

To ferson County Circuit Court
Case Files - Civil
December 1839

Box

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Folder

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Burns, John
Hurtman, Nancy

vs.

Wiley, Eli, Exec
Ryan, William

Assumpsit

Debt \$5,000 contracted in
Kentucky; \$10,000 damages

the Jefferson Circuit Court
Jefferson County Ky.

John Burns and Nancy
Thurman heirs and legal representatives of Sam-
uel Burns deceased, by Walth and Fremont
their attorneys, complain of Eli Wiley executor
of the last will and testament of William Ryan
deceased of a plea of trespass on the case upon
promises. For that whereas the said William
Ryan deceased in his life time to wit: on
the first day of May in the year of our Lord
Eighteen hundred and thirty eight, in the State
of Kentucky to wit: at the County aforesaid
was indebted to the said plaintiffs and one
Mary Eastwood since deceased, all heirs of the said
Samuel Burns deceased, in the sum of five thousand
dollars for the work and labor, care and diligence
of the said plaintiffs and the said Mary Eastwood
by the said plaintiffs and the said Mary Eastwood
before that time done, performed and bestowed
in and about the business of the said William
Ryan and for the said William Ryan and at
his special instance and request: And also
in the further sum of five thousand dollars
for divers goods wares and merchandise by the
said plaintiffs and the said Mary Eastwood before
that time sold and delivered to the said Wil-
liam Ryan and at his like special instance
and request: And also in the further sum of
five thousand dollars for money by the said

plaintiffs and the said Mary Eastwood before that time lent and advanced^{to} paid laid out and expended for the said William Ryan in his life time and at his like special instance and request: And also in the further sum of five thousand dollars for other money by the said William Ryan before that time had and received to and for the use of the said plaintiffs and the said Mary Eastwood: And being so indebted the said William Ryan in consideration thereof afterwards to wit on the day aforesaid at the place aforesaid undertook and then and there faithfully promised the said plaintiffs and the said Mary Eastwood to pay them the said several sums of money in this Court mentioned when he the said William Ryan should be thereunto afterwards requested: And whereas also the said William Ryan afterwards to wit on the day and year and at the County last aforesaid accounted with the said plaintiffs and the said Mary Eastwood of and concerning divers other sums of money from the said William Ryan to the said plaintiffs and the said Mary Eastwood before that time and owing and then in arrear and unpaid, and upon such accounting the said William Ryan was then and there found in arrear and indebted to the said plaintiffs and the said Mary Eastwood in the further sum of five thousand dollars, and being so indebted and found in arrear the said

William Ryan in consideration thereof, afterwards
to wit: on the day and year and at the County
last aforesaid undertook and then and there
faithfully promised the said plaintiffs and the
said Mary Eastwood to pay them the said last
mentioned sum of money when he the said Wil-
liam Ryan should be thereto afterwards re-
quested. Nevertheless the said William Ryan
in his life time and the said Eli Wiley exec-
utor as aforesaid, since the death of the said
William Ryan, altho often requested to do so,
have not, nor has either of them paid the said
several sums of money above mentioned,
or either or any part of either of them, but
to do so the said William Ryan in his life
time and the said Eli Wiley executor as afore-
said since the death of the said William
Ryan have wholly refused and still refuse
to the damage of the said plaintiffs ten
thousand dollars. And therefore they
bring their suit. &c.

Wash and Freeman
attys for plffs:

I executed the within Write and Declaration in
Jefferson County on the 11th day of October of William Ryan
deceased By Reading the same in his presence
and hearing on the 6th day of August 1839

Free to — John Harmon & Sheriff
Sheriff fee \$1.00

Jefferson County Court

John Harmon &
James Harmon

vs. David
E. Wiley &
of William Ryan

Action of Assumpsit

Damages \$10.00

Settlement of the

Wells & Harmon
all for debt.

Filed July 22 1839

Matthews

Deeds

Assessing fees
by the sheriff

County of Jefferson, ss.

THE STATE OF MISSOURI,

To the Sheriff of the County of Jefferson, GREETING:

We command you to. Summon
Eli Wiley, Executor of William Byard,
late of Jefferson County deceased
that he be and appear before us

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at Mercurianum
within and for the County of Jefferson, on the ~~first~~ ^{second} Monday
of December next, then and there to answer unto
John Burns and Nancy Thurman, on
actions of ~~assumpsit~~ ^{assumpsit}, a copy of which is
hereto annexed.

to the damage of said plaintiffs
in ^{the} sum of ten thousand dollars.

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in The Town
Mercurianum this twenty second day
of July, in the year of our Lord eighteen
hundred and thirty nine

J. S. Mathews Clerk.