

Jefferson County Circuit Court
Case Files - Civil
June 1827

Folder 1 of 4

Box 1 Folder 32

Barvencroft, James

^{vs.}
Shelby, Eli

Title

640-acre New Madrid Certificate
No. 206 purchased by plaintiff from
defendant for \$1,200 in 1817; originated
in Cape Girardeau County 1823; Supreme
Court 1825, remanded; change of venue
to Jefferson County 1827; extensive
depositions

**ALL OVERSIZED
DOCUMENTS FOR THIS
CASE ARE LOCATED IN:**

Oversized Box: 1

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Number of Items: 1

To The honorable the circuit court of the county of Cape Girardeau in chancery sitting, your complainant James Hainscraft of said county humbly complaining respectfully sheweth

That on the 31st day of October in the year of our lord 1817 your complainant purchased of one Eli Shelby of said county a certificate for new location of six hundred and forty acres of land commonly called a new Madrid certificate numbered 206 - signed by Frederick Bates recorder of land titles and dated the 7th day of August 1816 - granted to Henry Masters or his legal representatives - as will more fully appear by the deed of ~~Henry Masters~~ ^{sale} of the said Eli Shelby & Mary Shelby executed to your complainant their deed of his wife - ~~(wherein to the court exhibited attached & entered as bargain and sale without warranty, a part of this bill)~~ in which your complainant paid to said Eli the full sum of twelve hundred dollars as truly expressed in said deed. That previous to the date of said certificate one Reese Shelby had acquired the legal title to the tract of land in said certificate mentioned and in that sense was the legal representative of the said Henry Masters and by virtue of said certificate would have had the right to locate said six hundred and forty acres of land on any vacant land of the United States within the then Territory of Missouri the sale of which was authorized by law - ^{that is to say, some time in year eighteen hundred & eight} That previous to the date of said certificate, the said Reese Shelby died intestate whereby the right to make the location aforesaid descended to his heirs at law. That the said Eli Shelby in order to induce your complainant to purchase said certificate represented to him and assured your complainant that he

said Eli was the brother and only heir at law
of the said Reese Shelby deceased and that there
was no other person in ~~existence~~ being who was
legally entitled to any part of or interest in
said certificate except himself and your
complainant. being satisfied that ^{the} legal ~~title~~
title to said tract of land in said certificate
mentioned was in the said Reese Shelby at the
time of his death and that his heir at law was
legally entitled to the same - and believing &
relying on the statements and representation of
the said Eli that he was the sole and only heir
at law to the said Reese Shelby - your com-
plainant agreed to ^{and did pay} pay to the said Eli the said
sum of twelve hundred dollars for a transfer of
the said certificate without any guaranty from the
said Eli that the legal title to said certificate
was in him - your complainant further shews that at
time he purchased said certificate of the said Eli
and previous to the concluding of said purchase
the said Eli in order to induce your com-
plainant to purchase said certificate repre-
sented to your complainant that one Joseph
Lewis had made oath before the said recorder
of land titles that he the said Eli was
the sole and only heir at law of the said Reese
Shelby whereby the said Eli had been enabled
to procure the certificate aforesaid and that
the said Joseph Lewis ^{the father of the said Eli} being then present

declared that said representation was true
which said representation and declaration
your complainant believed to be true - and
considered conclusive of the fact that said
Eli was the sole and ~~one~~ only heir of the
said Reese Shelby, and in consequence thereof
of ~~thereof~~ agreed to purchase the said certifi-
cate as herein before set forth without requi-
ring any guaranty of the said Eli that the
legal title ^{to} said certificate was in him -

That your complainant - still relying on the truth
of the representations aforesaid of the said Eli
and of the oath of the said Josh Lewis
taken before the removal of land titles
as herein before stated - afterwards - sold and
transferred the said certificate to one
Eliazer Block - and covenanted to war-
rant and ^{defend} the title thereof - your ~~complainant~~
~~complainant~~ further represents that
since he sold and transferred the said certifi-
cate - to the said Eliazer Block -
he was uncertain and so charges the fact to be
that the said ~~Reese~~ Eli Shelby was not the
sole and only heir of the said Reese Shelby
deceased but that the said Reese at the time
of his death - had other heirs at law that is
to say - James Shelby and Elizabeth Burns
formerly Elizabeth Shelby. who were the
brother and sister of the half blood of said Reese
of the paternal side - and James Farris - John

Farris and Humphry, ^{brothers of} who were, the half blood of
said Reese of the maternal side - each of whom
were entitled by law to an equal proportion of
said tract of land with said Eli - as heirs
at law of the said Reese Shelly deceased
of which your complainant at the time of pur-
chasing said certificate of the said Eli. was en-
tirely ignorant. Your complainant further
shows that in order to keep his covenant with the
said Block he has purchased the interests of
the said James John and Humphry Farris as
heirs at law of the said Reese Shelly - in and to
the said tract of land in said certificate men-
tioned - and that he is still liable to the said
Block on said covenant for the interests of
said James and Elizabeth - and will be com-
pelled to purchase and quiet the same - or pay
to the said Block damages - equivalent to their
said interests - But now So - It Is.

May it Please your honor that the said Eli
Shelly - (whom your complainant may be made depen-
dant to this bill) conspiring with others to your com-
plainant unknown, who were discovered, he prays may
be made dependants - &c) - refuses to refund to your
complainant any part or proportion of the said
sum of twelve hundred dollars so paid for the said
certificate altho he well knows of the just
and legal claims of the said James Shelly and

Elizabeth Burns, and of the said James
John and Humphry Farris as heirs at law of
the said Reese Shelby and known the same
at time of selling the said certificate
to your complainant as before mentioned

In tender consideration whereof and inasmuch
as your complainant is without remedy at
the common law and can only be relieved in
a court of Equity where matters of fraud
conceal and misrepresentation are properly
cognizable.

To the end therefore - that the said Eli may
on his corporal oath make full and perfect
answer to the matters and charges herein
contained and set forth - in the same manner
as if the same were herein ~~again~~ repeated &
he thereto particularly interrogated -
and especially - 1st whether he did not sell to
your complainant the certificate herein before
described for the sum of twelve hundred dollars
2nd Whether he together with Mary Shelby his wife
did not execute to your complainant a deed of
transfer of said certificate without warranty
3rd Whether your complainant has not paid to
said Eli the full amount of twelve hundred
dollars in payment for said certificate
4th Whether the legal title to ~~said certificate~~

fact of in said certificate mentioned was not in Reese Shelby at the time of his death -

3th Whether the said Reese Shelby did not before this life intestate previous to the date of said certificate -

6th Whether the said Eli did not represent to this complainant - previous his agreeing to purchase said certificate - and for the purpose of inducing him ~~to~~ to purchase the same that he was the brother and only heir at law of the said Reese Shelby and whether it was not on that assurance that your complainant consented to purchase the same

7th Whether the said Eli did not in like manner represent to your complainant that one Joseph Lewis had made oath before the said recorder of land titles that the said Eli was the only heir at law of the said ~~Eli~~ ~~and~~ Reese Shelby - and whether the said Joseph Lewis did not then & there present declare that said representation was true and whether said Joseph Lewis is not the father in law of the said Eli

8th Whether the said Reese Shelby did not leave other heirs at law besides the said and if so who are they and where they reside - and whether the said James Shelby and Elizabeth Burns were not the

brothers and sister of the said Reese Shelly
of the half blood on the paternal side
and whether the said James Farris John
Farris and ^{James} Humphrey were not half brothers
of the said Reese Shelly of the maternal side

And that the said Eli Shelly may by a
decree of your honorable court be com-
pelled to repay to your complainant so much
of the said sum of twelve hundred dollars as
shall be equal to the interests of the other
heirs of the said Reese Shelly - together with
such damages as your complainant may
be entitled to for the misrepresentation
aforesaid ~~and the premises~~ May it
please your honor to grant to your ^{Creator} ~~the~~
~~the~~ writ of subpoena directed to
commanding do - and the premises considered
to grant to your complainant such
full and ample relief as in equity he
may be entitled to ~~and the premises~~
your complainant will Pray &c

Brook & Co
for compt

E. 50

Original Bill.

Walter Wyndham-Bellmont Esq

August 1873.

James Macdonald, Esq

against

Edw. Shelley

Defendant

Filed July 26th 1873

July 25th of same copy Bill & Indorsement -

W. J. Thomas, Clerk

State of Missouri
County of Jackson Circuit ³ ss.

The State of Missouri, to the Sherry Freeling:

There are to command you that notwithstanding any excuse, you be and appear before our Judge at our Circuit Court exercising Jurisdiction, to be held at Jackson within and for the County of Cape Girardeau on the Second Monday of August next, to answer the Complaint stated in the return of Original Bill of James Lawrence, and to do and receive what our said Court shall consider in this behalf and there you may in or out of your writ: And further the Sheriff of the County of Cape Girardeau is commanded to serve and save there this writ.

Witness My hand & the Seal of our said Court, at Office,
the twenty sixth day of July in the year of our Lord One thousand
eight hundred and twenty three.

C. J. Thomas, Clerk

Subpoena in Chancery
Case Foreman v. ~~Wright~~ ~~Wright~~

August Term 1823.

James Lawrence Plaintiff
against
Eli Shelly, Defendants

Waring: Att
July 26th 1823
Ed. Thomas, Clerk

Enclosed this Subpoena on
Eli Shelly by means
the same in his hands
a copy of the within
name subscribed
deemed to have Shelly
July 26th 1823

James Lawrence
for

William Southey

The answer of Eli Shelby to a bill in chancery exhibited against him by James A. Henscraft in the circuit court for the County of Cape Girardeau. This Respondant reserves nothing to himself - now & at all times hereafter all and all manner of benefit of exception to the many irregularities defects & untowardnesses GC GC in the bill of complainant contained for answer thereto or so much as he is advised & believes to be material to answer unto, answereth and saith 1st that he does admit that he sold the certificate (to complainant) described in the bill of said complainant for the sum of twelve hundred dollars

2nd This Respondant admits that he has been paid the full amount of said twelve hundred dollars by Complainant

3rd He also admits that he & his wife Mary Shelby did make a deed of transfer of said land to complainant without warranty

4th He admits that the legal title ^{to said land} was in Reese at the time of his death though he does not know positively

5th He also admits that said Reese Shelby died on testate before the date of said certificate

6th He also admits that he did represent to complainant after that in this Respondant was the only legal heir of Reese Shelby Deceased both before & after the said purchase and this he then believed to be true & yet (thinks so) but this Respondant positively denies that he ever told said Complainant that he was the Brother & only heir of Reese Shelby Deceased for the purpose of inducing said ~~Shelby~~ complainant to purchase said certificate on the contrary he was not anxious or even desirous to sell said certificate until he ^{was} influenced to do so at the strong solicitations of said Complainant This Respondant expressly states that he informed said Complainant that

own to complainant
yth ~~he~~ ^{but he does not know} ~~admits~~ that Joseph Louis is his (this Respondant's)
father in law ~~and~~ that he made oath before the Recor-
der of land titles that this Respondant was the Brother
sister in law of Reese Shelby Dwyer in ^{denies} ~~disavows~~ ^{that} ~~disavows~~
whether said Louis ^{was} present at the court ~~decided~~

those things to be true or not but if asked the ~~truth~~
would be told between this Respondant & complainant
of the

This Respondant further answer comes that Russ Shelly
left other heirs than himself he admits that
James Shelly & Elizabeth Barnes are the half brother and
sister (by the paternal side) of Russ Shelly, Decd
and that James Harris Humphrey Harris & John Harris
are half brother (by the mother side) to said Russ
Shelly Decd This Respondant denies all fraud unlaw-
ful combination &c without that that any matter
&c and prays to be reimbursed with his
costs &c Eli Shelly by

County of Cape Girardeau, Mo.

Attest me Secretary

Eli Shelly being duly sworn deposes and says that the facts contain-
ed in the foregoing answer so far as he relates of his own knowledge
are true and so far as he relates from the information of others
he believe, to be true

Eli Shelly

Sworn to and Subscribed in Open Court
August 20th A.D. 1823

W. S. Thomas Clerk
llllllll

Edw. Shuttleworth
Answer No

Reverend Mr. Shuttleworth

Dated August 20th 1893

Edw. Shuttleworth
Leicester.

Dated August 20th 1893

Wm. Henry 27th 1893

Edw. Shuttleworth
Leicester.

James Ranscroft } In chancery - circuit court.

Eli Shelly ^{vs} August term 1823--

3 The replication of the complainant to the answer the defendants put in to the Bill of complaint of this replicant - saving all advantage of exception to the uncertainties and insufficiencies of the said answer of the said defendants - for replication thereto with that all and singular the matters & things in this replicants said bill contained are true as same are therein alleged and that the answer of the said defendants to said bill is untrue imperfect and insufficient to be replied unto - and this replicant is ready to aver and prove the said matters in his said bill as this honorable court shall award - and humbly prays as in his said bill he hath already prayed &c.

Cook & Evans - for
compt -

to. 50

Application to unvers of dependent

Manuscript

Shelly

At the September 2. 1823

to. of. Thunay, both
to be held

At the June 9th 1827

to. of. Smith, both

Depositions of witnesses. Produced, sworn and
examined. On the 29th day of November in the
year of our Lord Eighteen hundred and twenty
three, between the hours of 9 ^{of the} o'clock in the forenoon
and six of the clock in the afternoon of said day
~~upon the~~ ^{before me} at the Court house in the Town of Batesville
and County of Independence and Territory
of Arkansas before me J. H. Burran, a Justice of the peace within and for the County aforesaid
aforesaid, by virtue of a Deed for the exam-
-ination of witnesses, in a certain cause now
depending in the Circuit court for the county
of Cape Girardeau in the State of Missouri
between James Ravenscroft as Plaintiff and
Eli Shelby as defendant, directed to any Judge
or Justice of the peace within and for the
State of Missouri, or any of the United States
or Territories.

William Tammey of lawful age being
produced sworn and examined, on the part
of the Plaintiff. Deposition and oath.
That he recollects going with said James
Ravenscroft to Eli Shelby in the fall
of 1827. That in the course of conversation
between said Ravenscroft and Shelby. The said
Eli Shelby said to him Ravenscroft. Asked that
Chancery of Boston. he Shelby was then
the only legal heir, remaining to the said
certificate of 640 acres. It being the claim
of Henry Masters. The said Masters purchase
of the defendant to said Shelby the sum
of 700 dollars. And it was understood
that Evans was to draw a deed next day
when said Ravenscroft was to give him
note for the balance of the twelve hundred
-and dollars, being the sum paid by said
Ravenscroft for the said claim.

Question by J. Ravenscroft to the Deposition.

Do you know of Shulby having mentioned, that he had several connections or cousins of his connection by marriage such as Half Brothers and Sisters. Answer - I did not hear any such conversation.

Question 2nd

Did Shulby say in your presence that he had Half Brothers and Sisters. Answer. He Shulby did not.

Question 3rd

Did you accompany the Plaintiff from Shulby to Evans to have the Deed drawn. (Answer I did)

Question 4th Did Mr. Shulby say in your presence that he obtained his certificate by the oath of Joseph Ellis. who swears that he Eli Shulby was the only legal heir to the said Certificate. Answer (I did) William Ramsey

The foregoing deposition was sworn to and subscribed before me at the Court House in the Town of Portsville this 29th day of November A.D. 1823.

J. Curran J.C.

Territory of Arkansas
County of Independence

I Thomas Curran clerk of
the Circuit Court in for the county
of Independence and Territory aforesaid do
certify that the foregoing Magistrate before
whom the deposition of William Ramsey
was taken was at that time and now is, an
acting Magistrate for the county of Independence
And that full faith is due to all his acts as
such.

Given under my hand and
Seal of Office this 29th day of
November in the Year Eighteen
Hundred and twenty three and of
the Independence the 47th

Thomas Curran
Clerk

Justices fees 622
Clerks do 50
\$1.12 1/2

50.

Capt. Guard. Gen. Court.

Paruscript

vs } in Chancery
Shelby

Filed Dec 9. 1853

Ed Thomas

Clerk

~~Filed Sept 11 1854~~

Augt 24 1853

STATE OF MISSOURI, FOURTH JUDICIAL CIRCUIT, 88.

THE STATE OF MISSOURI,

To any Judge or Justice of the peace of this State, or of any of the United States

or Territories, GREETING: KNOW YE, that trusting to your fidelity in diligently examining witnesses in behalf of the *Complainant* in a certain cause now depending in our circuit court for the county of Cape Girardeau, in this State, between *James Laurendroff & Son*

Plaintant and *Ed. Shelby* *Defendant*, of an original *Bill in Chancery*.

WE commission you that on the day and at the place you shall appoint, legal notice being previously given to the *Defendant* you cause the witnesses aforesaid to come before you, and them on oath or solemn affirmation examine, and their depositions reduced to writing subscribed by them, and by you plainly certified, do you have before our Judge at our said Court to be held at Jackson, within and for said county, on the *second* Monday of *December* *Next*, together with this commission enclosed.

WITNESS, *W. J. Horvath* Clerk of our said Court, at office,

the *fourteenth* day of *November* in the

year of our Lord, one thousand eight hundred and twenty *three*
and of our Independence XLVIII.

W. Laurendroff & Son
Ed. Shelby

Cape Girardeau Circuit Court.

Interventions

November 14th 1828

James Ravenscroft, Complainant
against
Eli Shelby, Defendant
in Chancery

The complainant in his proper person came and
on his motion Commissions to take Depositions Generally are awarded to
him.

A True Copy Duly, Test. W. S. Thomas. Clerk Shelby.

Ravenscroft
against
Shelby
in Chancery

November 14th 1828

W. S. Thomas, Clerk

Deposits for Complainant
Cape Girardeau Circuit Court
December 8th 1828.

The Decretion of this Court in favor of the
Complainant by a Decretal hereunto annexed
is read by the Clerk at the Court this
29th day of November 1828.
J. Curran Clerk

State of Wisconsin Circuit Court, do.

The State of Wisconsin Do, any Judge or Justice of the peace of this State or any of the several States or Territories greeting, know ye, that knowing to your fidelity in diligently examining witnesses, we of the County of Dane, Wisconsin, in our Circuit Court for the County of Dane, do hereby certify, that on the day and at the place you shall appoint, legal notice being previously given to the defendant, you cause the witness aforesaid to come before you, and then on oath or solemn affirmation examine, and their depositions reduced to writing and by you plainly certified, do you have before our said Court to the effect aforesaid with us and for said County on the second Monday of December next, together with this Commission enclosed.

Witness My hand & Seal of our said Court at Free
The sixteenth day of September Anno Domini One thousand
Eight hundred and seventy three.

Albino S. Thomas, Clerk

Cape Girardeau Circuit Court, In vacation,
September 16th 1823.

James Ravenscroft complainant

against

Eli Shelby, Defendant.

J. An original Bill in Chancery

The complainant by Mr. Cook his
Solicitor, came and on his motion Commissions to take Depositions
generally are awarded him.

A true copy of the Rule

Test Geo. Thomas Clerk

Comm^{no} Depositions for Complainant

Cape Girardeau Circuit Court

December Term 1823

Ravenscroft

Shelby

in Chancery

September 16. 1823

Geo. Thomas, Clerk

Saturday October the 4th 1823.

at the Court House in the
Town of Boonville in the County of Cooper State of
Missouri.

But it remembered that on the day &
year above written, between the hours of ten of the
Clock in the Forenoon & five of the Clock in the
afternoon of said day & the undersigned Justice of the
Peace for Boonville Township in the County aforesaid
did attend at the Court house in said Town pursuant
to the notice & agreement to the Commission hereto at-
tached; & it then & there did remain until five of
the Clock in the afternoon of said day at the re-
quest of the complainant James Ravenscroft, to take
the Deposition of James Harris, to be read in the action
mentioned in said Commission. And because the
said Harris did not attend on the day & between the
hours aforesaid at the Court house aforesaid and
summoned him to do then & there to depose as a witness
in said Action, I adjourn the taking of his deposition
until next Monday Morning at ten o'clock in the
Morning, at the Court house aforesaid in the Town
aforesaid then & there to take the Deposition of the
said Harris.

James L. Collins J. P.

Monday Morning, October the sixth 1823.

Now at this day at ten of the Clock
in the Morning, I the undersigned Justice of the Peace in
& for Boonville Township in the County and State aforesaid
said, have attended again at the Court house aforesaid
according to said
adjournment above; And because the said James

Jarris does not yet attend here before me as I have sum-
moned him to do to depose & testify in said Cause, therefore
I adjourn the taking of his deposition until tomorrow
morning at ten of the Clock at the Court-house afore-
said -

James L. Gallien J. C.

Sunday Morning October the seventh 1823 -

Now on this day I the undersigned Justice of the
peace aforesaid, have attended at the Court-house
aforesaid, at ten of the Clock of this day, to take the
deposition of said Jarris according to said ^{ad} judgment
And because the said Jarris has not yet attended he-
fore me at the place & hour last written according
to the last adjournment, therefore I adjourn
the taking of his deposition in said Cause until
Thursday at twelve of the Clock of the
day at the Court-house aforesaid -

James L. Gallien J. C.

Monday October the ninth 1823 -

Now on this day at twelve of the Clock
thereof I the undersigned Justice aforesaid, have at-
tended again at the Court-house aforesaid, pursuant
to the last adjournment above, to take the deposition
of James Jarris aforesaid, to be read on the trial of
the Cause aforesaid. And now the said James
Jarris appears before me, & who being first by me
sworn on the holy Evangelists of almighty God
to make true & perfect answers to such interro-
gatories as I shall propose touching his knowl-
edge of the matters & things relative to the action men-
tioned in the Commission aforesaid directed to me
from the Cape Girardeau Circuit Court; He forth

and sixth as follows:

Question by Complainant, Ravenscroft,

Mr James Farris, Sir, Where do you reside?

Answer, in Cooper County in the State of Missouri.

Question by same, How far do you reside from the Town of Jackson in the County of Cape Girardeau?

Answer, about two hundred and forty miles. —

Question by same. Do you know any Man by the name of Peck Shelby; and have you a knowledge of any of his brothers?

Answer — I knew a man by that name, who died in the year of our Lord 1808 or 1809 in the Co. of New-Madrid; and I know his brothers. — has a brother by the name of Eli Shelby who, as I believe, in the County of Cape Girardeau — the said Peck Shelby left three half brothers on his Mother's side, & one half brother on his father's side, & who are now living (as I believe) And I am one of his half Brothers —

Question by same. Do you know any Man by the name of James Ravenscroft, & if you do, say whether you know any thing of a Contract between him & Eli Shelby of Land or any thing else —

Answer. I know a Man by the name of James Ravenscroft, who resides in the County of Cape Girardeau (as I believe). And I know, that Eli Shelby informed me, in a Conversation between him & myself, that the Shelby had sold to the said Ravenscroft a New-Madrid Certificate granted by the Recorder of Land titles to Peck Shelby's Representatives, by virtue of

an injury done by the Earth - quakes to a tract
of land situate in the County of New-Madrid
(in the New State of Missouri) which the said
Reece Shelly purchased in his life time of one
Henry Masters.

Question by same. What interest did the said
Eli Shelly inform you, that he had sold the said
Ravenstoft in the said Certificate or land?
Answer. He told me that he had given Raven-
stoft a quit Claim Deed for the Certificate or
land; and at the same time informed me that
he had told Ravenstoft at the time he contracted
to sell him the said Certificate or land, that

James Easton had a Claim to ^{a part of} the same land;
so that, that was the reason he did not give
the said Ravenstoft any ~~other~~ ^{other} ~~deed~~ ^{deed} ~~or~~
the said Certificate or land.

Question by the same. Do you know of Reece Shelly
having purchased any land in his life time of any
man by the name of Masters, other than the
said Henry Masters?

Answer. I do not. James Francis

The undersigned Justice of the peace in & for the
County of Booneville in the County of Cooper
in the State of Missouri, do hereby Certify that
by virtue of the Commission hereto attached, I have
sworn the said James Francis (whose name is above
subscribed) to the truth of the several interrogatories
the above deposition by mutation on this ninth day of
March in the year of our Lord 1823, at twelve of the

Clack of this day at the Court ^{house} aforesaid -

Given under my hand & seal

this day & year aforesaid at the Court ^{house} aforesaid -

James L. Collins J.P.

Justice fees for each attendance at the
Court house in Booneville 50^{cts} - \$9.00

20 two subpoenas - 18^{cts} - 3⁷/₂

20 signing depositions - 18^{cts} - 3⁷/₂

Comptroller fees - 20^{cts} - \$2.56¹/₄

J. L. Collins J.P.

State of Mississippi
County of Cooper & J. J. Roberts P. Clerk
of the Circuit Court within and for the County afore-
said hereby Certify that James L. Collins Esq. whose
name is affixed to the above & foregoing Certificate
is and was on the day of the date of the same a Justice
of the peace within and for the said County of Cooper
duly commissioned and qualified as such to act and
that full faith and credit is and ought to
be given to all his official acts as such.

In testimony whereof I the Clerk
aforesaid have hereunto set my
name and affixed the seal of the
said Court at Booneville this
twenty first day of October in
the year of our Lord eighteen
hundred and twenty three, and of
this State the fourth.

Robt. P. Clark
Clerk

Cape Girardeau Court

Manuscript

in Chambers
Shelby

Jan 9th Decem 1893

W. H. Chambers

W. H. Chambers

and as for the Court

The Clerk of the Court

Manuscript
Shelby

Harriet's Disposition

Manuscript
Shelby

Jan 9th Decem 1893
W. H. Chambers
Shelby

Cape Girardeau Circuit Court. In vacation

December 14th 1893

James Rannscroft

Complainant

against

Eli Shelly Defendant

in Chancery.

The complainant in his proper
person came and on his Motion Commission to
take Depositions Generally are awarded to him

A True Copy Rule

Wm. S. Thomas. Clerk

To the above named Defendant or his Solicitor
A. Buckner Esq. In
Take notice that in pursuance
of the above Rule I shall on ^{the} ~~Twenty ninth~~ day
of the present month of November, at the Court
House in the Town of Paducah in the County
of Independence and Territory of Arkansas, proceed
to take the Depositions of witnesses to be read in
evidence on the Trial of the aforementioned Cause
on the part of Complainant ^{at 10 o'clock A.M.} ~~at 2 o'clock P.M.~~ ^{on the 14th day}
You may attend if you think proper

Jackson McParris
November 14. 1893

Respectfully Yours
James Rannscroft

Cape Guardian Court
Ravenscroft

ccs }
Shelby } iii Chancery

filed Dec 9. 1853

W. S. Thomas
Clerk

3 48
16

Cape Girardeau circuit Court - In vacation

September 16th 1823

James Ravenscroft - complainant

vs
Eli Shelby - Defendant } original Bill
in chancery -

The Complainant by Mr. Cook
his Solicitor came and on his motion commissions to take
depositions generally awarded him

and a copy of the Rule

Wm. S. Thomas Clerk

The defendant will take notice that on Saturday the
~~fourth~~ Day of October next at the Court house
in the Town of Boonville in the County of Cooper
between the hours of 10 o'clock in the forenoon and
5 o'clock in the afternoon of said day I shall take the
deposition of witness to be read in evidence
in the above cause now pending in the Circuit
Court of said County of Cape Girardeau wherein
I am complainant and you are de-
fendant - 16th September 1823 - Jackson

Cape Girardeau county

James Ramsey

State of Mississippi
County of Cape Girardeau

This day William Wal-
-ace in open Court came and
made affidavit that he served
the Shelly defendant mentioned within
with a true copy of the within return
on the 16 September last past
Wm. Wallace
Notary
mark

Subscribed to and
Subscribed in open
Court Decm 15th 1893

C. Thomas

Ch.

Ch.

C. Thomas

Decm 15 1893

Shelly

Plaintiff

Cape Girardeau Court

James Manuscript } In to have very in
Eliz Shelly } the ancient town
of the town of 17 of 6 of 17

To the Town Eliz Shelly on his
advising take notice that on ~~the~~
Monday ~~the~~ next at the Court house
of the town of 17 of 6 of 17
by appointment between the hours of 9 o'clock
A.M. and four o'clock P.M. & Shelly
take the deposition of William Manuscript
to be read in evidence in the above
cause

~~James Manuscript~~
James Manuscript

Page 10

50
noted

Received
of
Shelly } Chancery

Filed Decr 15th 1823

Ed Sherry
Att

Has noted served on
Alexander Buckner
by delivering him a
copy of this within
in the said Decr 15th
Decr 18th 1823

Wm L. Smith
Att

The deposition of William Ramsey taken before me, Peter
R. Garrett a Justice of the peace within and for the County
of Cape Girardeau at the Court house in the Town of Jackson
on Monday the Twenty second day of December A D eighteen
hundred and twenty Three to be read as evidence in a certain
Cause in Chancery now pending in the Circuit Court for
Cape Girardeau County ~~previously~~ first between James
Ravenscroft Complainant and Eli Shelby defendant; previous
notice first having been given

And the said William Ramsey being duly sworn deposes and says that
sometime in the fall of Eighteen hundred and seventeen James Ravens-
croft and this deponent went to Eli Shelby at which time James
Ravenscroft purchased of said Shelby a certain new made Certificate
for six hundred and forty acres of land it being the head right
of Henry Masters

Question by James Ravenscroft - what Conversation took place between me
and Shelby at the time above mentioned relative to the said
Certificate or land

Answer - Eli Shelby stated that Masters sold Reese Shelby all his
Settlement right of Two hundred or two hundred & forty acres
of land the same being more or less

Question by same - do you recollect of Eli Shelby stating at the
time that it gained public land on every side

Answer. He stated that it did

Question by same - did not Shelby state that Rufus Easton followed
Masters to the ~~Mississippi~~ some point on the Mississ-
ippi to purchase the residue of his claim - and did
said Masters tell the said Easton that he did not own any part
of the said land that he had sold it to Reese Shelby

Answer. Answer he did and further stated that Masters told Easton
that he did not own any part of the land, and said Easton told
Masters that he would give him a back land ~~for the same~~ to make
him secure if he would sell him the residue of his claim

and further this defendant saith that James Ravenscroft was to issue the title of Reuben Easton by said Shelly deducting Eighty dollars off of the price of the land and that James Ravenscroft paid said Shelly at the above mentioned time one or two hundred dollars and was to give him this note for the balance when the deed was executed

Question by Ravenscroft did Eli Shelly ^{me in your presence} ever state to ~~you~~ that he had any half Brothers or sisters ~~14~~

Answer he never did

Question by same, did not you and myself leave Shelly at the same time

Answer we went together and after you and Shelly had traded we went toquire Evans, where the deed was to be executed Evans was not at home and the business was deferred until next day after which we parted and I did not see the deed executed

Question by same was you or was you not in company with Shelly and Ravenscroft during the whole of the time that they were trading

Answer I was, and do not believe we were ever apart

Question by same, did Shelly state that Easton had purchased the Extension of Masters' head right

Answer He did, by giving a back bond that if he did not obtain the land he was not to come back on masters

Question by defendant was it not a thing of General notary that Eli Shelly had half brothers and sisters

Answer Not to my knowledge

Question by same did you see the deed executed by Shelly to Ravenscroft

Answer I did not

Question by same, was the note you speak as having been executed
by Ravenscroft to Shelby for the land or the deed
Executed by Shelby to Ravenscroft done on the day
you mentioned they contracted

Answer No they appointed the next day to do it

Question did you see the deed & note mentioned Executed

Answer No

Question did Shelby state to Ravenscroft that he Shelby
would man out every other title except Eastons to said
land

Answer I do not know that he did

Question was there any particular agreement between Shelby
and Ravenscroft that Ravenscroft was to require
no other title but Eastons

Answer I did not understand any other, ^{Conflicting} claim but
the Easton claim

Question by same, might or might not Shelby & Ravenscroft
be out of sight together out of your sight the day
which you say the contract was made

Answer from the time we met there until we went to
Gaines, I do not think they could

Question, was you present when the said note was Executed
to Shelby by Ravenscroft and the said deed
by Shelby to Ravenscroft for said land

Answer I was not

State of Mississippi County of Cape Girardeau SS

William Ramsey

I Peter R. Sanett a Justice of the peace within
and for the County and State aforesaid Do certify that
the foregoing deposition of William Ramsey was taken sworn

to and subscribed before me on the 22nd day of December
A D Eighteen hundred and twenty three at the Court house
in the Town of Jackson between the hours of nine of the
Clock in the forenoon and four of the Clock in the afternoon
of the said day - Given under my hand and seal this
22nd day of December 1823

Peter R Ganett Secy

Justice Geo^{ph} St^{or}

50
Ramus origl
H no.
Shelley

Deputy of
William Ramsey

filed decem. 30. 1823

W L Thomas. Clk

J W Wards

to
affiliated
Dumery
July 3
Jua Decm. 30. 1893
W. J. Thomas
W. J.

Estate of ~~James~~ On the 29th of July 1808 = James Faris half blood
Rees Shelby } brother to Rees Shelby a single man of age who died
intestate came before me and declared that to his knowl-
-edge the said deceased has a full blood brother named Eliak
Shelby, who he supposes is at present in territory of Orleans
wherefore he the said Faris as the next kindred to the deceased
in this Territory demands to be appointed administrator of the
^{estate} of the said Rees Shelby who was a son of David Shelby and
Catharine Shelby his father and mother deceased on his giving
bond and security according to law - said J^s Faris appointed
guardian of the property - M: AMOURNE

State of Missour County of New Madrid Is.
I Richard Waters deputy Clerk of the County Court for
the County aforesaid do certify the above and foregoing to
be truly copied from the Record of Mills Page 60 in this
Office — Given under my hand and the Seal of
said Court at Office this 25th day of
April AD 1824 -
Rich^d Waters Dy. Clk

No. 1000 250
50
70

Given April 19. 1896
St. Louis, Mo.

[Signature]

Copy of Administration

James Fario Adm.

On
Reus Shelby Estate

2.00 Wards

On the 12th day of July 1808 I have been informed that Rees Shelby a single man, said to have been of age died on the 12th day of this month at the house in the County in this Township of New Madrid occupied by Mr. Brant known to have been the wife of Joseph Brant and that the said Rees Shelby has friends near related to him in this District.

W. AMOURCEU Judge of Probate
J. New Madrid.

State of Missouri County of New Madrid ss.

I Richard Waters Deputy Clerk of the County Court within and for the County aforesaid do hereby certify that the above and foregoing Proof of the death of Rees Shelby is correctly copied from the "record of Wills" in this Office from page 59 thereof.

Given under my hand and the Seal of
said Court at Office this 25th day
of April A.D. 1824.

Rich^d. Waters Dy. Clk


Sworn to and subscribed
in open Court 27th April 1884

L. S. Thomas

[Signature]

Proof of the death
of Peter Shelly

Reo Shelly death

Residence City of

Filed April 19 1884

[Signature]

James Ransom
vs
Eli Shelby

James Ransom after a leave
having been sworn says that he
believes he can prove clearly by the right
form of this Court that Anne Shelby in
said Bill mentioned died in 1808
that his witnesses subpoenaed have not
attended & that he cannot account for
their absence unless by reason of the high
feathers.

James Ransom

Sworn to & subscribed
in open court April 20th

1824. Of Thomas

Shelby After the Evidence in the
above cause was closed it having been
proved by the complaint by the Plaintiff
to the Court that Anne Shelby in said Bill
mentioned died in 1808 or 1809 by the
deposition of James Terrell & here moved the
deposition of James Evans having
testified that in the year 1808 he was
at N Madrid where said Anne died & there
understood that said Anne had recently
died on the part of the Defendants
it was testified by said witnesses that
said Anne died about July 1807

+ the above affidavit
on this testimony ~~be found~~ complain
and made the court to direct an
inquiry ^{of fact} to be made up to the trial by a
jury at the next term of this court
this motion was by the court awarded
+ complaint upon ~~same~~ tender this
bill which is signed & made
part of the record

R. Thomas (Seal)

Witness
by clerk

Thomas

Shelby

June 26th 1894

R. Thomas

1893

I know all men by these presents that ^{Eli} Shelby and Mary
Shelby his wife both of the county of Cape Girardeau and
Territory of Missouri have bargained and sold for the sum
of twelve hundred dollars to them in hand paid, by James
Ravencroft of the county and territory aforesaid —

a certificate of six hundred and forty acres of land. N^o
206 granted by Frederick Bates, recorder of land titles dated
the 7th day of August 1816 in the name of Henry Martin
or his legal representatives to have and to hold the before
mentioned Certificate unto him the said James —

Ravencroft his heirs or assigns and ~~the~~ the said Eli Shelby
and Mary his wife for themselves and their heirs do warrant
and defend the before mentioned Certificate from them
selves and their heirs and from all manner of person or
Persons claiming under through or by them and the said
Eli Shelby and Mary his wife doth grant unto the
said James Ravencroft as full power to locate or
sell the said Certificate as they themselves have or
could have done In witness whereof we the said Eli
Shelby and Mary Shelby have here unto set their
hands and affixed their seals this thirty first day
of October one thousand Eight hundred and seventeen

1817 Signed sealed
and acknowledged in
Presence of —

Eli Shelby 

Mary Shelby 

Territory of Missouri }
 County of Cape Girardeau } Personally appeared before me
 Peace for the township of Cape Girardeau and County a
 fore said Eli Shelby and Mary Shelby and acknowledge
 the within instrument of writing to be their act and
 deed for the purpose there in contained Given under
 my hand this thirty first day of October AD 1877

Enoch Evans
 Justice of the Peace

County of Cape Girardeau, Mo.

Received 21 March 1878 and Recorded in
 Record Book D. page 232.

fees recording 3% of street & house and lots .48.00
 Certificate and seals - 1.18.00

Joseph M. Ferraro, Clerk of
 the Circuit Court.

[Signature]

Ed. Shelby and
wife to J^y

James Ashmcroft
Powers and sale

21 October 1814

Decordet 21 March 1818.

John McFarlane 1814

W. McFarlane

21

Circuit Court
James Baumschlag

vs
Eli Shelly

In chancery

This cause was called on for final
hearing at 11 o'clock in the morning
the complainants called Enock Adams
& Peggy Stringer who appeared to be
a witness & who had been subpoenaed to attend
at this term as witnesses. The said complain-
ant in open court made affidavit that
said Enock & Peggy were material witnesses
is for him in this cause that they were
both absent & that by his counsel or collusion
& had been subpoenaed & that he expected to
be able to procure their attendance at
the next term of this court. This affidavit
was not made when the cause was called
on but was prepared as soon as it could be
written by counsel & before the bill or
answer had been read the court refused to
hear the affidavit or grant the continuance
but ordered the complainant to proceed in
the cause to the cause of the court com-
plainant by his counsel excepted to and this
bill which is signed & made part of the record

W. Thomas - Seal

Bill of Resolutions
by Saml. J. May

Manuscript
Shells

June 26 April 1874

C. J. Howard

Know all men by these Presents, That we Eli
Shelby and Joseph Lewis

are held and firmly bound to James Ravenscroft his
Executors and Administrators in the sum of twenty two
hundred dollars for the Payment whereof well and
truly to be made to the said James Ravenscroft his
Executors and Administrators we bind Ourselves
firmly by these Presents, Given under our hands
and seals, this 31st day of August A.D. 1824.

The Condition of the above bond is such
that heretofore to ~~that~~ on the twenty sixth day of July
A.D. 1823, the said James Ravenscroft instituted his suit
in Chancery against the said Eli Shelby in the Circuit
Court for the County of Cape Girardeau in the State of
Missouri, and at the August term of said Court A.D.
1824 it was finally decreed and adjudged by the said
Court that said James Ravenscroft should recover of
and from said Eli Shelby One Thousand dollars, and
also the costs of said suit, from which ~~decision~~
final decree the said Eli Shelby has prayed an appeal
to the Supreme Court, Now therefore if the said Judgment
decree of said Circuit Court be affirmed and the said Eli
Shelby well and truly pay or cause to be paid to said
James Ravenscroft, all sums ^{of money}, which the said Supreme
Court may by their decree adjudge against him, together
with all costs that ~~may~~ has or may accrue in said
Circuit and Supreme Court, and abide the Judgment
of said Supreme Court, then the above bond to be
void otherwise of force

Eli Shelby
Joseph Lewis
Seal
Seal

James Hancock Comp^t

29 Eli Shelly Esq^r

W Bond

May Term 1825

Eli Shelby appellant
Versus
James Ravenscroft appellee

In Chancery

The parties by their solicitors came, and the record and proceedings aforesaid and the Decree entered in form aforesaid being seen and the matters for Error therein assigned being joined, heard and argued as well on the part of the appellant as also of the appellee. This court now here proceed to pronounce Judgment as follows.

They cannot see for whom judgment should be rendered in this cause. The Circuit Court gave a decree, on the ground that it made no difference when Reese Shelby died. We think it might be (very material whether he died before 1807 or not. The court leaves that matter undetermined: The cause ~~must be remanded~~ ~~was that~~ ~~matter~~ ~~sent to~~ to the circuit court, with directions for that court to impanel a jury to ascertain the time when Reese Shelby died: and also to inquire how much Ravenscroft gave to the heirs whose claims he purchased, and that the same be again certified to this court for its final & further determination.

I Peter R. Garrett Clerk of the Supreme Court, held at Jackson, on the 23^d day of May 1825 do certify that the above is a true copy of the Judgment rendered by said Court, in the above stated cause - Peter R. Garrett

James Brown 1800

Don't know

Ed. Smith 1800

Order of the Court

(11)

Jarvis Ravens
me

Eli Shelley

it is suit in Chancery lately pending
in the Supreme Court at Jackson
and now sent to the ^{Cape Girardeau} ~~lower~~ ~~Missouri~~
Circuit Court to try an issue of fact.

Mr Eli Shelley the above defendant

Sir Take notice that I shall on the 8 day of June
 next between the hours of 9 o'clock in the forenoon and
 4 o'clock in the afternoon of that day at the clerks office
 in the Town of New Madrid proceed to take the Depo-
 sitions of witnesses to be read on the trial of the
 above cause according to law at which time &
 place you may attend
 James Ravencroft

May 26. 1825

James Parvencraft
by Father in his attorney

Enclosed this notice on Eli Shelly in Cape
Essex Township by reading this within in his
hearing.

June 3rd 1825

Wm Creath Shff.

1 vol

James Brauncraft Esq. in Chancery lately practicing in
the Supreme Court at Jackson, and now
sent to the Lower Mercantile Circuit Court

to try an issue of fact

vs. Mr. Eli Shelly the above Defendant

His notice: That I shall on the 14th day of September
next month, between the hours of 9 o'clock in the fore noon,
and 7 o'clock in the afternoon of that day, at the house of
William Shogers at the town of Benton in Scott County proceed
to a public deposition of Melanper, to be read on the trial of
the above cause according to law; at which time and
place you may attend

Done 8th 1823 —

James Brauncraft by
Mathew his attorney

From the section on E. of the valley -
showing this a top of the same.
in the lower of the same the 8
day of June 1825 - E. of the valley
at the creek E

The Deposition of Enoch Evans taken at the House of
William Myers in pursuance of a notice in the case of
James Rannusoft vs Eli Shelly who being duly sworn
deposeth & saith, that he wrote the Deed between the parties
About the year 1816 or 1817 & that said Rannusoft was
to pay said Shelly twelve Hundred Dollars, & said Shelly
thence in eighty Dollars to Richd the title of Rufus Easton
& a certain tract of land containing 600 acres land
which was the ^{Right} Head of Master Giver name not Recollected
of Masters which land was conveyed by said Master to
Rufus Shelly, which Deed from said Master to Rufus Shelly
was for 200 Acres more or less.

Question by the plaintiff — Did you know that said Shelly
Had any Half Brothers or Sisters at that time
Answer I Did not

Enoch Evans

I Daniel Payne a Justice of the peace
within and for the County of Scott do certify that
the above deposition was taken on the 14th day of June
1824 at the house of William Myers in the town of
Benton within said county and sworn to and subscribed
in my presence.

Daniel Payne J P

Aug. 7 1825

1:30 o'clock

Went up the descent of
the descent of the descent of
the descent of the descent of

Ravenscroft
Milly

Filed Aug. 9 1825

1825
17
1808.

Deposition, taken at New-Madrid, on Wednesday the eighth day of June, in the year eighteen hundred and twenty five, to be read in evidence in the Circuit Court in the County of Cape Girardeau in a Case now depending in said Court, ~~in a cause~~ wherein James Ravenscraft is plaintiff and Eli Shelby is defendant, on the part of the said plaintiff

Modesty Elizabeth Moyers, being duly sworn Depo-
sith and sayeth - That Russ Shelby departed this
life some time in the month of July or August in the
year eighteen hundred and eight. Said Depo-
nent recollects the time of the death of said decedant from the
date of a marriage contract, dated the sixteenth day
of April eighteen hundred and eight -

Question by Defendant - How do you know that said
Shelby died at the time aforesaid? Answer - from the re-
port of others - I did not see him myself - Question
by the Plaintiff - Will you state how you know that
said Shelby was living after the said eighteenth day of April
eighteen hundred and eight? Answer By saying said de-
ceased about six weeks thereafter of the house of Mrs. West-
brookes -
Modesty Elizabeth ^{per} Moyers
mark

Sarah Hart being sworn says - That she has a
son who was seventeen years old the seventeenth day of
January eighteen hundred and twenty five, and that

Rees Shelby was living at the house of said Depo-
nent one year after the birth of her said son - Said
Deponent recollects the said time from the great fondness com-
ed by said deceased for said child and teaching him to
talk and swear -

Sarah ^{her} North
mark

Sworn to and subscribed before me a Justice of the
Peace in and for the county aforesaid at the date a-
foresaid -

Thos. J. Gilman Justice of the Peace

41
 808 1
 968 1

may 11/11/11

1825

John of the Circuit Court of the
 County of Cook
 DuPage
 DuPage

Ravenscroft
 Shelby 5
 1825
 Filed Aug 9

|||||

|||||

300