

Jefferson County Circuit Court
Case Files - Civil
March 1836 No. 14

Box No.

2

Folio No.

56

Thomas, Mathew V.
Thomas, Anthony

vs.

Moss, William
Moss, Judith, his wife
Johnston, Benjamin, Sr.
Claiborne, Thomas, et al

Title

Other defendants James Thomas, Benjamin
Johnston, Jr., General W. Johnston, Harrison
Johnston, Louisa Duncan, Thomas W. Floyd,
Lucinda Floyd, Benjamin Byrd, Mary Bird, Caroline
Dixon; 4,000 acre land grant and \$7,000 half
pay left in will by Mark Thomas, who was a
Captain in the Virginia State Line in the Army
of the Revolution

To the Honorable the circuit court of the county of Jefferson
in the State of Missouri as a court of chancery sitting

The bill of complaint of Matthew Thomas and Anthony Thomas
humbly represents

That they the said complainants Matthew & Anthony
are two of the sons of Mark Thomas, who was a captain
in the Virginia State line in the army of the Revolution
that said Mark Thomas was twice married, that
by his first marriage he had issue as follows, to wit
Judith who intermarried with William Mox, Elizabeth
who intermarried with Benjamin Johnson, Senior James
Thomas & Claiborne Thomas, that the said first wife
of said Mark Thomas died in the state of Kentucky
leaving no other issue of the said marriage than the
said Judith, Elizabeth, James & Claiborne. That the
said Mark Thomas afterwards intermarried with the
mother of your complainants, of which marriage your
complainants are the only issue. That said Mark
Thomas died about twenty years ago, leaving the mother
of your complainants, his widow, and the said Judith
Elizabeth, James Claiborne & your complainants his only
children. That previous to his death the said Mark Thomas
duly made and published his last will & testament, which
at the time of his death remained in full force, and
unrevoked unaltered and uncancelled, in and by which
last will and testament the said Mark Thomas devised
and bequeathed all his estate real and personal to
your complainants and their mother who has since departed
this life leaving your complainants her only heirs at law.
That said ^{Mark} Thomas in his life time gave and agreed to
each of his children by his first wife to wit the said Judith
Elizabeth James and Claiborne property consisting of real
and personal estate to a large amount by way of advancement
and deed & gifted of some property the description and
value of which is to your complainants unknown.

Your complainants further represents, that said Mark
Thomas, having served as captain in the Virginia line as
aforesaid, became entitled to four thousand acres of
land under and by virtue of the laws of Virginia and
of the United States, and also to half pay for life
under the laws of the United States, that the said Mark
Thomas in his life time did not receive any grant
or warrant for the said land nor did he receive the
said half pay or any part thereof, long season where
your complainants as the legal representatives of the said
Mark Thomas under & by virtue of his said last will
and testament, have become entitled to the said grant
of four thousand acres of land and also, the said half

half due at the time of the death of the said Mark Thomas, and also to the sum of about ^{one hundred thousand dollars} ~~one hundred thousand dollars~~ ^{and} also to the estate real and personal of which the said Mark Thomas died seized and possessed.

The complainants further represent that Benjamin Johnson Senia (the husband of Elizabeth Thomas) was in and by the said last will and testament of the said Mark Thomas appointed executor and had the possession and custody of the said will at the time of the death of the said Mark and ever since until the twelfth day of March in the year eighteen hundred and thirty one, and your complainants believe that said last will is still in the possession of said Johnson Senia under his control.

Your complainants further charge that the said Benjamin Johnson Senia, William Mop Claiborne Thomas and James Thomas, for the purpose of cheating and defrauding your complainants of their just rights and appropriating to themselves the estate of the said Mark Thomas, have ever since the death of the said Mark Thomas embezzled and concealed the said last will & testament and still do embezzle and conceal the same, that they have actually appropriated ^{to their own use} all the estate real & personal of which the testator died seized or possessed to the confusion of your complainants, they the said Benjamin Johnson Senia, William Mop Claiborne Thomas and James Thomas falsely pretending that the said Mark Thomas died intestate that your complainants are illegitimate and that the said Judith Elizabeth James & Claiborne are the only lawful heirs of the said Mark Thomas.

Your complainants further represent that a land warrant for the said four thousand acres of land so due to said Mark Thomas, has been deposited in the General Land Office of the United States and ought therefore well speedily be issued that the said Benjamin Johnson Senia, William Mop Claiborne Thomas and James Thomas, having discovered that said warrant had been or was about to be issued, and that the half pay due to the said Mark Thomas, further contriving to cheat & defraud your complainants and appropriate the said warrant and pay to themselves & others in collusion with them, procured one Benjamin Johnson Senia (who is a subscribing witness to the said last will & testament) to apply for letters of administration on the estate of said Mark Thomas, and the said Benjamin Johnson Senia in furtherance of the said fraudulent contrivance represented to the County Court of the County of Jefferson or the clerk thereof that said Mark Thomas died intestate and by means of such false & fraudulent representation procured from

Letters of administration on said estate to be granted to him.

Your complainants further represents that Elizabeth the daughter of said Mark Thomas and wife of Benjamin Johnson senior, departed this life since the death of her said father leaving eight children her heirs at law, to wit Benjamin Johnson Junior (above mentioned) Louisa (who married ^{and has since intermarried with one William Rigg} Duncan since deceased) Gabriel E Johnson, Lucinda wife of Thomas W Floyd, General W Johnson, Harriet Johnson, Mary wife of Benjamin Byrd and Caroline wife of Christopher Dixon, who your complainants are informed and believe claim one fourth part of said land and half pay in right of their mother, and Benjamin Johnson Junior the administrator aforesaid has purchased the shares of several of his her sisters & brothers.

Your complainants further represent that the said Benjamin Johnson Junior, the administrator aforesaid, and who is also a subscribing witness to said last will and testament of said Mark Thomas, has made application to the United States for the monies due said Mark as aforesaid and also for the assurances for securing the said land for the use of himself, and the said William Mop & Ludell his wife, Claiborne Thomas James Thomas, Benjamin Johnson Junior, Louisa Duncan, Thomas W Floyd & Lucinda his wife Benjamin Byrd & Mary his wife Christopher Dixon and Caroline his wife, Gabriel E Johnson, General W Johnson & Harriet Johnson, to the exclusion of your complainants. All of which is contrary to equity and good conscience. In tender consideration whereof and for as much as your complainants are remediless in a court of law and cannot prove the said will nor obtain a discovery & production thereof, and obtain any relief except in your honorable court. Your complainants pray that the said James Thomas, Claiborne Thomas, William Mop, and Ludell Mop his wife, Benjamin Johnson Junior, Benjamin Johnson Junior, Gabriel E Johnson, General W Johnson, Harriet Johnson, Thomas W Floyd and Lucinda Floyd his wife Benjamin Byrd and Mary Byrd his wife, Louisa Duncan, ^{nee William Rigg} Caroline Dixon, and Christopher Dixon her husband whose Christian name is unknown to your complainants, may be made defendants, and that they be summoned to answer this bill of complaint. And your complainants further pray that the said defendants, and each of them upon their respective corporate oaths, make full true and perfect answers to all and singular the matters aforesaid, and that as fully and

particularly as if the same were here again repeated
and they themselves severally & specially interrogated. And
particularly that the said William Shop & Lucette his wife
Claiborne Thomas, James Thomas, Benjamin Johnson senior
and Benjamin Johnson junior and each of them upon
their corporate oaths do answer and state fully and
particularly - Whether the said Mark ~~Shop~~ Thomas did
not make and publish his last will & testament? Whether
Benjamin Johnson junior is not a subscribing witness to said
will and if not who are the subscribing witnesses? Whether
said last will was not in existence after the death of
said Mark Thomas? Whether the same was not in
the possession of Benjamin Johnson senior? If not in whose
possession was it? Whether said will is still in existence
and in whose possession, or if lost or destroyed state how
by whom and when it was so lost or destroyed?
Whether said last will & testament was of the purport
before stated, if not what were the contents thereof?
That the said defendants be required to make a
full true and perfect discovery and disclosure of all
the facts within their knowledge touching the said last
will and testament, and that they be required to pro-
duce and exhibit the same to your honorable court
And further that your honorable court will order adjudge
and decree that the said lands and money so
accruing to said Mark Thomas on account of his
services in the Virginia State Line, and all other estate
and effects which were of said Mark Thomas, and which
have or may come to the hands of the defendants or either
of them be verified in your complaints, or that the said
defendants be decreed to pay to your complainants the
value thereof. And that your honorable court will
grant to your complainants such other and further
relief in the premises as shall be according to equity
& good conscience, your complainants will ever pray
Giles Johnston for Comps

The State of Missouri
County of Jefferson & Co.

The State of Missouri

To the Sheriff of Jefferson County Greeting -

You are hereby commanded to Summon William Mops and Judith Mops his wife, Claiborn Thomas, James Thomas, Benjamin Johnston Senr, Benjamin Johnston, Gabriel J. Johnston, General W. Johnston, Harrison Johnston, Louisa Duncan, Thomas W. Floyd and Lucinda Floyd his wife, Benjamin Byrd and Mary Byrd his wife and Caroline Dixon and Dixon her husband if they may be found in your bailiwick, that they be and appear before the Judge of our Circuit Court, at the next Term thereof to be held in the Town of St. Louis - within and for the County of Jefferson on the first Monday of March next then and there to answer the Complaint of Mathew Thomas and Anthony Thomas by their original Bill in Chancery; And have you then there this writ -

Witness Samuel Woodson, Clerk of our said Circuit Court, at office this seventh day of December in the year of our Lord One thousand eight hundred and thirty five

Sam. Woodson, Clerk

14

• Mr & Antoinette Howard

As.

339

Oppm. Mrs & Lucretia his
wife and others.

Early letter order for bank for cash

Nov-1834

Chambers

To the Honourable the Circuit Court for the County
of Jefferson in the State of Missouri. as a Court of Chancery
Sitting The Bill of Complaint of Mathew Thomas and
Anthony Thomas humbly presents.

That they the said
Complainants Mathew and Anthony are two of the sons of
Mark Thomas who was a Captain in the Virginia State
line in the Army of the Revolution, that said Mark Thomas
as was twice married, that by his first marriage he had
issue as follows - to wit - Judith who intermarried with
William Mox. Elizabeth who intermarried with Benjamin
Johnson Senior, James Thomas and Claiborne Thomas, that
the said first wife of the said Mark Thomas died in the State of
Kentucky leaving no other issue of the said marriage
than the said Judith, Elizabeth, James and Claiborne -
That the said Mark Thomas afterwards intermarried with
the mother of your Complainants, of which marriage your
Complainants are the only issue - That the said Mark
Thomas died about twenty years ago leaving the mother
of your Complainants his widow, and the said Judith, Elizabeth
James, Claiborne and your Complainants his only children
That previous to his death the said Mark Thomas duly
made and published his last will and testament which at
the time of his death remained in full force and unrevoked
unaltered and uncancelled, in and by which last will and
testament the said Mark Thomas devised and bequeathed
all his estate real and personal to your Complainants and
their mother who has since departed this life leaving your
Complainants her only heirs at law. That said Mark Thomas
in his life time gave and assured to each of his children by
his first wife - to wit - the said Judith, Elizabeth, James and
Claiborne property consisting of Real & personal estate to
a large amount by way of advancement and died possessed of
some property the description and value of which is to your
Complainants unknown

Your Complainants further represent that said Mark Thomas having served as Captain in the Virginia line as aforesaid became entitled to four thousand acres of Land under and by virtue of the laws of Virginia and of the United States and also to half pay for life under the laws of the United States; that the said Mark Thomas in his life time did not receive any grant or warrant for the said Land nor did he receive the said half pay or any part thereof; by reason whereof your complainants as the legal representatives of the said Mark Thomas, under & by virtue of this said last Will and testament have become entitled to the said Grant of four thousand acres of Land and also to the said half pay due at the time of the death of the said Mark Thomas - amounting to the sum of about seven thousand dollars and also to the estate real and personal of which the said Mark Thomas died seized and possessed -

The Complainants further represent that Benjamin Johnson Senior (the husband of Elizabeth Thomas) was in by the said last Will and Testament of the said Mark Thomas appointed executor and had the possession and custody of the said Will at the time of the death of the said Mark and ever since until the twelfth day of March in the year Eighteen hundred and thirty one; and your Complainants believe that said last Will is still in the possession of said Johnson or under his controul.

Your Complainants further charge that the said Benjamin Johnson Senior, William Moss, Clairborne Thomas and James Thomas for the purpose of cheating & defrauding your Complainants of their just rights and appropriating to themselves the estate of the said Mark Thomas have ever since the death of the said Mark Thomas embezzled and concealed the said last Will & Testament and still do embezzle and conceal the same - that they have actually appropriated to their own use all the estate real and personal of which the testator died seized or possessed to the exclusion of your Complainants they the said Benjamin, William, James & Clairborne

falsely, pretending that the said Mark Thomas died intestate - that your Complainants are illegitimate and that the said Judith, Elizabeth, James & Claiborne are the only lawful heirs of the said Mark Thomas -

Your Complainants further represent that a Land warrant for the said four thousand acres of Land so due to said Mark Thomas has been deposited in the General Land Office of the United States and Serip therefor will speedily be issued, that the said Benjamin Johnson Senior, William Moss, Claiborne Thomas and James Thomas, having discovered that said warrant had been or was about to be issued and that + the half pay ^{was} due the said Mark Thomas further contriving to cheat and defraud your Complainants and appropriate (to themselves) the said warrant & pay to themselves and others in collusion with them procured one Benjamin Johnson Junior (who is a subscribing witness to the said last will and Testament) to apply for letters of administration on the estate of said Mark Thomas - and the said Benjamin Johnson Junior in furtherance of said fraudulent contrivance represented to the County Court of the County of Jefferson aforesaid or the clerk thereof that said Mark Thomas died intestate and by means of such false & fraudulent representations procured letters of administration on said Estate to be granted to him.

Your Complainants further represents that Elizabeth the daughter of said Mark Thomas and wife of Benjamin Johnson Senior departed this life since the death of her said father leaving eight children her heirs at law - to wit - Benjamin Johnson Senior (above mentioned) Lorrisea (who married one Duncan since deceased) and has since intermarried with one William Rice, Gabriel J Johnson, Lucinda wife of Thomas W Floyd, General W Johnson, Harrison Johnson, Mary wife of Benjamin Byrd and Caroline wife of Christopher Dixon who your Complainants are informed and believe claim one fourth part of said Land and Half Pay in right of their mother, and Benjamin Johnson Junior

the Administrator aforesaid has purchased the shares of ~~his~~ several of his sisters and brothers.

Your complainants further represent that they are informed and believe that Harrison Johnson one of the sons of said Benjamin & Elizabeth Johnson has departed this life leaving a widow and several children whose names are unknown to your complainants - and further that the said William Rice and Louisa his wife are not residents of this State.

Your complainants further represent that the said Benjamin Johnson Junior the Administrator aforesaid and who is also a subscribing witness to said last Will and Testament of said Mark Thomas, has made application to the United States for the Monies due said Mark as aforesaid, and also for the assurances for securing the said Land for the use of himself and the said William Moss and Judith his wife, Elaiborne Thomas, James Thomas Benjamin Johnson Senior, Louisa Rice, Thomas W Floyd and Lucinda his wife Benjamin Byrd and Mary his wife Christopher Dixon and Caroline his wife, Gabriel Johnson General W Johnson & ~~the widow and children of the said~~ Harrison Johnson whose names are unknown as aforesaid to the exclusion of your complainants - all of which is contrary to Equity and good conscience - In tender consideration whereof and for as much as your complainants are remediless in a Court of law and cannot prove the said Will nor obtain a production or discovery thereof or obtain any relief except in your honourable Court, your complainants pray that the said James Thomas, Elaiborne Thomas, William Moss and Judith Moss's wife Benjamin Johnson Senior, Benjamin Johnson Junior Gabriel Johnson, General W Johnson, Thomas W Floyd and Lucinda Floyd his wife, Benjamin Byrd and Mary Byrd his wife, William Rice and Louisa Rice his wife Caroline Dixon and Christopher Dixon her husband and the widow and children of Harrison Johnson whose names

are unknown as aforesaid may be made defendants and that they ~~be~~ summoned to answer this Bill of complaint.

And your complainants further pray that the said defendants and each of them upon their respective corporal oaths may be compelled to make full, true and perfect answers to all and singular the matters aforesaid and that as fully and particularly as if the same were here again repeated and they thereunto severally and specially interrogated - And particularly that the said William Moss and Judith his wife, Claiborne Thomas, James Thomas, Benjamin Johnson Senior and Benjamin Johnson Junior and each of them upon their corporal oaths do answer and state fully and particularly - Whether the said Mark Thomas did not make and publish his last Will and Testament? Whether Benjamin Johnson Junior is not a subscribing Witness to said Will and if not who are the subscribing witnesses? Whether said last Will and Testament was not in existence after the death of said Mark Thomas? Whether the same was not in the possession of Benjamin Johnson Junior? If not in whose possession was it? Whether said Will is still in existence and in whose possession, or if lost or destroyed - state how? - by whom? - and when it was lost or destroyed? Whether the said last Will and Testament was of the purport herein before stated, if not what were the contents thereof? That the said defendants be required to make a full, true and perfect discovery and disclosure of all the facts within their knowledge touching the said last Will & Testament - and that they be required to produce and exhibit the same to your Honourable Court - and further that your Honourable Court will order, adjudge and decree that the said lands and money so accruing to said Mark Thomas on account of his services in the Virginia State line and all other estate and effects which were of Mark Thomas aforesaid which have or may come to the hands of the defendants or either of them be vested in your Complainants, or that the said defendants be

be decreed to pay to your complainants the value thereof. -
And that your honourable court will grant to your Com-
plainants such other and further relief in the premises
as shall be according to Equity and good conscience - and
your Complainants as in duty bound will ever pray &c
Geyer Solicitor for Compts

The joint several answer of William Proff & Judith his wife of James Thomas & Claiborne Thomas to the bill of complaint exhibited against the said James, Matthew Thomas & Anthony Thomas in the Circuit Court of Jefferson County Mississippi.

Their defendants for answer thereto say that they ~~do~~ not know ~~and~~ not believe that the complainants - Matthew Thomas & Anthony Thomas are legitimate sons of the said Mark Thomas, but on the contrary have heard from the said Mark Thomas that they were his illegitimate children, they admit that the said Mark Thomas was a Captain in the Virginia State Line in the Army of the Revolution, they deny that the said Mark Thomas was twice married, they admit that the said Mark Thomas by his first & only wife had issue as stated in the bill of complaint that his daughter Judith Elizabeth intermarried as stated in the bill, that the wife of the said Mark Thomas died at Louisville in Kentucky as stated in the bill & left no other issue than the said Judith, Elizabeth, James & Claiborne, they deny that the said Mark Thomas afterwards intermarried with the mother of complainants - they admit that the said Mark Thomas lived with a woman who was the mother of the complainants - as they were informed & believe & also were begotten on her by the said Mark Thomas as they have understood & believe, but they charge that the said Mark Thomas was never married to her as their defendants were informed by the said Mark Thomas that while she & the said Mark Thomas lived together during the complainants -

were born she was the wife of one William Crawford who resided at Louisville in the District or State then known called Kentucky, they ~~do not~~ not know whether there was other issue between her & the said Mark Thomas, they admit - that Mark Thomas died on or about the twentieth day of June in the year one thousand eight hundred & sixteen leaving the said mother of the said complainants - the said Judith, Elizabeth, James & Claiborne the said complainants - a full life. These defendants say they know nothing of any will executed by the said Mark Thomas, that they have heard from Benjamin Johnson Sen? that the said Mark Thomas executed a writing purporting to be a will, but what its contents they are unable to say never having seen the same, they admit - that the complainant's brother is deceased - they say that the said Mark Thomas in his life time advanced one cent to any of his children as is laid of complaint stated, they say that the said Mark Thomas did dispose of any property except the place whereon he lived in the District of Missouri & Territory of Missouri at the time of his death of the stock ^{and furniture in the house} thereon, they admit - that the said Mark Thomas became entitled to about four thousand acres of land as stated in the complainant's bill also to half pay for life as stated in same, that the said Mark Thomas did not receive in his life any grant or warrant for the said land nor did he receive the

said half pay or any part thereof, they aver, that
the said complainants - are the legal representatives
of the said Mark Thomas under & by virtue of any
will of the said Mark Thomas & pray that they
may be required to prove the same, & that they
have become entitled to the said part of four
thousand acres of land also to the said half
pay as stated in the complainants bill also to
the real personal estate of which the said Mark
Thomas did seized & possessed - & in default
they have heard that Benjamin Johnston Senr. was
by said supposed will appointed executor of the
same, & had possession & custody of the said
writing at the time of the death of the said Mark
Thomas but how long afterwards they are un-
able to say, nor do they know where
the same now is, or under whose control. They a-
ver that they have concealed & destroyed the said
writing or ~~do~~ now conceal or embattle the same
as stated in the bill of complaint. They aver that
they have appropriated to their own use or of any other
person one cent of the estate real or personal of
which the said Mark Thomas did seized or posses-
sed & the inclusion of the complainants - & charge
that the said Mark Thomas did intimate that
the said Judith, Elizabeth, James & Claiborne
are the only lawful heirs of the said Mark Thomas
& pray that they have understood & believe that a
tenant or tenants - for years there and acres
of land due to said Mark Thomas has been de-
posited in the general land office as stated in
the bill, they aver that they procured Benjamin

Johnson Jr. to obtain letters of administration on
the estate of the said Mark Thomas, they admit-
that they have heard & believe that the said Benja-
min Johnson Jr did obtain letters of administra-
tion on the estate of the said Mark Thomas &
that at the time of obtaining the letters he re-
presented to the court who granted them that the
said Mark Thomas died intestate, they admit-
that Elizabeth the daughter of the said Mark
Thomas wife of the Benjamin Johnson Jr.
since the death of her father having eight
children he has at law as stated in the bill
who are the same therein stated, that Lewis a
one of the children is the wife of William Rice
living in Galena Illinois & that the other daugh-
ters of said Elizabeth are married as in the
bill is charged, they admit - they claim one ^{the children of Elizabeth}
fourth part of the land & half pay as stated
in the bill but deny that Benjamin Johnson
Jr has purchased to his knowledge any of the
shares of his brother's heirs. They admit that
Benjamin Johnson Jr as agent for his own
rights applied for the monies due & the apprais-
er for said land as stated in the bill: And
therefore acts for answer to the special in-
terrogatories in said bill contained answers &
says that they do not know whether the said
Mark Thomas made & published any last
will & testament. That they do not know
whether Benjamin Johnson Jr. is a subscribing
witness to any will of the said Mark Thomas

that they do not know whether any will of the
said Mark Thomas was in existence after his
death, that they do not know but have heard
that a writing purporting to be a will of the
said Mark Thomas was in possession of the
said Benjamin Johnson Senr? after the death
of the said Mark Thomas but whether the
said writing was a will they do not know
nor is they informed but believe that the
same was not, whether said writing is now
in existence they ~~do~~ not know but have under-
stood that the same was lost or destroyed, but
by whom or when ^{or how} they do not know ~~they have~~
they have information, that they do not know
what was the purport of said writing or suppo-
sed will, & these defts. charge that on the
twentieth day of October in the year one thousand
eight hundred & twelve the said Mark Thomas
transferred to ^{William Mose} Benjamin Johnson
Senr? & James Thomas the half pay due to
him as stated in said bill of complaint as
will appear by a written transfer copy whereof
is annexed to the answer of Benjamin Johnson
Senr? to this bill of complaint herein to which
these defts. ask to be taken as parts of this an-
swer whereby they insist that the right title
to said half pay is vested in ^{William Mose} the
said Benjamin Johnson Senr? & James Thomas
~~these defts.~~ having answered all the matters
& things in said bill of complaint contained

ask to be hence. Or mixed with their coth. John-
son by their about their defence in this behalf
ordered it.

And the said Judith Mop further answering
for herself says that she has heard her father Mark
Thomas say that the said complainants were
not by law entitled to any of his estate that
if his children Judith Eliza Clark, James &
Claiborne were let the said complainants
enjoy what property he had in the territory of
Missouri, the said Judith Eliza Clark, James
& Claiborne should have all his other property
which he might be entitled in Kentucky &
Virginia. ~~They~~ said Judith for the said that
she has heard the mother of the complainants
the then birth say that she was never mari-
ed to the said Mark Thomas that she was
the wife of one Crawford who resided at
Louisville, Kentucky.

Wm. H. A. S.
Judith Mop
Mark
James Thomas
Claiborne Thomas

State of Missouri. Sec.
County of Jefferson

Personally appeared William Mop
Judith Mop, James Thomas Claiborne Tho-
mas & made oath that the facts jointly &
severally stated by them in the foregoing answer
as far as stated from their own knowledge are
true & from the knowledge of others they believe
to be true.

Sworn to & subscribed
before me this 8 March
1836 at the County of Je-
ferson.

William Scott Judge
of the Circuit Court
of Jefferson County

Wm. H. A. S.
Judith Mop
Mark
James Thomas
Claiborne Thomas

The second answer of Benjamin Johnston
ser. to the bill of complaint exhibited by Mat-
thias Thomas & Anthony Thomas against his
sisters in the Circuit Court of Jefferson County
Missouri:

This depts. for answer thereto saith,
that he does not ^{or does not believe} know that the complainants
Matthew Thomas & Anthony Thomas are le-
gitimate sons of the said Mark Thomas, that
he has understood & believes they are illegiti-
mate sons of the said Mark Thomas, that he
admits that the said Mark Thomas was a Cap-
tain in the Virginia State line in the Revolu-
tionary army, he denies that the said Mark
Thomas was twice married, he admits that
the said Mark Thomas by his first & only mar-
riage had issue as stated in the bill of complaint
that his daughters Judith & Elizabeth inter-
married as stated in the bill, that the wife of
said Mark Thomas died in Kentucky as stated
in the bill & that no other issue than the said
Judith, Elizabeth, James & Claiborne - he
denies that the said Mark Thomas afterwards
intermarried with the mother of the complain-
ants, he admits that the said Mark Thomas
lived with a woman who was the mother of the
complainants as he is informed & believes that
were begotten on her by the said Mark Thomas
as he has understood & believes but he charges
that the said Mark Thomas was never married
to her & that while she & the said Mark Thomas
lived together & when the complainants were

born she was the wife of one Crawford who resided at Louisville in the District or State then & now called Kentucky, he does not know whether or not there was any issue between her & the said Mark Thomas. he admits that Mark Thomas died or about the twelfth day of June in the year One thousand eight hundred & fifteen leaving the said mother of the said complainants & the said Judith, Elizabeth, James & Claiborne & the said complainants in full life. He admits - that the said Mark Thomas executed in his life time a paper purporting to be a will which was drawn by this defendant & signed by the said Mark Thomas & attested by William Brady John Johnston & Benjamin Johnston junior but whether they said testators signed in the presence of the testator, or the testator in their presence or the said witnesses in the presence of each other this defendant has no knowledge or recollection or belief one way or the other, that this paper was executed as he believes some time in the month of May in the year One thousand eight hundred & fifteen, he admits that he said supposed will the said Mark Thomas devised & bequeathed all his estate real & personal to the complainants - & their mother & states that he said supposed will the said Mark Thomas gave & bequeathed to the said mother of the complainants - the possession of the

land & the improvements thereon he then lived
together with all his stock of every description
to be enjoyed by her until her death, that by said
paper, he recognized her as his wife & provided
that if she again married or moved out of the
State, the land & stock was to be taken out of
her hands by the person named therein as exe-
cutor & taken care of until the said complain-
ants became of lawful age at which time
the said real & personal estate of her said was
to be equally divided ^{between} said complainants,
that Mark Thomas at the time of making
said writing & when he died resided on the
Creek called Grand Blaine in the District of
St Louis & Territory of Wisconsin now County of
Jefferson State of Wisconsin; he admits that
the mother of the complainants - her name died
leaving in full life the said complainants,
he denies that the said Mark Thomas in his
life time advanced to any of his children per-
sonal, clo's cloth, James & Claiborne any pro-
perty real or personal as stated in the complain-
ants bill, & he denies that he died possessed of
any property other than what has been above
mentioned - He admits - that the said Mark
Thomas became entitled to about four thousand
and a few of land as stated in the complain-
ants bill & also to half pay for life as stated
in same, that the said Mark ~~Thomas~~ Thomas in
his life time did not receive any grant or

warrant for the said land nor did he receive
the said half pay or any part thereof - he denies
that the said complainants are the legal repre-
sentatives of the said Mark Thomas under the
virtue of the said writing called in the complain-
ants bill the last will & testament of the said
Mark Thomas, that they have become entitled
to the said grant of four thousand acres of land
also to the said half pay as stated in the com-
plainants bill, also to the estate real & per-
sonal of which the said Mark Thomas died
seized & possessed & that they are in legal pos-
session thereof. This defendant admits - that he was in-
deed the said writing called in the complainants
bill the will of the said Mark Thomas ap-
pointed executor thereof & had the possession &
custody of the said writing at the time of the
death of the said Mark Thomas & continued
in possession of the same till within perhaps
a year or so, but where the same is or has been
for some time past he does not know the same
having been lost or mislaid not supposing
the same to be of any account as the com-
plainants the only persons interested therein
had obtained the full benefit thereof - had
received & disposed of for their own account
all the property real & personal devised & be-
queathed by said writing - He denies that he
has concealed & embezzled the said writing or

does now conceal or entangle the same as sta-
ted in the bill of Complaints he denies, that he
has appropriated to his own use or of any other
person one cent of the estate real or personal
of which the said Mark Thomas died seized
or possessed to the exclusion of the complainants.
I charge that the said Mark Thomas made
no other disposition of his estate ^{by any actual or putative will} than ^{as} herein
before stated & that the said Judith Eliza-
beth, James H. Claiborne are the only law-
ful heirs of the said Mark Thomas. He
admits that he has understood & believed that
a warrant or warrant for ~~from~~ ^{from} Thomas and a
cur of land due to said Mark Thomas, has
been reported in the general land office
as stated in the bill - he denies that he
procured Benjamin Johnson Jr to obtain
letters of administration on the estate of the
said Mark Thomas, he admits that he has
heard & believed that the said Benjamin
Johnson Jr did obtain letters of administra-
tion on the estate of the said Mark Thomas
& that at the time of obtaining the letters
he represented to the court who granted them
that the said Mark Thomas died intestate
he admits that Elizabeth the daughter of
the said Mark Thomas wife of this defendant
and died since the death of her father law.

ing eight children her heirs at law as stated
in the bill, who are the same there is stated
that Louise one of the children is the wife
of William Rice & lives in Helena, Minn
his, & the other daughters of said Elizabeth
are married as in the bill is charged, he
admits - that they claim the fourth part
of the land that lay as stated in the bill
but denies that Benjamin Johnson
has purchased any of the shares of his bro-
thers ^{so far as he knows.} he admits - that Benja-
min Johnson Jr as he is informed believes
himself as agent & in his own right applied for
the monies due & the expenses for said
land as stated in the bill, & this defendant
for answer to the special interrogatories in
said bill contained answers says that
the said Mark Thomas executed a writing
purporting to be a will as shown before at
first, but whether the same was executed
conformably to law or as to entitle it to pre-
sents as a will this defendant is unable
to say, he admits - that Benjamin Johnson
Jr is a subscribing witness to said writing;
that said writing was in existence of the
death of said Mark Thomas & was in
the possession of this defendant, that it is
not now in his possession nor does he know
nor has he any information as to where posses-
sion or where it is - that how it became
lost or destroyed & by whom he does not know

nor has he any information that then he
first discovered that it was lost or destroyed
was about a year ago ^{more or less} that said writing was
not of the purport in said bill stated that
the contents of said writing were as he has
herein before set forth, this aforesaid charges
that on the twentieth day of October in the
year one thousand eight hundred & twelve
the said Mark Thomas transferred to this
defendant, James Thomas & William
Moff the half pay one to him as stated
in said bill of complaint as will appear
by a written transfer, copy whereof is hereunto
marked B. J. No. 1.
Annexed, & made part thereof whereby he in-
herits the right & title & said half pay
is vested in this defendant & the said
James Thomas & William Moff.

And this aforesaid having answered all the
matters & things in the said bill of complaint
contained & to be hence dismissed with
his oath & charges & his costs his expenses
in this behalf expended. S^r
B. Johnston

State of Missouri
County of Jefferson Sch.

Personally appeared Benjamin Johnson &
made oath that the facts stated in the foregoing answer
so far as stated from his own knowledge are true & from
the knowledge of others he believes to be true.

Sworn to & subscribed before
on this 4th day of March 1886.

William Scott Judge
of the Circuit Court within
& for the County of Jefferson

S^r
B. Johnston

J & M. Thomas

William Steph &
Prosser his wife & al:

Wm. J. M^r. Steph &
Prosser his wife, of
James Thomas &
Clairmont Thomas.

Dec 9. Mon: 1838
Wm J. Jarnett & Co

Due to the
deteriorated condition
of these records all
files may not be
complete.

The separate answer of Benjamin Johnson
to the bill of complaint exhibited against
him others in the Circuit Court of the County
of Jefferson. This says,

This aff. for answer thereto says that the
said Complainants are not as he is informed others
legitimate but on the contrary illegitimate sons
of the said Mark Thomas. That the said Mark
Thomas was on this defend ant is informed
others a captain in the Virginia State
line in the army of the revolution - he does
not know that the said Mark Thomas was
twice married but believes he was not, ~~that~~
he admits - that by his first & only marriage he
had issue as stated in the bill & that his
daughter intermarried ^{on this} as there is stated, that
his father died in the State of Kentucky as charged
leaving issue as stated - He does not know that
the said Mark Thomas ever intermarried with the
mother of the complainants but believes he did
not, he admits - that the said Mark Thomas is dead
died in the year 1813, leaving in full ^{life} the woman
said to be the mother of the Complainants, the
complainants themselves & the said Judith Eli-
zabeth, James & Claiborne. He denies any knowledge
of the said Mark Thomas having executed a will, he
admits - that he has heard from Benjamin Johnson
sen? that the said Mark Thomas made a will
that this defend ant was a witness thereto & that
the said Benjamin Johnson sen? told this defend-
ant that the same would be found in the proper
office at St. Louis, but this aff. expressly says &
charges that he never saw said will if any was
made, that he has no recollection of being a witness
to any will of the said Mark Thomas, that he made
all diligent search therefor at St. Louis in company

with John Bent End. an attorney at law & could
not find any, whether the same if any was
in existence after the death of the said Mark
Thomas he does not know nor is he informed
otherwise than as above stated, & what its con-
tent were he does not know nor is he informed
He admits - that the reputed mother of the complai-
ant is dead leaving then in full life - He does
not know of any advancement made by the said
Mark Thomas to his children, nor of his dying
wishes of any property except the place where
he lived on the Grand Glazier creek in the present
County of Jefferson Mississippi, some stock & fur-
niture, - He admits - that the said Mark Thomas
served as Captain in the Virginia line & chan-
ged & became entitled to four thousand acres of
land or charged & also to half pay or charged &
that he did not receive the same in his life-
time land or pay, but he denies that the com-
plainant or are the legal representatives of the
said Mark Thomas have become entitled to
the said land & half pay or charged & also
to the estate of which the said Mark Thomas
did seized & possessed. He admits - he has been
informed by Benjamin Johnson Senr. that he
was appointed executor of the said Mark Thomas
but denies that he has any other knowledge or
information but where ^{supposed} the will was at the
death of the said Mark Thomas & has continued
since he does not know nor has he any infor-
mation other than as above stated. This deponent denies
that Benjamin Johnson Senr. William Mose,
Clarborne Thomas & James Thomas, or either of
them procured him to obtain letters of administra-
tion on the estate of the said Mark Thomas on
the contrary he believes that none of them knew

of his intentions as to do before the same was done
he admits - he has obtained letters of administration
on the estate of the said Mark Thomas & that when
he obtained the same he represented to the Com-
ty Court of the County of Jefferson who granted
there to his knowledge & belief the said
Mark Thomas did inter test as he fully
believed the same for all the information
he could obtain in the family Upon all the
searches he made for the said supposed will
but denies that this representation was one
in fraud & charges that it was sincere & truly
his full belief & still is. He admits - that said
warrants - for the amount of four thousand
and a half ^{and the said Mark Thomas} acres of land have been deposited in the general
land office of the United States & that such
is ipso facto true. He admits - that Elizabeth
a daughter of the said Mark Thomas wife of
Benjamin Johnson deceased departed this life
since the death of her father leaving eight
children her heirs at law the same as stated
in the bill & that they claim one fourth part of
the land that they say is right of their mother
& he admits - he has purchased ^{part of} the share of
his ~~brothers~~ ^{brothers} Louis a, ^{brothers} George W. & Harrison
Mary & Caroline, that is
to say, he is receiver of each of them one third
of their interest for his trouble & expence in
maintaining their rights - ~~but he has not any part of~~
~~the share of his brothers Mary of them.~~ He ad-
mits - that he has made application to the
United States for the monies due said Mark
Thomas as aforesaid & also for the monies due
for the land for the use of himself & the said
William Mays & others as charged in the bill
to the exclusion of the said complainants -
& for answer to the special interrogatories

inserted in the said bill he answers says that
the said Mark Thomas did not make I publish
any last will & testament to the knowledge or
belief of this depty. - that he is not a sub-
scribing witness to his knowledge or belief to any
will of the said Mark Thomas & that he does
not know who are, whether said will ^{supposed} was
in existence after the death of the said Mark
Thomas he does not know nor is he informed
otherwise than as above stated, nor whether
the same was in the possession of Benjamin
Johnson Sen? other than as above stated, nor
does he know or has ^{he} any information other
than as above stated of its being in existence or
in whose possession, nor does he know any
thing of its being lost or destroyed, nor what
was its purport or contents,

Wm Johnston Jr.

State of Missouri
County of Jefferson

Personally appeared Benjamin John-
ston Jr. Mayor of the City of St. Louis, who
being sworn, deposes that the facts stated in the
foregoing answer so far as stated from his own
knowledge are true & from the information
afforded he believes to be true.

Subscribed
before me this 9th
March 1836.

Wm Johnston Jr.

William Scott Judge
of the 7th Judicial Circuit

Wm. A. Thomas

William's shop &
just down the street &
others.

Andrew of B. Johnston Jr.

John G. Thomas 1836
Almy Garrett 1846

Exhibit B. J. N. 1.

Know all men by these presents that I Mark
Thomas of the Territory of Missour^{and} County of
Saint Louis have for ~~and~~ in consideration of the
sum of fifty dollars to me in hand paid the re-
ceipt whereof is hereby acknowledged before the
signing sealing and delivery of these presents,
have sold and by these presents doth grant, bar-
gain and sell unto Benjamin Johnston, James
Thomas, and William Mop their heirs and
assigns all debts of every nature or description
which I may have due to me within in the State
of Kentucky or Virginia, giving them the afore-
said Benjⁿ. Johnston James Thomas and Wil-
liam Mop as full power to collect the said debts
as words can express the same, or as I could do
were I personally present. In testimony whereof
I the said Mark Thomas have hereunto set my
hand, affixed my seal this 20th day of October
1812, Mark Thomas 

In presence of
Elisha Coo by
Lucinda Pearson.

W. & D. Thomas
William Lloyd &
Smith in ink &
other

Room of J. J. Johnson

Feb 9. Dec 1836

late case

To William Rice Thomas
his wife two of the above named
persons and

the common in this case ^{It appears to the court that} the court
said William Rice & Louisa his wife ^{has returned that the court}
being later died that his wife cannot be served on the said William
Rice & Louisa his wife, ^{residence of said estate} ~~residence of said estate~~ ^{of their estate}

It is therefore ordered that an order of publication
be made against the notifying the that the
said Anthony Thomas Mark Thomas have then
file of complaint in the Circuit Court of the
County of Jefferson & State of Missouri against
William Mapp & Judith his wife, Claiborne Tho-
mas, James Thomas, Benjamin Johnston
Benjamin Johnston, Gabriel J. Johnston,
General W. Johnston, Harrison Johnston, Lou-
isa Johnston Thomas, W. Lloyd Johnston
his wife, Benjamin Boyd Thomas his wife
Christopher Dixon & Caroline his wife
alleging that the said complainants are two of
the sons of one Mark Thomas who was a Captain
in the Virginia Militia, that the said Mark
Mapp was twice married, that the defendants
James & Claiborne Thomas & Judith ~~Mapp~~ his children
by his first marriage are James Thomas
Claiborne Thomas, Judith wife of William Mapp
Elizabeth ^{now deceased} who was the wife of Benjamin Johnston
and that the complainants are the only children
by the second marriage - That Mark Thomas
died about twenty years ago leaving the mother
of the complt. his widow the said Judith, Abigail
both James & Claiborne his only children, that pre-
vious to his death he made & published his last
will & testament which was in existence at the
time of his death unrevoked & thereby devised
bequeathed all his estate real & personal to
the complt. & their mother, that she has since died

leaving the compl^y her only heirs at law, that
the said Mark Thomas made in his life time ad-
vancements to the said Judith, Elizabeth, James
Clarborne & did bequeath of other property, that
the said Mark Thomas having served as Captain in
the Virginia State Militia became entitled to four
thousand acres of land under the virtue of the
laws of Virginia & the United States, also to
half pay for life under the laws of the United
States, that the said Mark Thomas did not in
his life time receive any grant or warrant for
the said land nor the half pay that the co-
plainants are the legal representatives of the
said Mark Thomas under the virtue of this
said last will & testament have become en-
titled to the said grant of four thousand acres
of land & to the said half pay due at the time
of the death of the said Mark Thomas, also
to the estate of which the said Mark Thomas did
die seized & bequeathed - that Benjamin Johnston
Sen^r. was appointed executor of said last will
& had possession of the same at the time of the
death of the said Mark Thomas, from since
until 12th day of March in the year 1881, that
the same is still in the possession of said Johnston
or under his control, that the said Benjamin
Johnston Sen^r. William M^r.p, Clarborne Thomas
& James Thomas have embroiled & concealed the
said will & still so, have appropriated to their
own use all the estate of which the testator
did seized or bequeathed, falsely pretending that
the said Mark Thomas did intercede, that the co-
plainants are illegitimate children that the
said Judith, Elizabeth, James & Clarborne are the
only lawful heirs of the said Mark Thomas that

a land warrant for four thousand acres of land
so one to said Mark Thomas has been deposited
in the General Land Office of the United States
therefor will shortly be issued, that the
said Benjamin Johnson Senr. William Mop, Cal-
borne Thomas & James Thomas procured one
Benjamin Johnston Jr. to obtain letters of admin-
istration on the estate of said Mark Thomas
& that the said Benjamin Johnston Jr. represented
to the County Court who granted the letters
that the said Mark Thomas died intestate.
That Elizabeth daughter of said Mark Tho-
mas wife of Benjamin Johnston Senr. & part
is this life since the death of her father
leaving eight children her heirs at law, to wit,
Benjamin Johnson Jr. Louisa wife of Willi-
am Rice, Gabriel J. Johnson, Lucinda wife
of Thomas W. Floyd, General W. Johnston
Harrison Johnston, Mary wife of Benjamin
Byrd Kershaw wife of Christopher Dixon
who claim one fourth part of said land &
half pay in right of their mother, Ben-
jamin Johnston Jr. has purchased the share
of one of his brothers William, that Ben-
jamin Johnston Jr. has applied to the United States
for the money due for the expenses of the land
warrant for the use of himself the said William
Mop & Judith his wife, Calborne Thomas, James
Thomas Benjamin Johnston Senr. & his brother
Sisters expended to the exclusion of the wife
also paying a summons against the said defend-
ants, & a discovery of the matter & things above
alleged & charged a production of the will of
the said Mark Thomas, that the land & money
so accruing to the said Mark Thomas, & all other

Expenditure

~~This defendant for answer these info with
that she has read the answer of William Mop
to the said bill of complaint~~

= estate of the said Mark Thomas, which
have or may come to the hands of the said
be vested in the Comptroller, or that they be de-
clared to pay to the the value thereof, & for
General Relief.

And it is further ordered that the said Willi-
am Rice & Louisa his wife be and appear
before this court on the first day of its next
term to be held on the first Monday of July next
to file their answer to their bill of complaint & that
the same will be taken or confessed against them.
It is ordered that this order be published in
some news paper printed in this State for
eight weeks successively, the last insertion
to be at least four weeks before the commence-
ment of the next term of this court.

The clerk of the Court will send up a
certified copy of the order (a copy thereof is
now given) to Mr. H. J. Geyer or soon as
practicable for publication.
B. Allen

Matthew Thomas & Anthony Thomas
Against
William Mop & others

Answered Bill of
William Rice who inform
and with Louisa Duncan

Filed by the clerk
1836

Attest
Clerk

Mathew Thomas and Anthony Thomas,
against,

Wm. Magee, and Judith his wife, and
others, defendants.

To Charles W. Aschaff, the
Att. advertising in the Republican,
Order of Court of Superior court,
(in Chancery,) to Com. Rice and
Loudon his wife, eight weeks, \$34.00

Thomas, April 6, 1834.

Matthew Thomas, et al

vs

William McSp et al

Printers Bill

\$34.00

Filed.

Matthew Thomas and Anthony Thomas,
against

William Moss and Judith his wife,
Claiborne Thomas, James Thomas,
Benjamin Johnston, sen., Benjamin Johnston, jun., Ga-
briel J. Johnston, Gen. W. Johnston, Harrison Johnston,
William Rice and Louisa his wife,
Thomas W. Floyd and Lucinda his wife,
Benjamin Byrd and Mary Byrd his wife,
Christopher Dixon and Caroline Dixon his wife,

*To William Rice and Louisa his wife, two of the
above named defendants:*

YOU will take notice that Matthew Thomas and Anthony Thomas, complainants, have filed in this court, for the county of Jefferson, sitting as a court of chancery, at the March term thereof, which was held at the town of Herculaneum, in the year 1836, their bill of complaint against William Moss and Judith his wife, Claiborne Thomas, James Thomas, Benjamin Johnston, sen., Benjamin Johnston, jun., Gabriel J. Johnston, Gen. W. Johnston, Harrison Johnston, William Rice and Louisa his wife, Thomas W. Floyd and Lucinda his wife, Benjamin Byrd and Mary his wife, Christopher Dixon and Caroline his wife; stating that the complainants are two of the sons of one Mark Thomas, who was a captain of the Virginia State Line; that said Mark Thomas was twice married; that his children by his first marriage were James Thomas, Claiborne Thomas, Judith, wife of William Moss, Elizabeth, now deceased, who was the wife of Benjamin Johnston, and the complainants are the only children by the second marriage; that Mark Thomas died about twenty years ago, leaving the mother of the complainants, his widow, and the said James, Claiborne, Judith and Elizabeth, his only children; that previous to his death he made and published his last will and testament, which was in existence at the time of his death, unrevoked, and thereby devised and bequeathed all his estate, real and personal, to the complainants and their mother; that she has since died, leaving the complainants her only heirs at law. That the said Mark Thomas made in his lifetime, advancements to the said James, Claiborne, Judith and Elizabeth, and died possessed of other property. That the said Mark Thomas having served as captain in the Virginia State Line, became entitled to four thousand acres of land, under and by virtue of the laws of Virginia and the United States, and also to half pay, for life, under the laws of the United States; that the said Mark Thomas did not in his life time receive any grant or warrant for the said land, nor the half pay; and that the complainants are the legal representatives of the said Mark Thomas, under and by virtue of his last will and testament, and have become entitled to the said grant of four thousand acres of land, and to the said half pay, due at the time of the death of the said Mark Thomas, and also to the estate of which the said Mark Thomas died seized and possessed; that the said Benjamin Johnston, sen., was appointed Executor of the said last will, and had possession of the same at the time of the death of the said Mark Thomas. and ever since, until the 12th day of March, in the year eighteen hundred and thirty-one; and that the same is still in possession of the said Johnston, or under his control; that the said Benjamin Johnston, sen., William Moss, Claiborne Thomas, and James Thomas have embezzled and concealed said will, and still do, and have appropriated to their own use all the estate of which the testator died seized and possessed, falsely pretending that the said Mark Thomas died intestate. That the claimants are illegitimate children, and that the said Judith, Elizabeth, James and Claiborne, are the only lawful heirs of the said Mark Thomas; that a land warrant for four thousand acres of land so due to said Mark Thomas, has been deposited in the General Land Office of the U. States, and 'scrip' therefor will be speedily issued. That the said Benjamin Johnston sen., William Moss, James Thomas and Claiborne Thomas, procured one Benjamin Johnston, jun. to obtain letters of administration on the estate of the said Mark Thomas, and that the said Benjamin Johnston, jun., represented to the county court which granted the letters, that the said Mark Thomas died intestate; that Elizabeth, daughter of said Mark Thomas, and wife of Benjamin Johnston, sen., departed this life since the death of her father, leaving eight children, her heirs at law, to wit: Benjamin Johnston jun., Louisa, wife of William Rice, Lucinda, wife of Thos. W. Floyd, General W. Johnston, Harrison Johnston, Gabriel J. Johnston, Mary, wife to Benjamin Byrd, and Caroline, wife to Christopher Dixon, who claim one fourth part of said land and half pay, in right of their mother, and Benjamin Johnston, jun., has purchased the shares of several of his brothers and sisters; that Benjamin Johnston, jun., has applied to the United States for the monies due, and for the assurances of the land aforesaid, for the use of himself and said William Moss and Judith his wife, James Thomas, Claiborne Thomas, Benjamin Johnston, sen., his brothers and sisters aforesaid, to the exclusion of the complainants; also praying a summons against the said defendants, a discovery of the matters and things above alleged and charged, a production of the will of the said Mark Thomas, and that the lands and money so accruing to the said Mark Thomas, and all other estate of the said Mark Thomas which have or may come to the hands of the defendants, be vested in the complainants, or that they be decreed to pay to them the value thereof. And it is further stated in the said bill that William Rice and Louisa Rice do not reside within this state, and are out of the reach of legal process from this court; and for general relief, it is further ordered, that the said William Rice and Louisa his wife, be and appear before this court, on the first day of its next term, to be held on the first Monday of July next, and file their answer to the bill aforesaid, or that the same will be taken as confessed, against them. And it is further ordered, that this order be published in some newspaper printed in this state, for eight weeks successively—the last insertion to be at least four weeks before the commencement of the next term of this court.

I hereby certify that the within and foregoing is a true copy of the order of the court, this 31st day of March, 1836. ABRAHAM JARRETT, Clerk.

STATE OF MISSOURI,
COUNTY OF ST. LOUIS. }

Personally appeared before the undersigned, a Justice of the Peace, within and for the county afore-
Richard, who being duly sworn, deposeth and saith, that the an-
 nexed advertisement was published in the MISSOURI REPUBLICAN, the newspaper of which he is printer,
 said,

for ~~eight~~ weeks, successively, the first insertion being on the ~~seventh~~ day of ~~April~~, 1836, and the last insertion on the ~~fourth~~ day of ~~April~~.

June	1834,—as follows, TO WIT:	In No.	31,	April 18
in No. 52				
April 23,		in No.	1,	April 50
				1/4

No.	in	No.	in
2	May	3	May
7	May	4	May

in No.	4	May 21	in No.	3	May 20
--------	---	--------	--------	---	--------

in No. 4, June 4, 1864

Sworn to and subscribed before me, this
5 day of July 1836

Edinburgh J. P.

of Padua

Al & A Thomas
vs.

Wm. Mop. & wife
& Others.

filed July 6th 1836

Matthew Thomas and Anthony Thomas,

against

William Moss and Judith his wife,

Claiborne Thomas, James Thomas,

Benjamin Johnston, sen., Benjamin Johnston, jun., Ga-

briel J. Johnston, Gen. W. Johnston, Harrison Johnston,

William Rice and Louisa his wife,

Thomas W. Floyd and Lucinda Floyd his wife,

Benjamin Byrd and Mary Byrd his wife,

Christopher Dixon and Caroline Dixon his wife,

To William Rice and Louisa his wife, two of the
above named defendants:

YOU will take notice that Matthew Thomas and Anthony Thomas, complainants, have filed in this court, for the county of Jefferson, sitting as a court of chancery, at the March term thereof, which was held at the town of Herculanum, in the year 1836, their bill of complaint against William Moss and Judith his wife, Claiborne Thomas, James Thomas, Benjamin Johnston, sen., Benjamin Johnston, jun., Gabriel J. Johnston, Gen. W. Johnston, Harrison Johnston, William Rice and Louisa his wife, Thomas W. Floyd and Lucinda his wife, Benjamin Byrd and Mary his wife, Christopher Dixon and Caroline his wife; stating that the complainants are two of the sons of one Mark Thomas, who was a captain of the Virginia State Line; that said Mark Thomas was twice married; that his children by his first marriage were James Thomas, Claiborne Thomas, Judith, wife of William Moss, Elizabeth, now deceased, who was the wife of Benjamin Johnston, and the complainants are the only children by the second marriage; that Mark Thomas died about twenty years ago, leaving the mother of the complainants, his widow, and the said James, Claiborne, Judith and Elizabeth, his only children; that previous to his death he made and published his last will and testament, which was in existence at the time of his death, unrevoked, and thereby devised and bequeathed all his estate, real and personal, to the complainants and their mother; that she has since died, leaving the complainants her only heirs at law. That the said Mark Thomas made in his lifetime, advancements to the said James, Claiborne, Judith and Elizabeth, and died possessed of other property. That the said Mark Thomas having served as captain in the Virginia State Line, became entitled to four thousand acres of land, under and by virtue of the laws of Virginia and the United States, and also to half pay, for life, under the laws of the United States; that the said Mark Thomas did not in his life time receive any grant or warrant for the said land, nor the half pay; and that the complainants are the legal representatives of the said Mark Thomas, under and by virtue of his last will and testament, and have become entitled to the said grant of four thousand acres of land, and to the said half pay, due at the time of the death of the said Mark Thomas, and also to the estate of which the said Mark Thomas died seized and possessed; that the said Benjamin Johnston, sen., was appointed Executor of the said last will, and had possession of the same at the time of the death of the said Mark Thomas, and ever since, until the 12th day of March, in the year eighteen hundred and thirty-one; and that the same is still in possession of the said Johnston, or under his control; that the said Benjamin Johnston, sen., William Moss, Claiborne Thomas, and James Thomas have embezzled and concealed said will, and still do, and have appropriated to their own use all the estate of which the testator died seized and possessed, falsely pretending that the said Mark Thomas died intestate. That the claimants are illegitimate children, and that the said Judith, Elizabeth, James and Claiborne, are the only lawful heirs of the said Mark Thomas; that a land warrant for four thousand acres of land, so due to said Mark Thomas, has been deposited in the General Land Office of the U. States, and 'scrip' therefor will be speedily issued. That the said Benjamin Johnston sen., William Moss, James Thomas and Claiborne Thomas, procured one Benjamin Johnston, jun. to obtain letters of administration on the estate of the said Mark Thomas, and that the said Benjamin Johnston, jun., represented to the county court which granted the letters, that the said Mark Thomas died intestate; that Elizabeth, daughter of said Mark Thomas, and wife of Benjamin Johnston, sen., departed this life since the death of her father, leaving eight children, her heirs at law, to wit: Benjamin Johnston jun., Louisa, wife of William Rice, Lucinda, wife of Thos. W. Floyd, General W. Johnston, Harrison Johnston, Gabriel J. Johnston, Mary, wife to Benjamin Byrd, and Caroline, wife to Christopher Dixon, who claim one fourth part of said land and half pay, in right of their mother, and Benjamin Johnston, jun., has purchased the shares of several of his brothers and sisters; that Benjamin Johnston, jun., has applied to the United States for the monies due, and for the assurances of the land aforesaid, for the use of himself and said William Moss and Judith his wife, James Thomas, Claiborne Thomas, Benjamin Johnston, sen., his brothers and sisters aforesaid, to the exclusion of the complainants; also praying a summons against the said defendants, a discovery of the matters and things above alleged and charged, a production of the will of the said Mark Thomas, and that the lands and money so accruing to the said Mark Thomas, and all other estate of the said Mark Thomas which have or may come to the hands of the defendants, be vested in the complainants, or that they be decreed to pay to them the value thereof. And it is further stated in the said bill that William Rice and Louisa Rice do not reside within this state, and are out of the reach of legal process from this court; and for general relief, it is further ordered, that the said William Rice and Louisa his wife, be and appear before this court, on the first day of its next term, to be held on the first Monday of July next, and file their answer to the bill aforesaid, or that the same will be taken as confessed, against them. And it is further ordered, that this order be published in some newspaper printed in this state, for eight weeks successively—the last insertion to be at least four weeks before the commencement of the next term of this court.

I hereby certify that the within and foregoing is a true copy of the order of the court, this 31st day of March, 1836. ABRAHAM JARRETT, Clerk.

Matthew Thomas

Anthony Thomas

vs.

In Chancery

William Moss

Judith Moss Dothers

The answer of Benjamin Byrd
and Mary Bird his wife to the Bill of Com-
-plaint of said Complainants

These defendants saving and re-
serving to themselves now and at all times hereafter
all benefit of exception to the errors and misrep-
-resentations in said bill contained for answer
thereto say that they believe that Mark Thomas
was a captain in the revolutionary army as
stated in said bill entitled to land and half
pay as stated therein. They say that they do not
know the Complainants to be children of said Mark
but they say that if said Complainants are chil-
dren of said Thomas they are as these defendants
believe illegitimate these defendants do not be-
-lieve that said Mark Thomas was twice married
nor do they believe that he was ever married
to the mother of said Complainants. Said Mark
Thomas died as they have heard many years
since leaving no legitimate children the said
Judith Elizabeth James Halabome in the bill
mentioned. These defendants know nothing of
^{supposed} said bill of said Mark Thomas in the bill
mentioned, nor of its contents, nor manner of
execution, nor who ~~was~~ has had, nor who now
has possession thereof if it ever had existence
They have heard a rumour that there was a wife
of said Thomas but such rumour ^{did} not ~~if~~
~~such~~ produce belief on their minds. They know
nothing of advancements made by said Mark
Thomas to any of his children. They believe that

Benjamin Johnson Jr administered on the estate
of said Mark without any fraudulent intent and
that he has made application for the money and
securities to which the representatives of said Mark
Thomas are entitled and to which these defendants
believe the said Complainants have no right
Whatever These defendants insist that the said
Complainants be held to full proof of the mat-
ter and things in their said bill contained and
~~having~~ these defendants admit that Elizabeth
the daughter of said Mark Thomas died leaving
the children and representatives in the bill
mentioned These defendants having fully
answered said bill without that that any
other matter or thing in said bill contained
and not herein before fully answered confessed
and avoided traversed or denied is true pray
to be dismissed with **their costs** WMB:pyd
Mary Ann Byrd

State of Missouri }
County of St Louis }

This day Benjamin Byrd
and Mary his wife ^{appeared in open court} who being sworn upon
their oath say that the matters in the above
answer contained so far as stated on their
own knowledge are true ^{and} so far as
stated on the information of others they
believe to be true
sworn to and subscribed
in Open Court July 6. 1836 WMB:pyd

Sworn to in open court. Mary Ann Byrd
this 6th day of July 1836
Henry R Bates
Clerk

McMurray & Co

or

Wm. Phelps & Co

Please July 6th 1839

Wm. Phelps & Co
Bills

State of Missouri }
Jefferson County } SS

The State of Missouri to the Sheriff of Jefferson County Greeting. These command you to summon James Thomas, Claiborne Thomas, William Mox and Judith Mox his wife, Benjamin Johnson Senior, Benjamin Johnson Junior Gabriel S Johnson General W Johnson, Thomas W Floyd, and Lucinda Floyd his wife, Benjamin Byrd and Mary Byrd his wife William Rice and Lorisa Rice his wife Caroline Dixon and Christopher Dixon her husband and the widow and Children of Harrison Johnson deceased, if they be found within your bailiwick, that they do appear before the Judge of our Jefferson Circuit Court, at a term thereof to be holden for said County at Herculaneum on Monday the Sixth day of March next, to answer the Complaint of Matthew Thomas and Anthony Thomas, by their Original bill in Chancery and have you there and there this writ and make due return how you execute the same.

Witness my O. P. Bates Clerk
of said Court at office
the thirty first day of December
in the year Eighteen hundred
and thirty Six

Henry P. Bates Clerk

Served the within notice on Benjamin Johnston in the County of Jefferson by reading the same in his hearing and presence on the 13th day of January 1837
Served the within notice on James Johnston in the County of Jefferson by reading the same in his hearing and presence on the 14th day of January 1837
J. M. Griston Sheriff

Served the within summons on Benjamin Bird and Mary Bird his wife by reading the same in their presence on the 20th day of January 1837
J. M. Griston Sheriff

Served the within summons on Benjamin Robinson by reading and leaving a copy of the same at his place of abode with Catherine Robinson a number of his family over the age of fifteen years of age, on the first day of February 1837
J. M. Griston Sheriff

Served the within summons on James Thomas and Haborn Thomas on the first day of February 1837 at the County of Jefferson by reading the same in their hearing and presence
J. M. Griston Sheriff

Served the within summons in Thomas M. Floyd and Mary Floyd, and Gabriel Dixon and Christopher Dixon his children in the second day of February 1837 by reading the same in their presence
J. M. Griston Sheriff

Served the within summons on William Mott and Lucett Mott his wife on the 25th day of January 1837 by reading the same in their presence
J. M. Griston Sheriff

Served the within summons on the widow and children of Harrison Johnson deceased by reading the same in their presence on the first day of February 1837
J. M. Griston Sheriff

Arrest Court
March term 1837
Matthew and
Anthony Thomas
as { special in
Chancery
James Thomas & others

fee for services \$18.00
two months - \$1.00
\$19.00

Served the within summons on Gabriel Johnson by reading and delivering a copy of the same at his place of residence with Robinson a number of his family over the age of fifteen years of age on the 2nd day of February 1837
J. M. Griston Sheriff
William Bird & Lewis Bird his wife not found in any
knowledge
J. M. Griston Sheriff

The Joint and several answer of William Mads
and Judith his wife and of James Thomas and
Clairson Thomas to the bill of complaint exhibited
against them and others by Matthew Thomas and
Anthony Thomas.

These respondents for answer therunto saith that
they do not know and do not believe that the
complainants Matthew Thomas and Anthony
Thomas are legitimate sons of the said Mark
Thomas, but on the contrary have heard from the
said Mark Thomas that they were his illegitimate
children. They admit that the said Mark Thomas
was a Captain in the Virginia state line in the army
of the Revolution, they deny that the said Mark
Thomas was twice married. They admit that
the said Mark Thomas by his first and only wife
had issue as stated in the bill of complaint, that
his daughters Judith & Elizabeth intermarried
as stated in the bill, that the wife of the said
Mark Thomas died at Louisville in Kentucky as
stated in the bill and left no other issue than the
said Judith Elizabeth James and Clairson.
They deny that the said Mark Thomas afterwards
intermarried with the mother of complainants. They
admit that the said Mark Thomas lived with a
woman who was the mother of the complainants,
as they are informed and believe, and who were
begotten on her by the said Mark Thomas as they
have understood and believe, but they charge that
the said Mark Thomas was never married
to her as these respondents have been informed by the
said Mark Thomas, and that which she said
and the said Mark Thomas lived together and when
the complainants were born she was the wife of one
William Crawford who resided at Louisville in the

dispute or state them and now called Kentucky
they do not know whether there was other issue between
the said Mark Thomas. They admit that Mark Thomas
died on or about the twelfth day of June in the year
1813 leaving the said mother of the said Complainant
and the said Judith Elizabeth James & Children
and the said Complainant in full life. These
defendants say that they know nothing of any
will executed by the said Mark Thomas, that they
have heard from Benjamin Johnston senior that the
said Mark Thomas executed a writing purporting
to be a will, but that its contents were they are unable
to say were having seen the same. They admit
that the complainant's mother is deceased. They
deny that the said Mark Thomas in his lifetime
advanced one cent to any of his children or in
line of complaint stated. They deny that the said
Mark Thomas ever possessed of any property
except the place whereon he lived in the district
of Florida and territory of Mississippi at the time
of his death and the stock thereon and furniture
in the house. They admit that the said Mark
Thomas became become entitled to about four
thousand acres of land as stated in the complain-
ant's bill of complaint & also to half pay for
life as stated in same, that the said Mark Thomas
did not receive in his life any grant or warrant
for the said land, nor did he receive the said
half pay or any part thereof. They deny that
the ^{said} complainants are the legal representatives
of the said Mark Thomas under and by virtue
of any will of the said Mark Thomas, and pray
that said complainants may be required to prove
the same, and that they have become entitled

to the said grant of four thousand acres of land and also to the said half hay or stated in the Complainants bill, and also to the real and personal estate of which the said Mark Thomas did seize and possess. Their dependants admit that they have heard that Benjamin Johnston Sr. was by said supposed will appointed executor of the same and had possession and custody of the said writing at the time of the death of the said Mark Thomas, but how long after wards their dependants do not know, nor do they know when the same now is, or under whose custody. They deny that they have concealed and embargoed the said writing or do now conceal or embargo in the same or stated in the bill of Complainants. They deny that they have appropriated to their own use, or the use of any other person any part of the estate real or personal of which the said Mark Thomas did seize or possess to the exclusion of the complainants & charge that the said Mark Thomas died intestate and that the said Judith, Elizabeth James and Chaisme are the only lawful heirs of the said Mark Thomas. They admit that they have understood and believe that a warrant or warrants for four thousand acres of land due to said Mark Thomas has been deposited in the General Land Office or stated in the bill. They deny that they procured Benjamin Johnston Jr to obtain letters of administration on the estate of the said Mark Thomas. They admit that they have heard and believe that the said Benjamin Johnston Jr did obtain letters of administration on the estate of the said Mark Thomas and that at the time of obtaining the letters, represented

to the court who present them, that the said mark
Thomson died intestate. They admit that Elizabeth
the daughter of the said mark Thomson and wife of
the said Benjamin Johnston Jr died since the death
of her father leaving eight children her heirs
as law is stated in the bill who are the same
therein stated, that Louisa one of the children
is the wife of William Rice. They admit that
the children of Elizabeth claim one fourth part
of the land and half pay as stated in the bill
but deny that Benjamin Johnston Jr has provided
to their knowledge any of the shares of his brothers
and sisters. They admit that Benjamin Johnston
Jr is agent and in his own right applied for
the monies due, & the expenses for said land
as stated in the bill.

And then separately in answer to the special
interrogatories in said bill contained answer
and say that they do not know whether the
said mark Thomson made and published any
last will and testament or not, that they do
not know whether Benjamin Johnston Jr
is a subscribing witness to any will of the said mark
Thomson, that they do not know whether any will
of the said mark Thomson was in existence after
his death, that they do not know, but have
heard that a writing purporting to be a will
of the said mark Thomson was in possession of
the said Benjamin Johnston Jr after the death
of the said mark Thomson, but whether the
said writing was a will they do not know
nor are they informed but believe that the same
was not. Whether said writing is now in existence
they do not know, but have understood that the
same was lost or destroyed, but by whom or where or

they do not know, nor have they any information
 that they do not know what was the purport of
 said writing and supposed will & then expenses
 - counts charge that on the twentieth day of
 October in the year one thousand eight hundred
 and twelve the said Noah Thomas transferred
 to William Mose Benjamin Johnston Jr
 and James Thomas the half pay due to him
 or stated to him in said bill of complaint as
 well appeared by a written transfer a copy
 whereof is annexed to this answer marked A
 and is prayed to be taken on foot thereof
 and hereby they insist that the right and
 title to said half pay is vested in the said
 William Mose Benjamin Johnston Jr or his
 heirs; and James Thomas. Having answered
 all the matters and things in said bill
 of complaint contained, the said respondents
 ask to be heard and relieved with their costs
 and charges by them about their expense
 in this behalf expended.

And the said Judith Mose further answers for
 herself says, that she has heard her father
 Noah Thomas say that the said complemen-
 - ants were not by him intended to convey his estate
 that of his children Judith Elizabeth James
 and Claborn would be the said complements
 enjoying what property he had in the territory
 of Missouri; the said Judith Elizabeth James
 and Claborn should have all his other
 property which he might be entitled to in
 Kentucky and Virginia and the said Judith
 further says, that she has heard the mother

of the complainant or to their birth say that
she was ever married to the said Mark Thomas
and that she was the wife of one Crawford
who resided at Louisville Kentucky

State of Tennessee
County of Jefferson

Personally appeared before the undersigned ^{judge of the}
of the ~~same~~ ^{circuit court} ~~there~~ and for the county of said
William W. Jones, Judith W. Jones Thomas
and Clarburn Thomas, respondents in the
above named cause, and made oath that
the facts recited, and points stated by them
in the foregoing answer, as far as stated from
their own knowledge are true, and from
the knowledge of others they believe them
to be true.

Jones of Jones
Clarburn Thomas

Sworn to and subscribed, in open court, Dec 12th 1837
before me this 12th of

Dec
1837.

J. Mathews Clerk

Sworn to and subscribed

J. Mathews Clerk

Wm. W. Jones

Judith W. Jones

Escheat A

Know all men by these presents that I
 Mark Thomas of the Territory of Missouri
 and County of Saint Louis here for and
 in consideration of the sum of fifty dollars
 to me in hand paid, the receipt whereof
 is hereby acknowledged before the eyes, seeing
 and believing of these presents, have sold and
 by these presents doth grant bargain and
 sell unto Benjamin Johnston James Thomas and
 William Moss their heirs and assigns all debts
 of every nature or description which I may
 have due to me either in the state of
 Kentucky or Virginia, giving them the said
 Ben^y Johnston James Thomas and William
 Moss as full power to collect the said debts
 as words can express the same or as I could
 I do here personally present. In testimony
 whereof I the said Mark Thomas have
 hereunto set my hand affixed my seal
 this 20th day of October 1812

In presence of
 Elisha Crosby
 Lucinda Barronson

Mark Thomas 

Stephen Thomas
Anthony Thomas
To Williamthrop
& Lucindathrop his wife
Christianus Thomas
et al.

Census of William
throp & family, Cla
riston Thomas and
Lucas Thomas

Chloe Dec 12 1833

Williamthrop
W. H.

State of Missouri }
County of Jefferson } SS

The State of Missouri to the
Sherriff of Jefferson County Greeting. Whereas heretofore
to wit on the ninth day of November in the year
eighteen hundred and thirty six, Matthew Thomas
and Anthony Thomas commenced a Suit in
Chancery in the said Jefferson County Circuit Court
against James Thomas, Carbone Thomas, William Maff
and Judith Maff his wife Benjamin Johnson Senior
Benjamin Johnson Junior, Gabriel J. Johnson, General W.
Johnson Thomas M. Floyd and Lucinda Floyd his wife
Benjamin Byrd and Mary Byrd his wife, William
Rice and Louisa Rice his wife Caroline Dixon
and Christopher Dixon her husband and the widow
and Children of Harrison Johnson whose names
are unknown, and the said Benjamin Johnson
Senior having departed this life and the said
Suit being undetermined, and pending in said
Court, and Benjamin Johnson Junior having been
appointed the executor of said Benjamin Johnson
Senior by his last will and testament, These are
therefore to command you to summon the said
Benjamin Johnson Junior that he he and appear
before the Judge of our said Circuit Court to
be holden for said County of Jefferson at the town
of Herculaneum on the eleventh day of December
next to shew cause if any he can why he shall
not be made defendant in said Suit as the Executor
of said Benjamin Johnson Senior and further to do
and receive what the said Court shall in that behalf
consider and have them there this writ, and make
due return of the same Witness John J. Matthews
Clerk of our said Court at
Herculaneum this twentieth day

of November Eighteen hundred and thirty
seven.

John S. Mathews
Clerk

~~Exhibit this will by subscribing a copy to~~
the wife of the said Benjamin Mathews
in the 25th of November 1837

I certify the within duplicate for
delivering a copy of the same, at his
dwelling house to Catherine Mathews
as the person of the same
over the age of fifteen years.
By John Mathews Deputy Sheriff

in testimony

John Lewis
December Term 1837

Mathews Thomas

and
Anthony Thomas

vs
William & Joseph

dupes

Benjamin Mathews

Dec 12 1837

Mathews

W

Matthew Thomas

Anthony Thomas

William Mose

Judith Mose & others

C

Ex In Chancery

The answer of Thomas W Floyd and Lucinda his wife to the bill of complainants. These defendants coming and answering to themselves now and at all times hereafter all benefit of exception to the error and misrepresentations in said bill contained, for answer thereto say that they believe that Mark Thomas was a captain in the Revolutionary Army as stated in said bill, entitled to land and half pay as stated therein. They say that they do not know the complainants to be children of Mark Thomas, they are or their defendants believe illegitimate. These defendants do not believe that the said Mark Thomas was twice married, nor do they believe that he was ever married to the mother of said complainants. Said Mark Thomas died as they have heard many years since, leaving as his legitimate children the said Judith Elizabeth James & Chasmon in the bill mentioned. These defendants know nothing of said supposed will of said Mark Thomas in the bill mentioned nor of its contents, nor manner of execution nor who has had, nor who now has possession thereof, if it ever had existence. They have heard or seen that there was a will of said

Thomas, but not even did not procure belief
in their minds. They know nothing of advances
made by said Mark Thomas to any
of his children. They believe Benjamin Johnson
if administered in the estate of said Mark
without any fraudulent intent, and that
he has made application for the money and
reverts to which the representatives of said
Mark Thomas are entitled, and to which their
dependants believe the said complainants have
no right whatever. Their dependants insist that
that the said complainants be held to full
proof of the matters and things in their said
bill contained. And their dependants admit
that Elizabeth the daughter of said Mark Thomas
did leave the children and representatives in
the bill mentioned. Their dependants having
fully reviewed said bill without that that
any other matter or thing in said bill contained
and not having before fully reviewed confessed
and avoided traversed or denied in him
and pray to be dismissed with their costs.

W. H. H. H.
Lucinda Floyd

State of Missouri
County of Jefferson Feb 3

Personally appeared
Judge of the Circuit Court
before the undersigned ~~Justice~~ of the Peace
within and for the County of said Thomas
W. Floyd and Lucinda his wife, who being sworn
upon their oath say that the matters in
the above answer contained, as far as stated
on their own knowledge are true, and so
far as stated on the information of others

they believe to be true W. Lloyd
were to & subscribed Lucinda Lloyd

Emory & subscribed to
the 12th day of Nov. 1833
before me James Evans
Judge of the Ind. Cir.

Thos. H. Lloyd
Lucinda L. Lloyd
a S
Matthew Thomas
Custis Thomas

Census of Lloyd
& wife

Dec 13th 1837
Matthew Lloyd

Matthew Thomas

Antoni Thomas

William Mosh Zucksto

Mosh et al

In Chancery
Decr Jan 1837

The defendants in the above cause
move the court to such the complainant
therein to security for costs for the following
reasons; as to discharge the same

1st. The complainants are non residents
of the state of Missouri

2. They are too poor to pay costs

3. They are so constituted in residence
as to exchange the costs of the suit.
R. B. B. att.

William M. et al

v. E

M. & A. Thomas

Motion to
rule court to
accept for cost or
dismiss action

Filed Dec 13th 1837

Matthews Clk

> Your complainants further represent that they are informed and believe that Harriet Johnson one of the sons of said Benjamin & Elizabeth Johnson has departed this life, leaving an widow and several children whose names are unknown to your complainants - and further that the said William Price and Louisa his wife are not residents of this State

~~Take out Harriet Johnson & insert~~
o insert before Harriet Johnson, "the widow and children of the said

x Take out Harriet Johnson & insert, at complainants, and the widow & children of Harriet Johnson, whose names are unknown as aforesaid.