

Jefferson County Circuit Court
Case Files -

November 1853, No. 9

Rankin, Charles, exec.

Bryant, Eve

VS

Lee, Rebecca, adm.

Lee, Archibald

Lee, Lavinia C.

Lee, Dorothy A., et al

Foreclosure

Debt #271.38; 396 acres in various
locations; other defendants Mary O.,
Sarah H., Jerima E., William A. Lee

Box

1 Folder 61

\$271.38.

Declar Months after date I promise to

Pay to the Bearer or order of the Bearer and assignee one
dollar and thirty eight Cents. Negotiable and payable without
account or defence together with interest at the rate of ten
per cent per annum from date until paid and for Value
received. Witness my hand and seal this 28th day of May

1844

Washington Lee Seal

#99
Archives de

Note

#271.38

This Indenture made and entered into
this Twenty eighth day of May in the year of our Lord
One thousand eight hundred and Forty four. by and between
Archilles Lee of the first part, and Charles S
Rankin of the second part, and Eve Bryant
of the third part, all of the County of
Jefferson and State of Missouri. Witnesseth that the said
party of the first part, for and in consideration of the debt and
trust hereinafter mentioned and created and of the sum of
Ten dollars, to him in hand paid by the said party of the
second part, the receipt of which is hereby acknowledged
do by these presents Grant Bargain Sell Alien Enfranchise
Convey and Confirm unto the said party of the second part
and to his heirs and assigns forever the following described
tracts of land to wit, One undivided one third part of Fifty Acres and
Forty three hundredths of an acre entered by the said Achilles Lee at the
Land Office in the City of Saint Louis as per Receivers Receipt numbered
8660 dated 21st April 1837. Two thirds of which tract has been sold
by said A Lee to Giles Lee and Eliel Donnell also One
undivided one third part of 80 Acres entered by the said A
Lee at the Land Office in the City of Saint Louis as per Receivers
Receipt numbered 8659 dated 21st April 1837 Two thirds of which
tract of land has been sold by the said A Lee to Giles Lee
and Eliel Donnell Also One hundred & Sixty Acres of land
being the West half of the North West quarter of Section Nine
Township Thirty nine North of Range five East and the West
half of the South West quarter of Section number Four Township
number thirty nine North of Range five East entered at the Land
Office in the City of Saint Louis by William Graham. David Parker
and the said A Lee reference being had to the Deeds from the said
Parker and Graham, to said A Lee Recorded in the Records Office
of Jefferson County. Also One hundred and four Acres and Sixteen
poles being part of confirmation to Walter Stewart and Rufus Easton
and Deeded to said A Lee by Richard Henderson and Alf
on the fifth day of May 1838 and Recorded in the Records Office

of Jefferson County. in Book II pages 439 & 440. on the 8th day of June 1841. - all of the aforesaid lands as before described are situate in the aforesaid County of Jefferson & State of Missouri

To Have and to hold the above described tracts or parcels of land together with all and singular the privileges and appurtenances thereunto belonging or in any wise appertaining unto the said party of the second part and to his heirs and assigns forever. On Trust however for the following purposes. - Whereas the said party of the first part has this day executed to the said party of the third his promissory Note of even date herewith for the sum of

Two hundred and twenty one _____ dollars and thirty eight _____ cents with interest

thereon from the date thereof at the rate of Five per Centum per annum until paid. and payable Twelve Months after date... Now if the said Note together with the interest thereon shall be punctually and fully paid when it becomes due and payable as aforesaid. then this Deed shall be void and the property herein before conveyed shall be released at the cost of the said party of the first part. But if the said Note or the interest thereon or any part thereof shall be in arrears and unpaid when it becomes due and payable as aforesaid then this "Deed" shall remain in full force and the said party of the second part or his Executors Administrators or assigns may proceed to sell the property herein before described or any part thereof at "Public Vendue or Sale" to the highest bidder at the Court House door in the Town of Osceola in the County and State aforesaid for Cash first giving Thirty days Notice of the time terms and place of said sale and of the property to be sold by advertisements put up in right public places in the aforesaid County of Jefferson. and upon such sale execute and deliver a Deed in fee simple of the property sold to the purchaser or purchasers thereof and receive the proceeds of said sale out of which he shall pay first the Costs and expenses of this trust and next the full amount of the aforesaid described Note with the interest thereon or the full amount that shall be due thereon and the balance (if any) shall be paid to the said

Party of the first part or his legal representatives. And the said party of the second part covenants faithfully to perform and fulfill the Trust herein created.

In Witness whereof the said parties of the first and second parts have hereunto set their hands and Seals the day and year first above written

Signed and sealed
in the presence of 3

G. I. Johnston

Archelaus Lee



Chas S Rankin

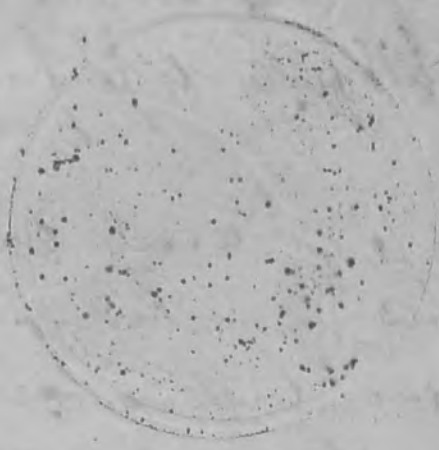


State of Missouri }
Jefferson County } Be it remembered that on
this ~~Twenty~~ ^{Twenty} eighth day of May in the Year
of our Lord one thousand eight hundred and
forty four, personally appeared Archelaus
Lee and Chas S Rankin, before me the un-
derigned one of the Justices of the County Court
within and for the County of Jefferson and
State aforesaid, both personally known to me
to be the persons whose names are subscri-
bed to the foregoing Instrument of Writing
as having executed the same and ack-
nowledged the same to be their, and each of
their, act and deed for the purposes
therein mentioned -

Taken and acknowledged
the day & year aforesaid

J. I. Johnston
J. J. Justice of
Jefferson County
Mo.

State of Missouri }
County of Jefferson } I John S Mathews Clerk of the
Circuit Court and Ex Officio Recorder within and for the
County aforesaid do certify that the foregoing
deed was filed for Record in my office on the
4th day of June and is truly Recorded in Book A
Pages 60 & 61



Given under my hand and official
Seal at Office in Hillborn this 12th
day of June AD 1844

Prof. Mathew Recorder

Wherefore the
of Trusts & Decree
Ch^s of Decree

filed June 7th 1844
Prof. Mathew Recorder

received 12th
Received June 12th
1844

James O. O. O.
filed Oct 11th 1853
No. 601210000

Charles S. Rankin
Executor of Eve Bryant
deceased } Plaintiff

vs.

Rebecca Lee Administratrix
and Moor of Archibald Lee
deceased. Laura C. Dorothy } Defendants
A. Mary O. Sarah H. Annina }
E. and William A. Lee }

In the Circuit Court
Jefferson County

The petition of Charles S. Rankin Executor of
the last will and testament of Eve Bryant
deceased late of the County of Jefferson and
State of Missouri respectfully states.

That Archibald Lee, the husband and father of
the above named defendants, on the 28th day of
May 1844 executed to Eve Bryant his negotiable
promissory note, hereto annexed and made a part
of this petition, for Two Hundred and Seventy one
dollars and thirty eight cents payable in twelve
months.

That to secure the payment of said note said
Archibald, did, on said day, that is to say, on the
28th day of May 1844, execute to Charles S. Rankin,
in trust, his deed which is herewith filed and is
made a part of this petition, conveying, for said
purpose, the following described real estate, to wit
"One undivided one third part of Fifty acres and
forty three hundredths of an acre, situate by the said
Archibald Lee at the land office in the City of Saint
Louis, as per Receiver's receipt numbered 8660 dated

21st of April 1837. Two thirds of which tract has been sold by said A. Lee to Giles Lee and Eliel Donnell, also, one undivided one third part of 80 acres, entered by the said A. Lee, at the Land Office in the City of St Louis, as per Receiver's receipt, numbered 8659 dated the 21st of April 1837. Two thirds of which tract of land has been sold by the said A. Lee to Giles Lee and Eliel Donnell. Also One hundred and sixty acres of land being the West half of the North West quarter of Section Nine Township Thirty Nine North of Range five East and the West half of the South West quarter of Section Number four Township Number Thirty Nine North, of Range five East entered at the Land Office in the City of Saint Louis by William Graham, David Parker and the said A. Lee reference being had to the deed from the said Parker and Graham to said A. Lee recorded in the Receiver's office of Jefferson County. Also one hundred and four acres and sixteen poles, being part of Confirmation to Walter Swartz and Rufus Easton and deeded to said A. Lee by Richard Hinduckson and wife on the fifth day of May 1838 and recorded in the Records office of Jefferson County in Book E pages 439 and 440 on the 8th day of June 1841 - all of the aforesaid lands as before described are situated in the aforesaid County of Jefferson and State of Missouri.

Plaintiff further states that said Archibald departed this life about the month of November 1848 leaving the above named widow and children who are interested in said real estate and are entitled

to and own the equity of redemption in said premises
so conveyed as aforesaid by deed of trust in the nature
of a mortgage.

Plaintiff further states, that his ~~testatrix~~ said Eve
Bryant has also departed this life, having constituted
and appointed by last will and testament said plain-
tiff her sole executor.

Plaintiff further states that, ^{neither} said note, nor
any part thereof ~~was~~ paid to said Eve Bryant,
in her life time, nor to him as trustee, nor to him as
executor since her death, that said note and the
interest thereon are yet due and unpaid for which
he asks judgment. And prays that the equity of
redemption in the above described real estate
may be foreclosed, and that said real estate so
conveyed in trust to secure the payment of said
note as above stated may be sold to satisfy the
said note with the interest thereon and for such
other and further relief as may be met and
proper.

Plaintiff states that the above named defen-
dants, Dorothy A. Mary O. Sarah H. Lemina
& and William A. are minors, and prays the Court
to appoint for them, for the purposes of this suit
a guardian ad litem.

C. S. Perkins

By Perkins atty.

Philip Perkins attorney for the above named plaintiffs
makes oath and says the foregoing petition and the matters
therein as stated he believes to be true

Sworn to and Subscribed before me this 11th day of October 1853 } Philip Perkins
Thos C. Fletcher clk pr Ed Honey DC

At the Jefferson Circuit Court

in Frederick Town

1853

Chas. J. Stanton Esq.

vs

Placeaden Lavinia &
Geo Mary D. de it ad

Pltains to Jacobson a Ject
of Insect. It,
dit Deumman Jace
Jeklin City.

Attest Octo 11th 1853

Thos J. E. B. C. H. C. H.
Attest Octo 11th 1853

Charles S Rankin
Executor of Eve Bryant
deceased

Plaintiff

vs

Rebecca Lee, administratrix
and widow of Archibald Lee
deceased, Larina C. -
Dorothy A. Mary. O
Sarah H. Fernina E
and William A. Lee

Defendants

In the Circuit Court
Jefferson County

The petition of Charles S Rankin executor
of the last will and testament of Eve Bryant deceased late
of the County of Jefferson and State of Missouri: States
That, Archibald Lee, the husband and father of the above
defendants, on the 28th day of May 1844. executed to
Eve Bryant his negotiable promissory note hereto annex-
ed, and made a part of this petition for Two hundred
and Seventy one dollars and thirty eight cents payable
in twelve months, That to secure the payment of said
note, said Archibald, did on said day, that is to say on
the 28th day of May 1844. executed to Charles S Rank-
in, in trust, his deed, which is herewith filed and is
made part of this petition, conveying for said purpose
the following described Real Estate to wit: One undivided
one third part of Fifty acres and forty three hundredths
of an acre, entered by the said Archibald Lee at the land
office in the City of Saint Louis, as per Receiver's receipt
number 8660, dated 21st April 1837, two thirds of
which tract has been sold by said A. Lee to Giles Lee
and Eliel Darnell. Also, one undivided one third part
of 80 acres entered by the said A. Lee at the land office

in the City of St Louis as per Receivers receipt number 8659 dated the 21st of April 1837 Two thirds of which said tract of land has been sold by the said A. Lee to Giles Lee and Eliel Durrell. Also one hundred and sixty acres of land, being the West half of the North west quarter of Section nine township thirty nine north of Range five East, and the west half of the South west quarter of Section number four Township number thirty nine north of Range five East, entered at the land office at the City of Saint Louis, by William Graham David Parker and the said A. Lee, reference being had to the deed from the said Parker and Graham to said Lee, recorded in the records office of Jefferson County, Also one hundred and four acres and sixteen poles, being part of Confirmation to Walter Dewitt and Rufus Easton, and deeded to said A. Lee by Richard Hendricks and wife on the fifth day of May 1838 and recorded in the Records office of Jefferson County in Book E. pages 439 and 440 on the 8th day of June 1841. All of the aforesaid lands as before described are situated in the aforesaid County of Jefferson and State of Missouri

Plaintiff further States that said Archelaus, departed this life about the month of November 1848 leaving the above named, Widow and Children, who are interested in said Real Estate, and are entitled to and own the equity of redemption in said premises so conveyed as aforesaid by deed of trust in the nature of a mortgage

Plaintiff further States that his testatrix Eve Bryant has also departed this life, having constituted and appointed by last will and testament said plaintiff her sole executor

Plaintiff further States, that

neither said note nor any part thereof was paid to said
Eve. Bryant in her life time nor to him as trustee, nor
to him as Executor since her death, That said note and
the Interest thereon are yet due and unpaid, for which
he asks judgement, and prays that the Equity of re-
demption in the above described Real Estate may be
foreclosed and that said Real Estate so conveyed in
trust to secure the payment of said note as above
stated may be sold to satisfy the said note with the
interest thereon, and for such other and further
relief as may be meet and proper

Plaintiff States that the above named
defendants Dorothy A. Mary C. Sarah H. Fernina
E and William A. are minors and prays the Court
to appoint for them for the purposes of this Suit A
Guardian ad litem

C. S. Rankin

By Pipkin atty.

Philip Pipkin attorney for the above named plaintiff
makes oath and says the foregoing petition and the
matters therein as stated, he believes to be true

Sworn to and Subscribed
before me this 11th day of
October 1853

Philip Pipkin

Thos. C. Fletcher clk
pr Es Honey S. C.

A true copy of the original petition and affidavit on
file in my office, In Testimony where
of I hereto set my hand and affix the
Seal of said Court at office Octr
11th 1853. Thos. C. Fletcher clk
pr Es Honey S. C.

No 9.
Co. Circuit Court
November term 1853

1117

Charles Rankin Exor.

vs } Summons

Rebecca. Dec. admr. et al

13th

\$529.86

Shewitt per \$7.00

Judgt for \$529.86 & fore-
= closure Dec 7, 1853
Book 3 p 342,

I Served the within writ and petition at the County of
Jefferson. on the 13

The State of Missouri

To the Sheriff of the County of Jefferson Greeting
We command you that you Summon Rebecca Lee
administratrix and widow of Archibald Lee deceased
Lavinia C. Lee. Dorothy A. Lee. Mary C. Lee. Sarah
H. Lee. Ferdinand E. Lee and William A. Lee. if
they be found in your County. that they be and ap=
pear 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 Nov=
ember next then and there to answer unto Char=
les S. Rankin Executor of Eve Bryant deceased
upon his original petition a copy whereof is
hereto annexed and have you then there
this writ

Witness Tho C Fletcher Clerk of our said
Circuit Court with the Seal thereof hereto
affixed at office October 11 1853
Tho C Fletcher clerk
ps E. H. Stoney D.C

I Served the above writ and annexed
petition at the County of Jefferson on the 13th day
of October A.D. 1853 on Rebecca Lee. one of the above nam=
ed defendants by delivering her a copy of the said ^{petition & writ as furnished by the clerk} and on Lavinia C. Dorothy A. Mary C. Sarah H.
James McFadden Sheriff

Lemuria E and William A. Lee, by sending the same
in their presence and hearing on the same date.

~~at the~~
James McCallish Sheriff