

Jefferson County Circuit Court
Court Case - Civil
October 1835

Box

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Folder 28

Stokes, Marianne

vs

Collier, George

Dower

Change of venue from St. Charles
County on change of venue from St.
Louis County; 160 acres, New Madrid
certificate 103 Survey 2472 as widow
of William Stokes

State of Missouri,
County of Saint Louis } ss. Be it Remembered that heretofore to wit, on the Tenth day of
July in the Year of Our Lord One thousand Eight hundred and thirty four, Marianne
Stokes by her attorney filed in the Office of the Clerk of the Circuit Court for the County
of Saint Louis in the State of Missouri her Petition for assignment of dower and
assessment of damages against George Collier, which said Petition is in the words and
figures following to wit;

Petition 3
State of Missouri,
County of St. Louis } To the Honorable the Circuit Court of the County of St. Louis

The Petition of Marianne Stokes respectfully sheweth, that William Stokes formerly of
the County of St. Louis and State of Missouri departed this life on or about the sixth day
of December in the year of Our Lord Eighteen hundred & twenty three at St. Louis
in the County aforesaid, that said Stokes left no lawful issue, and that your petitioner
is his lawful widow - that said William Stokes died seized & possessed of considerable
real estate in said County of St. Louis & elsewhere in the State of Missouri - that amongst
other lands & real estate the said William died seized & possessed of the following
described lands & premises to wit; a tract said to contain one hundred & sixty acres
(excepting thereout four acres being the Catholic burying ground conveyed by said
William in his life time to the Catholic congregation of the County of St. Louis and to
which four acres your petitioner has since the death of said William released her
claim to dower in due form of Law) which tract of one hundred & sixty acres with
the exception aforesaid was conveyed by McAllister & wife to George
Collier by deed dated 25th October. AD, 1830. and is situate in the County & about two
miles westwardly from the City of St. Louis in the State of Missouri, it being a New
Madrid location so called under certificate No 103 Survey No 2472 and bounded
and described as follows beginning at the S.W. corner of a tract of land belonging
to J. B. C. Lucas where said S.W. corner intersects or adjoins the N. boundary line
of a tract of land with a mill thereon which belongs to the Estate of Auguste Chouteau
deceased, thence north 25½ degrees East 27 chains & fifty links 1½ degrees west
19 chains 75 links, thence west 44 chains 40 links - thence south 40 chains, thence
south 75 degrees East 28 chains - thence north 25½ degrees East 3 chains five links
to the place of beginning - also another tract adjoining the foregoing on the west said
to contain thirty seven & a half acres being part of a location under New Madrid certificate
No 145 - and survey No 2499 - described as follows beginning at the N.W. corner of the
tract above described thence running west 15 chains 16 links - thence south 24 chains
three links - thence south 75 degrees East 15 chains 75 links to the western line of the tract
above described thence north & following the western line of the said first described tract
28 chains to the place of beginning, which two tracts above described after deducting
the said 4 acres conveyed as aforesaid for a burying ground & 2½ a half acres
acres conveyed for another burying ground, contain one hundred & ninety one
acres more or less. — Your petitioner states that since the death of her husband
said William Stokes her right to dower generally as the widow of said Stokes has been
established by the decision of the Supreme Court of the State of Missouri. — that although

said William died seized of a large amount of real estate over & above what was necessary for the payment of his debts. Yet her dower in the two tracts of land above described has not yet been assigned to her. The said two tracts are now held possessed & claimed by George Collier of the County of St. Louis who refuses to assign dower out of same to your petitioner, or to account with her for the yearly value of her dower in said lands since the death of her said husband or for any other period of time since his decease although requested by your petitioner so to do, and has by his said refusal & deforcement compelled your petitioner to sue for same. wherefore your petitioner prays that a summons in due form of law may be issued by this Honorable Court to said George Collier requiring him to answer this petition and shew cause if any he can why dower in the above described premises should not be assigned to her and damages awarded her for the value of her said dower from the decease of her husband or from such other time as her dower ought by law to have been assigned to her & your petitioner will ever pray &c.

G. A. Bird Atty for petitioner

and the summons annexed to said petition and issued therewith is in the words following to wit:

County of Saint Louis, Mo.

The State of Missouri

To the Sheriff of the County of Saint Louis Greeting

We Command you to Summon George Collier that he be and appear before the Judge of our Circuit Court at the next term thereof to be held at the City of St. Louis within and for the County of Saint Louis on the fourth Monday of July instant then and there to answer unto Marianne Stokes and shew cause if any he have why the dower in the petition of the said Marianne Stokes mentioned should not be assigned and damages assessed and awarded to her according to the prayer of the said petitioner and have you then there this writ  Witness Archibald Gamble Clerk of our said Circuit Court at Office this tenth day of July in the year of our Lord One thousand Eight hundred and thirty four - Archibald Gamble Clerk - and afterwards at the return term thereof the Sheriff of the County of Saint Louis returned the said Petition and the summons annexed thereto into said Court with his return thereon endorsed in the words and figures following to wit: "Served this writ on George Collier on the 11th day of July 1834 by offering to read it & the petition or declaration which he refused to hear in the County of St. Louis - In^o H. Walker Shff^r and afterwards to wit: on the Eighteenth day of August in the year aforesaid at the July term of the said Circuit Court in the year Eighteen hundred and thirty four the said defendant by his attorney filed his pleas to the petition of the said plaintiff in the words and figures following to wit: "Marianne Stokes vs George Collier - In St. Louis Circuit Court - And the said George Collier by his attorney comes and defends the wrong and injury when &c and says that the said Marianne ought not to have her dower of the lands and tenements and premises with the appurtenances or any or either of them, or any part thereof of the endowment of the said William Stokes because he the said defendant says that the said William Stokes was not at any time seized of such estate of in and to the said lands & tenements and premises with the appurtenances aforesaid or any or either of them or any

Summons

Sheriff's
Return

Pleas

part thereof, whereof &c that he could endow the said Marianne thereof and of this he puts himself upon the country &c. — And the said defendant for further plea in this behalf says that the said Marianne ought not to have her dower in this behalf as having been the wife of the said William Stokes deceased because he says that the said Marianne never was accoupled to the said William Stokes deceased in lawful matrimony and this the defendant is ready to verify and therefore prays judgment if the said Marianne ought to have her dower of the lands tenements & premises aforesaid with the appurtenances — And for further plea in this behalf the said defendant says, that the said Marianne ought not to have dower in the lands tenements and premises with the appurtenances, because he says that she the said Marianne, is an alien born in foreign parts, out of the United States of America and within the allegiance of a foreign state, to wit, of the Kingdom of Great Britain and Ireland, and not a Citizen of the United States of America by naturalization or otherwise, and the said Marianne so being an alien born before & at the of the commencement of this suit, was and still is resident and living out of the United States of America and within the Kingdom of Great Britain & Ireland aforesaid, a subject of and owing allegiance to the King of Great Britain and Ireland, and as such adhering to the said King and owes and yields no allegiance to the United States of America, and this the defendant is ready to verify, and therefore he prays judgment if the said Marianne ought to have dower assigned to her in this behalf &c. — And for further plea in this behalf the said defendant, says that the said Marianne ought not to have dower of the said Lands tenements & premises or any of them because he says, that the said William Stokes was an alien born in foreign parts, out of the United States of America and within the allegiance of a foreign state, to wit of the Kingdom of Great Britain & Ireland and not made a Citizen of the United States by Naturalization or otherwise, nor did he make a declaration of his intention of becoming a Citizen of the United States by taking the necessary oath in due form of law, according to the form of the Statute in such case made and provided, and the said William Stokes being such alien born, as aforesaid, at the time of his death, was a subject of, owing allegiance and adhering to the King of Great Britain & Ireland, not capable in law of inheriting or transmitting the inheritance of real estate, of acquiring or holding the same, within the State of Missouri and this the defendant is ready to verify, wherefore he prays judgment if the said Marianne ought to have dower &c. — Geyer for deft, &c. and on the said eighteenth day of August in the year and at the term aforesaid the following order for a change of venue in said case to the County of St. Charles was made by said court, viz; Marianne Stokes.

George Collier } The Judge of this Court having been of counsel for the plaintiff in a suit on the same ground of action with the present case, it is ordered by the Court that the venue in this case be changed to the County of Saint Charles in the Second Judicial Circuit of this state and that the clerk of this Court do certify and transmit a full transcript of the Record and proceedings in this case together with all papers appertaining to and filed in the cause to the clerk of the said Circuit Court for the County of Saint Charles at the next term

thereof.

State of Missouri

County of Saint Louis

I, Archibald Gamble Clerk of the Circuit Court for the County of Saint Louis do certify that the above and foregoing is a full transcript of the Record and proceedings in the case of Marianne Stokes against George Collier as the same now remains of Record in my Office, and that there are no papers appertaining or filed in said cause other than those forming part of the Record mentioned in this transcript



Given under my Hand and the Seal of the said Circuit Court at Office in the City of St. Louis in the County and State aforesaid this Thirtieth day of August in the Year of Our Lord One thousand Eight Hundred and thirty four

Archibald Gamble
Clerk

Fees

Clerk Gamble for Transcript	---\$1 ⁰⁰ 94
do Certificate & Seal	--- 2 ⁰⁰ 50
do Tax	--- 0 ⁰⁰ 62½
do Costs in Suit	--- 1 ⁰⁰ 82½
Writ & Tax paid by Plaintiff	--- 1 ⁰⁰ 62½
Sheriff Walker	--- 1 ⁰⁰ 00
	<u>\$7⁰⁰ 51½</u>

(Clerk) Forwarding Transcript to St. Charles	2 ⁰⁰ 00
	<u>9⁰⁰ 51½</u>

Marianne Stokes

George Collier

To clerk	
Transcript	\$ 1 " 94
Certificate & seal	0 " 50
Tax	0 " 62½
Forwarding Transcript to St. Charles	2 " 00
Clerks fees (Comble)	\$ 5 " 06½
Writ & Tax (paid by Melvin Hoff)	1 " 82½
Sheriff Walker	1 " 62½
	\$ 9 " 51½

Nine dollars fifty one and one half cents

Filed Sept. 6th 1834
W. P. Hunt
clerk

William Stokes Esq. of the County of Wick
to Henry Butler } Charge of some from the said County

I acknowledge myself to be his & family's attorney
you are the only that have agreed on my
address in this last in favour of the Defendant as
my father in Ireland whatever I might have
of that name &c. 1838 H. G. O. R. a

Stokes }
vs } Bond
Collins }

G. A. Bird
filed June Term 1835-

State of Missouri

County of St Charles

} ss Be it remembered that on the sixth day of September in the year of our Lord eighteen hundred and thirty four, was filed in the office of the clerk of the circuit court for the said county of St Charles the accompanying transcript of the record and proceedings in the case of Marianne Stokes against George Collier, commenced in the circuit court of the county of St Louis, and removed thence on an order of change of venue ^{to} from said county of Saint Charles, which said cause, by reason of the failure of our said court to sit, was continued from term to term, until the June Term of our said court for the year eighteen hundred and thirty five - at which ~~said Term, on the second day thereof, it being the ninth day of said~~ month, the following proceedings were had - to wit:

change of venue

" Marianne Stokes } Petition for assignment of Dower.
" George ^{vs} Collier } The Judge of this court having been of counsel for
" one of the parties to this cause, it is ordered by the court that the venue
" be changed to the ~~county~~ county of Jefferson, in the seventh Judicial Circuit
" of this state, and that the clerk of this court do certify and transmit a
" full and true transcript of the record and proceedings in this case, together
" with all papers appertaining to, and filed in the same, to the clerk
" of the circuit court for the said county of Jefferson, at the next term
" thereof."

State of Missouri

County of St Charles

} ss I, William Christy Jr, clerk of the circuit court within and for the county aforesaid, certify the above and foregoing to be a full and perfect transcript of the record and proceedings

in the case of Marianne Stokes against George Collier as the same
now remain of record in my office; and that the accompanying pa-
pers are all that appertain to, or that have been filed in the case.
to the number of



Given under my hand and the seal of said
court at office in the Town of St. Charles this
26th day of October A.D. 1835.

William Christy Jr

By Deputy

J. D. Johnston

531

Marianne Stokes

vs } change of
George Collier } name

377

clerk Christy	\$1.76 $\frac{1}{4}$
Transcript	.25
certificate & seal	.50
Fax	.62 $\frac{1}{2}$
Forwarding 50 miles	5.00
	<u>\$8.13$\frac{3}{4}$</u>