

Jefferson County Circuit Court
Case Files - Civil
March 1872, No. 73

Box

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Folder 30

Lee, Rebecca

Lee, Mary A.

Lee, Jemima E.

Frazier, Dorothea A.

vs

et al

Parker, Levina Q. (Levinia)

Lee, Giles

Donnell, Eliel

Partition

Other Plaintiffs:

Elizabeth Caroline Frazier,

Henry B. Frazier, Guerdian,

and Henry B. Frazier;

heirs of Archelaus Lee

S 21-T 40-R 5E

50 43/100 acres

Ordered to Sell

Rebecca Lee, Mary A. Lee,
Jemima E. Lee, Dorothea A.
Frazier, Elizabeth Caroline
Frazier, Bay Henry B. Frazier
her Guardian, and Henry
B. Frazier, ————— Plaintiffs

Against
Levina C. Parker, Giles Lee }
and Eliel Donnell, ————— Defendants

In the Circuit Court of
Jefferson County, Missouri
March Term 1872,

The Plaintiffs state that Archelaus Lee entered at the Land office in St. Louis the following described Land to wit, the West fractional half of the North West fractional quarter of section Twenty one, in Township Forty, of Range Five East, containing Fifty acres and $\frac{43}{100}$ of an acre. That said Archelaus Lee afterwards conveyed the undivided one third of said land to Giles Lee, and also by deed conveyed one undivided one third of the same to Eliel Donnell. That the said Archelaus Lee, in the year 1853, died seized in fee simple of the one undivided third part of said Land, And Plaintiffs state that said Archelaus Lee left surviving him, a

widow, the said Rebecca Lee, and six chil-
dren, to wit, Levina C. Parker, Gemina E,
Lee, Mary A. Lee, Doratha A. Lee (now the
wife of Henry B. Frazier, William A. Lee,
(since deceased) and Sarah H. Lee, (for-
merly the wife of said Henry B. Frazier,
v but who died some years ago, leaving an
only child, the said Elizabeth Caroline Fra-
zier) to whom his interest in said Land
v descended, as his heirs. Plaintiffs state
that they and the Defendants hold said Land
as Tenants in Common, - That the said Re-
becca Lee, is entitled to dower of one third
of the undivided third of said Land, and
also, to the ^{undivided} one-hundred ^(1/108) eighth part of said Land
in fee, as one of the heirs of William A. Lee,
deceased, - That Mary A. Lee, Gemina E,
Lee, Levina C. Parker, Doratha A. Frazier,
(wife of Henry B. Frazier) are each en-
titled in fee to the undivided six-one
hundred and eighth part, ($\frac{6}{108}$) ^{of said Land} subject
to said Widow's dower, and the said
Elizabeth Caroline Frazier, (who is a
minor and sues by her Guardian the said
Henry B. Frazier, her Father) is en-
titled in fee to the undivided six-one
hundred and eighth part ($\frac{6}{108}$) ^{of said Land}, subject
to the Courtesy of said Henry B. Frazier,
and the said Giles Lee, and Eliel Danell

are each entitled in fee to the undivided thirty six one hundred and eighth part ($\frac{36}{108}$)^{of said land.} The Plaintiffs further state that the said Parties have failed to pay ~~the~~ ~~taxes~~ the Taxes assessed on said Land for the years ^{1869, 1870 & 1871} amounting in the aggregate to the sum of twenty four dollars and three cents, and Plaintiffs ask to have that amount deducted from ~~the~~ ~~proceeds~~ the proceeds of the sale of said Land, ^{and applied to the payment of said taxes.} Plaintiffs ask the Court for a decree for the partition and division of said Land among the parties in interest, and the setting off said dower, if the same can be done without great prejudice to the parties in interest; if not, then for an order for the sale of said premises, and a division of the proceeds thereof among all the parties ^{in interest} according to their respective rights and interests.

3 A Green & J. P. Power
3 Attorneys for Plaintiffs

In Circuit Court
Jefferson County

Rebecca Lee
& others
vs.

Giles Lee &
others

Petition for Partition
Let summons issue
A. Green & J. C. Poncey
Attys for Pffs

226

Filed July 24 1872
W. S. Boyce Clk
By C. Thos. Hume's
Deputy

Rebecca Lee, Mary Lee,
Jemima Lee, Dorothea B. Frazier,
Elizabeth Gardine Frazier, By Henry
P. Frazier her Guardian, and
Henry P. Frazier, Plaintiffs
Against
Levina C. Parker, Giles Lee
and Abel Dornell, Defendants.

In the Circuit
Court of Jefferson
County,
Missouri
March Term 1872

The Plaintiffs state
that Archelaus Lee entered at the Land office in St. Louis,
the following described land to wit, the West fractional
half of the North West fractional quarter of Sec-
tion Twenty one, in Township Forty, of Range
Two East, containing Fifty acres and $\frac{43}{100}$ of an
acre, that said Archelaus Lee afterwards convey-
ed the undivided one third of said land to Giles Lee
and also by Deed conveyed one undivided one third
of the same to Abel Dornell, that the said Arch-
elaus Lee in the year 1853, died seized in fee simple
of the one undivided third part of said land, and
Plaintiffs state that said Archelaus Lee, left
surviving him, a widow, the said Rebecca Lee,
and six children, to wit; Levina C. Parker, Jemima
O. Lee, Mary A. Lee, Dorothea B. Lee (now the wife
of Henry P. Frazier), William A. Lee (since deceased)
and Sarah H. Lee (formerly the wife of said Henry
P. Frazier, but who died some years ago leaving an
only child, the said Elizabeth Gardine Frazier)
to whom his interest in said land descended as
his heirs Plaintiffs state that they are the

Defendants hold said land as Tenants in common,
That the said Rebecca Lee is entitled to dower
of one third of the undivided third of said land,
and also to the undivided one hundred & eighth part
($\frac{1}{100}$) of said land in fee, as one of the heirs of William
A Lee deceased - That Mary A Lee, Jimima
O Lee, Luina G Parker, Martha A Frazier (wife
of Henry P Frazier) are each entitled in fee to the
undivided six - one hundred and eighth part ($\frac{6}{100}$)
of said land subject to said Widows dower, and
the said Elizabeth Caroline Frazier (who is a minor
and sees by her guardian the said Henry P Frazier
her Father) is entitled in fee to the undivided six
one hundred and eighth part ($\frac{6}{100}$) of said land subject
to the Courtesy of said Henry P Frazier and the
said Giles Lee and Elisha Dornell, are each entit-
led in fee to the undivided thirty six one hundred
and eighth part ($\frac{36}{100}$) of said land. The Plaintiffs
further state that the said parties have failed to
pay the taxes assessed on said land for the years
1869, 1870, & 1871 amounting in the aggregate to the
sum of twenty four dollars and three cents, and
Plaintiffs ask to have that amount deducted
from the proceeds of the sale of said lands and
applied to the payment of said taxes. Plaintiffs
ask the court for a decree for the partition and
division of said land, among the parties in interest,
and the setting off said dower, if the same can be
done without great prejudice to the parties in interest.

if not, then for an order for the sale of said premises, and a division of the proceeds thereof among all the parties in interest according to their respective rights and interests.

Green & J. C. Paves
Attorneys for Plaintiffs

A true copy of the original petition now on file in my office.

Witness, W. S. Boyce clerk of said Circuit Court with the seal thereof hereunto affixed this February 24th 1872,

W. S. Boyce Clerk.

By Chas. Hoarne Deputy.

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 *Laura C Parker*

Giles Lee and Chas Powell

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 *Third* ~~Monday after the fourth~~ Monday of *March* next, then and there

to answer unto *Rebecca Lee, Mary A Lee, Emma C Lee, Sarah A Craig, Elizabeth Caroline Craig* by *Henry S Craig* her Guardian and *Henry S Craig*

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 *24th* day of *February* A. D. 18*72*

W S Boyce Clerk Circuit Court.

By *Chas Quinn* Deputy.

RETURNABLE
TO
JEFFERSON CIRCUIT COURT.

March Term, 1872.

Reuben Lee et al

vs
Elias Lee et al

~~vs
James Lee et al~~

~~vs
James Lee et al~~

John W. Williams Sheriff
for \$200

(original)

I executed this writ in Jefferson County Mo on
the 27th Day of February 1872 on Elias Lee
by Delivering to him three copies of this writ
and Petition and on Lavina C. Parker by
Delivering to her three copies of this writ as
furnished to me by the clerk

John Williams Sheriff

Rebecca Lee Et, als, Plaintiff
against
Giles Lee Et, als, Defts

In the Circuit
Court of
Jefferson
County Mo.
Sept. Term, 1872

Now at this day comes Giles, be
one of the above defendants &
for answer to Plaintiffs petition
~~state~~ admit that the Plaintiffs
and defendants are owners
& tenants in common of
the land described in
plaintiffs petition, admit
that the interests are correctly
set out, and consents for
the judgment to go as prayed
for in plaintiffs petition

John L. Thomas, Wm
attys for Giles Lee

Rebecca Lee E. Hall,
vs

L. C. Parker E. Hall,

Answer of
Giles Lee

Filed Sept 14 1872
W. J. D. Case Clerk

Rebecca Lee Et. al., Plaintiffs } In the Jefferson
Against } Circuit Court
Levinia C. Parker Et. al., Defs. } Sept. Term 1872

Now at this day comes Levinia
C. Parker, by her Guardian ad litem
H. H. Thomas and for answer to
Plaintiffs petition admits that
Plaintiffs and defendants are
owners of and tenants in common
of the land described in said
petition admits that the interests
of the parties are correctly set out
and see no reason why he should
object to the judgment prayed for
in plaintiffs petition

Levinia C. Parker
By H. H. Thomas her
Guardian ad litem

Rebecca Lee Et als,
against
Levinia C. Parker Et als.

Answer of
Levinia Parker by
Guardian ad Litem

Filed Sept. 14th 1872
W. S. Boyce Clerk

In the Circuit Court of Jefferson
County, State of Missouri,
September Term 1872.
Saturday Sept 14th 1872.

In said circuit court on the
day aforesaid among other proceedings therein
had, the following appears of record to-wit:

Rebecca Lee, Mary A Lee,
Jemima E Lee, Dothard A
Frazier, Elizabeth Caroline Frazier,
by Henry W Frazier her Guardian,
and Henry W Frazier, Plaintiffs
against
Lavinia C Parker, Giles Lee and
Eliel Donnell,

For Partition
Order of Sale.

Now at this
day come the plaintiffs by their attorney, and
the said defendant Lavinia C Parker by her
Guardian-ad-Litem and Giles Lee by his
attorney, and the said defendant Eliel
Donnell failing to appear and answer,
though leave was granted, It is ordered by
the court that his default be entered, and
said cause is submitted to the court upon
the petition, answers and evidence of the
parties, Whereupon the court doth find
that said Plaintiffs and Defendants are
owners and tenants in common of the fol-

lowing described Real Estate situate in Jefferson
County Missouri to-wit: The West fractional
half of the North West fractional quarter
of section twenty one in Township Forty
of Range Five East containing Fifty acres
and $\frac{43}{100}$ of an acre. The court further finds
that there is due on said land the taxes for
the years 1869, 1870 & 1871 amounting in the
aggregate to the sum of twenty four dollars
and three cents, and the court proceeding
to adjust and settle the rights and interests
of said parties in and to said Real Estate
doth declare the same as follows to-wit:
That Rebecca Lee is entitled to dower of one
third of the undivided third of said land,
and also to the undivided one hundred
eighth part of said land in fee as one
of the heirs of William A Lee deceased, That
Mary A Lee, Jemima C Lee, Lavina C Parker
Dorothy A Frazier (wife of Henry V Frazier) are
each entitled in fee to the undivided Six-one
hundred and eighth part ($\frac{6}{108}$) of said land, sub-
ject to said widows dower, That Elizabeth
Cardine Frazier is entitled in fee to the un-
divided Six-one hundred and eighth ^{part} ($\frac{6}{108}$) of
said land subject to the courtesy of Henry
V Frazier, That Giles Lee and Elih Cornell
are each entitled in fee to the undivided

Thirty six one hundred and eightieth part ($\frac{36}{1000}$)
of said land, It is thereupon considered, ad-
judged and decreed by the court that par-
tition and division of said real estate be made
between the parties according to their rights
and interests herein declared, and it ap-
pearing to the satisfaction of the court that
partition and division of said Real Estate
cannot be made in kind without great pre-
judice to the owners thereof, It is ordered
by the court that the Sheriff advertise and
proceed to sell said Real Estate at public
auction to the highest bidder for twenty
per cent of the purchase money in cash and
the balance in twelve months and for the de-
ferred payment take a bond or note from
the purchaser or purchasers thereof with
good and sufficient security bearing interest
at the rate of ten per cent per annum from
date, and that out of the proceeds thereof he
shall satisfy the taxes aforesaid, That
said sale take place on some day during
the sitting of the circuit court, and be
governed by the same regulations prescri-
bed by law for sales of Real Estate under
execution, Notice thereof being given
in the same manner provided by law
for such sales, and after paying the taxes
aforesaid, divide the remaining proceeds

thereof among the parties according to their
respective interests and report his proceed-
ings herein to the court, and this cause is
continued.

A true copy from the record,
Witness, W. S. Boyce clerk of said court
with the seal thereof hereunto affixed
at office, November 8th a.d. 1872.

W. S. Boyce Clerk
By C. Tho' Horine Deput

3594

January 11 1873

Rebecca Lee & Tal

vs

Edw Lee & Tal

For Partition

Order of Sale

STATE OF MISSOURI, County of Jefferson.

Be it Remembered, That on this 16th day of January 1873, before the undersigned Clerk of the County Court of Jefferson county, Mo., came R. W. McMULLIN, who, being by me duly sworn, says the annexed advertisement was published in the Jefferson Democrat, a newspaper, printed and published in the County of Jefferson, State of Missouri, of which he is printer, for 4 weeks, the first insertion being on the 13 day of Dec, 1872, and the last insertion on the 3 day of Jan 1873, as follows, to-wit:

that day offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit:
 The west fractional half of the north west fractional quarter of section twenty-one, in township 27 N. of range five east, containing fifty acres and 100 of an acre, situate in Jefferson county, Missouri.

In No. 47,	Dec 13	, 1872
In No. 52,	" 20	, 1872
In No. 57,	" 27	, 1872
In No. 52,	Jan 3	, 1873
In No. 57,		, 1873

R. W. McMullin

Sworn to and Subscribed before me this

16 day of January 1873.
R. D. Samuel

Printer's fee, \$... } 5.25
 Affidavit, \$..... }

Received Payment.
R. W. McMullin

Sheriff's Sale in Partition.

[In the Circuit Court of Jefferson county, Mo.]

Rebecca Lee, Mary A. Lee, Jemima E. Lee, Dorotha A. Frazier, Elizabeth Caroline Frazier by Henry B. Frazier, her guardian, and Henry B. Frazier, Plaintiffs; against Lavina C. Parker, Giles Lee and Eliel Donnell, Defendants.

BY virtue and authority of an order made by the Circuit Court of the county of Jefferson, State of Missouri, at its September term, A. D. 1872, I, will on the sixteenth day of January next, 1873, at the Court House door, in the town of Hillsboro, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, offer for sale at public auction to the highest bidder, the following described land or real estate, to-wit:

The west fractional half of the north west fractional quarter, of section twenty-one, in township, forty, of range five east, containing fifty acres and 43-100 of an acre, situate in Jefferson county Missouri,

For the purpose of making partition between said parties, for which the purchaser will be required to pay twenty per cent of the purchase money in hand at the time of sale, the balance in twelve months; the purchaser giving his bond, with approved security, bearing interest at the rate of ten per cent. per annum from date, this 3d day of December, 1872,

T. B. MOSS,

Sheriff,

Rebecca Lee, Mary A Lee
Jemima E Lee
Dorothy A Mazier
Lavinia C Parker
Giles Lee & Eliel Donnell

In the Jefferson County Circuit Court.

January Term 1873

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 newspaper, 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 Thursday, the sixteenth day of January, A. D. 1873, 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 January term thereof, for the year Eighteen Hundred and Seventy Three, expose to sale at public auction, the following described Real Estate, situate in said County, to-wit: The West fractional half of the North West fractional of Section twenty one, in township forty of Range five east, containing fifty acres $8\frac{43}{100}$ and at said sale Lavinia C. Parker was then and there the highest and last bidder for the above described land at the price and sum of One hundred and twenty four $8\frac{107}{100}$ Dollars and the same was stricken off and sold to her at and for said sum, of which she has to me in hand paid 20 percent and has given bond with approved security for the balance, as required by the terms of sale.

And this report is respectfully submitted
January 16th 1873.

J. B. Mox Sheriff

Rebecca Lee and Others } In Circuit
vs. } Court
Giles Lee, & others } Jefferson County
} Partition, &

Land sold for \$134.00

Almer Green, Attorney for the Plaintiffs,
asks the Court to allow him an Attorney
fee of one, twenty dollars - to be taxed
on costs in said cause, Almer
Allowed.

J. H. Vall Judge

Lee
vs
Lee

Filed July 18th 1873
' W. P. Boyce
Case

Rebecca Lee

Giles Lee stab

Horns	1 ⁰⁰ 10
Green	20 20
Map	4.48
Williams	2.00
Printer	8.28-

~~10.40~~

No. 3594

Jefferson Circuit Court.

March Term, 1872

Rebecca Lee et al
vs.
Giles Lee et al.

Judgment, - - \$

Date 18

Fee Book No. 1 Page 226

Judg't Docket, Page

Green & Powell
Plaintiff's Atty.

ATTORNEYS: Exercise care and return promptly.

C. F. Chamberlin & Co., Printers and Stationers, St. Louis.