 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 herewith affixed, at office in Hillsboro, this
2nd day of March A. D. 1869

Elias F. Honey
Clerk Circuit Court.
By S. H. Bedford Deput

JEFFERSON CIRCUIT COURT.

TO

Mary Tenn, 1869

J. W. Lanier

vs
vs
vs

Wm M. Kay, Administrator of

the estate of James Evans

Dry

Served the within, at Jefferson County Mo, on the 12th Day of April
A D 1869, by Delivering a Copy thereof to the within named
Defendant Wm M^c Kay, as furnished to me by the Circuit Clerk
Fred Lundemeyer Sheriff
per Fred Vollmacker Deputy



COUNTY OF JEFFERSON,

The State of Missouri,

To

Amanda McCreck
vs
Deie Williams

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 *Second day of*

May 1869 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 *John W. Lee*

Plaintiff, and *vs*
Edw James McCreck

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 *15* day of *April* A. D. 1869

Elias F. Honey Clerk.
By J. H. Ogden

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SUBPOENA.

To Jefferson Circuit Court.

May Term, 1869

Wm M. See
vs
Est of Jas M Cullock
for Pff
Amanda McCulloch
& Bill Williams

sheriff fee \$1.00

Served the within at Jefferson County Mo on the 5th day of May a 1869 by miss
The same within the presence and hearing of the within named Amanda M
Cullock and Bill Williams on the 15th day of May 1869

Geo D. DuBois Sheriff
per Thomas H. McMillin
Deputy



We agree that the following testimony of
Belle Williams may be read in evidence by
the Plaintiff in the case of *Wm Lee vs Est.*
James M. Colloch deceased in Jefferson
Circuit Court subject only to objections
as to Competency & Relevancy.

John L. Mowrey Atty for Plaintiff

J. W. C. Powers deposes of ^{Colloch's} ~~his~~
Belle Williams being sworn and examined
on the part of the Plaintiff in case of
Wm Lee against *Est. James M. Colloch*
deceased now pending in Jefferson Cir-
cuit Court. deposes and says that she
knew James M. Colloch in his lifetime
that she was at his house in 1864. She heard
him say he was going to ~~buy~~ buy a yoke of oxen
& she had not got enough money to pay for
them & Mrs. Amanda M. Colloch said
to him "I have got my brother's money
here, I will lend you that." She went and
unlocked the drawer & got the money
& gave to Mr. M. Colloch. She stepped
out of the house & this is all she knows about
the matter. Her brother was Mortimer Lee.

Cross Examined

At the time Judge M. Colloch said he was
going to buy the oxen Mrs. M. Colloch said
she would lend him her brother's money

went to the drawer & got some money
handed it to McCulloch but I don't
know how much money. The money
was paper money. I saw the money & it looked
like green backs. Never saw the money
counted.

Ques. Has any one since the death of Judge McCulloch
asked you what you knew about this trans-
action?

Ans. At Jones Cross one day I was present
& heard them talking about Mortimer Lee
putting in a bill against McCulloch's
Estate & I said yes that was true the
cause I was present ^{when} Mrs. McCulloch
loaned Lee's money to Judge McCulloch
& some of those present hearing my
conversation reported the same to
Mrs. McCulloch & the next thing I knew
a subpoena was sent for me.

Ques. Were you subpoenaed to come here
this Court?

Ans. No Sir. Mrs. McCulloch ^{came} after me,
they were after me with a subpoena but
they had the wrong name & they could
not find me.

Ques. Was Lee living at McCulloch's at the time
you saw this money handed over?

Ans. No Sir. He had been there teaching school

but had left.

Ques. Do you know whether Judge McCulloch bought a yoke of Oxen in 1864 or not?

Ans. No Sir I dont. All I know is he said he was going to buy a yoke of Oxen.

Ques. How long did you remain at McCulloch after that money was loaned?

Ans. I cant say exactly. but I think a day or two.

Ques. Do you know whether McCulloch went off after the Oxen while you staid there?

Ans. I do not recollect.

Isabella ^{his} Williams
mark

Sworn to & subscribed before me May 15th 1869.
Jas C Power Justice of
the peace
Jas Power attorney

Wm. M. Lee.

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Est. Jas. M. Colloch

Deposition of
A. Belle Williams

Filed May 15th 1869
Elias T. Henry clk

William M Lee Plff
 against
 Est of James McCulloch D^{cd} Defendant

In Circuit Court of Jefferson
 County Missouri, May Term 1869

Fee Bill

	\$	cts	\$	cts
Judgment May 21 st 1869 against Defendant Debt	45	00		
R. W. McMullin, CLK Co CLK	1	50	46	50
Elias F Honey clk Cir Ct	3	00		
John Williams Ex Sheriff	2	15		
F. Luchtmeyer Sheriff	1	20	63	5
Witness				
Isabella Williams 1 day 30 miles	3	40	3	40
Total Allowed 56			\$56	25

State of Missouri ss
 County of Jefferson I, Elias F Honey clk
 of the Circuit Court hereby certify that the
 foregoing Bill of Costs and Judgment is a
 true and complete copy of the Original Bill
 as fully as the same Remains of Record
 in my office.

Witness Elias F Honey clk. of
 said Court with the seal of said
 Court hereto affixed this 21st
 day of Jan'y 1870.

Elias F Honey clk.
 By S. H. Aelford Deputy

Notice read in open Court by J. C. Power
July 21/70

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Wm M. Lee

Ex^{rs} of James M. Bullock

~~Wm M. Lee~~
Ex