

Franklin County Circuit Court
Case Files - Civil

Box: 2
Folder: 85

April 1843 No. 296

Bay, Sarah

vs.

North, William

Rucker, Anthony

Dower

80 acres in S9 T42 R2E as

widow of Samuel Bay;

original case No. 9

State of Michigan }
County of Franklin } October Term A.D. 1843

To the Hon Franklin Circuit Court -
The petition of Sarah Bay of the county of Franklin
aforesaid, and a widow of Samuel Bay late
of said county, would respectfully represent
that she was lawfully married to the said
Samuel Bay in the county of Saint Louis &
State aforesaid some time near & about the
Year Eighteen Hundred and five, and
continued to live with said Samuel as his said
wife peaceably and happily until the time of
his death which occurred in said county of
Franklin on the third day of March in
the Year one thousand eight
Hundred and forty three. That said Samuel
died leaving her said widow and who
will remain his widow and also the following
Name & Children ^{all say I should be the day of the day of the day} to wit - Robert Bay, Ann
Bay, Thomas A Bay, James W Bay, John W
Bay, Susan M^{rs} Bay wife of Pleasant M^{rs} Bay
Pati Bay. W^{rs} Bay all of whom are above the
Age of twenty one Year except the last named
who is a Minor, and all of whom are heirs
at Law of said Samuel. Your Petitioner would
further represent that said Samuel Bay
in his life time and during the marriage
aforesaid was seized of an Estate & Substance
of his & to the following described pieces or parcels
of Land separate from & lying in the County
of Franklin aforesaid and a divided as follows
to wit - The South West quarter of the South West quarter

Section No. Nine in Township No. 4, Range No. 2
North Range two east containing forty one $\frac{1}{160}$ acres
Also the South East Quarter of South West Quarter
Section No. Nine of Township No. 4, Range No. 2
North in Range No. 2 east containing forty one
four acres with all the appurtenances and
interests belonging or in any wise appertaining
Your petition would also represent that the
William North ^{officially of the County of Franklin} at the same term of the
for two one thousand eight hundred and twenty three
of the Circuit Court held within and for the County
of Franklin aforesaid obtained judgment
against said Samuel for the sum of three hundred
and nineteen dollars and twenty one cents
debt and forty five dollars and ten cents
damages and caused an execution to be
issued for same and laid on the premises
aforesaid and caused the same to be sold by virtue
of said execution and purchased the same at said
sale and by virtue of said purchase claimed
to be the owner and to have the legal title to the
same and that said North has put one Anthony
Rucker in possession of the same and that
said Rucker is now in the actual possession
of the same and your petition prays that
said North and said Rucker may be made
party defendants to this application and
proceeding. Your petition further represents
that he has not had the sole occupation
or enjoyment of said lands or any part thereof
nor of the rents and profits thereof nor any of
any part thereof and that both said North
and said Rucker have refused and still refuse

to let her occupy any part thereof, and have
received and still receive to let her have any part
of the rents & profits thereof, and that she cannot
have her dower in said land without suit.
Your petition further represents that she never has
by any act deed, conveyance, instrument of writing
or in any way whatever relinquished her right of
dower in said land and premises and that
she is now entitled to the endow of the third part
of said land & premises to hold & enjoy during
her natural life, that she is a single & old person
making a will, a very poor person for the support
& maintenance of your petition who has
a family to support, and is destitute of the
means of support. Your petition also states
that said land was purchased of said land
from the Government of the United States as
will more fully appear from the certificates &
evidence of title to the same, which were here
offered to the Court as evidence of title.
Your petition would therefore in consideration
of the premises pray that judgment be given
that she be allowed her dower as aforesaid may be
warranted, and that commissions may be appointed
according to law, to lay off and determine
her dower & interest in said premises & that
this Court will grant her such other & further
relief in the premises as to this Court may
seem just, and she as in duty bound will ever
pray &c.

W. J. N. Bay
Attorney for Petitioner

County of Franklin for
The State of Missouri to the Sheriff of Franklin County
Greeting

We Command you to Summon William North and
Anthony Rucker to appear before the Circuit Court of Franklin
County on the first day of the next Term thereof to be begun
and held at the Town of Union within and for said County on the
second Monday of October next to answer the complaint of
Sarah Bay Plaintiff as set forth in her foregoing
Petition and have you then and there this writ

Witness the Hand of the Clerk of Court
said Circuit Court at office in
Union this 14th day of September
Eighteen Hundred forty three
C. Jeffries Clerk

W. 9
H. W. W. Circuit Court
Oct. Term 1843

Sarah Bay
m
William North &
Anthony Rucker

Petition for return of writ
of Habeas
Corpus
Let Summons be
made to W. J. N. Bay
for Petition

Filed 14th April 1843
C. A. Jeffries Clerk

Executed this writ at the County of Franklin in the
State of Missouri on this 14th day of September 1843 in the
following manner on William North by his refusing to
hear the Petition and Summons read and on Anthony
Rucker by his refusing to hear the petition read and
reading the Summons to him 23rd Sept 1843

S. W. Wood Sheriff
By D. P. Wood deputy
Sheriff fee \$3.0000

Sarah Bay - } In the Franklin Co.
 } Court
 William North & Anthony } April 7. AD 1844
 Rucker - }

And the said Defendants, by their
 atty cons and defend the wrong and injury wher
 of they say that said plaintiff ought not to have
 or maintain his aforesaid action hereof against
 them because they say she was not lawfully
 accepted and joined in matrimony with the
 said Samuel Bay at the time & in the
 manner alleged in said plaintiff's aforesaid
 petition & of this they pray they may be
 acquitted of by the Court.

Yours for Defendants

And for further plea in said cause, said De-
 fendants, cons and say that said plaintiff ought
 not to have a maintenance hereof against them,
 because they say that said
 plaintiff is not entitled to dower in the above
 described premises by the laws of the country
 in manner & form as set forth in plaintiff's
 petition & of this they pray they may be
 acquitted of by the Court.

Yours atty for Defendants

And for further plea in this behalf said
 Defendants, say that plaintiff ought not to have
 a maintenance hereof against them, because they say that the said
 William North did not

did not then obtain judgment against James Bay and
did not purchase said land under the execution
from the issue upon the judgment described &
set forth in plaintiffs foregoing petition
in manner herein as therein alleged
this they are ready to verify wherefore they pray
judgment if said plaintiff ought to have a
warrant in execution against said
defendants -
James Bay

James Bay -

or

Will. North & Charles Bay

or

Plen

Shewd 13th April

1824-

C. J. J. J. J. J.

Sarah Bay } Franklin Circuit Court
Mrs. Watter }
Anthony Rucker } April Term 1844

And said plff as to said
1st & 3rd pleas of said defendants then
also pleads, says that that said pleas
and the matters therein contained in
Mass. & for as the States are
not sufficient in law to preclude
said plff from having & maintaining her
said action that she prays that she
that she is entitled in law to answer
the same, which she is ready to verify

Bayle Peterson

March 23rd

ppm March 2

Whitney Becken

Johnson to 14

2 cent pieces

Full 13th March

1844
Joseph Brown

COUNTY OF FRANKLIN, SS.

THE STATE OF MISSOURI,

To

Samuel Hamilton

GREETING :

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the *4 day of the September instant*

at the Court House, in the town of Union, then

and there to testify, and the truth to say in a certain matter of controversy now pending in our said Court, wherein *David & William Setzer* ~~vs~~ *John H. Bennett* plaintiff, and *William Smith & J. B. Rucker* defendant, on the part of *plaintiffs* and herein you are in no wise to fail.

Miss

C. J. Delaney Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this *26th* day of *September* in the Year of our Lord one thousand eight hundred and forty *five*

C. J. Delaney CLERK C. C.

Frank Webster &
William Webster

no.
William Webster
of Haverden

10
Spa
Dorset
4809

Sarah & Wm }
Kitchin & }
Wm North & } In the Franklin Cir
Anthony Rucker } Court Sept 9. 1845

And the said Defendants by the
Atty Gen. & more the Court
to require the plaintiffs in this
suit to give security for costs in
the above entitled cause for the
following reasons to wit

1. Because they are insolvent
2. Because they are unable
to pay the costs of this suit
3. Because they have no pro-
perty where they are executor
4. Because they have no property
except from executor

For the Defts

Sept

Collector -

North Street

Provision to
Virginia Society
for Cost

Filed 29 Sept 1845
C. A. Jeffries

COUNTY OF FRANKLIN, MO.

THE STATE OF MISSOURI,

To

*Herewith I enclose another copy being
sentencing B. Wade.*

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the *four day of April next*

at the Court House, in the town of Union, then and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein *Frank & William Vithorn* are plaintiffs, and *William Smith & Charles* are defendant's, on the part of *plaintiffs*

and herein you are in nowise to fail.

Witness

E. A. Heppner

Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this *fourth* day of *March*

in the year of our Lord one thousand eight hundred and forty-

six

E. A. Heppner
CLERK C. C.

Executed this subpoena at the County of Franklin
in the State of Missouri on the within named
Leviniah Hamilton Benjamin in Terry I W Wade
on the 31st day of March A.D. 1946, by reading
the same to them and in their hearing

John L Hamilton
By R. Heatham Sheriff
Deputy

Sarah & William Sticks

as

W. North &

A. Crocker

Leviniah Hamilton &

Ray Terry 30

G. B. Wade

COUNTY OF FRANKLIN, 88,

THE STATE OF MISSOURI,

To Henry Dixon, William O Bailey & John S Barber,

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the *ninth day of April last* at the Court House, in the town of Union, then and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein *Sarah & William Richens* are plaintiffs, and *William North et al* are defendants, on the part of *the defendants*

and herein you are in nowise to fail.

Witness

O. J. Jeffries

Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this *ninth* day of *April* in the year of our Lord one thousand eight hundred and forty-*two*

CLERK C. C.

O. J. Jeffries
By J. H. Baker Deputy

Executed this subpoena at the County of Franklin
in the State of Missouri on the within named
Henry Dixon ~~and~~ Bailey & John S. Bricey
on the 2th day of April (AD 1848) by reading the
same to them and in their hearing

John L. Hamilton
Sheriff

Saml & McWilliam Ritcher

vs
E. S. S. S.

William North &
Anthony Butler

Henry Dixon

H. C. Bailey &

John S. Bricey

March & Willing In C. Court March
Relates to June 1826
W. North & Ruder

And the said depositions
of June the City Court & now the
Court to require plaintiffs to give security
for costs in the above case -
for the following reasons to wit -

1. Because the plaintiffs are a
suit -
2. Because they are unable to pay
costs
3. Because the officers of court are
in danger of losing their depositions
for an said case in default
of giving security to disburse said case

Yours for duty -

~~\$20000~~

Know all men by these presents that I

Wm. H. W. W. W.

of

Wm. H. W. W.

Wm. H. W. W.
Wm. H. W. W.

Wm. H. W. W.
Wm. H. W. W.

Sarah Williams } In the Franklin Co. Court
Kitchen } 3 March Term 1846

North Plucker }

Be it remembered that
on this 9. to a part 1846 personally
called upon me within North
who being by me duly sworn upon
his oath states that Henry Digi
on, ~~William C. D. & J. J. J.~~
D. Bourke an uneducated
witness in the above
intended cause that he has
used due diligence to procure
the affidavit at this Term of
the Court and that he can
not safely proceed to the trial
without their testimony -

And that he has no writing
from him by whom to prove same
facts he expects to prove by
them that his witnesses
he believes have been subpoenaed as
he directed to them to the Subpoena
by the Sheriff that this
application is not made
for violation a duty but
that Subpoena has been
in due - That the witnesses
are absent without any consent
or collusion upon his part
and that this is the ground
he has applied for a writ

Ann of the Case & that in
Case proceed then listing at
the next Term of this Court

now submitted
to the Court this
9 April 1845

William North

Comptroller

Sarah & Dr. Kitchin

vs
Richard &

A. R. Carter

Applicant

Filed 9 April 1845

Wm. North

COUNTY OF FRANKLIN, 88.

THE STATE OF MISSOURI,

To

*Jessie M. Hamilton, Propy, Sony, and
G. B. Wade White, Dece*

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the first Monday of October

next

at the Court House, in the town of Union, then

and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Jesse M. Hamilton Plaintiff, and W. B. Wade White and G. B. Wade defendant, on the part of Plaintiff,

and herein you are in nowise to fail.

Witness

W. B. Wade Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this 23 day of August

in the year of our Lord one thousand eight hundred and forty-

W. B. Wade CLERK C. C.

Executed the within an Dr. Hamilton
on the 5th day of Sept 1846 and an B &
Lury on the 25th day of August 1846
and an G B Wade on the 7th day of
Sept 1846 and an Philip Bell on
the 2nd day of Oct 1846 by offering
to read the same in each of their
hearings which they refused to
hear read

A W Shefferson
By G B Hamada Sept

H. Ketchum &
Carr & W. C. C.

W. C. C.
W. C. C.
A. R. C.

5 Sept - Dr. Hamilton
25 Aug - Ben Lury &
Sept - 7 + G B Wade
+ Philip Bell
1 day

Shefferson \$2,000

THE STATE OF MISSOURI,

COUNTY OF FRANKLIN, ss.

To

Samuel Smith

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the *first Monday of October next* at the Court House, in the town of Union, then and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein *Said William Sitcher* are plaintiffs, and *William Smith & Anthony Tucker* defendant, on the part of *Respondents*

and herein you are in nowise to fail.

Witness

Edw. Johnson Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this *3^d* day of *August* in the year of our Lord one thousand eight hundred and forty.

Edw. Johnson CLERK C. C.

Served the within by reading to
Thomas Smith on the 30th day of August 1846
this 30th day of September 1846
Burton Cooper Sheriff
of Gasconade Co. Mo
per Geo. W.

W. J. Smith, Petitioner

vs

W. J. Smith & W. R. Smith

vs
Thomas Smith

1st day of
the term.

COUNTY OF FRANKLIN, 89.

THE STATE OF MISSOURI,

To William C. Bailey Henry Alton and John Wall

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the first Monday of October next

at the Court House, in the town of Union, then

and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Mark & William Wetstone are plaintiff, and Robert & Charles Wetstone are defendant, on the part of

and herein you are in nowise to fail.

Witness

Edward J. Sims Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this 25th day of August in the year of our Lord one thousand eight hundred and forty-six

Edw. J. Sims CLERK C. C.

Executed the within Summons on Henry
Dixon and John Wall on the 3^d day of
September 1846 by reading the same
in their hearing & on William C. Bailey
by leaving a true copy of the same at
his place of Residence with his wife
A white female over the age of fifteen
years on the fifth day of September 1846

Shuffes fees \$1.50

J. W. Lippincott Sheriff
By C. Kanada & J. Shuff

William Ritchie

W. North &
C. Rucke

W. C. Bailey

Approved Henry Dixon

John Wall

1 Day

COUNTY OF FRANKLIN, MO.

THE STATE OF MISSOURI,

To

Sally Hamilton

GREETING:

You are hereby commanded, that, setting aside all manner of excuse and delay, you appear before the Judge of our Circuit Court, on the fifth day of October next

at the Court House, in the town of Union, then

and there to testify, and the truth to say, in a certain matter of controversy now pending in our said Court, wherein Sarah Williams is plaintiff, and Mrs. Ann & Andrew are defendants, on the part of Hearts

and herein you are in nowise to fail.

Witness

E. D. Stephens

Clerk of our said

Court, with the seal thereof hereunto affixed, at office, in the town of Union, this 14th day of Sept in the year of our Lord one thousand eight hundred and forty-4

E. D. Stephens
CLERK C. C.

Sally Hamilton not to be found
in Franklin County

a w Jeffers Shiff
by C. Hamada apts

Sarah Williams
Ricker -

and

W. Mott &

A. Rucker -

Sally Hamilton

1 day -

Shiffers 25 -