

Jefferson County Circuit Court  
Case Files-Civil  
April 1839, No. 31

Box

4 Folder 46

Bevis, Prudence

vs.

Lee, Andrew T.

Carrow, Martha

Certiorari

Certified from JP John Geiget on  
unlawful detainer of Thomas L.  
Bevis farm on Joachim Geelk

Mr Shuckers & Lee and Charles Sumner state  
notice that you are sending nothing & requested to  
return up the paper to the undersigned, enclosing  
cases lying in Jefferson County with a return & documents  
lying on the Graham Creek Sumner as Thomas D Davis the  
place. one mile & a half above Buckner & Hancock's  
with immediately upon the receipt of this notice  
March 3rd 1839

Providence X Davis

Mr Sumner with return a copy of this notice to  
each of the above defendants, or leave at the residence  
and keep the original & serve the notice before  
you serve the Sumner of for other returns  
A J Sumner

1/2<sup>nd</sup> of the

Deer

&

Filed April 28<sup>th</sup> 1839

Wm. Mathews  
Jr.

Executed By leaving a Copy with  
each one of the defendants this 9<sup>th</sup> day  
of March 1839 Eliza Vernon  
Dr. Sheriffs

Bevis  
Prudence Bevis makes complaint to the undersigned Justice  
of the peace for the County of Jefferson and Joachim Township  
that Andrew J Lee and Martha Carrow on the 5<sup>th</sup> day  
of March 1839 unlawfully detained and still unlaw-  
fully and ~~freely~~ detains certain lands lying in said County  
belonging to said Prudence to wit a farm and tenements  
lying on the Joachim Creek known as Thomas L. <sup>Bevis</sup> ~~Bevis~~  
old place one mile and a half above Rudolph  
Harvesters Mill  
March 7<sup>th</sup> 1839 ~~John Geiger~~ Prudence <sup>Bevis</sup> ~~Bevis~~

The State of Missouri to the Sheriff or ~~Justice~~ of Jefferson  
County Greeting you are hereby commanded to summon Andrew  
J Lee and Martha Carrow of the County of Jefferson to appear  
before the undersigned Justice of the peace within & for said  
County at my office in the town of Herculaneum in said  
County on ~~the~~ Saturday the 15<sup>th</sup> day of ~~April~~ <sup>March</sup> 1839 at the hour  
of ten o'clock in the forenoon of said day, then & there to  
answer & defend against the Complaint of Prudence  
<sup>Bevis</sup> ~~Bevis~~ of an unlawful detainer made by the said Andrew  
J Lee and Martha Carrow upon the lands of the said  
Prudence <sup>Bevis</sup> as by the Complaint of the said Prudence hereto  
annexed will more fully appear & have you then & there  
this precept with the return of your proceedings thereon  
Given under the hand of the said Justice this 7<sup>th</sup> day of  
March in the year of our Lord 1839 John Geiger  
Justice of the Peace

Executed on Martha Carrow By Reading the within &  
on A. J. Lee By leaving of copies of the same at the  
boarding house of said defendant this 9<sup>th</sup> day of March  
1839

Edw. Vernon Jr.  
Sheriff

Served the within Summons on Martha Cannon by reading  
 the same and the complaints in her presence & hearing at  
 in the County of Jefferson on the 9<sup>th</sup> day of March 1839  
 and on Andrew J Lee at the same time and place  
 by leaving a true copy of the Summons & complaints  
 at his usual place of abode with Susan Virginia  
 daughter of the family above the age of fif-  
 teen years and explaining to her the contents of the  
 same

John Hammond Sheriff of  
 Jefferson County by  
 Charles W. [unclear] Deputy Sheriff  
 vs  
 Andrew J Lee and  
 Martha Cannon

|                   |                |
|-------------------|----------------|
| posting bonds     | \$1.00         |
| supplies          | 3.00           |
| day fees          | 4.00           |
| posting notice    | 1.00           |
| day money         | 9.00           |
| paid by [unclear] | 3.00           |
| <b>Total</b>      | <b>\$12.00</b> |

Witness my hand & seal  
 this 10<sup>th</sup> day of March 1839  
 John Hammond

Since the within by reciting to the aff. the complaint and  
 summons, or if they cannot be found by leaving a copy of them  
 with some white person of the family above 15 years of  
 age & explaining the same to such person

the State of Missouri to the Sheriff of the County of  
Jefferson Writing you are hereby Comanded to Summons  
Richard Anderson, George Anderson John Cook  
Jacob Shultz, Charles Young and Harrison Lee the se  
4th the said Cole  
forwards to appear before the undersigned Justice of the  
peace in and for said County, at his office in the town  
of St. Louis on, ~~and the 1st day~~ the day of March 1839  
at 10 o'clock of said day in the forenoon to testify and  
the truth to say in a certain action before me of  
and against them, wherein Anderson is Plaintiff &  
Anderson Lee & Richard Young are defendants, on the part  
of the Plaintiff, and have them this writ return  
under my hand this 9th March 1839 John Greiner  
Justice of the Peace

1111001

Supra page 204

Prudence Bevis

vs  
A. L. Lee &  
Martha Carr

for \$3.50

Filed April 8<sup>th</sup> 1839

Matthew

clerk

Executed the within on all of the within witness  
except Jacob Shupe this 12 day of March 1839

Eliza Vernon  
D. Sheriff

The State of Missouri to the Sheriff of Jefferson County  
Greeting, Whereas complaint in writing is made to the  
undersigned, a justice of the peace in & for said County  
of a certain unlawful detainer made by Andrew J  
Lee and Martha Barrow on the lands of Presience  
<sup>Bevis</sup> ~~Bevis~~ in the County aforesaid. There are therefore to  
Command you that you Cause to come before said  
Justice at his office in the town of Herculaneum  
in the County aforesaid on the 15<sup>th</sup> day of March  
1839 at the hour of ten o'clock in the forenoon of  
said day, twelve good & lawful men of the body  
of the County to make a jury to enquire into the  
unlawful detainer before described. Given under  
my hand this 7<sup>th</sup> day of March in the year one  
thousand eight hundred and thirty nine

John Geiger

Justice of the Peace

Long June page 204

Mr. T. Davis

as

Blackman Lee and

Martha Davis

\$4.00

for

Jonathan Shuckster

William Virginia

Stephen Muskin

Thomas Eagle. Benson

John Jones

~~Thomas Jones~~ +

Thomas Appleby

Andrew endwester

John Smith

John Hill

John Jones

~~John Jones~~ Shuckster

~~John Jones~~ Appleby

Robert Smith

Arvon Henry

.....

Filed June 28<sup>th</sup> 1859

Weathering

to 1/2

We the jury find the defendants Guilty of unlawful  
behaviour in manner and form as the complainant hath in her complaint  
alleged

Walter Saunders, foreman

Lums verdict

Filed April 8<sup>th</sup>  
1839  
Matthew  
6th

Know all men by these presents that Andrew  
J Lee as principal and Archibald Lee as security  
are held and firmly bound unto Prudence Beavers  
in the first and full sum of One hundred dollars  
good and lawful money of the United States, to be  
levied of our respective goods and chattels, lands  
and tenements, to the payment whereof well and  
truly to be made we bind ourselves our heirs ex-  
-ecutors and administrators, jointly and severally  
firmly by these presents sealed with our seals  
and dated Herculaneum, March 22 1839.

The condition of the above obligation is such  
that whereas the above Andrew J Lee has sued out  
of the Office of the clerk of the Circuit Court for the  
County of Jefferson a writ of Certiorari to bring up  
certain proceedings in a case of unlawful detainer in  
which Prudence Beavers is Plaintiff and the said Andrew  
J Lee one of the defendants. Now if the said Andrew  
J Lee shall prosecute the said suit without delay  
to a decision in the Circuit Court, and shall pay  
whatever costs ~~may be~~ and damages may be adju-  
-ged against him in the Circuit Court, if the judgment  
of the Justice be affirmed, or his suit dismissed  
or that he will otherwise abide the decision of the  
Justice of the peace before whom said proceedings  
were <sup>had</sup> and that he will pay whatever may be the  
costs and damages that may be adjudged against  
him in the Circuit, then the above obligation to be  
void otherwise in full force and virtue.

Witness

Geo S. Matthews  
clerk to do

Andrew J. Lee

J Lee Beavers

Dr Jeff Davis  
April Term 1839

Frances Deary

to  
Andrew Lee &  
Martha Cannon

100th Bond of Debt

Filed March 22 1839

Wm. A. M. H. H.  
W. H.

E

County of Jefferson &c

The State of Missouri

To John Giger a Justice of the peace within and  
for said County Greeting Where as a certain inquisition  
was held before you on the sixteenth day of  
March 1839 in the name of Prudence Beavers plaintiff  
against Andrew Lee and Martha Carnow  
defendants for an unlawful exclaim of certain  
Land and tenements and we being willing  
for certain reasons to be certified of the same  
these ~~are~~ Therefore we do command you that a  
complete copy from your docket of the  
inquisition aforesaid together with all proceed-  
ings thereon as fully entirely with all things touch-  
ing ~~the same~~ as it remains before you and  
the original papers filed in said cause  
by whatever names or names the said parties  
may be called in the ~~said~~ same you certify  
to the Judge of our Circuit Court at its next  
term to be held in the second Monday in  
April next at the town of Herculaneum in  
and for said County together with this writ  
so that said court may be able to proceed  
thereon and do what shall appear right  
~~unto them~~ or to them ought to be done Henceof  
fail not and have you then there this  
writ witness John S Mathews Clerk  
of said Circuit Court at office in the town  
of Herculaneum This 22 day of March 1839  
John S Mathews Clerk

In obedience to this Writ I send you a Transcript of the  
writ in Name of Luit with all Papers belonging to said Luit  
from my Pocket John Greger Justice of the Peace

No 31  
In Rept of Luit  
Prudence Bevis  
vs  
Andrew J Lee &  
Martha Lennox  
Bond given \$1000

Filed April 8<sup>th</sup> 1839  
W. A. Mearns  
C/k

This is a true copy of the original  
for the Plaintiff's use  
By Mark A. DeWitt

County of Jefferson Let  
The State of Missouri  
To John Geiger a Justice of the peace within and  
for said County Greeting,

Whereas a certain in-  
-quisition was held before you on the sixteenth day of  
March 1839 in the name of Prudence Beavers plaintiff  
against Andrew J. Lea and Martha Garrison  
defendants for an unlawful detainer of certain  
Lands and Tenements And we being willing  
for certain reasons to be certified of the same  
These therefore are to command you that a complete  
copy from your Docket of the inquisition aforesaid  
together with all proceedings therein as fully and entirely  
with all things touching the same as it remains before  
you, and the original papers filed in said cause  
by whatever name or names the said parties may be  
called in the same you certify to the Judge of our  
Circuit Court at its next term to be held on the  
second Monday in April next, at the Town  
of Merculaneum in and for said County together  
with this writ, so that the said Court may be able  
to proceed thereon and do what shall appear right  
or to them ought to be done. Whereof fail not and  
have you then there this writ

Witness John S. Weather Clerk  
of our said Circuit Court at Office  
in the Town of Merculaneum this  
22 day of March 1839

W. S. Weather  
Clerk

I executed this writ on ~~J~~ John Liger a Justice  
of the peace by giving him a copy of the  
same on the 23<sup>rd</sup> day of March 1839

John Hammond Sheriff  
By M. Moss Deputy Sheriff

On Jeff. vs. Court  
April Term 1839

Prudence's Bonds

vs

Andrew & Lee &  
Martha Lawrence

Bond given \$100.00

F

filed April 8<sup>th</sup> 1839

Matthews C. H.

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To the Sheriff of

County,—GREETING:

You are hereby commanded to summon

Hercules Cagle, Jacob Thompson  
Jennies McLean, Jacob Jones  
Aschley Lee, & John Brock

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the eleventh day of April next, at the town of Her-  
laneum, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein Jennies McLean is plaintiff, and Aschley Lee & Jacob Brock are defendants, on the part of the defendants; and have you then there this writ.

Witness, HENRY P. BATES, Clerk of our said Circuit Court, at the town of Her-

laneum, this 25th

day of March

in the year of our Lord one thousand eight hundred and thirty nine

CLERK, C. C.

I Sevee this wote on Hercules oyle Archilep  
 Lee and John Couch By Reading the  
 same in there presance & Hearing on  
 The 29<sup>th</sup> day of March 1839 on  
 Jacob Jones and Jeremiah McLain By  
 Delivering Copys to there wives at there  
 Residences on the 29<sup>th</sup> of March 1839

John Hammond Sheriff

Hebber Court  
 Office Salem 1839  
 Providence Denver  
 as before  
 as before

Depts  
 Hercules Oyle  
 Jacob Thompson  
 Jeremiah McLain  
 Jacob Jones  
 Arch Lee  
 John Couch  
 as before

Shanty fee \$2.50  
 Office fee 17 1839  
 as before  
 as before

Decd Stoup not found in my Records  
 March 29 1839  
 John Hammond Sheriff



Druidance Bevers

9

Andrew I Lee

Filed April 1<sup>st</sup> 1839

Matthew  
10/10

# THE STATE OF MISSOURI,

**Country, —**GREETING:

Richard Henderson George Henderson  
John Bush Jacob Thompson  
Warren Lee Joseph Davis -  
Mercedes Byrd

Witness, ~~HENRY W. BATES~~, Clerk of our said Circuit Court, at the town of Her-

CLERK, C. C.

I Sewed this write on George Handerson  
and Jesse Jones By Copy Left at there  
Residence on the 6<sup>th</sup> day of April 1839  
on all the other witnesses By Reading the same  
in there Hearing on the 8<sup>th</sup> day of April  
1839

John Hammond Sheriff

In Teste Viri  
of the Court 1839

Quence B. B. B. B. B.

John B. B. B.

A. B. B. B. B. B.

1839

Richd. Handerson

George Handerson

John B. B. B.

Jacob B. B. B.

John B. B. B.

Thomas B. B.

George B. B.

11<sup>th</sup> April

for \$4.00

Witness of the Court 11<sup>th</sup> 1839

Matthew B. B.

State of Missouri  
County of Jefferson  
Judgment 16th March 1839  
Truden Bevis

Andrew J Lee &  
Martha Carrow

Lutices fee — 14 3/4

Sheriffs fee — 9.00

Witnesses

Hercules Ogil Day 50

Charles vineyard 50

George Henderson 50

John Cauch — 50

Lebbe Jones — 50

Richard Henderson 50

Harrison Lee — 50

Lary fees paid by Plaintiff 3.00

This Transcript — 37 1/2

\$17.31 1/4

Action of unlawfull Detainer of Lands &c  
Summons Issued on this 7th Day of March  
1839 Returnable to the 16th Day of the Same  
Month the Summons Sequestra & Value  
being Returned by the Deputy Sherreff Ex-  
ecuted and on Saturday the 16th Day of  
March 1839 this Day Came the Complain-  
ant and the Defendant Andrew J Lee  
and it appears from the Sheriffs Return  
that the Defendant Martha Carrow  
has been duly Summored and therefore  
came a Jury Names as follows to wit  
Jonathan Strickland, William vineyard,  
Stephen osborn, Thomas Ogil Senior  
John Jones, Thomas Apple gate, Miller  
Cadwallader, John Smith F.G. Hill  
Denis Armstrong, Robert McCrary  
Saron Henry

The Jury being duly sworn well & truly  
to try an Lawfull Detainer in the Com-plaint & ledged  
the Issue between the Parties who upon their oaths so say  
it is therefore considered that the Complainant, ~~Against~~  
Against Said Defendants Recover the Possession of the  
Lands in the Com-plaint & ledged to wit a Farm & Tenements  
lying on the Leachim Creek known as Thomas L Bevis  
old Farm one Mill & a half above Rudolph Haverstick's  
Mill and also her Costs of Suit there in Expended and  
that She have Execution there for

I Certify that the Above is a full True & perfect  
Transcript from My Dockett Given under my  
hand this 4th Day of April 1839 John Geiger Justid Claa

Frederick Davis

or

Alfred & Charles Davis

D

Filed April 8<sup>th</sup> 1839

Wm. H. H. H.

6/16

Prudence Bevis

vs

Andrew Lee &

Martha Corrow

The defendants in this cause move the court to set aside the proceedings in this cause for the following reasons

- 1<sup>st</sup> The justice had no jurisdiction there being no notice for the defendant to give up the possession of the premises claimed before the commencement of the suit
- 2<sup>d</sup> Because there was no service of the notice
- 3<sup>d</sup> Because the justice has not stated what the verdict of the jury was.
- 4<sup>th</sup> Because the justice has not stated what evidence was given on either side.
- 5<sup>th</sup> Because the proceeding are in other respects informal irregular and void

Wm Fairbairn Atty

Andrew Bess

to

at 22 Lee &

Wentworth Barron

Attorney

Filed & tried 9/15/89

Wentworth

W.C.

Quance Reus

as

Andrew J Lee and  
Martha Barrow

{ Certiorari from Justice  
Lippson Circuit Court  
April term 1839

Amended motion by leave of Court  
The plaintiff moves the Court to dismiss the  
above cause

1<sup>st</sup> Because no application was made for the  
writ of Certiorari before <sup>any of</sup> the trial before the  
justice in the above cause

2 Because the writ of Certiorari was not issued  
before <sup>any of</sup> the trial in the above cause before the justice

3 Because no affidavit was made by the defendants  
or any person for them, before the Certiorari was  
allowed and issued

4 Because no bond was given and filed before  
the issuing of the Certiorari.

5 Because the bond is illegal and void

6 Because said bond does not procure the Statute  
Privity for plaintiff

Beers  
m. Lewis  
J. M. M. M.  
L. & L.

Alfred M. M. M.  
J. M. M. M.

Answer & see Wentworth Deane

as

Deane Deane

Deane

Deane Deane Deane

Deane Deane 1839

The Deane Deane the Deane to Deane the Deane  
Because the Deane Deane Deane before the Deane  
the Deane

2 Because the Deane Deane Deane the Deane

3 Because the Deane is Deane and Deane

4 Because there Deane Deane Deane to the

Deane of the Deane

5 Because the Deane Deane Deane on the

Deane the Deane before the Deane of the

Deane to which Deane Deane Deane Deane

6 Because Deane Deane is Deane and Deane

Deane for Deane

Produce Price

at  
Produce  
Ice and Cream

Chicago 1899

Wm. H. H. H.

COUNTY OF JEFFERSON, SOI.  
THE STATE OF MISSOURI,

To the Sheriff of Jefferson County, greeting:

YOU are hereby commanded to summon

Richard McDanielson

that, setting aside all manner of excuse and delay, he be and appear in proper person before the Judge of our Circuit Court, on the 11th day of April at the town of Hannibal, then and there to testify and the truth to say in a certain matter of controversy now pending in our said Court, wherein *Prudence Bennett* is plaintiff, and *Richard McDanielson* is defendant on the part of the defendant; and have you then there this writ.

WITNESS, JOHN S. MATHEWS, Clerk of our said Circuit Court,

at the town of Hannibal this 11th day of April in the year of our Lord one thousand eight hundred and 51.

*John S. Mathews* Clerk.

I Serve & this write on Richard  
Henneman on the ninth day of  
April 1839 By Reading the same  
in his hearing

John Humman Sheriff

In Court this Court  
April Term 1839

Prudence Bennett

vs. J. H. Bennett

et al. Deft.

Martha Bennett

Deft.

Richd. Henneman

Filed April 18<sup>th</sup> 1839

John Humman  
Att.

Beers

April Term 1839.

Noting

See & <sup>to</sup> Beers } John Beers claimed his attendance viz

1 day and 30 miles Travel ————— \$ 2.00

2 men and subsistence }

April 11th 1839

Wm. A. Thompson

John & Beers  
Recd

Bevis  
As  
Lee & Co

Filed April <sup>14</sup> 1839  
Matthews  
cl/c

Deers

Spring Term 1839 11 Weeks

See to ensure } Jacet to Jones claiming his attendance as viz

1 day and 30 miles travel — — — — —

\$2.00

from to and subscribers

April 11th 1839

Wm. Weatherly

Jas. L. E. Jones

Davis  
vs  
Lee &

filed April 11<sup>th</sup> 1889  
Matthews. clk