

Jefferson County Circuit Court
Case Files - Civil

Box 8 Folder 17

May 1854, No. 11

Bevis, Prudence

vs.

Foxton, William, adm.

Skeel, Samuel, dec.

Skeel, Sarah S.

Hedgcs, Hillary, et al

Dower

Other defendants Cora Ann Hedgcs, Mary
Ann Skeel, Samuel Skeel, Amos Skeel,
Charles W. S. Vinyard; $\frac{1}{3}$ of 508 acres,
Survey 894 T40N4, 5E, as widow of
Thomas L. Bevis

Prudence Bevis, Plaintiff

Against

William Foxton, administrator of Samuel Skeel, dec'd
Sarah S. Skeel, widow of
said deceased, William Hedges
Cora Ann Hedges, Mary Ann
Skeel, Samuel Skeel, and
Amos Skeel, heirs of said
deceased, the last three
minors, and Charles W. S
Vinyard, — Defendants

In the Circuit
Court
Jefferson County

Plaintiff states that she is the lawful widow of Thomas L. Bevis, who died some time in the year 1827, in Jefferson County, Missouri, in lawful seizure of the following Real Estate, situate in Jefferson County Missouri, To wit, a Tract of five hundred and eight acres and seventy one hundredths of an acre, being Survey No. 894, in Township 4th of Range No. four and five East, confirmed to Thomas L. Bevis. That her said husband died in possession of said ^{Land}, and that she continued to reside upon the same, for about twenty one years after his death, her dower not having been in the mean time assigned her, until some time in the year 1848, when she was deposed from the same by Samuel Skeel. Plaintiff states that she, as the widow of said Thomas L. Bevis, is entitled to dower in said Real Estate, of one third of the same, to hold and enjoy during her

natural life. That she has been defrauded thereof, by said Skeel, who has since died, leaving the following Heirs, who claim title to four fifths of said Land, To wit, Cora Ann Hedges and William Hedges, her husband, Mary Ann Skeel, Samuel Skeel, and Amos Skeel, the last three are minors. And Charles W. S. Vinyard claims an interest of one fifth of said Real estate. - Plaintiff states, that she has been disaerized and deprived of her dower interest in said Real estate, by said claimants, since the year 1848, and that she cannot have it without suit, she therefore asks judgment, that she be endowed of one third part of said Real estate for life, and that she be awarded possession of the same, and damages for the detention thereof, for the space of six years, amounting to four ⁴ hundred dollars.

} Abner Green
} Atty for Plaintiff.

Prudence Beris, Plaintiff, makes oath and says she believes the above Petition, and the matters therein as stated are true.

Given to & subscribed before me April 4th 1854.

Chas B. Fletcher Clerk

Prudence^{her} Beris
mark

In Circuit Court
of Del. County
Frederick, Md.

vs.

Wm. Houston, Administrator
of the Estate,
Petitioner

for Debtor

Set aside same

A. Green
for Pet.

Filed April 4th 1854.
Chas. C. Chesler

CLK

2 cop put
in vol 48
with 4 cop

Prudence Bevis Plaintiff

against

William Foxton administrator
of Samuel Steel dec^d Sarah S Steel
widow of said deceased, Hillary Hedges
Lora Ann Hedges, Mary Ann Steel
Samuel Steel and Amos Steel
heirs of said deceased, the last three
minors and Charles H S Viryard
Defendants

In the Circuit
Court Jefferson
County,

Plaintiff states, that she is the lawful widow of Thomas L Bevis, who died some time in the year 1827, in Jefferson County Missouri, in lawful seizen of the following real Estate, situate in Jefferson County Missouri, to wit, a tract of five hundred and eight acres and seventy one hundredths of an acre being Survey No 894. in Township forty of Range No four and five east, confirmed to Thomas L Bevis, that her said husband died in possession of said land and that she continued to reside upon the same for about twenty one years after his death, her dower not having been in the mean time assigned her, until some time in the year 1848, when she was deforced from the same by Samuel Steel, Plaintiff states that she as the widow of Thomas L Bevis is entitled to dower in said Real Estate of one third of the same to hold and enjoy during her natural life, that she has been deforced thereof by said Steel who has since died leaving the following heirs who claim title to four fifths of said land to wit, Lora Ann Hedges and Hillary Hedges her husband, Mary Ann Steel, Samuel

Skeel and Amos Skeel, the last three are minors
and Charles W S Viryard claims an interest
of one fifth of said real Estate, Plaintiff states
that she has been disseized and deprived
of her dower interest in said real Estate
by said claimants since the year 1848, and
that she cannot have it without suit, She
therefore asks judgment that she be endowed
of one third part of said real Estate for life
and that she be awarded possession of the same
and damages for the detention thereof for the
space of six years amounting to four
hundred dollars, Abner Green

atty for Plaintiff

Prudence Davis plaintiff makes oath
and says, she believes the above petition and
the matters therein as stated are true,
Sworn to & subscribed before me

April 4th 1854

Thos C Fletcher Clerk

Prudence ^{her} Davis
(mark)

Endorsed "Filed April 4th 1854. Thos C Fletcher Clk"

I certify that the foregoing is a true
copy of the original petition & affidavit on
file in my office in said cause.

In Testimony Whereof I
hereto set my hand and affix
the seal of said court at
office 5th April 1854
Thos C Fletcher
Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon William Foxlaw adm^r of Samuel
Steel dec^d: Sarah S Steel Hillary Hedges, Cora S Hedges, Mary Ann
~~Hedges~~ Steel, Samuel Steel & Amos Steel, if they be
and Charles W S Vinward found in your County, that they be and appear before the Hon.

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 May
next, then and there to answer unto Prudence Davis

upon her original petition, a copy whereof is herunto annexed and
accompanies this writ—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, in Hillsboro, this 21st day of
April A. D. 1854.

Thos C Fletcher

CLERK CIRCUIT COURT.

I executed the within writ by delivering a copy of the same and copy of the petition (as furnished by the clerk) to Chas. W. S. Vinyard & William Foxton Admr of Saml Steel deceased in the County of Jefferson on the 25th day of April A.D. 1854. and on Sarah S. Steel, Mary Ann Steel, Samuel Steel and Amos Steel, by delivering to Sarah S. Steel their mother, with whom the last three named reside a true copy of the writ as furnished by the clerk at the County aforesaid on the 26th of April A.D. 1854

James McColloch. Sheff

Nov 11
J. Vivian's Court
May Term 1854.

Indorsement

as I have
Wm Foxton Admr of Steel
& others.

Sheff fee \$6.00

Revenue & B. & F. in
co. Transcript sent
Dec 29 - 1854 per
mail

Costs chgs.

362-377-384

Prudence Bevis

vs

Wm Foster admr of Saml.

Skell et al

} In the Circuit Court
of Jefferson County Mo

The defendants William Foster admr of the Estate of Samuel Skell died, & the widow & heirs of Samuel Skell answer and say that there is no connection in interest or privity of parties between them and Charles S. Vinyard one of the defendants and here deny the right in law for the plaintiff to join him in the same suit with them; that there is no privity or common connection between them

The Plaintiff is not the lawful widow of Thomas S. Bevis and ~~there~~ has no dower right to the portion of land owned by the estate of Samuel Skell, that is four fifths of the Survey 894, that the defendant C. W. Vinyard owns the other one fifth of said Survey as the defendants are informed & believe

The defendants charge the facts to be that Thomas S. Bevis never was lawfully married to the plaintiff, that said Bevis was lawfully married to one Polly Herod by whom he had lawful issue, that said Bevis & his lawful wife Polly separated and after such separation, he and Bevis and said plaintiff lived together & had children but they were never lawfully married, that a subsisting mar-

age with Polly Herold existed and no divorce had taken place between said Thomas L Bivis & said Polly, when said Prudence & Thomas L Bivis commenced to live together and long afterwards said Polly survived that no legal marriage ever took place between said Thomas L Bivis & Prudence and that none could have taken place in consequence of said marriage with Polly Herold. That although Thomas L & Prudence had children, they were illegitimate ~~and~~ ~~by virtue of law pass as the legitimate~~ ~~they could inherit property yet the~~

Defendants further state that Samuel Skel instituted a suit of ejectment against the present plaintiff in 1846 in the Circuit Court of Jefferson County Missouri, for the recovery of the said tract of land in the petition mentioned.

The suit came to trial between said Skel & Prudence at the November Term of said Circuit Court in 1847, a verdict was then had and rendered in that suit for the plaintiff for the recovery of one fifth of said real estate as will appear by the records at said November Term 1847. The defendant in that suit the present plaintiff, defeated the recovery of the other four fifths of said real estate by showing an over standing & better title in other parties and not by any right of dower as widow of Thomas L Bivis.

all the points arising in regard to right
of dower were made & insisted on by the
Said Prudence's counsel but she was not
regarded as the legal & lawful widow of
Thomas St Bevis, in consequence of which
and the evidence adduced, the court
instructed against her right to recover dower
in said lands and the jury acting in
and under the instructions of the
court and the evidence in the case,
found a verdict against her for one fifth
of said real estate and did not allow
her any dower but decided against
her right to dower and against her
^{claiming to be the}
as the widow of Bevis. From all
of which proceedings of the court and
the verdict and judgment at said November
Term 1847, the plaintiff in this suit is
precluded and barred from asserting
dower in said real estate and is estop-
ped from further bringing the matter
in controversy, the decision of the court
& finding of the jury in said suit being
a matter of adjudication & between said Prudence
& Samuel Skel the ancestor of said heirs
is final & stops further enquiry.

Said Samuel Skel's estate still owns
the one fifth of said real estate so recovered
and the three fifths from the legal owners
in whom said Prudence established
an outstanding title to defeat the right
of recovery according to the rights under
an action of covenant.

The remaining one fifth of said land is not owned nor has been in possession of Samuel Skel or his estate, It is in the ownership of C W Overyard & defendants leave him to answer for himself

The defendants rely upon these two points for defence to four fifths of said real estate, 1st That said Prudence is not the legal or lawful wife of Thos as L Davis and was never legally married to him, and has no right to dower to the lands

2^d That she is barred and precluded from recovery in this suit by the finding of the jury and judgment of the Circuit Court at its November Term 1847, in said suit of Samuel Skel vs Prudence Davis for the recovery of the identical lands in controversy

Defendants therefore deny the plaintiff's right of dower, but claim for damages and deny her claim to the possession of a dower right

Having answered fully all points deemed material to the subject matter the defendants pray to be dismissed with costs

Wm Foxton for himself
& co defendants except

C W Overyard

William Foxton States that he believes the foregoing answer & this matter as therein stated are true

Known to and subscribed

before me, May 22, 1854

Thos Fletcher clk

for E Honly dep

Wm Foxton

Filed May 26th 1854
Thos Fletcher
clk

Prudence Davis In the Circuit
vs Court
C. W. S. Vineyard of Jefferson County

Defendant states that plaintiff was never legally married to Thomas L. Davis the confermer of the tract of land in portion mentioned and therefore is not the lawful widow of said Davis, nor entitled to dower in said tract of land, one fifth of which, or Lot One, is owned by this defendant.

In the year 1847 Samuel Steel brought a suit of Ejectment against Prudence Davis, the plaintiff in this suit to obtain possession of said tract of land, which suit was tried at the November Term 1847 of the Jefferson County, ^{Circuit} Court. In that trial said Prudence insisted upon her right of dower, but failing to establish a legal marriage between herself and said Davis was defeated in that, but succeeded in shewing ~~that~~ an outstanding title to four fifths of said land in her children, by said Davis, who, though illegitimate were capable of inheriting their father's lands. By the verdict of the jury

and judgment of the Court in suit, said plaintiff is barred and forever precluded from a recovery in this action, and the same subject matter having been once adjudicated is no longer a matter of controversy in a Court of Justice, and the finding of the jury and the judgment of the Court in that case between said Steel & Benis then insisted upon and pleaded as a complete bar and good answer to her right of dower in this action.

Defendant therefore denies plaintiffs right of dower, right of possession to the dower of one third in said lot one, owned by defendant and also to the damages claimed, and having fully answered asks to be discharged with costs.

J. Pipkin

Atty for Vinyard and
no one else,

C. W. Vinyard on oath states that the above answer and the matters therein set
stated he believes to be true
 sworn to & subscribed before Charles W. S. Vinyard
one July 30th, 1854 Thos. Fletcher Clerk.

Ornithoeca, Davis

red

C. H. J. Young and

Answer

Filed July 31st 1834

Chas. F. M. Oakes

Providence Davis

vs

William Foster and
several others

In the Circuit Court of
Jefferson County,
Missouri

To Providence Davis or her attorney of Record

You are hereby notified that the defendants in the above cause, will apply to the Circuit Court of said County at its November Term for 1854, for a change of venue in the above cause to some other county for the reason that the opposite party has an undue influence over the inhabitants of said county & that the inhabitants of said County are prejudiced against the defendants

Nov 18. 1854

J. A. Neal atty
for defendants

Produce Prices
and
Cost of Skins

Notice

Prudence Davis

vs

William Foxton administrator
of the Estate of Daniel
Skool dead & others

In the Circuit Court of
Jefferson County Mo

The defendants representatives
of the Estate of Daniel Skool, &c come & pray
this Court for a change of venue in
the above entitled cause

They state that since the last term
of this Court, they have become satisfied
that it would be unsafe to try said
cause in Jefferson County. They charge
that the inhabitants of Jefferson
County are prejudiced against the defend-
ants in said cause in consequence of
which, the defendants have just cause
to believe that they cannot have a fair
trial on account of the causes alleged
of a trial atty for def-
endants, except by and

State of Missouri

County of Jefferson

SS William Foxton defend-
ant makes oath & says
that he believes the matters as stated in the
 foregoing petition are true & that he & the
 other defendants have cause to believe & do
 believe that they cannot have a fair trial
 on account of the cause alleged in said peti-
 tion & that the inhabitants of Jefferson County
 are prejudiced against the defendants

Subscribed & sworn to
before this 27 day of November
A.D. 1854. This is the 6th day of the month

Wm Foxton

Levis
no

Kodas heirs

Pct for charge
of Anne

Filed Nov 27th 1854
Thos C McTear
Clerk

granted