

Jefferson County Circuit Court
Case Files - Civil

November 1850 No. 17

Box #

1

Folder # 18

Lee, Rebecca, adm.

Lee, Archelaus

Lee, Lavina E.

Lee, Giles P.

^{vs.}
Lee, Giles

Convey Deed

234 acres in various locations purchased
by defendant for Archelaus Lee; other
plaintiffs Mary A. Lee, Dorothy Ann Lee,
William A. Lee, Sarah H. Lee, Jemima E.
Lee

Rebecca Lee, widow of Archibald
 Lee, and Administrator of his estate,
~~for herself, and as next friend for~~
 Lavinia C. Giles P. Mary A. Dorothy Anne,
 William A. Sarah H. and Lavinia E
 Lee ~~Plaintiff~~ by their next friend
~~Rebecca Lee~~ Against
 Giles Lee Defendant. 3

In the Jefferson Circuit Court
 November 3. 1850.

Plaintiff, for herself, ~~and as next friend for the~~
^{and the above} ~~above named~~ children, and minor heirs of Arch-
^{by their next friend Rebecca Lee} ~~ibald~~ Lee deceased, states that some time in the
 year 1846 an execution, in favour of Andrew
 Gight, and against Archibald Lee, the husband of
 plaintiff, now deceased, was issued from the office
 of the Clerk of the Jefferson county circuit Court,
 and made returnable to the November term of said
 Court 1846. - that by virtue of said execution John
 Hammond, sheriff of said county lived upon and
 sold the following described real estate, belonging
 to said deceased, to wit, The West half of the North
 West quarter of Section Nine, township thirty nine
 North, Range five East containing eighty acres,
 also, one hundred and four acres, originally owned
 by De Wit and Easton, also, fifty acres & forty three
 hundredths of an acre, N. N. W. quarter Section four
 township forty Range five East, all of said tracts
 of land lying & being in Jefferson county and state
 of Missouri. - that at said sale made, as above mentioned
 by the sheriff of Jefferson County, Giles Lee, a brother
 of the deceased ~~was~~ ^{dependent} furnished with the money by
 the said Archibald, and by his, said Archibald request,
 and with the express understanding and agreement between
 them, that he should buy in for him the said Archibald

the above described tracts of land, which he did accordingly that is to say, the first above described tract for the price and sum of thirteen dollars, and the last two tracts for the price and sum of twenty three dollars. All of which sums the said Archibalds did furnish for the purpose aforesaid.

Plaintiff states, that since the sale aforesaid, said Archibalds Lee has departed this life, leaving a widow, Rebecca Lee, plaintiff, and the following children, to wit, Lavinia C. Giles P. Mary A. Dorothy Ann, William A. Sarah B. and Lavinia C. Lee. all of whom are minors. ^x

Plaintiff further states, that she has caused to be presented to the said Giles Lee, for him to sign a deed conveying to the above named heirs of said Archibalds, subject to the payment of the debts of the deceased, and the right of dower, all the right title and interest which he, said Giles, acquired by the purchase aforesaid, and the said Giles has obstinately refused to sign said deed, or to convey said land to the heirs aforesaid.

Wherefore plaintiff asks the Court to compell defendant to convey said lands to the said heirs of said Archibalds, subject to the payment of the debts of deceased and the widows right of dower, or that the Court would divest defendant of said title and decree the same to the heirs above mentioned of said Archibalds Lee and for the purposes aforesaid.

Rebecca Lee

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

Subscribed & sworn to before me Oct 25 1850
Thos C Fletcher Clerk

Rebecca Lee
her mark

To The Clerk of the Circuit Court within and
for the County of Jefferson in the State of Missouri
The undersigned, Lavina C. Giles P. Mary A
Dorothy Ann, William A. Sarah H. and Lavinia
E. Lee, minor children of Archibald Lee deceased
would respectfully petition you to appoint
Rebecca Lee their mother, their "next friend,"
in a suit about to be commenced by them
against Giles Lee in the Jefferson Circuit Court,
at the next November term thereof, and as in duty
bound &c., Oct 25th 1830.

Lavina C. Lee Giles P. Lee Mary A. Lee
Dorothy A. her mark William A. Lee + his m
ark Sarah H. Lee + her mark Lavinia E. Lee x
her mark Lee

I Rebecca Lee, do hereby consent to be
appointed "next friend" for Lavina C.
Giles P. Mary A. Dorothy Ann and William
A. Sarah H. and Lavinia E. Lee, who
are about to institute a suit in the Jefferson
County Circuit Court against Giles Lee.

Given under my hand this 25th day of October
A.D. 1830. Witness J.C. McFeters { Rebecca ^{her} _{mark} Lee

on this 25th day of October AD 1850. Rebecca Lee
came before me and acknowledged the within to
be her act for the purposes therein mentioned,

In Testimony whereof I hereto set my hand
and affix the seal of the circuit court
date aforesaid Thos L Fletcher CLK

No. 17

For the Circuit Court

November 7, 1857

1092

Rebecca Lee Smith
vs
Hart Smith

Given Dec -

RP
RP
RP

Filed October 25th 1857

Wm. C. McLehew

Recorder

against

against

Rebecca Lee, widow of Archelus Lee
and administratrix of his estate for
herself and as next friend for Favinia G
Giles P. Mary A. Dorothy Ann, William
A. Sarah & Lemina E Lee Plaintiffs

= against =
Giles Lee

In the Jefferson Circuit Court
November T 1850.

Plaintiff, for herself, and as next friend for
the above named children, and minor heirs of
Archelus Lee deceased, states that some time in the
year 1846, an execution in favor of Andrew Wright
and against Archelus Lee, the husband of plaintiff
now deceased, was issued from the office of the clerk
of the Jefferson County Circuit Court, and made
returnable to the November term of said court 1846
that by virtue of said execution, John Hammond
Sheriff of said county, levied upon and sold the
following described real estate, belonging to
said deceased, to wit, the west half of the north
west quarter of section nine, township thirty
nine, north Range five east, containing eighty
acres, also one hundred and four acres, origin-
ally owned by Permit & Easton, also fifty acres
& forty three hundredths of an acre N N W quarter
section four township forty Range five east, all of
said tracts of land lying and being in Jefferson
County and State of Missouri, that at said sale
made as above mentioned by the Sheriff of Jefferson
County, Giles Lee, defendant, a brother of the
deceased was furnished with the money by the
said Archelus, and by his said Archelus' request
and with the express understanding and agreement

between them, that he should buy in for him the said Archelus, the above described tracts of land, which he did accordingly, that is to say the first above described tract for the price and sum of thirteen dollars, and the last two tracts for the price and sum of twenty three Dollars all of which sums the said Archelus did furnish for the purpose aforesaid, Plaintiff states, that since the sale aforesaid, said Archelus Lee has departed this life, leaving a widow, Rebecca Lee Plaintiff, and the following children, to wit, Lavina C, Giles P, Mary A, Dorothy Ann, William A, Sarah D and Fennina E Lee, all of whom are minors,

Plaintiff further states that she has caused to be presented to the said Giles Lee, for him to sign, a deed conveying to the above named heirs of said Archelus, subject to the payment of the debts of the deceased, and the right of dower, all the right, title and interest which he said Giles acquired by the purchase aforesaid, and the said Giles has obstinately refused to sign said deed or to convey said land to the heirs aforesaid,

Wherefore Plaintiff asks the court to compel defendant to convey said lands to the said heirs of said Archelus, subject to the payment of the debts of deceased and the widow's right of dower or that the court would direct said defendant of said title and decree the same to the heirs above mentioned of said Archelus Lee and for the purposes aforesaid

Rebecca Lee

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

Rebecca ^{her} Lee
mark

Subscribed & sworn to before me Oct 25th 1850 Tho L. Fletcher CLK

a true copy of the original petition and affidavit
on file in my office

In Testimony "whereof I hereto set my hand
and affix the seal of said court at
Willsboro Oct 25th ad 1850

Thos L Fletcher Clerk

Per [Signature]

4th 17th
To Birchick Bank

Nov^r Term 1850

Lyilee & Lee et al
vs Rebecca Lee next friend
Lyilee & Lee

Filed Nov 5th 1850
Thos. S. McTear
clerk

Shuttlesworth \$15
copy 50
\$1.50

Rebecca Lee, widow of Archelus
Lee and administratrix of his estate
for herself and as next friend for
Lavina L., Giles P., Mary A., Dorothy
Ann, William A., Sarah & and Femina
E. Lee Plaintiffs

against
Giles Lee Defendant

Circuit Court
of Jefferson
County

In vacation

October 25th 1850

Upon the petition in
writing filed in my office this day of said Lavina
L., Giles P., Mary A. Dorothy Ann, William A., Sarah
& and Femina E. Lee, minors, and the written consent
of Rebecca Lee, acknowledged before me; I do
hereby appoint said Rebecca Lee to be the next
friend to said infants in a suit about to be
instituted in the Circuit Court of the County
of Jefferson, by them against Giles Lee.

In Testimony whereof I hereto set
my hand and affix the seal
of said Circuit Court at office
in Hillsboro October 25th 1850

Thos C. Fletcher Clerk
Circuit Court

Geo. H. Moffat



County of Jefferson
The State of Missouri,

To the Sheriff of the county of Jefferson, Greeting:
We command you, that you summon Giles
See if he be found in your county, that he
be and appear before the Judge of our
circuit court on the first day of the next
Term thereof to be begun and held at the
Town of Hillsboro within and for the
County of Jefferson on the fourth Monday
of November next, then and there to answer
unto Rebecca See, widow, and administratrix
of the estate of Arcules See Decd and next
friend of Semina C. Giles P. Mary A. Porathy
Ann. William A. Sarah H. and Semina E. See,
upon her original petition, a copy whereof
is hereto annexed, and have you then
there this writ with return hereon of
how you execute the same.

Witness Tho C Fletcher, Clerk of
our said circuit court with
the seal thereof hereto affixed at
Hillsboro October 26th A.D. 1850

Tho C. Fletcher

CLK

I executed the within writ in the County of Jefferson
on the 4th day of November 1850, leaving a true copy
of the same and of the petition hereto annexed, with
a free white person^{a member} of the family^{at the usual place of abode of} Giles Lee, over
the age of fifteen years.

James McColloch Sheriff

Rebecca Lee widow of Archelaus Lee
and Administrator of his Estate and next
friend of the minor children of said Archelaus
vs
Giles Lee

The defendant demurs to
the petition of plaintiff because it does not state facts
sufficient to constitute a cause of action in this
The petition prays for the land to be conveyed
to the widow and minor children of A Lee when
it does not show any equity or trust by which
the defendant is bound to convey them but on
the contrary the lands were bought by the def
endant at a ~~late~~ Sheriff's Sale and bid in
by defendant to defraud the creditors of Archelaus
Lee and it was agreed upon the said creditors to
buy the lands under the circumstances and the
heirs and widow can not take advantage of
that wrong for further cause of demurrer def
endant says that the parties plaintiff are imp
properly joined, the widow of deceased and admi
nistratrix of decd and minor children cannot
join in a suit as their interests are
different and the right of an admin
istratrix and the widow and children of dec
ased are distinct and cannot be ad
justed in one suit as different questions
arise under the circumstances

J A Neal
for Defendant

Rebecca de a. m. m. m.

by

Erin Lee

Stewart

Filed Nov 27 1880
The U. S. District
Court

Rebecca Lee et al

against
Giles Lee defendant

Defendant states that at the time of the sale by the Sheriff ^{to defendant} Archelaus Lee was largely indebted to many individuals to Charles Rankin about two hundred eighty dollars and interest and not long since defendant had a conversation with said Rankin he informed defendant that his debt and interest amounted to about four hundred dollars & upwards for which he holds a mortgage on the land in controversy. Defendant says that there is a mortgage for said land on record in the clerk's office of Jefferson Co. No given in the life time of said Archelaus Lee. ~~Archelaus Lee~~ ^{Archelaus Lee} was also indebted to many other individuals, to Rudolph Habrecht about fifty dollars, to Hercules Agle ^{from thirty} about ^{to} fifty dollars, to Elizabeth McCreary about fifty dollars and interest, to James A. Buel about fifteen dollars and to many other individuals different small sums of money. Defendant says that said Archelaus Lee got defendant to purchase at said Sheriff's sale the said tract of land in question mentioned for the purpose of preventing the creditors of said Archelaus Lee from collecting their demands, or for the purpose of hindering and delaying said creditors from getting their debts. Under these circumstances defendant says that the prayer of petition can not be granted and the court will let title remain where it was placed by Archelaus Lee, if not - what right can the widow & heirs of a Lee have to said land when the deed was largely indebted ^{Giles Lee} Giles Lee being sworn upon his oath

Says that he believes the foregoing answers
and the matters as their status are true
Sworn to and Subscribed
before me Jan 30th 1851.

Thos L Fletcher
CLK

Giles Lee

Subscribed

by

Giles Lee

Filed Jan 30th 1851.

Thos L Fletcher
CLK

COUNTY OF JEFFERSON, SCT.,

THE STATE OF MISSOURI.

To E. H. Moneys, Orm Shull, Lawrence Lee
Chas M 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
Vier civil Court, on the 28th 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 Lees & Lee et al by next friends and
Plaintiffs and Lees Lee is ————— defendant
on the part of the Plaintiffs

John E. Fletcher
Witness, JOHNSON H. ALFORD, Clerk of our

said Vier civil Court at the town of
Stillbore, this 3^d day of April —
A. D., eighteen hundred and fifty one

John E. Fletcher
CLERK.

I Executed this writ on Leimna C Lee by reading
 it in her presence I executed this writ on W^m Hull
 by reading it in his presence and hearing
 on 11th 6 day of May A.D. 1851 Jas McCalloch Sheriff
 also on E. J. Honey by offering to read
 it in his presence and hearing and
 and him refusing to hear it May 16. 1851

I Executed this writ on
 Geo. S. Vinyard by reading
 it in his presence on the 13th day of May 1851
 James McCalloch Sheriff By B. F. Boughton

Circuit Court
 May Term 1851.

Giles C Lee et al
 vs
 Giles Lee

For costs by
 E J Honey & Co
 Wm Hull
 Leimna C Lee
 Geo S Vinyard

3rd day

Sheriff fees \$1,50
 1,50

Rebecca Lee adm^r of
the next friend of dem^r & det^r In the Civ. Court May
all^y ¹⁵
Giles Lee ——— Term 1852

The defendant by his attorney, comes & moves
the Court to grant him a new trial with
an entered cause for a rehearing of
the cause for the following reasons, to-wit:

1. Because the facts set forth in defendant's
answer were proved to be true and that said
answer did charge upon the creditors
that the language then used was, "that said
Sheriffs Sale of the said tracts of land in
petition mentioned for the purpose of
preventing the creditors of said
Archibald Lee from collecting
their demands for the purpose
of hindering & delaying said cre-
ditors from getting their debts —
 2. Because the judgment of the Court
is against Law & Evidence
 3. Because — against Equity
 4. Because Equity could not relieve
a plaintiff as prayed for in Petition.
 5. Because Equity would not relieve a
party as a fraud, & transacted to defeat
creditors, & still should remain when it
has been put in.
- Because there should be no defendant
not for plaintiff ———
Beaumont & Son, attys

See.

as

See _____

Procurator

New York

Filed May 29 1857
Hoe & Nicholson
at

Rebecca Lee widow of Archelaus
 Lee Deed and admx of his estate
 and other Plaintiffs
 against
 Giles Lee Defendant

In the circuit Court
 of Jefferson County
 Missouri
 May Term 1852

Be it remembered that on the 29 day of
 May 1852 Defendant filed a motion in the
 above styled suit for a new trial in words
 and figures following (here copy not for new trial)
 which motion being seen and heard was
 by the court overruled to which opinion
 the Defendant excepted and here tenders his
 bill of exceptions which is signed & made
 a part of the record. All the evidence in
 said suit was in addition to what is stated
 to be found in the finding of the court, evi-
 dence of Caroline Lee who testified that on
 the morning of the Sheriff's sale mentioned
 in the bill, she heard her father a Lee
 ask Defendant to go to the sale and
 buy the land and Defendant agreed

Also proven by P. Peppin the indebted-
 ness of Archelaus Lee is set forth in
 Defendant's answer. The foregoing was
 all the evidence introduced by either plaintiff
 or defendant except as stated in the facts found
 in the written statement of facts.

John Watson (Seal)

1
Dee a Deo

Dee

Bill of Exceptions

Filed May 29th 1852
Attest At Test
C. M.

Rule

Rebecca Lee and others
Plaintiffs

against

Lees, Lee Defendant

} for decree of title

Defendant moves the
court to tax the costs in said suit
against the plaintiffs from the filing
of the defendants answer

1st Because, the view of the court
in regard to the answer & its suffi-
ciency, plaintiffs should not have
proceeded to trial but moved for
judgment for from the answer,
the right of plaintiffs was fully
admitted & Defendant

2^d Because the material aver-
ments were admitted

3^d Because neither a Lee in his life
time nor his representatives thereupon
should not encumber Defendant with
costs arising out of the acts of a
Lee desiring Defendant to have
the title

4 If the transaction was for the benefit
of A Lee, & the title by his consent
placed in defendant, then defend
should not be involved in costs in
a transaction like this

Giles Lee

Albee Lechal
by
Giles Lee }

Plaintiff to costs

Filed May 31/1852
Jno. B. Lecher
Clerk

730
7225
955

To the clerk of the Circuit Court within & for Jefferson County Missouri

Giles Lee defendant in the suit of Rebecca Lee and others against him said Giles Lee for a decree of title of certain real estate prays for an appeal to the Supreme Court from the Circuit Court of Jefferson County Mo and here below treads his bond as required by law
Giles Lee
Mar 23^d 1853

We Giles Lee as principal and Henry Bailey as security acknowledge ourselves indebted to Rebecca Lee and others ~~appellants~~ in the suit of Rebecca Lee and others against Giles Lee ^{in the Circuit Court of Jefferson County Mo} in the sum of fifty dollars to be void upon the following conditions that is whereas Giles Lee defendant in said suit has taken an appeal from the judgment of the court in the said suit to the Supreme Court of Mo, now if said appellant ~~will~~ pay all costs and damages which may be awarded against him occasioned by such appeal, then this obligation to cease and be of no force otherwise to remain in full force as witness our hands & seals this 23^d day of March 1853

Giles Lee

Henry Bailey

Taken and approved by me this 23^d day of March A.D. 1853, and acknowledged before me by said Giles Lee and Henry Bailey,

Thos C Fletcher

Clerk Cir Ct

Rebecca Lee et al

vs

Greenlee

Application returned for
an appeal

Filed Mar 23^d 1853
Wm E & Wether
@m

Know all men by these presents that
Giles Lee as principal and John Manion
as security are
held and firmly bound unto Rebecca Lee
Levina L. Lee, Doratha L. Lee and others plaintiffs
in a suit heretofore pending in the Circuit
Court of Jefferson County Missouri against
said Giles Lee for title to land decided at the
May Term of said Court A.D. 1853, in the full
and just sum of one hundred dollars to the
payment whereof we bind ourselves jointly
and severally firmly by these presents, sealed
with our seals and dated this 25 day of May
A.D. 1853,

The condition of the above bond is
that, whereas the above bound Giles Lee has
appealed the above mentioned cause to the
Supreme Court of said State, now if said Giles
Lee shall prosecute his said appeal, and shall
perform such judgment, as shall be given by the Supreme
Court, and such as the Supreme Court may direct
the Circuit Court, ^{to give} and if the judgment, or any part
thereof be affirmed, that he will comply with, and
perform the same, so far as it may be affirmed and
will pay all damages which may be awarded against
the said appellant by the Supreme Court, then the above
bond to be void else of full force

Giles Lee Seal

John Manion Seal

Taken & approved by me and acknowledged Seal
before me by said Giles Lee and John Manion on
the 25 day of May 1853. In Testimony whereof

Sheneto set my hand and affix
my official seal at office date
for said Thos D. Fletcher
Clerk Circuit Court

Rebecca Lee et al

Giles Lee

Bond for Supervising

Filed May 25th 1883,
Thos D. Fletcher
Clerk

Rebecca Lee widow of Archibald
Lee and Administratrix of his
estate Savina C ~~Lee~~ Mary A
Dorothy Ann Wm A Sarah
H & Lemuel C Lee children
of the said Archibald Lee by
their next friend Rebecca
Lee
against

Giles Lee

Now on this day come again
the said plaintiffs ~~by their attorney~~
~~and also the said defendant Rebecca Lee~~
by her attorney and the other plaintiffs
by their ~~quondam~~ next friend by Rebecca
Lee as well as said defendant by
his attorney and the court being now
sufficiently advised of and concerning
the premises do find the following
to be the facts in the case

Here insert the statement
in the petition from
the ~~x~~ in the 3d line to
x at the 2d break in the
2d page. leaving out the
and Giles Lee the words Plaintiff states
and the name of Giles Lee in the last
section.

It is therefore ordered adjudged and
decreeed that the said Giles Lee be divested
of all title acquired in and to said land by
reason of his purchase at sheriff's sale as
above stated and that the same vest in
the above named heirs of the said Archibald

See subject to the cover of the said Re-
becca Lee and the payment of the debts
of the deceased and further that the
said ~~sample~~ plaintiffs recover of the
said defendant their costs and charges in
this behalf expended and that they
have execution therefor.

Rebecca Lee
vs
Giles Lee
Decease