

Jefferson County Circuit Court
Case Files - Civil
November 1849, No. 13

Box No. 7 Folder No. 17

Lee, Rebecca Admin
Lee, Archaleus, Deesd

vs

Lee, Giles

Debt, account

Pitt claims Def owes \$797.77
for value of Mineral Ashes, steer,
corn, bacon, molasses

Rebecca Lee Admt.
of Archibald Lee decd

vs
Giles Lee

In the Circuit Court
Nov. 9. 1849

Jefferson County

Plaintiff States that defendant owes her
\$797.77 dollars for Mineral Ashes and other property
and goods sold and delivered to defendant. Also,
defendant owes plaintiff \$1.77 dollars for money
lent to him.

The particulars of all which will appear
by an account hereto annexed and made
part of this petition.

Plaintiff asks judgment for \$797.77
dollars being amount due her.

Rebecca Lee By
P. P. Pickett Atty

1848 Giles Lee

To Rebecca Lee Admt. Dr.

Dec. 1	To 75.00 lbs Mineral Ashes (Washed)	\$757.00
"	1 Steer @ 20¢	20.00
"	75 Bus. Corn lot @ Sunday Times @ 30.	22.50
"	Bacon	1.30
"	Cash paid Mr. Graham for you	1.77
"	2 Gal Molasses @ 50¢	2.00
	Amount due	<u>\$797.77</u>

Rebecca Lee Plaintiff makes oath and says she
believes the above petition and the matters therein as stated
are true.

Sworn to and Subscribed
before me Nov. 2nd 1849

Philip Pickett J.P.

her
Rebecca x Lee
mark

13

On the African Coast

Nov 5. 1849

Albion de Roux

as

His de

— —

Admission for goods to 200

at 2000000000

of 2000000000
Atty

Filed Nov 20 1849

Thos. C. Fletcher
" 1849

Rebecca Lee Adm^t
of Archibalds Lee

or
Giles Lee

In the Circuit Court
Nov 5 1849.
Jefferson County.

Plaintiff states that defendant owes her
\$796 dollars for mineral ashes and other property
and goods sold and delivered to defendant, also
defendant owes plaintiff \$1.77 dollars for money
lent to him. The particulars of all which will
appear by an account hereto annexed and made
part of this petition. Plaintiff asks judgment
for \$797.77 dollars being amount due her

Rebecca Lee By
P Pipkin atty.

1848. Giles Lee

To Rebecca Lee Adm^t or

Dec 1	20	75000 lbs Mineral ashes (washed)	\$ 750.00
"	"	1 Steer @ 20 \$	20.00
"	"	75 bus corn bot at sundry times @ 30	22.50
"	"	1 Bacon	1.50
"	"	Cash paid Mr Graham for you	1.77
"	"	4 Gal. Molasses @ 50c	2.00

Amount due.

\$ 797.77

Rebecca Lee Plaintiff makes oath and says, she
believes the above petition and the matters therein
stated are true

Rebecca ^{her} Lee
mark

Sworn to and subscribed before me

Nov 2nd 1849. Philip Pipkin J.P.

a true copy of the original petition on file in
my office. attest, Tho. C. Fletcher Clerk

Cir Court

I executed the within writ in the County of
Jefferson on the 6th day of November 1849. by
reading the same and the declaration
thereto attached in the presence and
hearing of Giles Lee the defendant
G. A. Johnston
Sheriff

12

do Circuit Court

November Term 1849.

Rebecca Lee Adm'r

vs { defendant

Giles Lee

at 6 to

Shelf fee - \$1⁰⁰

Filed Nov 21st 1849

J. G. Fletcher

clerk

The State of Missouri.

To the Sheriff of the County of Jefferson, Greeting:
We command you, that you summon Giles Lee
if he be found in your County, that he be and
appear before the Honorable Judge of our Circuit
Court on the first day of the next term thereof
to be held at the town of Hillsboro within and for
the County of Jefferson on the fourth Monday of
November Inst. then and there to answer unto -

Rebecca Lee Administratrix of the Estate of Archibald
Lee deceased, in an action for goods sold and
delivered, money lent &c for the sum of Seven
hundred and ninety seven dollars seventy seven
cents. a copy of whose petition is hereto attached
and have you then there this writ.

Witness Tho' L. Fletcher, Clerk of our
said circuit court. with the seal thereof
hereto affixed at Office in Hillsboro
November 2^d A.D. 1849.

Tho' L. Fletcher

Clerk

Rebecca Lee admⁿ
of Archibald Lee dec'd
vs
Giles Lee

Jefferson County 212
In the Circuit Court
Nov 7 1849

The defendant moves the
Court to rule plaintiff to give security
for costs for following reasons

- Because the Estate of A Lee is insolvent
2^d Because Rebecca Lee is insolvent
and unable to pay the costs
3^d Because plaintiff is not respon-
sible for costs

J A T Deal
for Def^t

Provee du com
of a die
us
Gies die

motion for costs

Filed Nov 27 1849.

Wm. L. Fletcher
Clerk

Rebecca Lee administratrix of
Archibalds Lee
vs
Giles Lee

In the Circuit Court
Jefferson County Mo

Defendant states
that he does not owe said plaintiff any of the
items claimed in the declaration, also further states
that he defendant did not buy any mineral ashes
or other property and goods of Rebecca Lee or of Archibalds
Lee and
Defendant further states the several items of plaintiffs
account are not due from him

Defendant further states that he has an off sett
against the Estate of Archibalds Lee decd of consid-
erable amount and that Archibalds Lee decd was
indebted to him and the Estate yet owes him
for the following items on account as follows

1849	The Estate of Archibalds Lee Decd	Dr
Dec	To Giles Lee	
1847	To one cupboard & bureau	\$ 16.50
"	" Cash had & recd by decd for use of defendant	8.00
"	" Corn at St Genevieve 25 bushels 50 ^{cts}	12.50
"	" do Platten Rock 10 bushels	4.00
"	" balance due on mineral ashes	80.00
"	" Cash paid P H Bureau for your use	1.00
July 18 1838	" balance due to this date on settlement	7.37 1/2
1839 ^{Aug}	To sole leather & upper leather	2.50
"	" 3 1/2 bushels corn	1.75
July 23	" one bale of cotton yarn	2.00
"	" 1 beef steer	10.00
"	" Cash paid J. J. Bureau for your	10.00
"	" Cash to self	5.00
April 1840	" upper leather	1.00
Nov 3	" sole leather	2.18
"	" 1 pair shoes	2.75

Carried over \$ 166.85 1/2

1841 Mar 19.

166.55-

	To Sole leather	1.68
15 th Sep	" 1 pr course shoes	1.50
1846	" hauling hay to Platten Rock	2.00

Besides which said Archelaus Lee ~~at~~ ⁱⁿ 1771.65 his life time was indebted to defendant - in a note of \$35.25 - and considerable interest. date of which note is ^{Feb 1839 bearing 10 percent interest} ~~not remembered~~ also a note was given by said Archelaus Lee with this defendant as security in favor of NP Bates for \$20.00 which said note this defendant paid as his security and lifted the same, said Archelaus Lee departed this life in fall or winter of 1848 and after his death, Mrs Rebecca Lee plaintiff administered on the said Estate & she settled with defendant who surrendered the notes which were destroyed then. ~~but~~ The Estate was ~~not~~ still indebted to defendant after settling with the administratrix but inasmuch as the deceased was a brother he did not calculate to urge his claim and thus neglected to lay his demands before the County Court. The Estate of Archelaus Lee is therefore largely indebted to defendant on account of the above charges & items of account and notes. The defendant therefore insists on the above set off and asks the court for a judgment in his favor for what ever may appear to be due him on the same.

And said defendant further answers & says that there were running accounts and mutual dealings between plaintiff & defendant for years before the death of said Lee.

and that the defendant had aided & assisted his brother Archelaus Lee dec'd who was largely in debt to defendant at his death and that the same is still due him

The defendant further answers says that he never bought any mineral ashes from either said Archelaus Lee dec'd or from said Rebecca Lee admt since his death but on the contrary the ashes in declaration mentioned belonged to said defendant and were contracted to be sold to said defendant but were never paid for, said Archelaus Lee was owing said defendant eighty dollars on the same at his death for which sum said defendant held the said mineral ashes bond for and held a lien on the same by agreement between said deceased & himself, said lien was never abandoned nor satisfied. ^{further said defendant says} said ashes were sold under execution & defendant bought them in good faith & paid for them

And said defendant denies that he owes any of the items or charges in said declaration mentioned and puts the same in issue and requires strict proof of all the particulars mentioned in said petition
Giles Lee

Giles Lee defendant makes oath & says that he believes the above answer and the matters therein as stated are true

Sworn to & Subscribed before
me February 12th 1850

Thos. C. Fletcher C. C.

Giles Lee

Ree about
us

Like Lee

Answer

Filed Feb'y 12th 1830
H. C. McLean

CCM

State of Missouri
County of Jefferson } SS

Giles Lee being duly sworn

upon his oath says that he is one of the securities Rebecca Lee administratrix of Archibalds Lee said some time in October last she received about seventy dollars assets of said Estate and would not account for the same or file an inventory of the same in this court, that feeling uneasy about the same, he gave her notice that he would at this term of the court apply to be released as her security, thereupon to avoid, as he believes, the order of this court releasing him as her security on that ground, ^{she} came forward & filed a charge against herself for said sum, this affiant believes that she never intended to charge herself but intended to make use of said sum for her private purposes, from these facts he is unwilling to remain security for her as she will involve him in litigation and has failed to discharge her duty as administratrix and wasting the estate, affiant further states that said administratrix filed an inventory originally of said Estate by which it appears she is charged with a sum ^{only} sufficient to pay her dowry absolute of 200 \$ after depaying the expenses of administration, thereupon the court desponded with her further administration, after this, she instituted a suit against affiant in the Circuit Court of Jefferson County for 797.50 or thereabouts when in fact he does not owe one cent to said Estate but she is wasting the effects of said Estate in useless litigation, from all of said facts he prays the court to release him and order other security

Sworn to & Subscribed in open court. March 22nd 1850

Thos C. Hatcher }
Giles Lee

Est. & dec

Attest like dec

Filed March 21st 1850
Jas. L. Decker
clerk

Rebecca Lee come

as
Giles Lee

Giles Lee being
duly sworn upon his oath says that he
cannot safely proceed to trial in the
above cause for the want of some material
witness to wit Archibald Lee, Thomas
Boyd and John I. Burns that he has
used due diligence to procure the atten-
dance of said witnesses but has not been
able to do so one of said witnesses left
Missouri and went to California early
in the Spring of 1849 long before the
commencement of this suit and plain-
tiff has not been able to procure
his testimony for trial but he ex-
pects that he will return against next
court in time to be used as evidence
on the trial, he cannot safely proceed
to trial without his evidence and if
an adjournment be allowed. ~~defen-~~
ant believes that he will be able to pro-
cure the evidence of said witnesses in time
to be used upon the trial, he knows of
no other witness by whom he can prove
the same facts and that this application
for a continuance is not made for vex-
atious or delay but that justice may be done

Sworn to and subscribed

before me in open court

May 29th 1850

Thos C Fletcher cler

Giles Lee

Rebecca Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

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John Lee

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John Lee

John Lee

John Lee

John Lee

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John Lee

John Lee

John Lee

John Lee

John Lee

John Lee

Rebecca A Lee admr

vs
Giles Lee

Defendant moves the
court to tax against plaintiff the costs
attendant upon the issues of plaintiffs
account which were withdrawn by self

J. A. Neal judge

Alcedo
as
Glee
—
nothens to let
costs

Med May 30 1855
The E. J. L. L. L.
C. L. L.

The Plaintiff
Rebecca Lee Adair
vs
Giles Lee

The plaintiff withdraws
from the ~~cause~~ of action the five
last-items of the account mentioned
in her declaration and only insists
upon the first item to wit- 75000
the mineral ashes (washed) \$750.00

Perkin & Fipell

Rebecca Lee Douglass
153
Green St

Resolved to withdraw
all the items of
account mentioned
in petition except
the first

Filed May 29 1852
H. L. Phelps
Clerk

Alue eae lee } Pleasant mounfoss
in lee }
Bills lee } from better birds

Your letter of the
 27th I have received
 and am glad to hear
 of your recovery.
 I am, Sir, very
 respectfully,
 Yours,
 J. B.

Henry Jones
Esq. Albany
Saml. Johnson
Dear Sir
Yours of 20th Dec
recd.

Lee

by precept

Lee

Filed Sept 10th 1860

J C Fletcher

clerk

Rebecca Lee ams
of Archibald Lee plaintiff
against
Giles Lee Defendant

Defendant comes
and moves the court nonsuit plaintiff and
under judgment against plaintiff for same
for the 1st session

Because the defendant filed a plea
of set off and the plaintiff has not replied
to the same in the time required
by law

J W T Beal for
Defendant

Deborah Lee
sister of Mr.
Giles Lee

Prothon for nonpayment
for failure to reply
to det of

Filed Nov 28 1850
Wm. C. McLehner
Clerk

Rebecca Lee administratrix of
Archibald Lees Lee dec'd
against
Giles Lee

Amended Petition
filed by leave of Court
Novr Term 1850

Plaintiff states that defendant owes her
the sum of seven hundred and fifty dollars
for mineral ashes belonging to her as ad-
ministratrix of A Lee which were sold by
said Giles and converted ~~use~~ to his own use
since the death of said A Lee for which she
asks judgment

Philip Piskin & Fripell
for plaintiff

Philip Piskin attorney for Rebecca
Lee Administratrix of the estate of
Archibald Lee dec'd. makes oath and says
that he believes the above amended petition
of said Rebecca Lee and the matters therein
as stated are true.

P. Piskin

Sworn to & Subscribed
in open Court Nov 29 1850
Thos C Fletcher
Clerk

Albion Ave

W
Glenview

Ammonia Station

Filed Nov 29. 1850
H. L. Webster
Clerk

Rebecca Lee ~~adversely~~
against
Giles Lee

Be it remembered that after the commencement of the trial of this cause the plaintiff moved the court for leave to amend the declaration in this ~~case~~ cause so as to make the allegations in the declaration conform to the evidence offered which evidence was the deposition of Boyd as follows—

here insert a copy of Boyd's deposition

The plaintiff ~~proposed~~ moved to amend his declaration so as to read as follows:

Plaintiff states that the defendant owes her the sum of \$750. seven hundred and fifty ^{dollars} for mineral ashes belonging to her as administratrix of A Lee which were sold by said Giles and converted to his own use ~~in~~ ^{to the use of defendant} for which she asks judgment.

And the court permitted the amendment and ordered the cause to be continued ^{to the next term} at the costs of the plaintiff without ~~the consent of~~ her consent and without requiring said Giles Lee to state upon his oath ^{or to state at all} that he could be ready for trial in consequence of the amendment or that he was surprised by the proposed amendment or that he could be and be ready for trial in consequence of that amendment. To the order of continuance at plaintiffs costs under the circumstances above detailed the plaintiff objects and excepts and prays that this his bill of exceptions be signed & sealed and made a part of the record in the cause.

John H. Stone (Seal)

Rebecca Deane

is

Wiles Lee

Price of Expositions

Wiles Lee
Nov 29th 1853
Wm. L. Deane
etc

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To William Murphy & John L. Murphy
George Heigginbotham

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 27th day of May at the town of Stillboro', then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Robert Lee adverse of Archibald Lee is Plaintiff and Robert Lee is defendant on the part of the Plaintiff.

John L. Fletcher
Witness, JOHN H. ALFORD, Clerk of our

said Circuit Court at the town of Stillboro', this 23^d day of April A. D., eighteen hundred and fifty one

John L. Fletcher CLERK.

Served the within Subpoena on Wm Murphy and
George Higginbotham by reading the same to each of them in
their presence and hearing on the 6th day of May 1851

S. A. Reyburn Sheriff
Washington County
By Wm M Wallis Deft Shffs

To Jefferson Circuit Court
May Term 1851.

Rebecca Fee admt or

Wiles Fee

pro Deft.

Wm Murphy & m
Geo Higginbotham

S. A. Reyburn Shff

Fee \$ 1.50

2nd day

Served the within Subpoena on Tho & Murphy
by reading the same to him in his presence and
hearing on the 7th day of May 1851
S. A. Reyburn Sheriff
Washington County
By W M Wallis Deft Shff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Henry Forester, Daniel Whitehead, Nelson Stevens
~~and James LeDoe~~

GREETING:

You are hereby commanded that, setting aside all manner of excuse or
delay, you be and appear in proper person before the Judge of our
County on the 27th day of

May at the town of Stillmore; then and there to testify
and the truth to say, in a certain matter of controversy now pending in
our said Court, wherein Rebecca Lee widow of a Lee is
Plaintiff and Miles Lee is ————— defendant
on the part of the Plaintiff

Wm. L. McTeer
Witness, JOHNSON H. ALFORD,

Clerk of our

said Circuit Court at the town of
Stillmore, this 30 day of April
A. D. eighteen hundred and fifty one

Wm. L. McTeer

CLERK.

I executed this writ on Henry Forrester by
reading it in his presence and hearing on the
25th day of April 1851 also on Wm Stevens by readi
ng it in his presence on the 24th day of April 1851
I executed this writ on Sam. Whitehead
by reading it in his presence or hearing
on the 6 day of May A.D. 1851 James McColloch Sheriff

To Circuit Court
May Term 1851.

Rebecca Lees adm^x
vs
Giles Lees

for Plaintiff
Henry Forrester
Sam Whitehead &
Wm Stevens

2nd day

Sheriffs fee \$1.50

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To John J. Rensen, for Nathan Lewis Bellard
Saul A. Lee.

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our circuit Court, on the 27th day of May at the town of Webbboro', then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Rebecca Lee administratrix is Plaintiff and Giles Lee is defendant on the part of the defendant

John J. Fletcher
Attorney, JOHNSON H. ALFORD, Clerk of our

said Circuit Court at the town of Webbboro', this 3^d day of April A. D., eighteen hundred and fifty one.

John J. Fletcher CLERK.

I Executed this writ on Louis Boulduc By offering
to read it in his presence and hearing ~~on the 25~~
And he refused to hear it on the 25th day of
April A.D. 1851

Circuit Court
May Term 1851.

Rebecca Lee adm^r
vs
Epiles Lee

For debt

John J. Burren
Jonathon Craig 19
Louis Boulduc 2
Saml. A. Lee //

2nd day

Sheriff fees \$1.00

I Executed this Write on Jonathon Craig
By reading it in his presence on the 19 day
of May 1851

James McColloch Sheriff
By B. J. Boughton

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To James Smith, Hiles & Lee, James & Lee
and Whitehead —
GREETING:

You are hereby commanded, that setting aside all manner of excuse
or delay, you be and appear in proper person before the Judge of our

Circuit Court, on the 27 day of

May at the town of Millstone, then and there to testify
and the truth to say, in a certain matter of controversy, now pending in
our said Court, wherein Rebecca Lee Adams of A Lee is
Plaintiff and Hiles Lee is — defendant
on the part of the defendant

Thos. H. Metcher
Attorney, JOHNSON H. ALFORD, Clerk of our

said Circuit Court, at the town of
Millstone, this 30 day of April
A. D., eighteen hundred and fifty one

Thos. H. Metcher
CLERK.

I executed this writ in Jefferson County Mo
on James Smith by reading it in his presence
and hearing on the 16th day of April A.D. 1851
And also on Lavinia, b. Lee by reading it in her
presence and hearing on the 22th day of April 1851
also on Samuel Whitehead on the 6 day of May A.D. 1851
Giles Lee is dead.

James M Colloch Sheriff

To Circuit Court
May Term 1851.

Rebecca Lee about
2 yrs
Giles Lee

for defendant
James Smith 16
Giles Lee
Lavinia Lee
Samuel Whitehead 6

2nd day

Giles Lee dead

Sheriff M.B. 160

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Charles Lee, Caroline Smith, John Smith

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 27th day of May at the town of Millsboro', then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Rebecca Lee alone of & Lee is Plaintiff and Lykes Lee is defendant on the part of the Defendant

Wm. L. Metcher
Witness, JOHNSON M. ALFORD,

Clerk of our

said Circuit Court at the town of

Millsboro', this 3^d day of April

A. D., eighteen hundred and fifty one

Wm. L. Metcher CLERK.

I Executed this writ on Charles Lee by reading it
in his presance and hearing in the 26 day of
April AD 1851 I Execute this writ on John Smith
by reading it in his presence and hearing in the
6 day of May

Circuit Court
May Term 1851.

Rebecca Lee admt
vs
Giles Lee

for Defendant
Charles Lee Jr
Caroline Smith
John Smith

2nd day

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Mr. Joel, Elijah McHenry, Leonard Vinward

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 27th day of

May at the town of Hillsboro, then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee a wife of a Lee is Plaintiff and Giles Lee is defendant on the part of the Defendant

Joel McHenry

Attorney, JOHNSON H. ALFORD, Clerk of our

said Circuit Court at the town of Hillsboro, this 30 day of April A.D. eighteen hundred and fifty one

Joel McHenry
CLERK.

I Executed this write on Wm. Null by
reading it in his presence and hearing
on the 6 day of May A.D. 1851

I Executed this write on C. W. S. Vinyard
By reading it in his presence on the 20 day of
May 1851

James McCallach Sheriff
By B. F. Boughton

Sheriff fees \$1.50

2nd day

new chisel &
Edgah me Loney
Elson & Vinyard

for plaintiff

Rebecca Lee
" 2nd
Lydia & Lee

Circuit Court
May Term 1851.

I Executed this write on Elijah
Merrey by reading on the 26 day
of May 1851

James McCallach Sheriff
By B. F. Boughton

Rebecca Lee admt
against
Giles Lee

3

The plaintiff moves the court to review its decision in the above in the following particulars

1st As to allowing interest by way of damages from the time Lee took possession ^{of the ashes & sold them} in Feb or March 1849 to the time of the rendition of judgment

2^d That it appears from the testimony of C Lee a son of Giles that forty dollars had been paid at Arch Lee house and it was proved by Miss Smith that other money was much she could not tell had been paid at a different time at Giles house both payments on the ~~ashes~~ ^{ashes} Giles share of the ashes

Pipkin & Tripell

Rebecca Lee Stuart
of South
Bible Soc

Moston for several

Miss Mary B. 1st 1851.
Wm. C. Fletcher
Ct.

Rebecca Lee, Adm^{tr}
of Est. of Archelus Lee
vs.
Isiles Lee

In the Circuit Court
Jefferson County
May Term 1851

The Defendant in the above cause by his
Attorney, comes, and moves the Court to rule the
Plaintiff to give Security for Costs in said suit,
for the following reasons.

- 1st Because she is unable to pay the Costs
of the suit.
- 2^d - Because, though suing as Administra-
trix, yet the Estate of said Archelus Lee
is insolvent, and the Administratrix
has no assets wherewith to defray
the expenses of the suit.
- 3rd - Because the Plaintiff is insolvent.

Beall & Green
Atty's for Deft.

Rebecca Lee Mann
of A. Lee
or.
Wm. Lee
Motion for
Security for Costs

Filed May 26th 1857
J. C. Fletcher
Clerk

Rebecca Lee admx
of A Lee dead
vs
Giles Lee Deft } In the circuit
court

The Defendant moves
the court to dismiss the above suit
of plaintiff Because plaintiff failed
to file an amended declaration
and

Because has not amended her
declaration

Giles Lee Deft

De la casa del conde

us

Gen. de la

Moción de Acordar

Ala casa del conde

Ala casa del conde

Ala casa del conde

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To and a well

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our
peace with Court, on the 27 day of
May at the town of Millboro; then and there to testify
and the truth to say, in a certain matter of controversy now pending in
our said Court, wherein ~~Rebecca~~ Rebecca Lee is
Plaintiff and Giles Lee is defendant
on the part of the debt

Wm. L. Fletcher
Witness, JOHNSON H. ALFORD,

Clerk of our

said peace with Court at the town of

Millboro, this

27 day of May

A. D. eighteen hundred and fifty one

Wm. L. Fletcher

CLERK.

I executed the within Subpoena
by reading the same in the presence
& hearing of Saml A Lee
May 27 1837 Saml. G. Campbell

Rebecca Lee
in files
for def.
Saml A Lee

Rebecca Lee
against
Betsy Lee

}

Petition on an account
for mineral water

I agree to become security
for all costs which may be adjudged
against the plaintiff in the cause

Witness my hand and seal this 29th
day of May 1857 John T. Hull

(Seal)

Althea de Adams

NY

Miss de

From for Cash

Filed May 28 1851
Pro. E. M. T. C. H.
CAN

Rebecca Lee adm^x
of Archibald Lee
vs
Giles Lee

In the circuit court
May Term 1857

The defendant moves
the court to set aside the verdict of the court
sitting as a jury in the above causes for
the following reasons to wit

- 1st Because the court permitted Elijah
McCreary a creditor of the Estate of Ar-
chibald Lee to be examined as a wit-
ness & give testimony for the plaintiff
- 2 Because the court improperly permitted
Caroline Lee a daughter and heir of Arch-
ibald Lee to give evidence on the part
of the plaintiff
- 3 The court improperly refused ^{to} ~~the~~ defend-
ant ~~to~~ introduce evidence to establish
his set off claimed in his answer
- 4 Because the finding of the court sitting
as a jury is contrary to law
- 5 Because said finding of the court is
contrary to evidence
- 6 The evidence preponderated in behalf of
the defendant
- 7 Because the court refused the instru-
ctions prayed for by defendant

- 8 Because the defendant did not hold the ashes purchased at the Sheriff Sale as a mortgage
- 9 ~~Because the court~~ although the court might be disposed to look at the transaction in the nature of a mortgage, yet there was no evidence of a tender to defendant of the \$8 nor of the balance due for defendant's interest in the ashes
- 10 An action for conversion of the mineral ashes could not lie under the circumstances
- 11 The ~~defendant~~ ^{plaintiff} offered no evidence to establish that she was an administratrix of Archibald Lee and
- 12 The court erred in receiving as evidence in the cause, the depositions of Wm. Boyd.
- 13 The court erred in permitting plaintiff to estimate the value of the mineral ashes by asking - Murphy the witness the price of lead in St. Louis also the amount of lead turned out - ~~and not~~ ^{instead of} the estimated value of the ashes at the time of sale

14 The court erred in refusing the instructions prayed for by the defendant

15 The court erred in receiving the evidence of W^m Hull.

~~A Green & H. A. Boat stop
for defendant~~

16 The court sitting as a jury in trying the facts in issue, did not in giving the decision state ~~first~~ writing ^{the facts} and the conclusion of law upon them

17 The Court sitting as a jury failed to give its decision in writing and no such decision was filed with the clerk

18 The facts were not found by the court in writing and filed with the clerk and no conclusion of law in writing ^{upon the facts} on which the court's judgment was rendered

Giles Lee Esq.

Rebecca Lee count

vs

Elizabeth

Motion for a verdict

Filed May 30th 1851

Wm. C. McTear

CLM

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Charles Lee. Caroline Smith. John Smith.

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our circuit Court, on the 26th day of November - at the town of Wellston; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee is - Plaintiff and Charles Lee is - defendant on the part of the self

Chas. B. Fletcher
Witness, JOHNSON H. ALFORD, Clerk of our

said circuit Court, at the town of Wellston, this 16th day of October A. D. eighteen hundred and fifty one

Chas. B. Fletcher
CLERK.

I executed this writ on Charles Lee by
reading it in his presence and hearing
on the 24th day of Oct 1851 & also on John
Smith and Caroline Smith on the 15th day
of Nov 1851 James McCalloch Sheriff

Rebecca Lee admt

vs
\$1000

files Dec

for debt

Charles Lee 24

Caroline Smith 15

John Smith 15

3^d day

Dec 11. 51

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To John J. Davens, Jonathan Craig, Lewis Rodden & Samuel A Lee

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our circuit Court, on the 26th day of November next at the town of Stillbore; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee Adams is Plaintiff and Giles Lee is defendant on the part of the self

Chas. E. Walker
Witness, JOHNSON H. ALFORD, Clerk of our said circuit Court, at the town of Stillbore, this 16th day of October A. D. eighteen hundred and fifty one

Chas. E. Walker
CLERK.

I executed the within subpoena on Samuel & Lee
by reading in his presence and hearing this November
the 18th day 1851 and also on Lewis Boldue by
reading in his presence and hearing this Nov
the 25th day 1851

James McCalloch Sheriff
By Augustine Wiley Deft Sheriff

Rebecca Lee about
as
2 yrs
Liles Lee

for deft.

John & Bureau
Jonathan Craig
Lewis Boldue
Samuel & Lee

3^d day

Sherriff fees \$100

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To James Smith, Lavina L Lee and Samuel Whithead

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our County on the 26th day of November at the town of Stillbore; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee a duly plaintiff and Elias Lee is defendant on the part of the Defendant

John L. Alford, Clerk of our

said Circuit Court at the town of Stillbore, this 16th day of October A. D. eighteen hundred and fifty two

John L. Alford
CLERK.

I Executed the within Subpoena on Samuel
Whitehead by reading in his presence and hearing
this November the 4th day 1851 and also on James Smith
by reading in his presence and hearing this Nov^r the 14th day
1851 and also on Lavina C Lee by reading in her
presence and hearing this November the 18th day 1851

James McColloch Sheriff

By Augustine Wiley Jt^l Sheriff

Rebecca Lee adms

M Sra

Eliza Lee

for Deft.

James Smith

Lavina C Lee

Sam Whitehead

3rd day

Sheriff's fee \$ 1.50

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To George W. Higginbotham and William J. Murphy

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you do and appear in proper person before the Judge of our Circuit Court, on the 26th day of November next at the town of Webbboro; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee a daughter of J. B. Lee is Plaintiff and J. B. Lee is ——— defendant on the part of the Plaintiff

John C. Fletcher
Clerk of our
Circuit, JOHNSON H. A. FORD,

said Circuit Court, at the town of Webbboro, this 28th day of October A. D. eighteen hundred and fifty two

John C. Fletcher CLERK.

Served the within Subpoena on Wm S Murphy by reading
the same to him in his presence & hearing in Washington
County this 30th day of October 1857

S A Reyburn Shff
By H. Doune Deputy Shff

The said Geo Higginbotham not found in my Bailwick
Nov 22nd 1857

S A Reyburn Shffs

Deffenw Cir. Ct.
Nov Term 1857.

Rebecca Lee admx
vs } exa
Epiles Lee

for Plaintiff
Geo W Higginbotham
William S Murphy
H. Doune pcy \$ 50

3rd day

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Savina & Dec. William Hull Elijah McLeary
and C N S Wingard

GREETING:

You are hereby commanded, that setting aside all manner of excuse
or delay, you be and appear in proper person before the Judge of our
County, on the 26th day of

November next at the town of Stillmore, then and there to testify
and the truth to say, in a certain matter of controversy, now pending in
our said Court, wherein Rebecca Lee adams is
Plaintiff and Giles Lee is
on the part of the Plaintiff
defendant

Witness,

Thos. G. Welch

JOHNSON HATFORD, Clerk of our

said

County

at the town of

Stillmore, this 29th day of October

A. D., eighteen hundred and fifty one.

Thos. G. Welch

CLERK.

I executed the within Subpoena on Charles W. S.
Vineyard by reading in his presence and hearing
this November the 4 day 1851 and also on Wm. Chubb
by reading in his presence and hearing this Nov the 14th
day 1851 I also executed the within subpoena on
Lavinia C. Lee by reading in her presence and hearing
this Nov the 18th day 1851 and also on Eliza McCreary
by reading in his presence and hearing this Nov
the 21 day 1851

James McColloch Sheriff
By Augustine Wiley Deft Sheriff

Jo. Lewis Deft.
Nov. Term 1851.

Rebecca Lee

vs
Deft

Liles Lee

for Plaintiff

Lavinia C. Lee

vs
Deft

Eliza McCreary

vs
Deft

3rd day

Sheriff's fees \$ 2.00

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To Henry Stremeler, and Whithead & Wm. Stevens

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 26th day of November at the town of Stillbore; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee admo is Plaintiff and Leides Lee is defendant on the part of the Plaintiff

Witness,

Jno. L. Fletcher
~~JOHNSON H. ALFORD~~

Clerk of our

said Circuit Court, at the town of Stillbore, this 29th day of October A. D. eighteen hundred and fifty one

Jno. L. Fletcher

CLERK.

I Executed the within Subpoena on Samuel
Whitehead by reading in his presence and hearing
this November the 7 day 1851 and also on William Stephens
by reading in his presence and hearing this Nov^r 17 day 1851
and also on Henry Forrester by reading in his presence
and hearing this Nov^r the 21 day 1851

James McCulloch Sheriff
By Augustine Wiley Jt^h Sheriff

J. Circuit Court
Nov Term 1851

Rebecca Lee adms

vs
Dees

files 200

for 1000

Henry Forrester

vs Whitehead

William Stevens

3 day

Sheriff fees \$1.50

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To John J. Warren, Jonathan Loring, Louis Bolduc

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 26 day of May at the town of Stillbore, then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee is Plaintiff and John Lee is defendant on the part of the Plaintiff.

Witness, JOHN H. ALFORD, Clerk of our

said Circuit Court, at the town of

Stillbore, this

8 day of

A. D. eighteen hundred and

eighty two

John H. Alford

CLERK.

I executed this writ on Jonathan Craig
by reading it in his presence & hearing
on the 5 day of May A.D. 1832

Circuit Court
May Term 1832

Rebecca Lee

vs
Epa

Epilee Lee

for debt

vs J. Duren

Jonathan Craig's

Louis Botchue

5 day

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To James Smith, Lavinia C Lee, David Whithead

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our

Our said Court, on the 26 day of May at the town of Williboro, then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Rebecca Lee is Plaintiff and Giles Lee is defendant on the part of the Plaintiff

Witness, *John H. Alford*
JOHNSON H. ALFORD, Clerk of our

said Circuit Court, at the town of Williboro, this 8 day of April A. D., eighteen hundred and fifty two

John H. Alford
CLERK.

I executed this writ on James Smith by reading
it in his presence and hearing on the
5 day of May A.D. 1852 I executed this writ on
Lavinia, C. See Samuel Whithead on the 13 day of May
1852
James M. Follock Sheriff

Circuit Court
May Term 1852

Deena Doe

" " vs
Giles Doe

for debt

James Smith

Lavinia C Doe

Samuel Whithead

5 May

Sherriff fees \$1.57

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To ~~Saml H Lee~~, Charles Lee. Caroline Smith
John Smith

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our

Circuit Court, on the 26th day of

May at the town of Wellbore; then and there to testify

and the truth to say, in a certain matter of controversy now pending in

our said Court, wherein Rebecca Lee a claim is

Plaintiff and Giles Lee is defendant

on the part of the deft

Witness, JOHNSON H. ALFORD Clerk of our

said Circuit Court, at the town of

Wellbore, this 8th day of April

A. D. eighteen hundred and fifty two

Wm. E. Aldrich
CLERK.

I Executed this writ on Caroline Smith by reading
it in her presence and hearing on the 12th day of April
1852 I Executed this writ on John Smith
by reading it in his presence and hearing
on the 24th of May 1852

James McFallsch
Sheriff

To Circuit Court
May Term 1852

Rebecca Lee
vs
Giles Lee

for debt
Charles Lee 25
Caroline Smith 12
John Smith

3 Day
Sheriff fees \$1.57

I Executed this writ on Charles Lee by reading
it in his presence and hearing on the
25th of May 1852
James McFallsch
Sheriff

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To William Lloyd

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our County, on the 26th day of

May at the town of Wellbore; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee a dmn of Lee is Plaintiff and Giles Lee is defendant on the part of the Def^t.

Witness, JOHN H. ALFORD

Clerk of our

said Court at the town of Wellbore, this 8th day of April A. D. eighteen hundred and fifty two,

Wm. L. McTear

CLERK.

I Executed this writ on Wm Boyde by reading
it in his presance and hearing on the 8th day
of April A.D. 1852

James McColloch Sheriff

10 Circuit Court
May Term 1852,

Rebecca Lee
vs
Epilo Lee

for debt
on
promissory note &

3 day

Sheriff fees \$1.50

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To Henry Forester, Daniel Philstead

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 26th day of

May at the town of Wellboro, then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein Rebecca Lee is Plaintiff and Elias Lee is defendant on the part of the said

Wm. C. Fletcher
Witness, JOHNSON H. ALFORD, Clerk of our

said Circuit Court, at the town of Wellboro, this 17th day of April A. D., eighteen hundred and fifty two

Wm. C. Fletcher
CLERK.

I executed this writ on Wm Stevens by reading
it in his presence and hearing on the 23^d day of April
1852 also on Samuel Whitehead by reading
it in his presence and hearing on the
13 day of May 1852 I executed this writ on
Henry Harster by reading ~~it~~ in his
presence and hearing on the 20th day of May
1852
James McFall Clerk Sheriff

to his court
May 2 1852

Debecca doo
do do do
Giles doo

for self

Henry Harster 20
Samuel Whitehead 13
Wm Stevens 23

3 day

Sheriff fees \$1.50

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To *Lavinia Lee*, *Wm. Hall*, *Elizabeth Moore*
and *Chas. S. Wengard*

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our *Leicist* Court, on the *26th* day of

May at the town of *Wellbore*, then and there to testify and the truth to say, in a certain matter of controversy, now pending in our said Court, wherein *Rebecca Lee* is —
Hyler Lee is —
plaintiff and *defendant*
on the part of the *Plff*

Sho. C. McTear

Witness, JOHNSON H. ALFORD, Clerk of our

said *Leicist* Court at the town of
Wellbore, this *17th* day of *April*
A. D., eighteen hundred and *eighty two*

Sho. C. McTear CLERK.

I executed this writ on Elijah McCreary by
reading it in his presence and hearing on
31th day of April 1852 James McFall Sheriff

I executed this writ on Lavinia Lee Hull &
C. W. S. Viryard by reading it in their
presence & hearing on the 13th day of May 1852

to his Court
May 2 1852

Rebecca Lee

20 3 2500

Spicer Lee

for 2500 -

Lavinia to Lee 13

Mr. Hull 13

Elijah McCreary 3

C. W. S. Viryard 13

3rd day

Sherriff Price & 2nd

COUNTY OF JEFFERSON, SCT.

THE STATE OF MISSOURI,

To William S. Murrphey and Geo. W. King & others

GREETING:

You are hereby commanded that, setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court, on the 26th — day of May — at the town of Wellbore; then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Rebecca Lee is — Plaintiff and Epileo Lee is — defendant on the part of the Plaintiff,

Who, Geo. W. Murrphey
Attorney, JOHNSON H. ALFORD, Clerk of our said Circuit Court, at the town of Wellbore, this 23^d day of May A. D. eighteen hundred and fifty two

Geo. W. Murrphey CLERK.

Served the within Subpoena on Wm. S. Murphy & Georges W.
Higginbotham by reading the same to each of them in their
presence & hearing in Washington County this 10th day of
May 1852

S. A. Reylburn Shff
By Wm. M. Wallis Dep^t

To Circuit Court.
May Term 1852

Rebecca Lee
vs
Giles Lee

for Debt.

Wm. S. Murphy
Geo. W. Higginbotham

3^d day
Reylburn Shff
\$1.00
Geo. W.

COUNTY OF JEFFERSON, Sct.

OFFICE SHERIFF OF MISSOURI,

TO

Robert McHoulton

GREETING:

You are hereby commanded, that setting aside all manner of excuse or delay, you be and appear in proper person before the Judge of our Circuit Court on the 26th day of May — at the town of Hillsboro', then and there to testify and the truth to say, in a certain matter of controversy now pending in our said Court, wherein

Rebecca Lee Adams — plaintiff and
Elias Lee is — defendant on

the part of the
defendant

WITNESS,

Thos. C. McTear, Clerk our said Circuit Court,

at the town of Hillsboro', this 10th day of May in the year of our Lord one thousand eight hundred and forty-five, A.D.

Thos. C. McTear
CLERK.

I executed the within writ on Robert
McMullin by reading it in his presence
& hearing on the 11. day of May AD 1852

James McFollock Sheriff

To Sir Court
May Term 1852

Rebecca Lee
vs & son
Giles Lee

for Debt.

Robert McMullin

vs
Debt

Sherriff fees \$1.50

Rebecca Lee administratrix
of Archibald Lee dec'd Plaintiff } In the circuit
against } Court Jefferson
Giles Lee Defendant } County Missouri

To the circuit court within
and for Jefferson County Missouri
Your petitioner Giles Lee states that
he is defendant in the above styled
suit. Defendant states that he has
just cause to believe and does be-
lieve that the judge of said circuit
Court is ~~so~~ prejudiced against him said
defendant so that he cannot have a fair
trial for this reason & cause, he prays a
change of venue to some court where
the cause complained of does not exist
Giles Lee

I, Giles Lee being duly sworn says
that he believes the foregoing petition and
the facts therein as stated are true and that
he has just cause to believe that he
cannot have a fair trial on account of
the cause alleged
Sworn to & subscribed } Giles Lee
before me May 28th 1852.
Thos C Fletcher Clerk }

Richard Lee
1843

Signed Lee

Filed May 28th 1852
The Collector
Cats

Rebecca Lee Adams

14

Giles Lee

The Court finds the following facts in this cause, That sometime in the year 1846- an Execution ~~was~~ ^{is} in favor of One Andrew Hight against Archelaus ^{Lee} the husband & ancestor of plaintiff now deceased, and the lands in controversy was sold upon Adold by the Sheriff, That on the day of said Archelaus and Giles Lee were in town, Neillston, and the lands were bought in by Defendants, at a greatly reduced price. the sum of Thirty six dollars. The Court finds that at the time of sale A Lee was greatly embarrassed by debt, that the money was furnished by A Lee to his brother, or secured to be paid by A Lee to him, that A Lee in conversation with S. H. Beal the Attorney of Deft, to whom he had applied for a loan of 2 or 3 dollars to make up the balance of the money on sale of the lands, ^{Beal} ~~Beal~~ ^{dunned} him for a small sum he ^{gave} ~~gave~~ him that he had now got his property secured, and that he Beal need not see him and that this conversation was on the evening of the sale, The

~~John H. Stone~~

Court finds that although there ~~is~~ ^{is} evidence of fraud in the purchase by Giles Lee, as also in the arrangement between him and Archelaus Lee, yet that such fraud not being relied on in the answer, was no bar to the relief prayed for.

John H. Stone

Rebecca Lee Chab
or
Epiles Lee

Prudens G. Church

Attest May 28th 1852
J. H. & G. L. T. L. C.
Dele

Rebecca Lee Adams
files ^{re} Lee. } Whereat the law comes the parties
appeared by their respective attorneys and
said defendant, presents his petition verified
by affidavit as required by law praying a
change of venue in this cause, which being seen
and heard by the court it is ordered that a change
of venue in this cause be awarded to the County
of Madison and that the clerk of this court
immediately make out a full transcript of the
record and proceedings in this cause, includ-
=ing the petition and affidavit, and order of
~~record~~ awarding a change of venue
and transmit the same, duly certified, together with
all the original papers filed in the cause and
not forming a part of the record to the clerk of
the circuit court of Madison County,

Rebecca Lu admt vs Giles Lee

The defendant asks the court instruct
as follows

1st If the court sitting as a jury find
from the evidence that Giles Lee purch-
ased ^{in his own right & behalf} the ashes at a Sheriff's Sale on 11th
day of November 1848, then the court
will find for the defendant

2^d If the Court sitting as a jury find from
the evidence that Archibald Lee was in-
debted to the defendant and agreed with him
~~to have that Giles should hold~~ ~~two-thirds~~
of the ashes bound for that indebtedness,
then the court will find for the defend-
ant, unless the court find that there
was a tender made to defendant, before
the sale to Murphy

3
Although the court may be satis-
fied that an arrangement ^{between a debt & defendant} was made for Arch-
ibald Lee to redeem the mineral ashes, ^{Sold at Sheriff's Sale} yet
the court must find for defendant unless the
Court further find that it Lee or his as-
sistants intended to pay Lee the amount
of purchase money & interest

4
That the court must find for the
defendant ^{the amt} claimed in his set off as the plain-
tiff has failed to reply to that part of de-
fendant's answer

5
Deposed The set off made in defendant's answer, not being controverted by a reply from plaintiff, shall for the purposes of this action ~~and~~ ~~be~~ be taken as true.

6
Deposed The court must allow the offset set up in defendant's answer and no evidence is required as plaintiff has neither replied to it or put it in issue.

7
Deposed That the plaintiff cannot recover in this action unless the court ~~are~~ is satisfied from the evidence that she is the administratrix of A Lee deceased.

8
Deposed If the court find from the evidence ^{that} Giles Lee owned one third of said ashes & sold them to A Lee and that he was never paid the purchase money, then the court cannot find any thing for plaintiff on that point and cannot find any thing for the other two thirds if the court find Giles Lee purchased them at the Sheriff's sale on 10th of November 1848.

9
Deposed That although Giles Lee might have been willing to let plaintiff have the ashes back on payment of the purchase money and the amount of the balance due for the sale of Giles third, yet he was under no obligation to do so.

Rebecca Lee.
actmt of. Arch^d. Lee

Depositions for Manitt

Sides. Lee

Wm. H. Fletcher Esq

Chk of Circuit Court.

Jefferson County

Robert Circuit Court

October 10

No

subpoena }

Rebecca Lee adm^{rs}
of Arch^d Lee adm^{rs}
Hills Lee.

Reposition's

John D. Fletcher Esq
Clerk of Circuit Court

Jefferson County

Rec^d per hand of
E J Heoney & filed Sep
16th 1830 Thos C Fletcher
CLM

Rec^d
Money
Aug

hand of Ed
& filed
6th 1850
Thos C Fletcher
CEN