Jefferson County Circuit Court
Case Files-Civil
July 1842, No. 65

Folder 2 of 3

Box 6 Folder 36

Thurman, Nancy, adm.
Rian, William
vs.
Wiley, Eli
Carney, John
Woodcock, William
Woodcock, Mary, etal

Nullify judgment

Other defendants Joseph, Elizabeth Walsh, John W. Burns, Nancy Harlow, Noah Harlow, Elizabeth Alexander; nullify judgment from County Court against estate of William Rian that resulted in sale of slaves Alick, Hetty, Minerva, Lewis, Sarah, Dave, who were freed by Rian's will

Nancy Richmond admx.
with the will annexed of
William Richmond decd.

vs

John Barnes et al

In the Circuit
Court of
Jefferson County

The above cause coming
this Court to be tried and heard
for proof and confession - The
Defendant having suffered default
of the above defendants appearance and
etc.

Nancy Richmond
Admx with the will annexed &c

In Jefferson Court
June 1st 1840

Nancy Hammond
Ex'trix &c of William
Hammond dec'd
vs
John Burns et al

Motion to vacate
Def't's principal &
Int C

Filed June 1st 1840
Jno J. Mathews
Clk

Nancy Hammond
adm'x

vs

Solon Bowers et al

3112

The above administratrix moves the court to vacate the order heretofore made authorizing the sale of the certain personal property therein described, also set aside the proceedings of the sale of William Rian deceased

Nancy Hammon
adm'x

Jeffn Co Court
June 1840

Nancy Thurman Extr
of Wm Rian
vs
John Burnstal

Motion to vacate the
order for sale of slaves

filed 1st June 1840
Jno L Mc Mathews
Clk

State of Missouri }
County of Jefferson }

The State of Missouri to the Sheriff of the County of Jefferson Greeting.

You are hereby commanded to summon Eli Wiley former executor of William Rian late of Jefferson County deceased that he be and appear before the County Court of said County on the first day of the next term thereof, to be begun and held at the Town of Hillsboro within and for said County on the fourth Monday of July next. then and there to answer such interrogatories as may be put to him and the complaint of Nancy Thurmond Executrix of the last will and testament of said William Rian deceased. a copy of which complaint is hereunto attached and have you then there this writ

Witness John J Mathews Clerk of our said Court with the seal thereof hereunto affixed at Office in the Town of Hillsboro this eighth day of June in the year A D 1840

Jno J Mathews Clerk

Copy

Nancy Thurmond admx of Wm Rian Dec } Jefferson County Court
vs June 1st 1840
Eli Wiley ——— Bill of Discovery

Nancy Thurmond administratrix de states that she has good cause to believe that Eli Wiley has concealed, goods, chattels, Money or evidences of debt of William Rian deceased, and prays that said Eli Wiley may be cited to appear before the County Court of Jefferson County at the next July term thereof, to answer such interrogatories as the Court shall then and there direct to be propounded against him for a discovery thereof —

Sworn to and subscribed before me June 1st 1840
Jno J Mathews Clerk

Nancy her + Thurmon mark

A True Copy Test. Jno. J. Mathews. Clerk

I Executed this Writ on Ele Mcley by
Reading the Same in his Hearing
on the 17th day of June 1840 in
Jefferson County Ind

John Hammond Sheriff

Sheriff Fee $1,00

Jefferson County Court
July Term 1840

Nancy Thurman &c
vs
Ele Mcley } Summons

Filed June 22 1840

Wm J McMathews Clk

Nancy Harrison advr
to
John Burns et al } Motion to set aside
Judgment for confessed.
July Term 1840

Isaac McGready being sworn on the Ev. saith that he was well acquainted with William Rian late of Jefferson County and now deceased. That this acquaintance commenced in Logan County Kentucky in 1796. and as family intercourse was kept up until his death. In 1797 or 8 Rian married to Mrs. Burns in Logan County, she had at the time a Daughter married to a Mr Alexander Nancy, since married to John Thurmond, also a Polly Burns and Mary Burns - at the marriage the said Mrs. Burns had two Negro Boys Lewis & Bill & a Horse - this affiant does not recollect any thing property that she then had. They all worked and lived together except the married one. This affiant was sheriff of the County perhaps for three years from Year, when said family resided. Rian was very industrious and raised the family. This affiant came to the County in 1804 Rian & family came a year or two after. This affiant then became the family Physician and was frequently there in that capacity. This affiant in all his intercourse with said W. Rian and family never heard of any claim of said Children against him but always understood that this estate of Burns had been settled up Rian was a very honest man and never would be in debt

Sworn to and subscribed } Isaac McGready Sen.
before me July 27th 1840
Jno J Heath Clk

Est of Wm Rian.

Dan. McGready
affidavit

filed July 28th 1840
Wm J Mathews
Clk

filed April 26th 1841
J Mathews Clk

Nancy Thurmond
vs
Wm Burns et al

On Motion to set aside a Judgement in July Term 1840

Nancy Thurmond being duly sworn upon oath says that she is one of the Legatees under the will of William Rian dec'd late of Jefferson County Missouri. That said Rian and this affiants Mother Mrs. Burns were married together in Logan County State of Kentucky and from thence came to Missouri. That two sons Children of Mrs. Burns Rian and Wife had no Children. That estate of Samuel Burns this affiants father, that came with her mother to William Rian the second Husband, this affiant does know, was duly paid to said Heirs as they severally come of age, and this affiant is positively certain that receipts for the same were among the papers of the said William Rian, if they have not been discharged. This affiant further states that she lived with Rian and her mother, and was a manager for her mother in her sickness both in Kentucky and in the state of Missouri, and states that she had access to all parts of the house, and confidential intercourse with Rian & Wife about their private affairs at all times, and never heard of the demand alluded to as above, and does believe the same to be unjust and fraudulent. This affiant further states, that she is informed and believes it to be true, that the estate was not represented on the trial of said case, that there was neither a notice nor a waiver of notice as the Law requires, That no account of demands was filed, nor affidavit made as the law requires, and as to the proof of the same, that an affidavit of

by the name of W. Hogan, who was present

a person was read, which affidavit and account this affiant believes have been removed from the files of the Court and cannot be found, if indeed they are in fact there. This affiant would further state that she saw the aforesaid Witness after the rendition of said Judgment putting into his saddle bags rolls of silver, as it appeared to this Witness, and Mr Wash asked him if he was satisfied, and the Witness said he was. Mr. W. replied to this that he would make him satisfied if he was not. —

Sworn to & subscribed before me July 28th 1840

Jno L Matthews C C

her
Nancy Thurmond
Mark

Nancy Thurman Exr
of Wm Rian
vs
Eli Wiley

affidavit
on

Motion to set aside Judgt.

filed July 28th 1840
Wo. J. Matthews
Clk

John W Burns Nancy Thurmond
Joseph Walsh & Others
vs
Estate of William Ryan dec'd

In County Court of
Jefferson County Missouri
August Term 1840

State of Missouri
County of St Louis } ss. This day personally came
Joseph Walsh before me a Justice of the peace
in and for St Louis County aforesaid and he being
by me duly sworn on his oath says, that at the
August Term of the County Court of Jefferson County
State of Missouri for the year Eighteen hundred
& thirty nine, he presented a demand against the
Estate of William Ryan deceased late of said County
of Jefferson in favor of Nancy Thurmond, John W Burns,
Joseph Walsh, Mary Eastwood & Noah Harlow, upon which
demand Eli Riley, who was then acting Executor of the
Estate of said Deceased, acting under Letters Testamentary
to him Granted by the Clerk of said Court in Vacation
waived in Open Court the service of Notice, and
that thereupon said John W Burns and Nancy Thurmond
did make oath in Open Court that they had given
Credit to the said Estate for all offsets & Credits
to which it was Entitled on said Account & that
the balance Claimed on said Account was justly
due, whereupon the said Court Examined the said account
and allowed the greater part thereof, amounting as
he now recollects to about Eighteen hundred Dollars.

Sworn to and Subscribed before
me this 24th day of October 1840
Louis Labeaume Justice

J. Walsh

A W Walsh's
affidavit

filed April 26th 1841
Jno D Matthews
Clk

State of Missouri }
County of Jefferson } In Jefferson County Court
August 25th 1839.

John Burns, Nancy Thurman
J W Walsh, Noah Harlow
& Mary Eastwood

vs

Est of Wm Rian deceased

On account for money due them as heirs of Samuel Burns deceased

The above named ~~plaintiffs~~ with the exception of Noah Harlow & Mary Eastwood. Made oath to the amount claimed in open Court being justly due, and that they had ~~allowed all credits~~ given credit for all payments and offsets to which it was entitled.

Attest, Jno D Mathew Clerk

W. G. Matthews.
Statement

filed April 26th 1841
Wm G Matthews
Clk

State of Missouri } In Jefferson County Court
County of Jefferson } S.S. April Term 1841

Personally appeared, in open Court, J. S. Matthews, who being duly sworn upon his oath says, that at the august term of the County Court of Jefferson County State of Missouri, for the year Eighteen hundred and thirty nine, a certain demand was presented in said Court against the Estate of William Ryan, deceased, in favor of Nancy Thurman, John B. Burns, Joseph M Nalsh, Mary Eastwood and Noah Barlow, upon which demand Eli Riley the Executor of said Estate, waived in open Court the service of notice, and thereupon the said Nancy Thurman and John B. Burns did make oath in open Court that they had given ~~[illegible]~~ credit to said Estate for all offsetts & Credits to which it was Entitled on said account and that the balance Claimed was justly due.

Sworn to & Examined before me this 26th day of April 1841
Julius Higgins P.S.C.

John S Matthews

John S Matthews
Affidavit

filed April 26th 1844
Jno H Mathews
Clk

Nancy Thurman
admx of Wm Ruan decd.
John E Burns
Joseph W Walsh et al:

In the County Court
of Jefferson County.
Motion to set aside Judgment for irregularity.

Be it remembered that on the trial of the above Motion, the above named defendants by their attorney moved the Court to overrule said motion, upon the following grounds to wit:

1st Because there was no irregularity in said Judgment.

2d Because the Court have no authority by law to set aside said Judgment.

3d Because the plaintiff in this motion was one of the plaintiffs in the original suit. and cannot now take advantage of her own wrong, if any wrong there be.

4th Because the irregularity, if any there be can only be taken advantage of by appeal or writ of Error.

5th Because all the requisitions of the law had been complied with by the plaintiffs in said suit.

6th Because there was no fraud in the Judgment.

all of which the Court overruled, and sustained the above Motion to set aside the Judgment To all which decision of the Court the defendants in the above entitled motion, by their attorney excepted, and pray the Court to allow & sign this their bill of exceptions. which is accordingly done. Julius Higgins P.J.C.

John M Strickland
& Dugan

Nancy Thurmon
vs 3 Exceptions
Est of Wm Dean

filed April 27th 1841
J Matthews Clk

Know all men by these presents that we D B Freiman as principal and John Hammond as security, acknowledge ourselves indebted to Nancy Thurman administrating of the Estate of William Rian deceased, in the sum of One hundred dollars, to be void upon this Condition. Whereas Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow, have appealed from the Judgment of the County Court of Jefferson County, in the State of Missouri, in a Certain Motion to set aside a judgment in favor of Nancy Thurman, Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow, against the Estate of William Rian deceased, in which motion Nancy Thurman administratrix of William Rian dec'd as plaintiff, and the said Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow are defendants, now if the appellants shall prosecute their appeal and pay all the ~~debt~~ damages and Costs that may be adjudged against them by the judgment of the Circuit Court of the County aforesaid, then this obligation shall be void, otherwise to remain in full force and virtue in Law & Equity.

Signed sealed & delivered in presence of
Jno S Mathews Clerk
April 28th 1861.

D B Freiman (Seal)

John Hammond (Seal)

Nancy Thurman admrx
of William Rian decd
John W Burn
Joseph W Walsh
Mary Eastwood &
Noah Harlow

In the County Court
of Jefferson County
State of Missouri

Motion to set aside Judgment.

Personally appeared before me the undersigned Clerk of the County Court of the County of Jefferson County State of Missouri, D B Fremon, the attorney of the above named defendants, who being by me duly sworn upon his oath says, that they the said defendants do not appeal from the Judgment of the Court in the above Case, for the Purpose of vexation or delay, but because said affiant believes that the appellants are agrieved by the Judgment of the Court.

Sworn to & Subscribed
before me this 28th day
of April A D 1841

D B Frémon

Jno S Mathews Clk

Nancy Thurman
vs
D W Walsh et al
Bond & Appeal
Filed April 28th 1841
Jno S Mathews Clk

Nancy Richmond
exdx.
to
Isabel W. Walk
et al

July Term 1841
Appeal from Circuit
Court Jefferson County.

The appellee in the above cause moves the court to dismiss said appeal for the following reasons,

1st. The appeal is not warranted by Law.

2. The Circuit Court has in truth of said appeal obtained no jurisdiction over the subject matter thereof.

3. The bill of Exceptions does not bring up any question that the Circuit Court can enquire into.

4th. The Bill of Exceptions does not preserve the record nor original motion but a ~~substituted~~ motion collateral to the question on the record, and nothing else.

P. Bowie
Atty for appellee

Nancy Thurman
&c &c.
To
Walsh et al

Motion to
Strike appeal from
the files of the court.

filed July 20th 1841
Jno D Mathews
Clk

Original

Nancy Thurmond
adm
To
Joshua W. Wash et al

On appeal
Nov Term 1841

Be it remembered that the Plaintiff
filed a Petition to dismiss the appeal taken
herein in the above
cause in the words and figures
following, (see with the record)
which being considered by the
Court was overruled to which decision
of the Court the Plaintiff excepted
and prays his exceptions to be
signed sealed and made a part
of the record in the above cause
which is accordingly done

David Stringer Seal

Nancy Thurmond
&dsc
vs
Wade et al

Bill of Exceptions

filed Nov 15th 1841

Jno L Mathews
Clk

Exhibits to accompany the bill of Nancy Hummond Executrix of William Rian deceased against Joseph W Walthand Thos

Exhibit A

December 26th 1811

Received of Wm Rions one negro man named Lewis in full of his part of Samuel Burns estate his father

Test

Nathan C Scoggins Thos Lusby

John 2nd & 12 Hartley

Exhibit B

Received of Wm Rions one negro man named Wm in full of his part of Samuel Burns estate his father

Nathan C Scoggins Thos Lusby

John W Burns

(Exhibit C)

In the name of god amen I William Ryon of the State of Missouri and Jefferson County being of sound and disposing memory and mind and mindful of my mortality do make ordain and establish this my last will and Testament Item 1st It is my will and desire that my executor hereinafter named pay out of my estate all just debts and the recording fees of all letters and emancipation documents for the benefit of my slaves, together with funeral expenses in a christian manner Item 2d I give and bequeath to my beloved Step daughter Nancy Hummond for the natural love and affection I have for her the land on which I now live with all the house hold furniture, two beds excepted Item 3d I will and bequeath unto my Step son J Burns for the love and affection I have for him, eighty acres of land lying North East of the old farm that I give to Nancy Hummond together with all the stock of all kinds not hereafter particularly named Item 4th I give and bequeath unto my beloved Mary Eastwood for the affection for her one bed and the furniture thereto belonging Item 5th I will and bequeath unto my negro Hagy, who I intend shall after my death be free

and emancipation from slavery a small bed and one hundred and ten dollars in cash to save her from becoming a charge and her interest in the lands hereinafter described I mean her support Item 6th I will and give Negro Jim his freedom and fifty dollars in cash, that he may not become a charge Item 7th I will and give negro Ellick his freedom and the Couch mare and fifty dollars that he may not become a charge Item 8th I will and bequeath unto Septon and his wife Ruth and the children to wit Betty, Newey, Lewis and Sarah and the infant child their freedom and to Septon for the use and to support his family including Alcy a tract of land by patent No 417 dated 24th of april 1820 it being the West half of the South East quarter of section two of township forty north, and range three East in the district of St Louis containing eighty acres and also twenty acres of West half of lot no two North East quarter of section No two Township Forty North, in Range three East, and the South side of said lot, at a parallel line of the South part of said lot No 7805 dated September 18th 1836 and as good a horse as many as may be on the farm at my death, one pair of gears, two wedding hoe, one axe one iron wedge for the use of the family Ruth and the children namely, Alcy, three cows and calves, ten sheep, three sows and pigs and a support for the whole family off the old farm where I now live of meat and corn and until a new crop is or may have been raised on the lands I have give to the use of said family and Ruth the wife of Septon her heirs and assigns all her claim above mentioned for the support of said family and shall not be subject to any other use whatsoever and I will and declare that the said Septon and wife and their posterity forever shall be free after my death and all others of my slaves before mentioned and nothing to the contrary shall effect this my last will and testament in the emancipation of my slaves or the disposition of my property either in law or equity Item 9th I intend this ~~my will be entered on record and that it~~

my will be entered on record and that the letters of Emancipation be also recorded and that all things be done in a lawful manner to carry into effect this my last will and that I making void all wills heretofore by me made and to the disannulling of all things that may in any wise oppose this. believing that I have secured to my slaves that liberty and assistance to secure them from the charge of the public I intend that nothing shall impair this will Item. 10th I do hereby appoint empower and nominate my friend Eli Wiley of said County and State my Executor in this my last will and testament and hereby authorize him with full power and authority to execute the same to take charge of all my Slaves, property, monies and effects of every kind and to as soon as applied to by any of the interested parties of the will as legatees, give to each one his part agreeable to quantity quality and kind, money or what may be in accordance with the intent of this will and I intend that there shall not be any order of court in any case, I intend that my Executor shall have power to divide and give possession and pay debts and settle all matters after paying all recording fees and debts and all funeral expenses, then the residue in the foregoing manner Given under my hand and seal at home in my own house on the Tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as and for his last will and testament

Wm his + Rian mark Seal

in the presence of us and at his request in the presence of each other have signed our names as witnesses thereto

Meredith Wideman Joseph S McKee

I also will and bequeath to my negro man Septimus 40 acres of land it being the East ½ of Lot No 1 No 40 S.W. quarter of section No 2 in Township No 40 of Range three East

containing 40 acres, it being No 7616 to be added to the 100 acres named in the will so as to make him 140 acres

In presence of us

Meredith Wideman Joseph S McKee } Wm + Rian (Seal) his mark

State of Missouri } SS
County of Jefferson }

Personally came before the undersigned clerk Meredith Wideman and Joseph S McKee & made oath that the above was duly executed in their presence on the 16th day of March 1839 the date of the Testators will and in his presence and at his request witnessed by them and that the same was intended to be in the will of said testator in the eleventh line immediately after the word 1836

Sworn and subscribed to March 16th 1839 before me John S Mathews clerk } Meredith Wideman
Joseph S McKee

State of Missouri } SS
County of Jefferson }

Personally appeared before me John S Mathews Clerk of the County Court for said County Meredith Wideman & Joseph S McKee the two subscribing witnesses to the within will Testament of William Rian who being by me duly sworn upon their oaths do say, that the said Testator did in their presence sign the within instrument of writing as his last will and testament and that they and each of them did sign their names thereto as witnesses in the presence of the said Testator and of each other and at his special instance and request and that the said William Rian then appeared to be of sound and disposing mind and that the papers hereto attached numbered one, two, three, four, five and six were signed sealed and delivered in the same manner as above stated and as parcel and part of the same will

Sworn and subscribed to before me this 16th day of March 1839 Jno S Mathews clerk } Meredith Wideman
Joseph S McKee

(Exhibit D)

State of Missouri Jefferson County I William Ryon of said County

and State do liberate free and emancipate my slaves Septon Ruth, Hetty, Navy, Lewis, Sarah and the infant child, Septon aged thirty seven dark complexion five feet ten inches high Ruth dark complexion age thirty the wife of Septon, and the children named all of dark complexion, Hetty ten years, Navy eight, Lewis six, Sarah three and the infant about two weeks all of which are my bound slaves and I intend by these letters that they shall be free after my death and they shall not be subject to slavery according to the act of the general assembly of this State in such cases provided Given under my hand and seal this Tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

signed sealed published and declared by the testator as his will and for the purposes expressed in the presence at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto

his
William × Rian (Seal)
mark

Meredith Wideman Joseph S McKee

State of Missouri } Set
County of Jefferson }

In the Circuit Court of the County of Jefferson April Term 1839 Be it remembered that on the eighth day of april 1839 appeared Meredith Wideman and on the ninth day of the month and year aforesaid appeared Joseph S McKee in open court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto and acknowledge the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and of each other attached their names as witnesses thereto " I John S Watkins Clerk of the Circuit Court within and for the county of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the fore

going to be a correct statement of the proceedings had in that behalf in said Circuit Court as the same now remains of Record in my office In testimony whereof I have hereunto set my hand and affixed the seal of said Court at office in the Town of Hereulaneum this 18th day of april 1839 [L.S.] Jno S Mathews Clerk
Filed 18th april Recorded 19th april 1839 Jno S Mathews recorder

To all to whom these presents shall come I William Ryon of Jefferson County and State of Missouri do hereby liberate and free and emancipate my slave Ellick of dark complexion about five feet seven inches high fifty years of age from all bondage and servitude to be free and act and transact for himself at and after my decease according to the act of the general assembly in such case provided Given under my hand & seal this Tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as and for his will and testament for the purposes above mentioned who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto Meredith Wideman Joseph S McKee

Wm R his mark (Seal)

State of Missouri } SS In the Circuit Court of the County
County of Jefferson } of Jefferson april Term 1839

Be it remembered that on the eighth day of april 1839 appeared Meredith Wideman and on the ninth day of april 1839 appearance Joseph S McKee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation papers, that they saw the said William Ryon attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and of each other attached their names as

witnesses thereto I John S Mathews Clerk of the Circuit Co
urt within and for the County of Jefferson in the 9th Judi
cial Circuit of the State of Missouri do certify the fore
going to be a correct Statement of the proceedings had in
that behalf in said Court as the same remains of Record
In testimony whereof I have hereunto Set my hand and affi
xed the seal of said Circuit Court at office in the Town
of Herculaneum this eighteenth day of April 1839 [S]

Jno S Mathews Clerk

Recorded April 19th 1839 Jno S Mathews Recorder

State of Missouri }
County of Jefferson } I William Ryan of said County and State
do by these presents liberate free and emancipate my negro
man Hannibal Negro of dark complexion aged seventy and seven
shall be free of servitude and shall act and transact for
himself after my decease according to the act of the General
assembly in such case provided Given under my hand and
seal this tenth day of March in the year of our Lord
one thousand eight hundred and thirty nine

Signed sealed and published and declared by the testator as his will for the above purposes in the presence of us who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto

Wm [his] & Ryan [Seal] mark

Meredith Widemon Joseph S McKee

State of Missouri } SCT In Jefferson County Circuit Court
County of Jefferson } April Term 1839

Be it remembered that on the eighth day of April 1839 appeared Meredith Widemon and on the ninth day of the month and year aforesaid appeared Joseph S McKee in open Court and being duly sworn upon their oath declare that they were present at the execution of the foregoing emancipation paper that they saw the said William Ryan

Mark his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and each other attached their names as witnesses thereto I John I Mathews clerk of the circuit court within and for the county of Jefferson in the ninth judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said circuit court as the same remains of record in my office In testimony whereof I have hereunto set my hand and affixed the seal of said circuit court at office in the town of Herculaneum This 18th day of april 1839

Seal

John I Mathews clerk

Recorded april 19th 1839 Jno I Mathews Recorder

State of Missouri Jefferson County I William Regon of sd county and State do hereby liberate free and emancipate from slavery and bondage viz Slave Jim of dark complexion, aged thirty seven years five feet eight inches high, this letter of freedom to be in full force after my death according to the act of the General assembly of this State in such cases provided which will also appear in my last will and testament Given under my hand and seal this ninth day of March in the year of our lord one thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as his intention and wish to be in force in the presence of us who in his presence and in the presence of each other subscribed our names as witnesses thereto

his
Wm X Regon Seal
mark

Meredith Wideman Joseph I McKee

State of Missouri } Set In the circuit Court of the County
County of Jefferson } of Jefferson April Term 1839

Be it remembered that on the eighth day of april 1839

appearce Meredith Wideman and on the ninth day of april 1839 appeared Joseph L McRee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of said testator and of each other attached their names as witnesses thereto I John S Matthews Clerk of the Circuit Court within and for the county of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings in that behalf in said Circuit Court as the same remains of record in my office In Testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at office in the Town of Herculaneum this 18th day of april 1839 [L S] Jno S Matthews clerk

Recorded april 19th 1839 Jno S Matthews Recorder

(Exhibit E)

Be it remembered that heretofore to wit at a term of the County Court within and for the county of Jefferson begun and held at the Town of Hillsboro within and for the county aforesaid on the first day of June in the year of our lord one thousand eight hundred and forty specially held by adjournment were present Julius Higgins Esq presiding justice Ezekiel Dugan and John M Strickland Esqrs associate justices Mark Moss Esq sheriff and John S Matthews clerk of said Court on the first day of said Term among others were the following proceedings to wit.

Nancy Thurmond Exx
of the late Wm Rian
vs
Joseph Walsh, John Burns
Noah Hastord & Mary Eastwood

motion to set aside Judgment

Now at this day comes Nancy Thurmond Executrix of the last will and testament of William Rian late of Jefferson County and files her motion to

vacate and annul the judgment rendered at last August
Term of this Court against the estate of said deceased in favor
of the said defendants and it appearing to the satisfaction of the
Court that some of said defendants are not residing in the
State of Missouri on motion it is ordered that said defendants
be notified that unless they be and appear at the next Term of
this Court to be held at the Town of Hillsboro within and for
said County on the fourth monday of July next and shew cause
to the contrary the above named judgments will be vacated
and set aside and it is further ordered that a copy
of this order be published four weeks in some newspaper print
ed & published in the city of Saint Louis & this cause continued

The above motion is as follows to wit

Motion

Nancy Hammond admx with the will annexed of Wm Rian deceased
vs
John Burns et al

In the County Court of Jefferson County

The above administratrix moves the Court to vacate and annul for fraud and irregularity the judgment heretofore rendered in behalf of the above defendants against said estate

Nancy Hammond administratrix

July Term 1840 present as before July 28th were the following further proceedings to wit

Nancy Hammond Exx of Wm Rian
vs
Joseph W Walsh and others

affidavit of plaintiff filed to wit

Nancy Hammond admx
vs
John Burns et al

on motion to set aside &c

Nancy Hammond being duly sworn makes oath that she is one of the legatees under the will of Wm Rian dec'd late of Jefferson County Missouri that said Rian and the affiants mother were married together in Logan County State of Kentucky and from thence came to Missouri There were four children of said Mrs Burns Rian and wife but no children the estate of Samuel Burns this affiants father that came with her mother to William Rian

The second husband this affiant does know, was duly paid to the said heirs as they severally came of age and affiant is positively certain that ~~the~~ receipts for the same were among the papers of the said William Rian if they have not been destroyed This affiant further states that she lived with Rian and her mother and was a manager for her mother in her sickness both in the State of Kentucky and in the State of Missouri and states that she had access to all parts of the house and confidential intercourse with Rian and wife about their private affairs at all times and never heard of the demands allowed as above and does believe the same to be unjust and fraudulent This affiant further states that she is informed and believes it to be true that the estate was not represented on the trial of said cause, that there was neither a notice nor a waiver of notice as the law requires that no account of defendants was filed nor affidavit made as the law requires and as to the proof of the same that an affidavit of a person by the name of W Hogan who was present was read which affidavit and account this affiant believes have been removed from the files of the Court and cannot be found if indeed they ever were placed there. This affiant would further state that she saw the aforesaid Witness after the rendition of said judgment putting into his saddle bags rolls of silver as it appeared to this witness and Mr Walsh asked him if he was satisfied and the witness said he was, Mr W replied to this that he would make him satisfied if he was not her
Nancy X Hammond
mark

Sworn to and subscribed before me July 29th 1840 Jno S Mathews Clerk

Continued by consent October Term 1840 by consent January Term 1841 continued on motion and at the costs of the plaintiff

And afterwards to wit at the April Term of said County Court in the year 1841 the following proceedings were had in the above entitled cause to wit - April 26th 1841

Nancy Thurmond Exx ys } affidavits on the part of the
Joseph Walsh and Thos } plaintiffs & defts filed to wit
J W Burns, Nancy Thurmond
Solomon J. W Walsh, Noah Harlow } on account for money due them
Clerk & Mary Eastwood } as heirs of Samuel Burns deceased
Estate of Wm Rian deceased

The above named plaintiffs with the exception of Noah Harlow & Mary Eastwood made oath to the amount claimed in open court being justly due and that they had given credits for all payment and offsets to which it was entitled attest Jno D Mathews clerk — Nancy Thurmond admx } motion to set aside Judgment
John Burns et al } for irregularity July Term 1840

affidavit of Dr N Grady

Dr Israel McGready being sworn as the law directs States that he was well acquainted with William Rian late of Jefferson County and now deceased that this acquaintance commenced in Logan County in 1796 since a familiar intercourse was kept up until his death in 1797 or 8 Rian married a Mrs Burns in Logan County she had at the time a daughter married to a Mr Alexander Nancy since married to John Thurmond, and John Burns and Mary Burns, at the marriage the said Mrs Burns had two negro boys Lewis & Bill & a horse, this affiant does not recollect any other property that she then had, they all worked and lived together except the married one. This affiant was sheriff of the county perhaps for three or four years where said family resided, Rian was very industrious and raised the family this affiant came to Missouri in 1809 Rian and family came a year or two perbefore, this affiant then became his family physician and was frequently there in that capacity This affiant in all his intercourse with said W Rian and family never heard of any claim of said she colored against him but always understood that the estate of Burns had been settled up, Rian was a very honest man

Sworn & subscribed before me } Israel M cGready

July 24th 1840 Jno S Matthews Clerk

Joseph W Burns Nancy Thurmond } In County Court of Jefferson County Missouri
Joseph W Walsh and others } August Term 1840
Estate of Wm Rian dcsd vs

affidavit of J W Walsh

State of Missouri } ss
County of St Louis }

This day personally came Josep. W Walsh before me a Justice of the peace in and for St Louis County aforesaid and he being by me duly sworn on his oath says. that at the august Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine he presented a demand against the estate of William Rian deceased late of Jefferson county aforesaid in favor of Nancy Thurmond, John W Burns Joseph W Walsh, Mary Eastwood & Noah Harlow upon which demand Eli Wiley who was the acting Executor of the estate of said deceased acting under Letters testamentary to him granted by the clerk of said court in vacation, waived in open court the service of notice and thereupon said John W Burns and Nancy Thurmond did make oath in open court that they had given credit to the said estate for all offsetts & credits to which it was entitled on said account & that the balance claimed on said account was justly due, whereupon the said Court examined the said account and allowed the greater part thereof amounting as he now recollects to about five thousand and eight hundred dollars

Sworn to and subscribed before me this } J W Walsh
24th day of October 1840 Lewis J Labaume Justice }

State of Missouri } ss
County of Jefferson }

affidavit of J S Matthews

In Jefferson County Court April Term 1841

Personally appeared in open Court J S Matthews who being duly sworn upon his oath says that at the August Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine a certain demand was presented in said court against the estate of

William Rians deceased in favor of Nancy Harmonee, John W Burns Joseph W Walsh and Noah Harlow upon which demand Eli Wiley the executor of said estate waived in open Court the service of notice and thereupon the said Nancy Harmonee and John W Burns did make oath in open court that they have given credit to said estate for all offsetts & credits to which it was entitled on said account and that the balance claimed was justly due

Sworn to and examined before me this 26th day of April 1841 Julius Higgins P.C.C } John S Mathews

among the papers filed in relation to the foregoing cause were two receipts almost illegible but appeared to be as follows to wit

J W Burns Receipt "December 26th 1811 Recd of Wm Rians one negro man named Wm in full of his part of Samuel Burns estate his father

attestor by Nathan C Scroggins Thos Lusby } John W Burns"

"December 26th 1811 Recd of Wm Rians one negro man named Lewis in full of his part of Samuel Burns estate his father

Attested by Nath C Scroggins Thos Lusby } John X Hankie
mark

April 27th 1841 The following further proceedings were had in the above cause

Trial Nancy Harmonee admr dc with the will annexed of Wm Rians dec'd vs Joseph W Walsh, John Burns & Noah Harlow & Mary Eastwood } on motion to set aside judgment rendered in favor of said clefts for $6804 on the 26th day of August 1839 principal debt

On this day the above motion came on to be heard and after evidence and argument being heard by the court on the part of the plaintiffs and defendants and after due and sufficient deliberation had thereon the motion of said plaintiff is sustained Motion sustained It is therefore considered by the court that said judgment be set aside for manifest irregularity in the execution of the same and that the same be held and considered for naught and it is further considered by the court that the said plaintiff recover of the said defendants her costs and charges by her

about her suit in that behalf dependeee and that she have execution therefor To the above opinion of the court the above defendants file their bills of exceptions which are signed sealed and made a part of the record in this cause to wit

Exceptions

Nancy Shumonee admx of
Wm Rian deceased
vs
John W Burns Joseph W Walsh et al

In the County Court of
Jefferson County

Motion to set aside judgment for irregularity

Be it remembered that on the trial of the above motion the above named defendants by their attorney moved the court to overrule said motion upon the following grounds to wit 1st Because there was no irregularity in said Judgment 2d Because the Court have no authority by law to set aside said judgment. 3d Because the plaintiff in this motion was one of the plaintiffs in the original suit and cannot now take advantage of her own wrong, if any there be. 4th Because the irregularity if any there be can only be taken advantage of by appeal or writ of error. 5th Because all the requisitions of the law had been complied with by the plaintiffs in said suit 6th Because there was no fraud in the judgments, all of which the Court overuled and sustained the above motion to set aside the judgment to which decision of the court in the above entitled cause the defendants by their attorney excepted and prays the court to all and sign this their bill of exceptions which according by done Julius Higgins P.C.C John M Strickland & Sugan

Affidavit

Nancy Shumonee Ex[x] of Wm Rian deceased
vs
John W Burns Joseph W Walsh
Mary Eastwood & Noah Harlow

April 28th 1841

In the County Court of Jefferson County State of Missouri

Motion to set aside judgment

Personally appeared before me the undersigned clerk of the County Court of the County of Jefferson State of Missouri S B Freeman the attorney of the above named defendants, who who being by me duly sworn upon his oath says that they the

the said defendants do not appeal from the judgment of the court in the above case for the purpose of vexation or delay but because said affiant believes that the appellants are agrieved by the judgment of the court D B Fleemond

Sworn and subscribed before me this 28th day of April AD 1841 Jno S Matthews Clerk

Bond Know all men by these presents that we D B Fleemon as principal and John Hammond as security acknowledges ourselves indebted to Nancy Hammond administratrix of the estate of William Rian deceased in the sum of one hundred dollars to be upon this condition Whereas Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow have appealed from the Judgment of the County Court of Jefferson County in the State of Missouri in a certain matter to set aside a judgment in favor of Nancy Hammond, Joseph W Walsh, Mary Eastwood and Noah Harlow against the estate of William Rian deceased in which motion Nancy Hammond administratrix of William Rian dec'd is plaintiff and the said Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow are defendants Now if the appellants shall prosecute their appeal and pay all the damages and costs that may be adjudged against them by the judgment of the circuit Court of the county aforesaid then this obligation shall be void otherwise to remain in full force and virtue in law and equity Signed sealed and delivered in presence of John S Matthews D B Fleemon (Seal) John Hammond (Seal)

Order Nancy Hammond vs Joseph W Walsh et al on motion to set aside judgment Now at this day come the said defendants by their attorney and say that they are agrieved by the judgment of the court in this behalf and pray an appeal to the circuit court which is granted and having filed their affidavit as required by law and bond which is approved It is ordered by the court that the clerk of this court make out and certify to the clerk of the circuit court of this

County a full and complete transcript of the record and proceedings in this cause together with the original papers filed in the same

State of Missouri } ss
County of Jefferson } I John S Matthews Clerk of the county court within and for the county aforesaid certify the foregoing to be a full and true transcript of the record and proceedings of said Court in the above entitled cause wherein Nancy Shumons administratrix with the will annexed of William Rian deceased is plaintiff and Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow are defendants together with all the original papers appertaining to and filed in the same In testimony whereof I hereunto set my hand and affix the seal of said County Court at office in Hillsboro the fourth day of June A D 1841

[SS]

Jno S Matthews Clk

(Exhibit F)

Motion to Dismiss

In the Circuit Court of Jefferson County July Term 1841

Nancy Shumons admx of William Rian deceased vs Joseph W Walsh & al } appeal from County Court of Jefferson County

The appellee in the above cause moves the court to dismiss the appeal for the following reasons 1st The appeal is not warranted by law 2d The circuit court has in virtue of said appeal obtained no jurisdiction over the subject matter thereof 3d The bill of exceptions does not bring up for any question that the circuit court can enquire into 4th The bill of exceptions does not present the record nor original motion but a motion to the question on record and nothing else P Cole atty for plff

Continued to next Term November Term 1841

On Tuesday November 16th 1841 the following further proceedings

dings were had in the above cause.

Motion overruled. Nancy Hammond Exx. vs Joseph W Walsh et al } Appeal from County Court. The motion of the plaintiff to dismiss the appeal filed at the last Term of this court is by the court after mature deliberation overuled To which opinion of the court the plaintiff files her bill of exceptions which are signed sealed and made a part of the record in this cause (and are as follows to wit)

Exceptions Nancy Hammond admrx vs Joseph W Walsh et al } on appeal 8th Term 1841

Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause in the words and figures following to wit (motion heretofore inserted) which being considered by the court was overuled, to which decision of the court the plaintiff excepts and prays her exceptions to be signed sealed and made a part of the record in this cause which is according ly done

David Hungate judge

Cause continued to next Term

State of Missouri } ss
County of Jefferson }

I John J Matthews clerk of the circuit court within and for the county of Jefferson in the ninth Judicial circuit of the State of Missouri do hereby certify that the foregoing is a true transcript of the record and proceedings of said Court between Nancy Hammond Executrix of William Rion deceased plaintiff against Joseph W Walsh and others defendants as the same remains of record in my office

In Testimony whereof I hereunto set my hand and affix the seal of said court at office in the Town of Hillsboro May 1st 1842.

J. J. Matthews Clerk

Monroe County Illinois. June 6th 1842

We acknowledge service of the within Exhibits in the case of Nancy Hammond Exr of William. Rian deceased. vs Ole Walsh et al by a copy of the same and hearing the same read.

two of said defendants.

Ruth B. Harlow

Nancy Harlow.

Presented in Court June 7th 1842

Filed June 7th 1842

Nancy Hammond Exr

vs

Ole Walsh et al

Exhibits.

Returned to the Clerks office

Exhibit A.

December 26th 1811

Received of Wm. Ryons one negro man named Lewis in full of his part of Samuel Burns Estate his father

mark
John ~ Hawkins

Test
Nath C Scroggins
Thos. Lusby

Exhibit B.

December 26th 1811

Received of Wm. Ryons, one negro man named Wm. in full of his part of Samuel Burns Estate, his father

John W. Burns

Nath C Scroggins
Thos Lusby

Exhibit C.

In the name of God, Amen. I William Ryons of the State of Missouri and Jefferson County being of sound and disposing memory and mind, and mindful of my mortality do make, ordain and establish this my last will and testament. Item 1st. It is my will and desire that my executor hereinafter named pay out of my estate all just debts, and the according fees of all letters and

emancipation. Documents for the benefit of my slaves, together with funeral expences in a Christian manner. Item 2d I give and bequeath to my beloved Stepdaughter Nancy Thurmond for the natural love and affection I have for her the land on which I now live with all the household furniture, Two beds excepted. Item 3. I will and bequeath unto my step son John Burns for the love and affection, I have for him, Eighty Acres of Land, lying North East of the old farm that I give to Nancy Thurmond together with all the Stock of all kinds not hereafter particularly named. Item 4th. I give and bequeath unto my beloved Mary Eastwood for the affection for her one bed and the furniture thereto belonging. Item 5th. I will and give unto my negro Alecy, who I intend shall after my death be free and emancipated from slavery, a small bed and One hundred and ten dollars in Cash to save her of becoming a charge and her interest with Septen in the land hereinafter described, I mean her support. —— Item 6th. I will and give Negro Jim his freedom and fifty dollars in Cash that he may not become a charge. Item 7th. I will and give Negro Ellick his freedom and the couch Mare and fifty dollars that he may not become a charge. Item 8th. I will and bequeath unto Septen and his wife Ruth and the children, to wit, Kelly, Newey, Lewis and Sarah and the infant child their freedom

and to Lepten for the use and to support his family including Alecy A Tract of land by patent No 417 dated 24th April 1820, it being the west half of the South East quarter of Section two of Township forty North and Range three East in the district of St Louis containing Eighty acres and also twenty acres of West half of Lot No two North East qr. of Section No two Township forty North in Range three East, and the South side of said Lot at a parallel line of the South part of said Lot No 7805 date September 16th 1836 and as good a horse or mare as may be on the farm at my death one pair of gees two weeding hoes, one axe, one iron wedge for the use of the family Ruth and the children named Alecy, three cows and calves, Ten sheep, three sows and pigs and a support for the whole family of the old farm where I now live of meat and corn and until a new crop is or may have been raised on the land I have give to the use of said of said family, and Ruth the wife of Lepten her Loom and wheel all herein above mentioned for the support of said family and shall not be subject to any other use whatsoever and I will and declare that the said Lepten and wife and their posterity forever shall be free after my death and all others of my slaves before mentioned and nothing to the contrary shall effect this my last will and testament in the emancipation of my slaves or the disposition of my property either in law or equity. Item 9th I

intend that this my will be entered on record and that the letters of Emancipation be also recorded and that all things be done in a lawful manner to carry into effect this my last will and that to making void all wills heretofore by me made and to the disannulling of all things that may in any wise oppose this, believing that I have secured to my slaves that liberty and a pittance for to secure them from the charge of the public I intend that nothing shall impair this will. Item 10th. I do hereby appoint, empower and nominate my friend Eli Miley of said County and State my Executor in this my last will and testament and hereby authorise him with full power and authority to execute the same to take charge of all my lands, property, monies and effects of every kind and to as soon as applied to by any of the interested parties of the will as legatees give to each one his part agreeable to quantity, quality and kind, money or what may be in due accordance with the intent of this will and I intend that there shall not be any order of the Court in any case, I intend that my Executor shall have the power to divide and give possession and pay debts and settle all matters after paying all recording fees and debts and all funeral expenses, then the residue in the foregoing manner. Given under my hand and seal at home on my own

owne house on the tenth day of March in the Year of our Lord One thousand Eight Hundred and Thirty Nine.

Signed, Sealed, published and declared by the Testator as and for his last will and testament in the presence of us and at his request, in the presence of each other have segned our names as witnesses thereto. Meredith Wideman

Joseph S. M.Kee

Wm. his × Rian mark (Seal)

I also will and bequeath to my Negro Man Septimus 40 acres of Land it being the Est. ½ of Lot No 1. No 40 Nth quarter of Section No. 2. in Township No 40 of Range 3 East containing 40 acres it being No 7614 to be added to the 100 Acres named in the will so as to make him 140 acres

In the presence of us
Meredith Wideman
Joseph S. McKee

Wm his × Rain mark (Seal)

State of Missouri
County of Jefferson } Sct

Personally came before the undersigned Clerk Meredith Wideman and Joseph S. McKee & made oath that the above was duly executed in their presence on the 10th. Day of March 1839, the date of the testators will, and in his presence and at his request witnessed by them, and that the same was intended to be in the will of said testator in the eleventh line immediately after the words 1836.

Sworn and subscribed to
March 16th. 1839 before me
Jno. S. Matthews, Clerk

Meredith Wideman
Joseph S. McKee

State of Missouri
County of Jefferson

Set.

Personally appeared before me John S. Matthews Clerk of the County Court for said County Meredith Wideman and Joseph S. McKee, the two subscribing Witnesses to the within will and testament of William Rian who being by me duly sworn upon their oaths do say, that the said Testator did in their presence sign the within instrument of writing, as his last will and testament and that they and each of them did sign their names thereto as witnesses in the presence of the said Testator and of each other, and at his special instance and request and that the said William Rian then appeared to be of sound and disposing mind, and that the papers hereto attached, numbered two, three, four, five and six, were signed, sealed and delivered in the same manner as above stated and as parcel & part of the within will

Sworn and subscribed to
before me this 16th. day
of March, A.D. 1839
Jno S. Matthews Clk

Meredith Wideman
Joseph S McKee

Exhibit D

State of Missouri Jefferson County, I, William Ryon of said County and State do liberate, free and emancipate my slaves. Septen, Ruth, Hetty

Navy, Lewis, Sarah and the infant child, Septen aged thirty seven dark complexion five feet ten inches high, Ruth dark complexion age thirty, the wife of Septen and the children named all of dark complexion, Betty ten years, Navy eight, Lewis six, Sarah three and the infant about two weeks, all of which are my bound slaves, and I intend by these letters that they shall be free after my death and they shall not be subject to slavery according to the act of the General Assembly of this State in such cases provided. Given under my hand and seal this tenth day of March in the year of our Lord One Thousand Eight Hundred and Thirty Nine

Signed, sealed, published and declared by the testator as his will and for the purposes expressed in the presence of us at his request in his presence, and in the presence of each other have subscribed our names as witness thereto.

Wm. his x mark Rian (Seal)

Meredith Wideman, Joseph S. McKee.

State of Missouri } Set
County of Jefferson } In the Circuit Court of the County of Jefferson April Term 1839.

"Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman, and on the Ninth day of the month and year aforesaid appeared Joseph S. McKee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation papers, that they saw the said William Rian attach

his signature thereto and acknowledge the same to be his act and deed for the purposes therein mentioned, and that they in the presence of the said testator and of each other attached their names as witnesses thereto," I John S. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Circuit Court as the same now remains of Record in my office. In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at Office in the Town of Herculaneum this 18th day of April 1839 (seal) Jno S Mathews Clerk

Filed 18th April Recorded 19th April 1839

Jno S Mathews Recorder

To all to whom these presents, shall come, I, William Ryan of Jefferson County and State of Missouri do hereby liberate and free and emancipate my slave Ellick of dark complexion about five feet seven inches high, Fifty years of age, from all bondage and servitude to be free and act and transact for himself at and after my decease according to the Act of the General Assembly in such cases provided. Given under my seal this tenth day of March in the year of our Lord One Thousand Eight Hundred and Thirty Nine

Signed, sealed, published and declared by the testator as and } Wm Ryan (Seal)

for his will and wish for the purposes above mentioned who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Meredith Wideman, Joseph S. McKee

State of Missouri } Set.
County of Jefferson } In the Circuit Court of the County of Jefferson April Term 1839.

"Be it remembered that that on the eighth day of April 1839. appeared Meredith Wideman and on the ninth day of April 1839. appeared Joseph S. McKee in open court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto, and acknowledged the same to be his act and deed, for the purposes therein mentioned and that they in the presence of the said Testator and of each other attached their names as witnesses thereto." I John S. Mathews, Clerk of the Circuit Court within and for the County of Jefferson in the 9th Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Court as the same remains of Record. In Testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this eighteenth day of April 1839. Jno S Mathews Clerk (Seal)

Recorded April 19th 1839 Jno S. Mathews Recorder

State of Missouri } I William Ryan of said
Jefferson County } County and State do
by these presents liberate free and emancipate
my Negro Slave Alley of dark complexion
aged Seventy and forever shall be free of ser-
vitude and shall act and transact for her-
self after my decease according to the act of
the General Assembly in such provided. Given
under my hand & seal this tenth day of March
in the year of our Lord One Thousand Eight
Hundred and Thirty Nine

Signed, sealed and published and
declared by the Testator as his
will for the above purposes
in the presence of us who at his
request in his presence and in
the presence of each other sub-
scribed our names as witnesses
thereto Meredith Wideman, Joseph S. McKee

his
Wm. X Ryan (Seal)
mark

State of Missouri } Sct. In Jefferson
County of Jefferson } County Circuit Court
April Term 1839.

"Be it remembered that on the eighth day of
April 1839 appeared Meredith Wideman and on
the ninth day of the month and year aforesaid
appeared Joseph S. M'Kee in open Court and
being duly sworn upon their oath declare that
they were present at the execution of the fore-
going emancipation paper, that they saw the
said William Ryan attach his signature there-
to, and acknowledge the same to be his act and
deed for the purposes therein mentioned, and that
they in the presence of the said Testator and

of each other attached their names as witnesses thereto." I John S Mathews, Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct Statement of the proceedings had in that behalf in said Circuit Court as the same remains of Record in my Office. In Testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this 18th. day of April 1839.

(Seal) John S. Mathews Clerk

Recorded April 19th. 1839 Jno S Mathews Recorder

State of Missouri Jefferson County, I William Ryon of S County and State do hereby liberate free and emancipate from Slavery and bondage, viz. Slave Sam, of dark complexion aged thirty seven years, Five feet eight inches high, this letter of freedom to be in full force after my death and according to the act of the General Assembly of this State in such cases provided which will also appear in my last will and testament. Given under my hand and seal, this ninth day of March in the Year of our Lord One thousand eight hundred and thirty nine.

Signed, Sealed, published and declared by the testator as his intention and wish to be in force in the presence of us who at his request in his presence and in the presence

Wm his X mark Ryan (Seal)

of each other have subscibed
our names as witnesses thereto

Meredith Wideman, Joseph S. McKee

State of Missouri } Set. In the Circuit Court
County of Jefferson } of the County of Jefferson

April Term 1839. —

"Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of April aforesaid appeared Joseph S. McKee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of said Testator and of each other attached their names as witnesses thereto." I, John S. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Circuit Court as the same remains of record in my Office In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this 18th. day of April 1839

(Seal) Jno. S Mathews Clerk

Recorded April 19th. 1839 Jno S. Mathews C.J. Recorder

Exhibit E.

State of Missouri, Jefferson County.

Be it remembered that heretofore to wit at a term of the County Court within and for the County of Jefferson begun and held at the Town of Hillsboro within and for said County, on the first day of June in the year of our Lord, One Thousand Eight Hundred and Forty, specially held by adjournment were present Julius Higgins Esq. Presiding Justice Ezekiel Dugan and John M. Stuckland Esqrs. Associate Justices, Mark Mofs Esquire Sheriff and John J. Matthews Clerk of said Court. On the first day of said Term among others were the following proceedings, to wit,

"Nancy Thurmond Exx of the late
"William Rian deceased

vs

"John Burns, Joseph Walsh
"Noah Harlow & Mary Eastwood

Motion to set aside Judgt.

Motion "Now at this day comes Nancy Thurmond "Executrix of the last will and testament of "William Rian late of Jefferson County and "files her motion to vacate and annul the judgment rendered at last August Term of this Court against the estate of the said deceased in favor of the said defendants, and it appearing to the satisfaction of the Court that some of said defendants are not residing in the State of Missouri. On motion Order of publication it is ordered that said defendants be notified that unless they be and appear at the next Term of this Court to be held at the Town of

"Hillsboro within and for said County on the
"fourth Monday of July next and shew cause
"to the contrary, the above named Judgment will
"be vacated and set aside, and it is further or-
"dered that a copy of this order be published
"four weeks in some news paper printed in the
"city of Saint Louis, & this cause continued"

The above motion is as follows to wit.

Motion "Nancy Thurmond admx with the
"will annexed of William Rian deceased
vs
"John Burns et al

In the County Court of Jefferson County

The above "administratrix moves the Court to vacate
"and annul for fraud and irregularity the judg-
"ment heretofore rendered in behalf of the a-
"bove defendants against said estate.

Nancy Thurmond administratrix"

"July Term 1840. Present as before
"July 28th 1840 were the following further proceed-
ings in the said cause, to wit;

Affidavit of plaintiff "Nancy Thurmond Exr of Wm Rian
"Josefh M. Walsh & others
vs
"Nancy Thurmond Admx
"John Burns et al.

Affidavit of plaintiff filed, to wit On motion to set aside &c. Nancy Thurmond
"being duly sworn, makes oath that she is one
"of the legatees under the will of Wm Rian dec,
"late of Jefferson County Missouri. That said
"Rian and the affiants mother Mrs Burns
"were married together in Logan County State
"of Kentucky and from thence came to Missouri
"There were four children of Mrs Burns. Rian
"and wife had no children. The estate of Samuel
"Burns this affiants father, that came with her

"mother to William Rian the second husband
"this affiant does know was duly paid to said
"heirs as they severially came of age, and this
"affiant is positively certain that receipts
"for the same were among the papers of the
"said William Rian, if they have not been
"destroyed. This affiant further states that
"she lived with Rian and her mother and
"was a manager for her mother in her sick-
"ness both in Kentucky and in the state of Mis-
"souri and states that she had access to all
"parts of the house, ~~and had access to all parts~~
"~~of the house~~ and confidential intercourse
"with Rian and wife about their private
"affairs at all times, and never heard of the
"demand allowed as above, and does believe
"the same to be unjust and fraudulent. This
"affiant further states, That she is informed
"and believes it to be true, that the estate
"was not represented on the trial of said case,
"that there was neither a notice nor a waiver
"of notice as the law requires. That no amount
"of demandants was filed, nor affidavit
"made as the law requires, and as to the proof
"of the same, that an affidavit of a person
"by the name of W. Hagan who was present
"was read, which affidavit and accounts
"this affiant believes have been removed
"from the files of the Court and cannot
"be found if indeed they were ever placed
"there, This affiant would further state
"that she saw the aforesaid witness after
"the rendition of said judgment putting into
"his saddle bags rolls of silver as it appeared

"to this witness, and Mr. Walsh asked him if
"he was satisfied, and the witness said he was,
"Mr. W. replied to this, that he would make him
"satisfied, if he was not" "Nancy her x Plummond".
mark
"Sworn to and subscribed before me to July 28.
Continuance "1840". Continued by consent. October Term
Continuance "1840." "This cause continued by consent."
"January Term 1841." "Continued on motion
"and at costs of the plaintiff." And after
"wards to wit at the April Term of said
"County Court in the year 1841. the following
"proceedings were had in the above entitled
"Cause, to wit, April 26th. 1841. "Nancy Plum-
"mond Exr. &c. vs } affidavits on the part of
"Joseph Walsh & others } the plaintiffs & defendants filed".
The papers filed as above are as follows,
to wit,

"State of Mississippi } In Jefferson County Court.
"County of Jefferson } August 26th 1839.

Statement of Clerk "John Burns, Nancy Plummond
"J.W. Walsh, Noah Harlow &
"Mary Eastwood vs Estate
"of Wm. Rian deceased } On Amount for money due them as heirs of Samuel Burns deceased.

"The above named plaintiffs with the exception
"of Noah Harlow & Mary Eastwood made oath
"to the amount claimed in open Court being
"justly due, and that they had given credits
"for all payments and offsets to which it was
"entitled. Attest Jno P Mathews Clerk"

affidavit of Dr McGready "Nancy Plummond Admx. vs John Burns et al. } Motion to set aside judgment for irregularity July Term 1840. Dr. Israel McGready being sworn as the law directs states

"that he was well acquainted with William
"Rian late of Jefferson County and now de-
"ceased, That this acquaintance commenced
"in Logan County Kentucky in 1796. and a fa-
"milian intercourse was kept up until his death.
"In 1797 or 8 Rian maried a Mrs. Burns in Lo
"gan County. She had at the time a daughter
"maried to a Mr. Alexander. Nancy since
"maried to John Rhumond and John Burns
"and Mary Burns, at the marriage the said
"Mrs Burns had two negro boys Lewis & Bill
"& a horse; this affiant does not recollect
"any other propety that she then had, they
"all worked and lived together except the
"maried one. This affiant was sheriff of
"the county perhaps for three or four years,
"where said family resided. Rian was very
"industrious and raised the family. This
"affiant came to Missouri in 1809. Rian
"and family came a year or two before
"This affiant then became his family phy-
"sician, and was frequently there in that ca
"pacity. This affeant in all his intercourse
"with said W. Rian and family never heard
"of any claim of said children against
"him, but always understood that the estate
"of Burns had been settled up, Rian was
"a very honest man, and never would
"be in debt.

Israel McGready

"Sworn and subscribed before me July 27th
"1840.

"Jno. S. Mathews Clerk"

affidavit "John W. Burns, Nancy Rhumond
J.W. Walsh "Joseph W. Walsh & others
"Estate of Wm Rian dec'd

In County Court of
Jefferson County Missouri
August Term 1840.

"State of Missouri } Ss
"County of St Louis } This day personally come
"Joseph W. Walsh before me a Justice of the
"peace in and for St. Louis County afore-
"said, and he being by me duly sworn on
"his oath says, that at the August Term of
"the County Court of Jefferson County State
"of Missouri for the year eighteen hundred
"and thirty nine, he presented a demand
"against the estate of William Rian de-
"ceased late of said County of Jefferson in
"favor of Nancy Thurmond, John W. Burns,
"Joseph W. Walsh, Mary Eastwood & Noah
"Harlow, upon which demand Eli Wiley
"who was then acting executor of the estate
"of said deceased acting under letters testa-
"mentary to him granted by the Clerk
"of said Court in vacation - waived in
"open Court the service of notice, and
"that thereupon said John W. Burns and
"Nancy Thurmond did make oath in open
"Court, that they had given credits to
"the said estate for all offsets & credits to
"which it was entitled on said account
"& that the balance claimed on said account
"was justly due, whereupon the said Court
"examined the said account and allowed
"the greater part thereof, amounting as he
"now recollects to about six thousand and
"eight hundred dollars. J W Walsh."
"Sworn to and subscribed before me this
"24th day of October 1840. Louis T. Labeaume
"Justice."

affidavit of J.S. Matheny

"State of Missouri } S.S. In Jefferson County
"County of Jefferson } Court April Term 1841.

"Personally appeared in open Court
"J.S. Matheus who being duly sworn upon his
"oath, says that at the August Term of the
"County Court of Jefferson County State of Mis-
"souri, for the year Eighteen hundred and
"thirty nine a certain demand was pre-
"sented in said Court against the Estate of
"William Ryon deceased in favor of Nancy
"Plummer, John W. Burns, Joseph W. Walsh,
"Mary Eastwood, and Noah Harlow upon which
"demand Eli Wiley the Executor of said Estate
"waived in open Court the serving of notice,
"and thereupon the said Nancy Plummer
"and John W. Burns did make oath in open
"Court that they had given credit to said estate
"for all offsets & credits to which it was en-
"titled on said account and that the bal-
"ance claimed was justly due. John S. Matheny
"Sworn to and examined before me this 26th.
"day of April 1841. Julius Higgins, P.J.C."

Among the papers filed in relation to the foregoing cause were two receipts almost illegible, but appear to be as follows, to wit,

Receipt J.W. Burns

"December 26th. 1811. Recd of Wm. Rians one
"Negro man named Wm. in full of his part
"of Samuel Burns Estate his father. John
"W Burns" attested by "Nath. C. Scrogin. Thos.
"Lusby."

Receipt P Huskin

"December 26th 1811. Recd of Wm.
"Rians one Negro man named Lewis, in full
"of his part of Samuel Burns Estate his fa-
"ther. John mark Huskin" attested by Nath. C.
"Scrogin. Thos Lusby."

April 27th. 1841. The following further proceedings were had in above cause "Nancy

Trials "Thurmond admx with the
"Will annexed of Wm. Rain deceased
vs.
"Joseph W. Walsh, John Burns
"Noah Harlan & Mary Eastwood

On motion to set aside judgment rendered in favor of said defts for $ 6864.- on the 26th August 1839 for irregularity &c

Motion sustained "On this day the above motion came on to be heard
"and after evidence and argument being heard
"by the Court on the part of the plaintiff and de-
"fendants and after due and sufficient delib-
"eration had thereon, the motion of said plain-
"tiff is sustained. It is therefore considered
"by the Court that said judgment be set aside
"for manifest irregularity in the rendition
"of the same, and that the same be held and
"considered for naught. And it is further con-
"sidered by the Court that the said plaintiff
"recover of the said defendants her costs and
"charges by her about her suit in that behalf
"expended and that she have execution therefor".
"To the above opinion of the Court, the above
"defendants file their bill of exceptions, which
"are signed, sealed and made a part of the rec-
"ord in this cause," to wit,

Exceptions "Nancy Thurmond admx of
"William Rain deceased
"John W. Burns, Joseph Walsh
"et al

In the County Court of Jefferson County Motion to set aside Judgment for irregularity

"Be it remembered that on the trial of the
"above motion, the above named defendants by
"their attorney moved the Court to overrule

said motion upon the following grounds, to wit
"1st Because there was no irregularity in said
"Judgements. 2d Because the Court have no au-
"thority by law to set aside said judgements.
"3d Because the plaintiff in this motion was
"one of the plaintiffs in the original suits
"and cannot now take advantage of her own
"wrong if any wrong there be. 4th Because
"the irregularity if any there be can only be
"taken advantage of by appeal or writ of Error
"5th. Because all the requisitions of the law had
"been complied with by the plaintiffs in said
"suit. 6th Because there was no fraud in the
"judgments, all of which the Court overruled,
"and sustained the above motion to set aside
"the judgement. To which decision of the Court
"the defendants in the above entitled motion
"by their attorney excepted and pray the
"Court to allow & sign this their bill of excep-
"tions, which is accordingly done. Julius
"Higgins P.J.C. John M. Strickland. E Dugan.
April 28th. 1841.

affidavit "Nancy Shumond admx of
"William Rian, deceased.
"John W. Burns. Joseph W. Walsh,
"Mary Eastwood & Noah Harlow.
vs.

In the Court of
Jefferson County State
of Missouri - Motion
to set aside Judgmts

"Personally appeared before me the under-
"signed, Clerk of the County Court of the County
"of Jefferson, State of Missouri, D. B. Fremon
"the attorney of the above named defendants,
"who being by me duly sworn upon his oath
"says that they the said defendants do not ap-
"peal from the judgments of the Court in the
"above case, for the purpose of vexation or delay

"but because said affiant believes that the
"appellants are aggrieved by the judgment
"of the Court. D. B. Freeman. Sworn to & sub-
"scribed before me this 28th. day of April A.D.
"1841 Jno. S. Matheus Clerk"

Bond "Know all men by these presents that we D.
"B. Freeman as principal and John Hammond
"as security acknowledge ourselves indebted
"to Nancy Thurmond Administratrix of the
"Estate of William Rian deceased in the sum
"of one hundred dollars, to be void upon this
"condition. Whereas Joseph W. Walsh, John
"W. Burns, Mary Eastwood and Noah Harlow
"have appealed from the judgment of the Coun
"ty Court of Jefferson County in the State of Mis-
"souri in a certain motion to set aside a judg-
"ment in favor of Nancy Thurman, Joseph W.
"Walsh, John W. Burns, Mary Eastwood and Noah
"Harlow against the Estate of William Rian
"deceased, in which motion, Nancy Thurman
"Administratrix of William Rian dec'd is
"plaintiff, and the said Joseph W. Walsh, John
"W. Burns, Mary Eastwood and Noah Harlow
"are defendants, Now if the appellants shall
"prosecute their appeal and pay all the dam-
"ages and costs that may be adjudged ag-
"ainst them by the judgment of the Circuit
"Court of the County aforesaid, then this obliga-
"tion shall be void, otherwise to remain in full
"force and virtue in law and equity,

Signed Sealed & delivered in presence of, Jno. S. Mathews Clerk April 28 1841

D. B. Fre'mon (Seal)

John Hammond (Seal)

Order "Nancy Thurmon } On motion to set aside judg-
"vs } ment. Now at this day
"J. W. Walsh et al. } "come the said defendants by their attorney,
"and say that they are agrieved by the Judg-
"ment of the Court in this behalf and pray an
"appeal to the Circuit Court which is granted
"and having filed their affidavit as required
"by law and bond which is approved, it is or-
"dered by the court, that the Clerk of this Court
"make out and certify to the Clerk of the
"Circuit Court of this County a full and com-
"plete transcript of the record and proceedings
"in this cause together with the original papers
"filed in the same.

State of Missouri } ss
Jefferson County } I, John S. Mathews
Clerk of the County Court, within and for the
County aforesaid, certify the foregoing to be a
full and true Transcript of the Record and
Proceedings of said Court in the above en-
titled cause wherein Nancy Thurmond Ad-
ministratrix with the will annexed of William
Ryan deceased is plaintiff, and Joseph W. Walsh,
John W. Burns, Mary Eastwood and Noah Har-
low are defendants, together with all the
original papers appertaining to and filed in
the said cause.

In testimony whereof I hereunto
set my hand and affix the seal
of said County Court at office
in Hillsboro the fourth day of
June A.D. 1841

Jno. S. Mathews, Clerk.

Filed June 5th 1841
Jno S Mathews Clerk

(Exhibit F)

In the Circuit Court of Jefferson County July Term 1841

No. Nancy Thurmond admr of
Lillian Lowe, deceased
vs
Joseph W Walsh et al

} Appeal from County Court of Jefferson County

The appellee in the above cause moves the Court to dismiss said appeal for the following reasons to wit

1st The appeal is not warranted by law.

2d The Circuit Court has in virtue of said appeal obtained no jurisdiction over the subject Matter thereof.

3d The bill of exceptions does not bring up any question that the circuit Court can enquire into.

4th The bill of Exceptions does not preserve the record nor original Motion but a motion to the question, on record and nothing else P Cole atty for plff"

November Term 1841.

On Tuesday November 16th 1841. The following further proceedings were had in the above cause,

(Motion overruled.)

Nancy Thurmond Exr
vs
Joseph W Walsh et al

} Appeal from County Court

The motion of the plaintiff to dismiss the appeal, filed at the last term of this Court, is by the Court after mature deliberation overruled. To which opinion of the court the plaintiff files her bill of exceptions, which are signed sealed and made a part of the record in this cause, and are as follows

(Exceptions)

to wit/ Nancy Thurmond admr
vs
Joseph W Walsh et al

} On appeal Nov Term 1841

Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause in the words and figures following to wit (Motion hereto fore inserted) which being considered by the Court was overruled, to which decision of the Court the plaintiff excepts and prays her exceptions to be signed sealed and made a part of the record in this

cause, which is accordingly done

David Steigers Judge

Cause continued to next term.

State of Missouri
County of Jefferson } I John J Mathews Clerk
of the Circuit Court within and for the County of Jefferson
in the ninth Judicial Circuit of the State of Missouri
do hereby certify that the preceding is a true transcript of
the record and proceedings of said Court between
Nancy Thurmond Executrix of William Rian deceased
plaintiff against Joseph W Walsh and others defen=
=dants as the same remains of Record in my Office.

In testimony whereof I hereunto set
my hand and affix the seal of
said Court at Office in the Town
Hillsboro May 1st 1842.

Jno J Mathews Clerk

Nancy Hammond Exr
vs
Joseph W. Walsh et al

Exhibits

filed 6th May 1864
Jno J. Matthews
Cl'k.

4 6 0
4 5 5
4 6 0
4 3 0
2 5
20 5 11

Exhibits to accompany the bill of Nancy Thurmond Executrix of William Rian deceased against Joseph W Walsh & others

(Exhibit A.)

December 26th 1811

Received of Wm Rions one negro man named Lewis in full of his part of Samuel Burns Estate his father.

John Mark Lusby

Test

Nathan C Scoggins Thos Lusby

(Exhibit B.)

December 26th 1811.

Received of Wm Rions one negro man named Wm in full of his part of Samuel Burns Estate his father.

John W Burns

Nathan C Scoggins Thos Lusby

(Exhibit C.)

In the name of God Amen I William Ryon of the State of Missouri and Jefferson County being of sound and disposing memory and mind, and mindful of my mortality do make ordain and establish this my last will and testament. Item 1st It is my will and desire that my executer hereinafter named pay out of my estate all just debts, and the recording fees of all letters, and emancipation documents, for the benefit of my slaves, together with funeral expences in a christian manner. Item 2d I give and bequeath to my beloved Step daughter Nancy Thurmond for the natural love and affection I have for her the land on which I now live, with all the household furniture two beds excepted, Item 3d I will and bequeath unto my step son J Burns for the love and affection I have for him Eighty acres of Land, lying North East of the old farm, that I give to Nancy Thurmond together with all the Stock of all Kinds not hereafter particularly named Item 4th I give and bequeath unto My beloved Mary

Eastwood for the affection for her one bed and the furniture thereto belonging. Item 5th I will and bequeath unto my negro Alcey, who I intend shall after my death be free and emancipated from Slavery a small bed and one hundred and ten dollars in cash to save her from becoming a charge and her interest in the land hereinafter described. I mean her support. Item 6th I will and give Negro Jim his freedom and fifty dollars in cash, that he may not become a charge. Item 7th I will and give Negro Ellick his freedom and the Couch mare and fifty dollars that he may not become a charge. Item 8th I will and bequeath unto Septen and his wife Ruth and the children to wit, Betty, Nancy, Lewis and Sarah and the infant child their freedom and to Septen for the use and to support his family including Alcey, A tract of Land by patent No 417. dated 24th of April 1820. it being the West half of the South East quarter of Section two of Township forty, north and Range three East in the district of St Louis containing eighty acres. and also twenty acres of West half of Lot No two North East quarter of Section No two Township Forty north in Range Three East, and the South side of said lot, at a parallel line of the South part of said lot No 7805 date September 18th 1836. and as good a horse or mare as may be on the farm at my death, one pair of gears, two weeding hoes, one axe, one iron wedge for the use of the family Ruth and the children named Alcey, three cows and calves, ten sheep, three sows and pigs, and a support for the whole family off the old farm, where I now live, of meat and corn and until a new crop is or may have been raised on the land I have given to the use of said family, and Ruth the wife of Septen her loom and wheel, all herein above mentioned for the support of said family and shall not be subject to any other use

, whatsoever and I will and declare that the said Septen and wife and their posterity forever shall be free after my death, and all others of my slaves before mentioned and nothing to the contrary shall effect this my last will and testament in the Emancipation of my slaves, or the disposition of my property either in law or equity. Item 9th I intend this my will be entered on record and that the letters of Emancipation be also recorded, and that all things be done in a lawful manner to carry into effect this my last will, and that to making void all wills heretofore by me made, and to the disannulling of all things that may in any wise oppose this. believing that I have secured to my slaves that liberty and a pittance to secure them from the charge of the public I intend that nothing shall impair this will Item 10th I do hereby appoint empower and nominate my friend Eli Wiley of said County and State My Executor in this my last will and testament and hereby authorise him with full power and authority to execute the same to take charge of all my lands property, monies and effects, of every Kind, And to as soon as applied to by any of the interested parties of the will as Legatees, give to each one his part agreeable to quantity, quality, and Kind Money or what may be in accordance with the intent of this will, and I intend that there shall not be any order of court in any case, I intend that my Executor shall have power to divide and give possession and pay debts, and settle all Matters after paying all recording fees, and debts and all funeral expenses then the residue in the foregoing Manner. Given

under my hand and seal, at home, in my own house on the tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed, sealed, published and declared by the testator as and for his last will and testament in the presence of us, and at his request in the presence of each other have signed our names as witnesses thereto

Wm his William mark Seal

Meredith Wideman Joseph S. McKee.

I also will and bequeath to my negro man Depute=
=sues 40 acres of Land it being the East 1/2 of Lot No 1
No 40 N^th quarter of section No 2 in Township No 40 of
Range three East, containing 40 acres, it being No 7614
to be added to the 100 acres named in the will so as
to make him 140 acres.

In presence of us
Meredith Wideman. Joseph S. McKee

Wm his William mark Seal

State of Missouri } Set
County of Jefferson } Personally came before the undersigned Clerk Meredith Wideman and Joseph S. McKee & made oath that the above was duly execu=ted in their presence on the 16th day of March 1839 the date of the testators will, and in his presence, and at his request witnessed by them, and that the same was intended to be in the will of said testator in the eleventh line immediately after the words 1836

Sworn and subscribed to March 16th 1839. before me
John S. Matthews Clerk

Meredith Wideman
Joseph S. McKee

State of Missouri } Set
County of Jefferson } Personally appeared before me John S. Matthews Clerk of the County court in said County Meredith Wideman and Joseph S. McKee

the two subscribing Witnesses to the within will and testament of William Rian, who being by me duly sworn upon their oaths do say, that the said testator did in their presence sign the within instrument of writing as his last will and testament, and that they and each of them did sign their names thereto as witnesses in the presence of the said testator and of each other and at his special instance and request and that the said William Rian then appeared to be of sound and disposing mind, and that the papers hereto attached numbered one, two, three, four, five and six, were signed sealed and delivered in the same manner as above stated and as part and parcel of the same will.

Sworn and subscribed to before me this 16th day of March 1839. } Meredith Wideman
Joseph L. McKee

Jno. Mathews Clerk

(Exhibit D.)

State of Missouri. Jefferson County

I William Ryon of said County and State do liberate, free, and emancipate my slaves Septen, Ruth, Betty, Nery, Lewis, Sarah, and the infant Child, Septen aged thirty, seven dark complexion, five feet ten inches high. Ruth dark complexion age thirty, the wife of Septen, and the children named all of dark complexion, Betty ten years, Nary eight Lewis six, Sarah three, and the infant about two weeks. all of which are my bound Slaves. and I intend by these letters that they shall be free after my death, and they shall not be subject to slavery, according to the act of the general assembly of this State in such cases provided. Given under my hand and seal this tenth day of March in the year of our Lord

one thousand eight hundred and thirty nine.

Signed Sealed published and declared by the testator as his will and for the purposes expressed in the presence at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto)

Wm his + Rian mark (Seal)

Meredith Wideman, Joseph L. McRee

State of Missouri } Set
County of Jefferson } In the Circuit Court of the County of Jefferson April Term 1839.

Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman, and on the ninth day of the month and year aforesaid appeared Joseph L. McRee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto and acknowledge the same to be his act and deed for the purposes therein mentioned, and that they in the presence of the said testator and of each other attached their names as witnesses thereto." I John L. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial circuit of the State of Missouri do certify the foregoing to be a correct Statement of the proceedings had in that behalf in said Circuit Court as the same now remains of Record in my Office. In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Office in the Town of Mercantanium this 18th day of April 1839. [L.S.] Jno L. Mathews Clerk

Filed 18th April Recorded 19th April 1839. Jno L. Mathews Recorder

To all to whom

To all to whom these presents shall come I William

Ryan of Jefferson County and State of Missouri do hereby liberate and free and emancipate my slave Ellick of dark complexion, about five feet seven inches high fifty years of age, from all bondage and servitude, to be free and act and transact for himself at and after my decease, according to the act of the General Assembly in such cases provided,

Given under my hand & seal this tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed Sealed published and declared by the testator as and for his will and wish for the purposes above mentioned who at his request, in his presence, and in the presence of each other have subscribed our names as witnesses thereto. Meredith Wideman Joseph S. McRee

William Ryan his ✝ mark (Seal)

State of Missouri } Set. In the Circuit Court of the County
County of Jefferson } of Jefferson April Term 1839.

Be it remembered that on the eighth day of April 1839. appeared Meredith Wideman, and on the ninth day of April 1839. appeared Joseph S. McRee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation papers, that they saw the said William Ryan attach his signature thereto, and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of the said testator and of each other attached their names as witnesses thereto. I John S. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the 9th Judicial Circuit of the State of Missouri. do certify the foregoing to be a correct Statement of the proceedings had in that behalf in said Court as the same remains of Record. In testimony whereof I have here-

=unto set my hand and affixed the seal of said
Circuit Court at Office in the Town of Hannibal this
this eighteenth day of April 1839. [L.S.] Rud. Matthews Clerk
Recorded April 19th Rud. Matthews Recorder.

State of Missouri }
Jefferson County } I William Ryan of said County
and State do by these presents liberate, free and emanci-
=pate My Negro Slave Alcy of Dark complexion aged
seventy. and forever shall be free of servitude and
shall act and transact for herself after my decease
according to the act of the General Assembly in such
case provided Given under my hand and seal
this tenth day of March in the year of our Lord
One thousand Eight hundred and thirty nine
signed sealed and published and
declared by the testator as his will for } Wm his + Ryan [Seal]
the above purposes in the presence of } mark
us who at his request in his presence and in the presence
of each other subscribed our names as witnesses thereto.
Meredith Willeman Joseph T. McRee.
State of Missouri } In the Jefferson County Circuit
County of Jefferson } Court April Term 1839.
Be it remembered that on the eighth day of April
1839. appeared Meredith Willeman and on the
ninth day of the month and year aforesaid appeared
Joseph T. McRee in open Court and being duly
sworn upon their oath declare that they were present
at the execution of the foregoing emancipation papers, that
they saw the said William Ryan attach his
signature thereto and acknowledged the same to
be his act and deed for the purposes therein mention-
=tioned, and that they in the presence of the said testator
~~testator and of each other attached their names as~~
~~witnesses thereto~~ Test. Rud. Matthews

and each other attached their names as witnesses thereto
& John F. Matthews Clerk of the circuit Court
within and for the County of Jefferson in the ninth
Judicial Circuit of the State of Missouri do certify
the foregoing to be a correct Statement of the proceedings
had in that behalf in said circuit Court as the same
remains of record in my Office. In testimony whereof
I have hereunto set my hand and affixed the seal
of said Circuit Court at Office in the Town of Herc-
=culaneum this 18th day of April 1839.

Seal

Jno F. Matthews Clerk

Recorded April 19th 1839 Jno F. Matthews Recorder.

State of Missouri. Jefferson County. I William Ryon
of s'd County and State do hereby liberate free and eman-
=cipate from slavery and bondage viz. Slave Girl
of dark complexion aged thirty seven years. Five
feet eight inches high. This letter of freedom to be in full
force after my death according to the act of the General
assembly of this State in such cases provided which will
also appear in my last will and testament. Given
under my hand and seal this ninth day of March
in the year of our Lord one thousand eight hundred
and thirty nine.

signed sealed published and declared) Wm his ✗ mark Rian Seal
by the testator as his intention and wish)
to be in force, in the presence of us, who in his presence
and in the presence of each other subscribed our names
as witnesses thereto; Meredith Wideman Joseph F. McKee

State of Missouri } Set. In the Circuit Court of the County
County of Jefferson } of Jefferson April Term 1839.

Be it remembered that on the eighth day of April 1839
appeared Meredith Wideman, and on the ninth day

of April 1839. appeared Joseph L. Bell & Rees in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper. that they saw the said William Rian attach his signature thereto, and acknowledged the same to be his act and deed. for the purposes therein mentioned. and that they in the presence of said testator and of each other attached their names as witness thereto: I. John S. Matthews clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri, do certify the foregoing to be a correct statement of the proceeding in that behalf in said Circuit Court as the same remain of Record in My Office. In testimony where of I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this 18th day of April 1839.

[Ls]

Jno S. Matthews Clerk

Recorded April 19th 1839. Jno S. Matthews Recorder.

(Exhibit C.)

Be it remembered that heretofore to wit at a term of the County Court within and for the County of Jefferson begun and holden at the Town of Hillsboro within and for the County aforesaid on the first day of June in the year of our Lord One thousand eight hundred and forty. specially held by adjournment, were present Julius Heiggins Esq presiding Justice Ezekiel Dugan and John M. Strickland Esq associate Justices Mark Mayo Esq Sheriff and John S. Matthews Clerk of said Court. on the first day of said term, among others were the following proceedings to wit,

Nancy Thurmond Exr
of the late Wm Rian

"Joseph Walsh, John Burns, Noah Barlow & Mary Eastwood } motion to set aside Judgment

Now at this day comes Nancy Mumma Executrix of the last will and testament of William Bian late of Jefferson County and files her motion to vacate and annul the Judgment rendered at last August term of this Court against the estate of said deceased in favor of the said defendants, and it appearing to the satisfaction of the Court that some of said defendants are not residing in the State of Missouri. On motion it is ordered that said defendants be notified that unless they be and appear at the next Term of this Court, to be held at the Town of Hillsboro within and for said County on the fourth Monday of July next, and shew cause to the contrary, the above named judgment will be vacated and set aside, and it is further ordered that a copy of this order be published four weeks in some Newspaper printed in the City of Saint Louis: & this cause continued."

The above motion is as follows to wit.

Motion "Nancy Mumma admr with the will annexed of Wm Bian deceased } In the County Court of Jefferson County
John Burns et al

The above administratrix moves the Court to vacate and annul for fraud and irregularity the Judgment heretofore rendered in behalf of the above defendants against said estate Nancy Mumma administratrix

July Term 1840 present as before July 28th was the following further proceedings. to wit

Nancy Mumma Admr of Wm Bian } Affidavit of plaintiff
vs filed to wit.
Joseph Walsh and others

Nancy Mumma admr

vs } on Motion to set aside &c
John Burns et al } Nancy Thurmond being duly
sworn. makes oath that she is one of the Legatees
under the will of Mr Rian dec'd late of Jefferson
County Missouri. That said Rian and the affiants
mother were married together in Logan County, State
of Kentucky and from thence came to Missouri
there were four children of Mrs Burns. Rian and
wife had no children. The estate of Samuel Burns
this affiants father. that came with her mother to
William Rian the second husband. this affiant does
know was duly paid to said heirs as they severally
came of age, and affiant is positively certain, that
receipts for the same were among the papers of the said
William Rian if they have not been destroyed. This
affiant further states that she lived with Rian
and her mother, and was a Manager for her
mother in her sickness. both in the State of Kentucky
and in the State of Missouri, and states that she
had access to all parts of the house. and confidential
intercourse with Rian and wife about their private
affairs at all times. and never heard of the demand
allowed as above, and does believe the same to be
unjust and fraudulent. This affiant further states
that she is informed and believes it to be true that the
estate was not represented on the trial of said case
that there was neither a notice nor a waiver of notice
as the law requires. that no account of defendants
was filed nor affidavit made as the law requires.
and as to the proof of the same that an affidavit of
a person by the name of W Morgan who was present
was read, which affidavit and account this affiant
believes have been removed from the files of the Court and
cannot be found.

and cannot be found if indeed they ever were placed there. This affiant would further state that he saw the aforesaid Witness after the rendition of said Judgment putting into his saddle bags rolls of silver as it appeared to this Witness. and Mr Walsh asked him if he was satisfied. and the Witness said he was Mr W replied to this that he would make him satisfied if he was not.

Nancy her + Thurmond mark

Sworn to and Subscribed before me July 28th 1840.
Jno J Matthews Clerk

Continued by consent. October Term 1840 Continued by Consent
Dany Term 1841. Continued on motion and at the costs of the plaintiff.

And afterwards to wit at the April Term of said County Court in the year 1841. the following proceedings were had in the above entitled cause to wit.

April 26th 1841.

Nancy Thurmond Exx &c
vs
Joseph. Walsh and others

} Affidavits on the part of the plaintiffs were filed to wit

Statement of Clerk

"J W Burns, Nancy Thurmond
J M Walsh, Noah Marlow
Mary Eastwood.
Estate of Wm Sloan deceased

} on account for money due them as heirs of Samuel Burns deceased.

The above named plaintiffs with the exception of Noah Marlow & Mary Eastwood made oath to the amount claimed in open Court being justly due, and that they had given credits to make payments and offsets to which it was entitled attest Jno J Matthews Clk

Affidavit of Dr McGready

"Nancy Thurmond admr
vs
John Burns et al

} Motion to set aside Judgment for irregularity July Term 1840

Dr Isaac McGready being sworn as the Law directs States that he was well acquainted with William Sloan late of Jefferson County and now deceased. That this acquaintance commenced in Logan County in 1796 and a familiar intercourse was kept up until his

= death in 1797 or 8 Rian married a Mrs Burns in Logan County, she had at the time a daughter married to a Mr Alexander, Nancy since married to John Mermond, and John Burns and Mary Burns, at the marriage the said Mrs Burns had two negro boys, Lewis & Bill & a horse, this affiant does not recollect any other property that she then had, they all worked and lived together except the married one. This affiant was Sheriff of the County perhaps for three or four years, where said family resided. Rian was very industrious and raised the family. This affiant came to Missouri in 1809. Rian and family came a year or two before this affiant then became his family physician, and was frequently there in that capacity. This affiant in all his intercourse with said W Rian and family never heard of any claim of said children against him but always understood that the estate of Burns had been settled up. Rian was a very honest man

Sworn & Subscribed before me } Israel McGready
July 27th 1840. Geo L Matthews Clerk

John W Burns Nancy Mermond } In County Court of Jefferson County Missouri
Joseph McWalsh and others } August Term 1840
Estate of Wm Rian dec'd }

affidavit of McWalsh

State of Missouri } ss
County of St Louis }

This day personally came Joseph McWalsh before me a Justice of the peace in and for St Louis County aforesaid, and he being by me duly sworn on his oath says, that at the August term of the County Court of Jefferson County, State of Missouri for the year eighteen hundred and thirty nine he presented a demand against the estate of William Rian deceased late of Jefferson County aforesaid

in favor of Nancy Thurmond, John W Burns, Joseph W Walsh, Mary Eastwood & Noah Barlow upon which demand Eli Wiley who was the acting executor of the Estate of said deceased acting under letters testamentary to him granted by the Clerk of said Court in vacation, waived in open Court the service of notice and thereupon said John W Burns and Nancy Thurmond did make oath in open Court, that they had given credit to the said estate for all offsets & credits to which it was entitled on said account & that the balance claimed on said account was justly due, whereupon the said Court examined the said account and allowed the greater part thereof, amounting as he now recollects to about six thousand and eight hundred dollars

Sworn to and subscribed before me
this 24th day of October 1840.
Louis T Labbanne Justice
} D W Walsh

affidavit of Matthew

State of Missouri
County of Jefferson
} Js Br Jefferson County Court
April Term 1841

Personally appeared in open Court J S Matthew who being duly sworn upon his oath says that at the August Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine, a certain demand was presented in said court against the Estate of William Ryan deceased in favor of Nancy Thurmond, John W Burns, Joseph W Walsh, and Noah Barlow, upon which demand Eli Wiley the Executor of said Estate waived in open Court the service of notice, and thereupon the said Nancy Thurmond and John W Burns did make oath in open Court that they had given credit to said estate for all offsets & credits to which it was entitled on said

account, and that the balance claimed was justly due
Sworn to and examined before me this
26th day of April 1841. Salius Wiggins P.C.C. } Thos L Matthews "

Among the papers filed in relation to the foregoing cause
were two receipts almost illegible but appear to be as
follows to wit. "December 26th 1811. Recd of Wm
9 10 Burns Rians one negro man named Wm in full of his part to
Receipt of Samuel Burns estate his father. John W Burns
Attested by Nathan C Scroggins. Thos Lusby"

"December 26th 1811. Recd of Wm Rians one Negro man named
Lewis in full of his part of Samuel Burns Estate his father
Attested by." Nath C Scroggins } John his X Mark Lewis
Thos Lusby }

April 27th 1841. The following further proceedings were had
in the above cause. — . — — —

Nancy Murrand admr with the } On motion to set aside Judgment
will annexed of Wm Murrand dec'd } rendered in favor of said defts
vs } for $118 44. on the 26th day of
Joseph M Walsh, John Burns } August 1839. for irregularity &c
Noah Harlow & Mary Eastwood }

Dice On this day the above motion came on to be heard and after
evidence and argument being heard by the court on the part
of the plaintiffs and defendants, and after due and sufficient
Motion deliberation had thereon the motion of said plaintiff is
Sustained sustained, It is therefore considered by the court that said
Judgment be set aside for manifest irregularity in the
rendition of the same, and that the same be held and
considered for naught, and it is further considered by the
court that the said plaintiff recover of the said defendants
her costs and charges by her about her suit in that behalf
expended and that she have execution therefor, To the
above opinion of the court. the above defendants file their
bills of exceptions. which are signed sealed and made
a part of the record in this cause, to wit,

Exceptions Nancy Hunnicutt et al
Wm Hicks deceased
vs
John W Burns & Joseph W Walkstad.
} In the County Court of Jefferson County

Motion to set aside Judgment for irregularity
Be it remembered that on the trial of the above Motion the above named defendants by their attorney moved the Court to overrule said motion upon the following grounds to wit. 1st Because there was no irregularity in said Judgment. 2 Because the Court have no authority by law to set aside said judgment. 3 Because the plaintiff in this motion was one of the plaintiffs in the original suit, and cannot now take advantage of her own wrong, if any wrong there be. 4th Because the irregularity if any there be can only be taken advantage of by appeal or writ of error. 5th because all the requisitions of the law had been complied with by the plaintiffs in said suit, 6th Because there was no fraud in the judgment, all of which the Court overruled, and sustained the above motion to set aside the Judgment, To which decision of the Court in the above entitled cause the defendants by their Attorney excepted, and prays the Court to allow & sign this their bill of exceptions which is accordingly done. Julius Higgins P.C.C. John M Strickland & Dugan."

April 28th 1841

Affidavit Nancy Hunnicutt et al of
Wm Hicks deceased
vs
John W Burns, Joseph W Walkstad
Mary Eastwood & Noah Marlow.
} In the County Court of Jefferson County, State of Missouri. Motion to set aside Judgment

Personally appeared before me the undersigned Clerk of the County Court of the County of Jefferson State of Missouri D B Freeman the attorney of the above named defendants, who being by me duly sworn upon

his oath says that they the said defendants do not appeal from the Judgment of the Court in the above case for the purpose of vexation or delay, but because said affiant believes that the appellants are agrieved by the Judgment of the court. D B Freeman

Sworn and subscribed before me this 28th day of April AD 1841. Jno T Mathews Clerk

Bond Know all men by these presents that we D B Freeman as principal and John Hammond as security acknowledge ourselves indebted to Nancy Hammond administratrix of the estate of William Rian deceased in the sum of one hundred dollars to be void upon this condition. Whereas Joseph W Walsh John W Burns, Mary Eastwood and Noah Marlow have appealed from the Judgment of the County Court of Jefferson County in the State of Missouri in a certain matter to set aside a Judgment in favor of Nancy Hammond Joseph W Walsh. Mary Eastwood and Noah Marlow, against the estate of William Rian deceased in which motion Nancy Hammond administratrix of William Rian dec'd is plaintiff, and the said Joseph W Walsh, John W Burns Mary Eastwood and Noah Marlow are defendants. Now if the appellants shall prosecute their appeal and pay all the damages and costs that may be adjudged against them by the Judgment of the circuit Court of the County aforesaid then this obligation shall be void, otherwise to remain in full force and virtue in law and equity

Signed Sealed and delivered in presence of John T Mathews — D B Freeman (Seal) — John Hammond (Seal)

order Nancy Hammond vs Joseph W Walsh et al } On motion to set aside Judgment

Now at this day come the said defendants by their attorney and pray that they are agrieved ~~by the Judgment of the Court in this behalf and pray an appeal to the circuit Court~~

by the Judgment of the Court in this behalf and pray an appeal to the Circuits Court, which is granted, and having filed their affidavit as required by law and bond which is approved, it is ordered by the Court that the Clerk of this Court make out and certify to the Clerk of the Circuit Court of this County a full and complete transcript of the record and proceedings in this cause together with the original papers filed in the same."

State of Missouri } ss
County of Jefferson } I John L Mathews Clerk of the County Court within and for the County aforesaid certify the foregoing to be a full and true transcript of the record and proceedings of said Court in the above entitled cause wherein Nancy Thurmond administratrix with the will annexed of William Rian deceased is plaintiff and Joseph W Walsh, John W Burns, Mary Eastwood and Noah Hawkins are defendants, together with all the original papers appertaining to and filed in the same. In testimony whereof I hereunto set my hand and affix the seal of said County Court at Office in Hillsboro the fourth day of June A D 1841.

(Seal) John L Mathews Clerk.

(Exhibit F.)

Motion to dismiss

In the circuit Court of Jefferson County July Term 1841

Nancy Thurmond admt of William Rian deceased } Appeal from County Court of Jefferson County
vs
Joseph W Walsh et al }

The appellee in the above cause moves the Court to dismiss said appeal for the following reasons. 1st The appeal is not warranted by law.

2d The circuit Court has in virtue of said appeal obtained no jurisdiction over the subject matter thereof

3d The bill of exceptions does not bring up any question that the circuit Court can enquire into.

4th The bill of Exceptions does not preserve the record nor

original Motion. but a motion to the question. on record and nothing else. Pleade atty for plff

Continued to next Term

November Term 1841

On Tuesday November 16th 1841. The following further proceedings were had in the above cause,

Motion overruled } Nancy Thurmond Ex[t] } Appeal from County Court
Joseph W Walsh et al } The motion of the plaintiff to dismiss the appeal filed at the last term of this Court is by the Court after mature deliberation overruled, To which opinion of the court the plaintiff files her bills of exceptions which are signed, sealed and made a part of the record in this cause (and one as follows to wit,)

Exceptions } Nancy Thurmond a dmx } On appeal Nov Term 1841
Joseph W Walsh et al } Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause in the words and figures following to wit (Motion heretofore inserted) which being considered by the court was overruled, to which decision of the Court the plaintiff excepts, and prays her exceptions to be signed sealed and made a part of the record in this cause, which is accordingly done.

David Steigers Judge.

Cause Continued to next term.

State of Missouri }
County of Jefferson } I John S Mathews clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do hereby certify that the pregoing is a true transcript of the record and proceedings of said Court. between Nancy Thurmond Executrix of William Rian deceased plaintiff against Joseph W Walsh and others defendants as the same remains of Record in my Office —

2. 11



In Testimony whare of I hereunto
Set my hand and affix the Seal
of said Court at Office in the Town of
Hillsboro May 1st 1842

Jno J Mathews Clerk

Jefferson Circuit
July Term 1842

Mary Woodcock Complt
vs
Wm Woodcock &c Defts

Bill in Chancery
Copy for Defts

Filed July 15th 1842
Wm. McCalla Clk



I executed this writ or Bill in Chancery on William Woodcock and Mary Woodcock and John Tarney by reading it in their hearing on the 13th day of June 1842 also on Eli Wiley by reading it in his hearing and Giving him a copy of the Same on the 14th day of June 1842

M M'Cs Sheriff

Fee $4.00

Exhibits to accompany the bill of Nancy Thurman Executrix of William Rian deceased. against Joseph W Walsh and others.

(Exhibit A)

December 26th 1811.

Received of Wm Rians one negro man named Lewis in full of his part of Samuel Burns Estate his father Dest.

John Mark Huntley

Nathan B Scoggins. Thos Lusby.

(Exhibit B)

December 26th 1811

Received of Wm Rians one negro man named Wm in full of his part of Samuel Burns estate his father.

John W Burns

Nathan B Scoggins. Thos Lusby

(Exhibit C)

Will In the name of God, amen, I William Ryan of the State of Missouri and Jefferson County being of sound and disposing memory and mind, and mind=ful of my mortality, do make, ordain and establish this my last will and testament. Item 1st It is my will and desire that my executor hereinafter named pay out of my estate all just debts, and the recording fees of all letters and emancipation documents, for the benefit of my slaves, together with funeral expences in a christian manner. Item 2d I give and bequeath to my beloved Step daughter Nancy Thurman for the natural love and affection I have for her the Land on which I now live, with all the household furni=ture two beds excepted. Item 3d I will and bequeath unto my step son J Burns for the love and affection I have for him Eighty acres of Land, lying North East

of the old farm that I give to Nancy Drummond, together with all the Stock of all Kinds, not hereafter particularly named. Item 4th I give and bequeath to my beloved Mary Eastwood for the affection for her one bed and the furniture thereto belonging. Item 5th I will and give unto my negro Alcy who I intend shall after my death be free and emancipated from Slavery, a small bed and one hundred and ten dollars in cash, to save her from becoming a charge, and her interest in the lands herein after described, I mean her support. Item 6th I will and give negro Vin his freedom and fifty dollars in cash, that he may not become a charge. Item 7th I will and give Negro Ellick his freedom and the Couch Mare and fifty dollars, that he may not become a charge. Item 8th I will and bequeath unto Septen and his wife Ruth and the children, to wit Betty, Newey, Lewis and Sarah, and the infant child their freedoms, and to Septen for the use and to support his family including Alcy. A tract of Land by patent No 417. dated 24th April 1820 it being the west half of the South East quarter of section two in Township forty North and Range three East in the district of St Louis, containing eighty acres, and also twenty acres of West half of Lot No two. North East qr. of section No two. Township forty north in Range three East, and the South side of said lot, at a parallel line of the South part of said Lot No 7805. date September 16th 1836. and as good a horse or mare as may be on the farm at my death, one pair of geers, two weeding hoes, one axe one Iron wedge for the use of the family Ruth and the children, named Alcy, three cows and calves ten sheep, three sows and pigs, and a support for the whole family off the old farm where I now live of meat

and Corn. and until a new crop is or may have been
raised on the land I have give to the use of said family
and Ruth the wife of Septen her Corn and wheat, all
herein above mentioned for the support of said family
and shall not be subject to any other use whatsoever
and I will and declare that the said Septen and
wife and their posterity forever shall be free after
my death and all others of my slaves before mentioned
and nothing to the contrary shall effect this my
last will and testament in the emancipation of my
slaves or the disposition of my property either in Law
or equity. Item 9th I intend this my will be entered
on Record, and that the letters of emancipation be also
recorded, and that all things be done in a Lawful
Manner to carry into effect this my last will, and to
the disannulling of all things that may in any wise
oppose this believing that I have secured to my slaves
that liberty and a pittance, to secure them from the
charge of the public. I intend that nothing shall impair
this will. Item 10th I do hereby appoint empower and
nominate my friend Eli Wiley of said County and
State my Executor in this my last will and testament
and hereby authorize him with full power and authority
to execute the same, to take charge of all my lands, property
monies and effects of every Kind and to as soon as
applied to by any of the interested parties of the will
as legatees, give to each one his part, agreeable to quan-
-tity, quality, and Kind, money or what may be in due
accordance with the intent of this will, and I intend
that there shall not be any order of the Court in any
case. I intend that my executor shall have power
to divide and give prospium, and pay debts, and settle
all matters after paying recording fees and debts and

and all funeral expences. then the residue in the
foregoing manner. Given under my hand and seal
at home in my own house on the tenth day of March
in the year of our Lord One thousand eight hundred and
thirty nine.

Signed sealed published and declared by the testator as and for his last will and testament in the presence of us, and at his request in the presence of each other have signed our names as witnesses thereto. } Wm his + Ryan mark (Seal)

Meredith Wideman Joseph McRee.

I also will and bequeath to my negro man Septimus 40 acres of Land it being the East ½ of Lot No 1. No 40 N.E. quarter of section No 2 in Township No 40 of Range 3 East. containing 40 acres it being No 7 & 14 to be added to the 100 acres named in the will so as to make him 140 acres.

In the presence of us } Wm his + Ryan mark (Seal)
Meredith Wideman Joseph McRee

State of Missouri } Set
County of Jefferson } Personally came before the undersigned Clerk Meredith Wideman and Joseph McRee & made oath that the above was duly executed in their presence on the 10th day of March 1839. the date of the testators will and in his presence, and at his request witnessed by them, and that the same was intended to be in the will of said testator in the eleventh line immediately after the words 183½.

Sworn and subscribed to March 16th 1839. before me } Meredith Wideman
Jno J Mathews. Clerk } Joseph McRee

Proof of will. State of Missouri } Set
County of Jefferson } Personally appeared before me John
S. McMathews Clerk of the County Court for said County Mere-
dith Widemans and Joseph S. McRee the two subscribing
witnesses to the within will and testament of William Rian
who being by me duly sworn upon their oaths do say
that the said Testator did in their presence sign the
within instrument of writing as his last will and testament
and that they and each of them did sign their names
thereto as witnesses in the presence of the said testator and
of each other, and at his special instance and request
and that the said William Rian then appeared to be
of sound and disposing mind, and that the papers
hereto attached, numbered two, three, four and five
and six, were signed sealed and delivered in the
same manner as above stated and as part and
parcel of the within will.

Sworn to and subscribed before me this 11th day of March A.D. 1839.

Jno S. Mathews Clerk

Meredith Widemans
Joseph S. McRee

(Exhibit D)

State of Missouri. Jefferson County. I William Ryan of said County and State do liberate free and emancipate my slaves. Septen, Ruth, Hetty, Navy, Lewis Sarah and the infant child. Septen aged thirty seven dark complexion. five feet ten inches high. Ruth dark complexion age thirty the wife of Septen and the children named all of dark complexion. Hetty ten years Navy eight. Lewis six. Sarah three. and the infant about two weeks, all of which are my bound slaves and I intend by these letters that they shall be free after my death, and they shall not be subject to

slavery, according to the act of the General Assembly of this State in such cases provided. Given under my hand and seal this tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as his will and for the purposes ex= =pressed in the presence of us, at his request in his presence, and in the presence of each other have subscribed our names as witnesses thereto.

Wm. his + Rian mark (Seal)

Meredith Wideman. Joseph S. McRee

State of Missouri } Sct
County of Jefferson } In the circuit Court of the County of Jefferson April Term 1839.

Be it remembered that on the eighth day of april 1839 appeared Meredith Wideman, and on the ninth day of the month and year aforesaid appeared Joseph S. McRee in open Court and being duly sworn upon their oaths declared that they were present at the execution of the foregoing emancipation papers, that they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and of each other, attached their names as witnesses thereto

I John S. Mathews Clerk of the circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said circuit Court as the same now remains of record in my Office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court

(S.S.)

at Office in the Town of Mexico aforesaid this
18th day of April 1839. Jno L McMathews Clerk
Filed 18th April Recorded 19th April 1839. Jno L McMathews recorder

To all to whom these presents shall come I William
of Jefferson County and State of Missouri do hereby
liberate and free and emancipate my plane Ellick
a Dark complexion'd man about five feet seven inches high
fifty years of age from all bondage and servitude
to be free and act and transact for himself at and
after my decease, according to the act of the General
Assembly in such cases provided. Given under my
hand & seal this tenth day of March in the year of
our Lord one thousand eight hundred and thirty nine
Signed sealed published and
declared by the testator as and
for his will and wish for the pur
=pose above mentioned who at his request in his presence
and in the presence of each other have subscribed our
names as witnesses thereto.

Wm his Rian Mark Seal

Meredith Widemon
Joseph McRee.

State of Missouri } Set
County of Jefferson } In the circuit Court of the County
of Jefferson April Term 1839. Be it remembered
that on the eighth day of April 1839. appeared Meredith
Widemon and on the ninth day of April 1839. appeared
Joseph McRee in open Court, and being duly sworn
upon their oath declared that they were present at the
execution of the foregoing emancipation paper that they
saw the said William Rian attach his signature
thereto and acknowledged the same to be his act
and deed for the purposes therein mentioned, and
that they in the presence of the said testator and of

each other attached their names as witnesses thereto

I John L Mathews Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Court as the same remains of Record. In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this eighteenth day of April 1839.

Seal

Jno L Mathews Clerk

Recorded April 19th Jno L Mathews Recorder

State of Missouri }
Jefferson County } I William Ryan of said County and State do by these presents liberate free and emancipate my negro slave Alley of Dark Complexion aged seventy and forever shall be free of servitude, and shall act and transact for herself after my decease according to the act of the General Assembly in such case provided. Given under my hand & seal this tenth day of March in the year of our Lord One Thousand Eight hundred and thirty nine.

Signed sealed and published and declared by the testator as his will } Wm his mark Ryan Seal

for the above purposes in the presence of us who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto.

Meredith Wideman Joseph Tolbert Rec

State of Missouri } Set In Jefferson County Circuit
County of Jefferson } Court April Term 1839.

Be it remembered that on the eighth day

of April 1839 appeared Meredith Widemon and on the ninth day of the month and year aforesaid appeared Joseph Selle Ree in open Court and being duly sworn upon their oath declare that they were present at the execution of the foregoing emancipation paper that they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of said testator and each other attached their names as witnesses thereto"

I John S Mathews clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri. do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Circuit Court as the same remains of record in my office

In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Mercantanum this 18th day of April 1839. {Seal} Jno S Mathews Clerk

State of Missouri } I William Ryan of s^d County and
Jefferson County } State, do hereby liberate free and emancipate from slavery and bondage Viz Slave Jim of dark complexion aged thirty seven years. Five feet eight inches high. this letter of freedom to be in force after my death according to the act of the General Assembly of this State in such cases provided, which will also appear in my last will and testament

Given under my hand and seal this ninth day of March in the year of our Lord one thousand eight hundred and thirty nine

signed sealed published and declared } Wm his Rian mark {Seal}

by the testator as his intention and wish to be in force in the presence of us, who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto. Meredith Wideman. Joseph S. McRee

State of Missouri } Set In the Circuit Court of the County
County of Jefferson } of Jefferson April Term 1839.

Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of April aforesaid appeared Joseph S. McRee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper. That they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of said testator and of each other attached their names as witnesses thereto." I John S. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct Statement of the proceedings had in that behalf in said Circuit Court as the same remains of record in my Office"

In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this 18th day of April 1839.

[L S] Jno S. Mathews Clerk

Recorded April 19th 1839. Jno S. Mathews Recorder

(Exhibit No 1)

Be it remembered that heretofore to wit at a term of the County Court within and for the County of Jefferson begun and held at the Town of Hillsboro within and for the the County aforesaid on the first

day of June in the year of our Lord one thousand eight hundred and forty Specially here by adjournment were present Willis Higgins Esq presiding Justice Ezekiel Dugan and John McCutchan Esqrs associate Justices Mark Moss Esq Sheriff and John Galbraith Clerk. On the first day of said term among others were the following further proceedings to wits,

Nancy Thurmond Extx of the late
Wm Rian deceased

vs

John Burns, Joseph Walsh
Noah Barlow & Mary Eastwood

} Motion to set aside Judgment

Now at this day comes Nancy Thurmond Executrix of the last Will and testament of William Rian deceased late of Jefferson County and files her motion to vacate and annul the Judgment rendered at last August Term of this Court against the estates of said deceased in favor of the said defendants, and it appearing to the satisfaction of the Court that some of said defendants are not residing in the State of Missouri, On motion it is ordered that said defendants be notified that unless they be and appear at the next Term of this Court to be held at the Town of Hillsboro within and for said County on the fourth Monday of July next and shew cause to the contrary the above named Judgment will be vacated and set aside, and it is further ordered that a copy of this order be published four weeks in some Newspaper printed in the City of Saint Louis & this cause continued."

The above Motion is as follows to wit

Motion

Nancy Thurmond admx with the Will annexed of William Rian deceased

} In the County Court of Jefferson County

vs

John Burns et al

} The above administratrix

moves the Court to annul for fraud and irregularity the Judgment heretofore rendered in behalf of the above defendants against said Estate.

Nancy Plummond administratrix

July Term 1840 present as before. July 28th 1840. were the following further proceedings. to wit.

Nancy Plummond Extr of Wm Rian } affidavit of
Joseph M Walsh & others } plaintiff filed

Nancy Plummond admr } on motion to set aside &c
John Burns et al } Nancy Plummond being duly sworn makes oath that she is one of the legatees under the will of Wm Rian decd late of Jefferson county Missouri. That said Rian and the affiants mother were married together in Logan County State of Kentucky and from thence came to Missouri. There were four children of Mrs Burns. Rian and wife had no children. The Estate of Samuel Burns this affiants father, that came with her mother to William Rian the second husband. this affiant does know was duly paid to said heirs as they severally came of age, and affiant is positively certain, that receipts for the same were among the papers of the said William Rian if they have not been destroyed. This affiant further states that she lived with Rian and her mother, and was a manager for her mother in her sickness both in the State of Kentucky and in the State of Missouri, and states that she had access to all parts of the house, and confidential intercourse with Rian and wife about their private affairs at all times and never heard of the demand allowed as above, and does believe the same to be unjust and fraudulent. This affiant further states that she is informed and believes it to be true that the estate was not represented on the trial of said case

that there was neither a notice nor a waiver of notice as the law requires. that no account of defendants was filed nor affidavit made as the law requires. and as to the proof of the same that an affidavit of a person by the name of W Keegan who was present was read which affidavit and account this affiant believes have been removed from the files of the Court, and cannot be found if indeed they were ever placed there this affiant would further state that she saw the aforesaid Witness after the rendition of said Judgment putting into his saddle bags bills of silver as it appeared to this witness and Mr Walsh as Read him if he was satisfied, and the witness said he was. Mr W replied to this that he would make him satisfied if he was not.

her
Nancy Thurmond
mark

Sworn to and subscribed before July 28th 1840

Jno J Mathews Clerk

Continuances: Continued by consent. October Term 1840. Contin'd by consent January Term 1841. Continued on motion and at the cost of plaintiff. And afterwards to wit at the April Term of said County Court in the year 1841. the following proceedings were had in the above entitled cause to wit.

April 26th 1841.

Statement of Clerk

Nancy Thurmond Ex'tr &c
vs
Joseph Walsh and others

Affidavits on the part of the plaintiffs and defendants filed to wit

John Burns Nancy Thurmond
& Wm Walsh Noah Marlow
& Mary Eastwood
Estate of Wm Rian deceased

on account of money due them as heirs of James Burns deceased

The above named plaintiffs with the exception of Noah Marlow & Mary Eastwood made oath to the amount claimed in open Court being justly due, and that they had given credits for all payments and set off to which it was entitled

attest Jno J Mathews Clerk

Nancy Thurmond a dmr } Motion to set aside Judgment
vs
John Burns et al } for irregularity July Term 1840

Dr Black Mc Gready being sworn as the law directs states that he was well acquainted with William Rian late of Jefferson County and now deceased. That this acquaintance commenced in Logan County Kentucky in 1796. and a familiar intercourse was kept up until his death in 1797 a 8 Rian married a Mrs Burns in Logan County, she had at the time a daughter married to a Mr Alexander, Nancy since married to John Thurmond and John Burns and Mary Burns, at the marriage the said Mrs Burns had two negro boys Lewis & Bill & a horse. This affiant does not recollect any other property that she then had, they all worked and lived together except the married one. This affiant was Sheriff of the County perhaps for three or four years where said family resided. Rian was very industrious and raised the family. This affiant came to Missouri in 1809. Rian and family came a year or two before this affiant then became his family physician and was frequently there in that capacity. This affiant in all his intercourse with said Rian and family never heard of any claim of said children against him, but always understood that the estates of Burns had been settled up, Rian was a very honest man and never owned be in debt.

Sworn and subscribed before me } Black Mc Gready
July 27th 1840. Rob Matthews Clerk }

Affidavit of } John M Burns Nancy Thurmond } In County Court of Jefferson
M M Walsh } Joseph M Walsh and others } County Missouri August Term 1840
Estate of Wm Rian.
State of Missouri } ss.

County of St Louis } This day personally came Joseph W Walsh
before me a Justice of the peace in and for St Louis County
aforesaid, and he being by me duly sworn on his oath
says, that at the august Term of the County Court of
Jefferson County State of Missouri for the year Eighteen
hundred and thirty nine he presented a demand against
the estate of William Ryan deceased late of said County of
Jefferson in favor of Nancy Thurmond, John M Burns
Joseph W Walsh, Meary Eastwood & Noah Barlow.
upon which demand Eli Wiley who was then acting
executor of the estate of said deceased, acting under letters
testamentary to him granted by the Clerk of said Court
in vacation, waived in open Court the service of notice
and thereupon said John M Burns and Nancy Thurmond
did make oath in open Court, that they had given credit
to the said estate for all offsets & credits to which it was
entitled on said account & that the balance claimed
on said account was justly due, whereupon the said
Court examined the said account and allowed the
greater part thereof, amounting as he now recollects to
about six thousand eight hundred dollars.
Sworn to and subscribed before me } J W Walsh
this 24th day of October 1840. Louis Labaume Justice

Affidavit of J T Mathews

State of Missouri } In Jefferson County Court
County of Jefferson } April Term 1841

Personally appeared in open Court J T Mathews
who being duly sworn upon his oath says, that at the
August Term of the County Court of Jefferson County
State of Missouri for the year eighteen hundred and
thirty nine, a certain demand was presented in said
Court against the Estate of William Ryan deceased
in favor of Nancy Thurmond, John W Burns, Joseph
W Walsh and Noah Barlow, upon which demand

Eli Wiley Executor of said Estate waived in Open Court the service of notice and thereupon the said Nancy Drummond and John W Burns did make oath in open Court that they had given credit to said estate for all offsets & credits to which it was entitled, on said account, and that the balance was justly due.

Sworn to and examined before me this 26th day of April 1841

Julius Heiggins P C C

Jno F Mathews

Among the papers filed in relation to the foregoing cause were two receipts almost illegible but appear to be as follows, towit. "December 26th 1811. Rec'd of Wm Rian one Negro man named Wm in full of his part of Samuel Burns estate his father John W Burns attested by. Nathan C Scoggins, Thos Lusby.

Receipts

"December 26th 1811. Rec'd of Wm Rians one Negro man named Lewis in full of his part of Samuel Burns Estate his father. John his Mans Rian"

attested by Nathan C Scoggins Thos Lusby

April 27th 1841. the following further proceedings were had in the above cause.

Trial

Nancy Drummond admr with the Will Annexed of Wm Rian dec'd Joseph W Walsh. John Burns Noah Harlow & Mary Eastwood

On motion to set aside Judgment rendered in favor of said defts for $1814. on the 26th day of August 1839. for irregularity &c

On this day the above motion came on to be heard and after evidence and argument being heard by the Court on the part of the plaintiff and defendants, and after due and sufficient deliberation had thereon the motion of said plaintiff is sustained. It is

Motion sustained

therefore considered by the Court that said Judgment be set aside for manifest irregularity in the conditions

of the same and that the same be held and consid=
=ered for naught. And it is further considered by the
Court that the said plaintiff recover of the said defen=
=dants her costs and charges by her about her suit in
that behalf expended and that she have execution
therefor. To the above opinion of the Court the above
defendants file their bills of exceptions, which are signed
sealed and made a part of the record in this cause. Thus

Nancy Drummond admt of
Wm Rian deceased
vs
John M Burns, Joseph Walshotal

In the County Court
of Jefferson County
Motion to set aside
Judgment for irregularity

Exceptions

Be it remembered that on the trial of the above
Motion, the above named defendants by their attorney
moved the Court to overrule said motion upon the
following grounds to wit 1st Because there was no
irregularity in said Judgment, 2d Because the
Court have no authority by law to set aside said
Judgment. 3d Because the plaintiff in this motion
was one of the plaintiffs in the original suit, and
cannot now take advantage of her own wrong if any
wrong there be, 4th Because the irregularity if any
there be can only be taken advantage of by appeal
or writ of error, 5th Because all the requisitions of the
law had been complied with by the plaintiffs in said
suit. 6th Because there was no fraud in the Judg=
=ments, all of which the Court overruled and sustai=
=ned the above motion to set aside the Judgment
To which decision of the Court the defendants in the
above entitled cause by their attorney excepted and
prays the Court to allow & sign this their bill of
exceptions, which is accordingly done. Julius Wiggins
Pltfs. John McStrickland. R Dugan.

April 28th 1841.

Affidavit

Nancy Hammond admr of
William Rian deceased
vs
John W Burns Joseph W Walsh
Mary Eastwood & Noah Marlow

In the County Court of
Jefferson County State of
Missouri. Motion to set
aside Judgment.

Personally appeared before me the undersigned
Clerk of the County Court of the County of Jefferson State
of Missouri. D B Freeman the attorney of the above
named defendants, who being by me duly sworn upon
his oath says, that they the said defendants do not
appeal from the Judgment of the Court, in the above
case for the purposes of vexation or delay but because
said affiant believes that the appellants are aggrieved
by the Judgment of the Court. D B Freeman.
Sworn and subscribed before me This 28th day of
April A D 1841. Jno F Meathews Clerk.

Bond

Know all men by these presents that we D B Freeman
as principal and John Hammond as security are Know=
=ledge ourselves indebted to Nancy Hammond adminis=
=tratrix of the Estate of William Rian deceased in the
sum of one hundred dollars to be void upon this
condition. Whereas Joseph W Walsh. John W Burns
Mary Eastwood and Noah Marlow have appealed
from the Judgment of the County Court of Jeffer=
County in the State of Missouri in a certain matter
to set aside a Judgment in favor of Nancy Hammond
Joseph W Walsh, John W Burns. Mary Eastwood and
Noah Marlow, against the estate of William Rian dece=
=ased in which motion Nancy Hammond Administratrix
of William Rian dec'd is plaintiff, and the said Joseph
W Walsh. John W Burns Mary Eastwood and Noah Mar=
=low are defendants. Now if the appellants shall pro=
=ecute their appeal and pay all the damages and
costs that may be adjudged against them by the
Judgment of the Circuit Court of the County aforesaid

then this obligation shall be void, otherwise to remain in full force and virtue in law and equity.
Signed sealed & delivered in presence of John S Matthews April 28th 1841 D B Freeman [Seal] John Hammond [Seal]

Order Nancy Hammond &c } On motion to set aside Judgment
vs } &c
Wm Walsh et al } Now at this day come the said defendants by their attorney, and pay that they are agrieved by the Judgment of the Court in this behalf and pray an appeal to the Circuit Court which is granted, and having filed their affidavit as required by law and bond which is approved, it is ordered by the Court that the Clerk of this Court make out and certify to the Clerk of the Circuit Court of this County a full and complete transcript of the record and proceedings in this cause together with the original papers filed in the same.

State of Missouri } ss
County of Jefferson } I John S Matthews Clerk of the County Court within and for the County aforesaid certify the foregoing to be a true and true transcript of the record and proceedings of said Court in the above entitled cause wherein Nancy Hammond administratrix with the will annexed of William Rian deceased is plaintiff and Joseph W Walsh, John W Burns, Mary Eastwood and Noah Marlow are defendants, together with all the original papers appertaining to and filed in the said cause. In testimony whereof I hereunto set my hand and affix the seal of said County Court at Office in Millsboro the fourth day of June A D 1841. [Seal] Jno S Matthews Clerk.

(F.) (Exhibit F.)

In the Circuit Court of Jefferson County
July Term 1841.

Motion to dismiss

Nancy Thurmond admx of William Rian deceased vs Joseph W Walsh et al } July Term 1841 appeal from County Court of Jefferson County

The appellee in the above cause moves the Court to dismiss said appeal for the following reasons. 1st The appeal is not warranted by law. 2 The Circuit Court has in virtue of said appeal obtained no jurisdiction over the subject matter thereof. 3 The bill of exceptions does not bring up any question that the Circuit Court can enquire into. 4th The bill of exceptions does not preserve the record, nor original Motion but a motion to the question on record and nothing else

Pleede atty for plff.

continued to next term.

November Term 1841.

On Tuesday November 16th 1841. The following further proceedings were had in the above cause.

Nancy Thurmond admx vs Joseph W Walsh et al } appeal from County Court

The motion of the plaintiff to dismiss the appeal filed at the last term of this Court is by the Court after mature deliberation overruled To which opinion of the Court the plaintiff files her bill of exceptions which are signed sealed and made a part of the record in this cause (and are as follows to wit)

Bill of exceptions

Nancy Thurmond admx vs Joseph W Walsh et al } On appeal Nov Term 1841

Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause, in the words and figures following to wit, (motion heretofore inserted) which being considered by the Court was overruled, to which decision of the Court the plaintiff excepts. and prays her exceptions to be signed sealed and made a part of the record in the above cause which is accordingly done

David Stevens Esqr

cause continued to next term.

State of Missouri } ss
County of Jefferson } I John T. Matthews Clerk of the Circuit Court within and for the County of Jefferson in the Ninth Judicial Circuit of the State of Missouri do hereby certify that the foregoing is a true Transcript of the record and proceedings of said Court, between Nancy Plummer Executrix of William dec'd plaintiff against Joseph W Walsh and others defendants as the same remains of record in my office.

In testimony whereof I hereunto set my hand and affix the seal of said Court at Office in the Town of Hillsboro May 1st 1842

Jno T Matthews Clerk

A True Copy attest Jno T Matthews C. J. C. C.

Jefferson Circuit Court
July Term 1844

Nancy Thurmond Ex^x of
Williams Dec'd
vs } Exhibits
Joseph W Walsh et al

To. John W Burns dep^t
Franklin County

filed Nov 4th 1843
Jno J Matthews
Clk

paid Mr W Hoome $2.44

Exhibits to accompany the bill of Nancy Hummond Executrix of William Rion deceased against Joseph W Walsh and others.

(Exhibit A)

December 24th 1811

Received of Wm Rions one negro man named Lewis in full of his part of Samuel Burns Estate his father. Test

John Mark Hensley

Nathan C Scoggin, Thos Lusby

(Exhibit B)

December 24th 1811.

Received of Wm Rions one negro man named Wm in full of his part of Samuel Burns Estate his father

John W Burns.

Nathan C Scoggin Thos Lusby.

(Exhibit C)

Will In the name of God, Amen, I William Ryon of the State of Missouri and Jefferson County being of sound and disposing Memory and Mind, and mindful of my mortality, do make, ordain and establish this my last will and testament. Item 1st It is my will and desire that my executor hereinafter named pay out of my estate all just debts, and the recording fees of all letters, and emancipation documents for the benefit of my slaves, together with funeral expences in a christian Manner. Item 2d I give and bequeath to my beloved Step daughter Nancy Hummond for the natural love and affection I have for her the land on which I now live, with all the household furniture two beds excepted. Item 3d I will and bequeath unto my Step Son J Burns for the love and affection I have for him Eighty acres of Land

lying North East of the old farm that I give to Nancy Thurmond together with all the Stock of all Kinds not hereafter particularly named. Item 4th I give and bequeath unto my beloved Mary Eastwood for the affection for her one bed and the furniture thereto belonging. Item 5th I will and give unto my negro Alcy, who I intend shall after my death be free and emancipated from slavery a small bed and one hundred and ten dollars in cash, to save her from becoming a charge, and her interest in the land hereinafter described, I mean her Improvements. Item 6th I will and give Negro Jim his freedom and fifty dollars in cash, that he may not become a charge. Item 7th I will and give Negro Ellick his freedom and the couch mare and fifty dollars that he may not become a charge. Item 8th I will and bequeath unto Septen and his wife Ruth and the children, to wit, Betty, Newey Lewis, and Sarah and the infant child their freedom and to Septen for the use and to support his family including Alcy, A tract of Land by patent No 417 dated 24th April 1820. it being the West half of the South East quarter of Section two of Township forty North and Range three East in the district of St Louis containing eighty acres and also twenty acres of West half of Lot No two North East qr of Section No two. Township Forty north in Range three East, and the South side of said lot, at a parallel line of the South part of said lot No 7805 date September 18th 1836. And as good a horse or mare as may be on the farm at my death, one pair of geers two weeding hoes, one axe, one Iron wedge for the use of the family Ruth and the children -

named Alcey, three boys and calves. ten sheep, three sows and pigs. and a support for the whole family off the old farm where I now live of meat and corn and until a new crop is or may have been raised on the land I have given to the use of said family. and Ruth the wife of Septen her loom and wheel all herein above mentioned for the support of said family and shall not be subject to any other use whatsoever and I will and declare that the said Septen and wife and their posterity forever shall be free after my death, and all others of my slaves before mentioned, and nothing to the contrary shall effect this my last will and testament in the emancipation of my slaves or the disposition of my property either in law or equity. Item 9th I intend this my will be entered on Record and that the letters of Emancipation be also recorded, and that all things be done in a lawful manner to carry into effect this my last will, and that to making void all wills heretofore by me made, and to the disannulling of all things that may in any wise oppose this believing that I have secured to my slaves their liberty and a pittance to secure them from the charge of the public, I intend that nothing shall impair this will. Item 10th I do hereby appoint empower and nominate my friend Eli Wiley of said County and State my Executor in this my last will and testament and hereby authorise him with full power and authority to execute the same to take charge of all my lands, property, monies and effects of every kind and to, as soon as applied to by any of the interested parties of the will as legatees, give to each one his part, agreeable to quantity, quality

and Kind. money or what may be in due accordance with the
intent of this will, and I intend that there shall
not be any order of the court in any case I intend
that my Executor shall have power to divide and
give possession, and pay debts, and settle all
Matters after paying all recording fees and debts
and all funeral expences. Then the residue in the
foregoing Manner. Given under my hand and seal
at home in my own house on the tenth day of
March in the year of our Lord one thousand eight
hundred and thirty nine.

Signed Sealed published and declared by the testator as and for his last will and testament in the presence of us, and at his request in the presence of each other have signed our names as witnesses thereto.

Meredith Wideman Joseph S McRee.

Wm his Ryan mark Seal

I also will and bequeath to my negro Man Septimus 40 acres of Land it being the East ½ of lot No 1. No 40. N^th quarter of section No 2 in Township No 40. of Range 3 East containing 40 acres it being No 7 614 to be added to the 100 acres named in the will so as to make him 140 acres

In the presence of us.

Meredith Wideman Joseph McRee

Wm his Ryan mark Seal

State of Missouri } Set
County of Jefferson } Personally came before the undersigned Clerk Meredith Wideman and Joseph S McRee & made oath that the above was duly executed in their presence on the 10th day of March 1839 the date of the testators will and in his presence

and at his request witnessed by them, and that the same was intended to be in the will of said testator in the eleventh line immediately after the words 1836.

Sworn and subscribed to March 16th 1839 before me
Thos. S. Mathews Clerk

Meredith Wideman
Joseph S. McRee

Proof of will

State of Missouri } ss
County of Jefferson }

Personally appeared before me John S. Mathews clerk of the County Court in said County Meredith Wideman and Joseph S. McRee the two subscribing Witnesses to the within will and testament of William Rian who being by me duly sworn upon their oaths do say, that the said Testator did in their presence sign the within instrument of writing as his last will and testament, and that they and each of them did sign their names thereto as witnesses in the presence of the said Testator and of each other and at his special instance and request and that the said William Rian then appeared to be of sound and disposing mind, and that the papers hereto attached numbered two three four, five, and six, were signed sealed and delivered in the same manner as above stated and as part and part of the within will.

Sworn and subscribed to before me this 16th day of March AD 1839
Thos. S. Mathews Clk
(Exhibit D.)

Meredith Wideman
Joseph S. McRee

State of Missouri. Jefferson County. I William Ry in of said County and State do liberate, pee and

=mancipate my slaves, Septen, Ruth, Betty, Navy Lewis, Sarah and the infant child, Septen aged thirty seven dark complexion. five feet ten inches high. Ruth dark complexion. age thirty. the wife of Septen; and the children named all of dark complexion. Betty ten years. Navy eight. Lewis six Sarah three, and the infant about two weeks. all of which are my bound slaves, and I intend by these letters that they shall be free after my death and they shall not be subject to slavery. according to the act of the General Assembly of this State in such cases provided. Given under my hand and seal this tenth day of March in the year of our Lord One thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as his will and for the purposes expressed in the presence of us at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

Wm his + Rian mark (Seal)

Meredith Wideman Joseph McRee.

State of Missouri } Set
County of Jefferson } In the Circuit Court of the County of Jefferson April Term 1839.

"Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of the month and year aforesaid appeared Joseph McRee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach, his signature thereto and acknowledge the same to be his act and deed for the purposes therein mentioned

and that they in the presence of the said testator and of each other attached their names as witnesses thereto" I John L Mathews Clerk of the circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said circuit Court as the same now remains of Record in my Office. In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Office in the Town of Mercalanem this 18th day of April 1839. [L.S.] Jno L Mathews Clerk Filed 18th April Recorded 19th April 1839 Jno L Mathews Recorder

To all to whom these presents shall come I William Ryan of Jefferson County and State of Missouri do hereby liberate and free and emancipate my slave Ellick of dark complexion about five feet seven inches high fifty years of age from all bondage and servitude, to be free and act and transact for himself at and after my decease, according to the act of the General Assembly in such cases provided Given under my hand & seal this tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

signed sealed published and declared by the testator as and for his will and wish for the purpose above mentioned who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto. Meredith Wideman Joseph L McKee

William his mark Ryan [Seal]

State of Missouri } Set
County of Jefferson }

In the Circuit Court of the County of Jefferson April Term 1839. "Be it

=remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of April 1839 appeared Joseph T. McKee in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Ryan attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of the said testator and of each other attached their names as witnesses thereto."

I John S. Mathews Clerk of the Circuit Court within and for the County of Jefferson in the 9th Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Court as the same remains of Record. In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this eighteenth day of April 1839.

[Seal] Jno S. Mathews Clerk.

Recorded April 19th Jno S. Mathews Recorder.

State of Missouri }
Jefferson County } I William Ryan of said County and State do by these presents liberate free and emancipate my negro slave Alcy of Dark complexion in a good seventy and forever shall be free of servitude and shall act and transact for herself after my decease, according to the act of the General Assembly in such case provided. Given under my hand & seal this tenth day of March in the year of our Lord One thousand Eight hundred and thirty nine

signed sealed and published and declared by the Testator as his will for the above purposes in the presence of us who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto. Meredith Wideman Joseph S. McRee.

his
Wm Ryan
mark

State of Missouri } Set In Jefferson County Circuit Court
County of Jefferson } April Term 1839.

"Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of the month and year aforesaid appeared Joseph S. McRee in open Court and being duly sworn upon their oath declare that they were present at the execution of the foregoing emancipation papers, that they saw the said William Ryan attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned, and that they in the presence of the said testator and of each other attached their names as witnesses thereto." I John S. Mathews clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial circuit of the State of Missouri. do certify the foregoing to be a correct statement of the proceedings had in that behalf in said Circuit Court as the same remains of Record in my Office. In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Office in the Town of Herculaneum this 18th day of April 1839

Seal

Jno S Mathews Clerk

Recorded April 19th 1839 Jno S Mathews Recorder

State of Missouri Jefferson County. I William Ryan of s^d County and State do hereby liberate free and

=ancipate from Slavery and bondage. viz Slave
Dick of dark complexion aged thirty seven years
Five feet eight inches high. this letter of freedom to be
in full force after my death according to the act
of the General Assembly of this State in such case
provided which will also appear in my last will
and testament. Given under my hand and seal
this ninth day of March in the year of our Lord
one thousand eight hundred and thirty nine.

Signed sealed published and declared by the testator as his intention and wish to be in force in the presence of us who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto.

William Rian his mark (Seal)

Meredith Wideman Joseph T. McRee.

State of Missouri } Set In the Circuit Court of the
County of Jefferson } County of Jefferson April Term 1839.

Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of April aforesaid appeared Joseph T. McRee in open Court, and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation papers, that they saw the said William Rian attach his signature thereto, and acknowledged the same to be his act and deed, for the purposes therein mentioned and that they in the presence of said testator and of each other attached their names as witnesses thereto." I John T. Mathews clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct Statement of the proceedings had in that behalf in said Circuit Court as the same remain of Record

in my Office. In testimony whereof I have hereunto
set my hand and affixed the seal of said
Circuit Court at Office in the Town of Herculaneum
this 18th day of April 1839. Jno. F. Mathews Clerk {L.S.}
Recorded April 19th 1839 Jno F Mathews Recorder
(Exhibit H.S.)

Be it remembered that heretofore to wit at a term
of the County Court within and for the County
of Jefferson begun and held at the Town of
Hillsboro within and for the County aforesaid, on
the first day of June in the year of our Lord one
thousand eight hundred and forty. Specially held
by adjournment were present Julius Heiggins
Esq Presiding Justice. Ezekiel Dugan and John
M Strickland Esqrs associate Justices. Mark
Alsop Esq Sheriff and John F Mathews Clerk
of said Court. On the first day of said term among
others were the following proceedings. to wit,

"Nancy Thurmond Ex[ecutrix] of the late
"William Rian deceased
vs
"John Dunn. Joseph Walsh
"Noah Harlow & Mary Eastwood

Motion to set aside Judgment

Now at this day
Motion "comes Nancy Thurmond Executrix of the last
"will and testament of William Rian late of Jeffer-
"son County and files her motion to vacate and annul
"the Judgment rendered at last August term of this
"Court against the estate of said deceased in favor of
"the said defendants, and it appearing to the Satisfaction
"of the Court that some of said defendants are not
Order of publication "residing in the State of Missouri, On motion it is
"ordered that said defendants be notified that unless
"they be and appear at the next Term of this Court

to be held at the Town of Hillsboro within and for said County on the fourth Monday of July next and shew cause to the contrary the above named Judgment will be vacated and set aside, and it is further ordered that a copy of this order be published four weeks in some Newspaper printed in the city of Saint Louis & this cause continued."

The above motion is as follows to wit.

Motion "Nancy Thurmond admr with the "will annexed of Wm Rian decd } In the County Court of
"vs } Jefferson County
"John Burns et al } The above administratrix

"Trix moves the Court to vacate and annul for fraud "and irregularity the Judgment heretofore rendered "in behalf of the above defendants against said estate

Nancy Thurmond administratrix

"July Term 1840 present as before. July 28th 1840 were the following further proceedings to wit.

"Nancy Thurmond Exr of Wm Rian } affidavit of plaintiff
"vs } filed. to wit
"Joseph W Walsh & others }

"Nancy Thurmond admr } On motion to set aside &
"vs } Nancy Thurmond being
"John Burns et al } duly sworn, makes oath that she is one of the "legatees under the will of Wm Rian dec late of "Jefferson County Missouri. That said Rian and "the affiants mother were married together in Logan "County State of Kentucky and from thence came "to Missouri. There were four children of Mrs Burns "Rian and wife had no children. The Estate of "James Burns this affiants father, that came with "her mother to William Rian the second husband "this affiant does know was duly paid to said heirs "as they severally came of age and affiant is.

positively certain that receipts for the same were among the papers of the said William Rian if they have not been destroyed. This affiant further states that she lived with Rian and her mother and was a manager for her mother in her sickness both in the State of Kentucky and in the State of Missouri and States that she had accep to all parts of the house, and confidential intercourse with Rian and wife about their private affairs at all times and never heard of the demand allowed as above, and does beleive the same to be unjust and fraudulent. This affiant further states that she is informed and believes it to be true that the estate was not represented on the trial of said case, that there was neither a notice nor a waiver of notice as the law requires. That no account of defendants was filed nor affidavit made as the law requires. And as to the proof of the same that an affidavit of a person by the name of W Morgan who was present was read which affidavit and account this affiant beleives have been removed from the files of the court and cannot be found if indeed they were ever placed there, this affiant would further State that she saw the aforesaid Witness after the rendition of said Judgment putting into his saddle bags rolls of silver as it appeared to this witness and Mr Walsh asked him if he was satisfied, and the Witness said he was. Mr W replied to this that he would make him satisfied if he was not. Nancy her + Hammond mark

Contin'd Sworn to and subscribed before me July 28th 1840. Contin'd by consent. October Term 1840. continued by consent. January Term 1841. continued on motion and at the costs of plaintiff. and Matthews 6th

And afterwards to wit, at the April Term of said County Court in the year 1841. the following proceedings were had in the above entitled cause to wit.

April 26th 1841.

Statement of Clerk

Nancy Thurmond & ux vs Joseph Walsh and others } Affidavits on the part of plaintiff and defendants filed, to wit

"John Burns, Nancy Thurmond J M Walsh, Noah Harlow & Mary Eastwood vs Estate of Wm Ryan deceased } on account for money due them as heirs of Samuel Burns deceased.

The above named plaintiffs with the exception of Noah Harlow & Mary Eastwood made oath to the amount claimed in open court, being justly due, and that they had given credits for all payments and offsets to which it was entitled. Attest Jno S Mathews Clerk

"Nancy Thurmond a and John Burns et al } Motion to set aside judgment for irregularity July Term 1840.

Dr Israel McGready being sworn as the law directs States that he was well acquainted with William Ryan late of Jefferson County and now deceased. That this acquaintance commenced in Logan County Kentucky in 1796. and a familiar intercourse was kept up until his death. In 1797. a S Ryan married a Mrs Burns in Logan County she had at the time a daughter married to a Mr Alexander, Nancy since married to John Thurmond, and a John Burns and Mary Burns, at the marriage the said Mrs Burns had two negro boys, Lewis & Bill & a horse, this affiant does not recollect any other property that she then had, they all worked and lived together except the married one. This affiant was Sheriff of the County perhaps for three or four years, where said family resided Ryan was verry industrious and raised the family. This affiant came to Missouri in 1809. Ryan and family came a year or two before. This affiant then became his family physician, and was frequently there in that capacity This affiant in all his intercourse with said W Ryan and family never heard of any claim of said children against him, but always understood that the estate

of Burns had been settled up. Rian was a very honest man and never would be in debt.

Sworn & subscribed before me July 27th 1840. Rob't Mathews Clerk } Israel McGready

Affidavit Filed Walsh

John M Burns. Nancy Thurmond
Joseph W Walsh & others } Be County Court of Jefferson
Estate of Wm Rian dec'd } County Missouri August Term 1840

State of Missouri } ss.
County of St Louis }

This day personally came Joseph W Walsh before me a Justice of the peace in and for St Louis County aforesaid, and he being by me duly sworn on his oath says, that at the August Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine he presented a demand against the estate of William Rian deceased late of said County of Jefferson in favor of Nancy Thurmond, John M Burns. Joseph W Walsh. Mary Eastwood & Noah Harlow upon which demand Eli Wiley who was then acting executor of the estate of said deceased acting under letters testamentary to him granted by the Clerk of said Court in vacation, waived in open court the service of notice and thereupon said John M Burns and Nancy Thurmond did make oath in open court, that they had given credit to the said estate for all offsets & credits to which it was entitled on said account & that the balance claimed on said account was justly due, whereupon the said court examined the said account and allowed the greater part thereof amounting as he now recollects to about six thousand and eight hundred dollars. J. W. Walsh.

Sworn to and subscribed before me this 24th day of October 1840. Louis V Labaume. Justice.

Affidavit of Matthews

State of Missouri } In the Jefferson County Court
County of Jefferson } April Term 1841

Personally appeared in open Court I T Matthews who being duly sworn upon his oath says that at the August Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine a certain demand was presented in said Court against the Estate of William Ryan deceased in favor of Nancy Thurmond, John W Burns, Joseph W Walsh, and Noah Marlow upon which demand Eli Wiley the Executor of said Estate waived in open Court the Service of notice and thereupon the said Nancy Thurmond and John W Burns did make oath in open Court that they had given credit to said estate for all offsets & credits to which it was entitled, on said account, and that the balance claimed was justly due.

Sworn to and examined before me } Thos T Matthews
this 26th day of April 1841. Julius Biggins P.C.C.

Among the papers filed in relation to the foregoing cause were two receipts almost illegible but appear to be as follows to wit. "December 26th 1811. Recd of Wm Receipts Rians one Negro man named Wm in full of his part of Samuel Burns estate his father. John W Burns" attested by "Nathan'l Scroggins. Thos Lusby."

"December 26th 1811. Recd of Wm Rians one Negro man named Lewis in full of his part of Samuel Burns Estate his father. John [illegible] Houston"
attested by "Nath'l Scroggins. Thos Lusby"

April 27th 1841. The following further proceedings were had in the above cause

Nancy Thurmond admr with } On motion to set
the will annexed of Wm Rians dec'd } aside Judgment

Trial — Joseph W Walsh vs John Burns Noah Harlow & Mary Eastwood } rendered in favor of said defts for $/0864. on the 26th day of August 1839. for irregularity &c

On this day the above motion came on to be heard and after evidence and argument being heard by the Court on the part of the plaintiff and defendants and after due and sufficient deliberation had thereon the motion of said plaintiff is sustained. It is therefore considered by the Court that said judgment be set aside for manifest irregularity in the rendition of the same, and that the same be held and considered for naught. And it is further considered by the Court that the said plaintiff recover of the said defendants her costs and charges by her about her suit in that behalf expended and that she have execution therefor

Motion sustained

To the above opinion of the Court, the above defendants file their bills of exceptions, which are signed sealed and made a part of the record in this cause, to wit.

Exceptions

Nancy Thurmond a pauper of Wm Dian Deceased vs John W Burns, Joseph Walsh et al } In the County Court of Jefferson County.

Motion to set aside Judgment for irregularity

Be it remembered that on the trial of the above Motion the above named defendants by their attorney moved the Court to overrule said motion upon the following grounds to wit. 1st Because there was no irregularity in said Judgment. 2d Because the Court have no authority by law to set aside said judgment. 3d Because the plaintiff in this motion, was one of the plaintiffs in the original suit, and cannot now take advantage of her own wrong if any wrong there be. 4th Because the irregularity if any there be can only be taken advantage of by appeal or writ of error. 5th

Because all the requisitions of the law had been complied with by the plaintiffs in said suit. 6th Because there was no fraud in the judgments. all of which the court overruled and sustained the above motion to set aside the judgment. To which decision of the court the defendants in the above entitled cause, by their Attorney excepted, and prays the court to allow & sign this their bill of exceptions. which is accordingly done. Julius Higgins P.C.C. John M Strickland & Dugan

April 28th 1841.

Affidavit

Nancy Thurmond admr of
William Rian deceased
vs
John W Burns, Joseph W Walsh
Mary Eastwood & Noah Marlow

} In the County Court of Jefferson County State of Missouri. Motion to set aside Judgment.

"Personally appeared before me the undersigned, Clerk of the County Court of the County of Jefferson State of Missouri D B Freeman the attorney of the above named defendants. who being by me duly sworn upon his oath says that they the said defendants do not ~~not~~ appeal from the Judgment of the Court in the above case. for the purpose of vexation or delay but because said affiant believes that the appellants are aggrieved by the Judgment of the Court. (D B Freeman.

Sworn & subscribed before me this
28th day of April A D 1841 Jno S Mathews Clerk

Bond

Know all men by these presents that we D B Freeman as principal and John Hammond as security acknowledge ourselves indebted to Nancy Thurmond administratrix of the estate of William Rian deceased in the sum of one hundred dollars to be void upon this condition. Whereas Joseph W Walsh. John W Burns Mary Eastwood and Noah Marlow have appealed

from the Judgment of the County Court of Jefferson County in the State of Missouri in a certain Matter to set aside a judgment in favor of Nancy Thurmond, Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow, against the Estate of William Rian deceased in which Motion Nancy Thurmond administratrix of William Rian dec'd is plaintiff, and the said Joseph W Walsh, John W Burns, Mary Eastwood and Noah Harlow are defendants. Now if the appellants shall prosecute their appeal and pay all the damages and costs that may be adjudged against them by the judgment of the circuit Court of the County aforesaid, then this obligation shall be void, otherwise to remain in full force and virtue in law and equity

Signed sealed & delivered in presence of John S Mathews clerk April 25th 1841

D B Freeman (Seal)

John Hammond (Seal)

order

Nancy Thurmond
vs
Wm Walsh et al

On motion to set aside Judgment Now at this day come the said defendants by their attorney, and say that they are agrieved by the Judgment of the Court in this behalf and pray an appeal to the circuit Court which is granted and having filed their affidavit as required by law and bond which is approved, it is ordered by the Court that the clerk of this Court make out and certify to the Clerk of the Circuit Court of this County a full and complete transcript of the record and proceedings in this cause together with the original papers filed in the same.

State of Missouri } ss
County of Jefferson }

I John S Mathews clerk of the County Court, within and for the County aforesaid certify the foregoing to be a full and true transcript

of the record and proceedings of said Court in the above entitled cause. wherein Nancy Thurman admin-istratrix with the will annexed of William Ryan deceased is plaintiff, and Joseph W Walsh. John W Burns. Mary Eastwood and Noah Barlow are defendants. together with all the original papers appertaining to and filed in the said cause. In testimony whereof I hereunto set my hand and affix the seal of said County Court at

[L.S.] Office in Hillsboro the fourth day of June A.D. 1841

Bro Mathews Clerk

Exhibit F

Motion to dismiss

In the Circuit Court of Jefferson County July Term 1841

Nancy Thurman admr of William Ryan deceased vs Joseph W Walsh et al } appeal from County Court of Jefferson County

The appellee in the above cause moves the court to dismiss said appeal for the following reasons

1st The appeal is not warranted by law.

2d The Circuit Court has in virtue of said appeal obtained no jurisdiction over the subject Matter thereof

3d The bill of exceptions Does not bring up any question that the Circuit Court can enquire into.

4th The Bill of Exceptions does not preserve the record nor original Motion. but a motion to the question on record and nothing else. Pbole atty for plff

Continued to next Term. ----------

November Term 1841.

On Tuesday November 11th 1841. The following further proceedings were had in the above cause.

Nancy Thurman Exr } appeal from County Court
Joseph W Walsh et al } The motion of the plaintiff to dismiss the appeal filed at the last term of this Court is by the Court after mature deliberation overruled. To which opinion of the

Court the plaintiff files her bill of exceptions which are signed sealed and made a part of the record in this Cause and are as follows to wit)

Exceptions Nancy Thurmond Adm } on appeal Nov Term 1841
Joseph W Walsh et al } Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause. in the words and figures following to wit. (Motion heretofore inserted) which being considered by the Court was overruled. to which decision of the Court the plaintiff excepts. and prays her exceptions to be signed sealed and made a part of the record in the above cause. which is accordingly done

David Steigers Esq

Cause Continued to next term.

State of Missouri } Ss
County of Jefferson } I John T Mathews Clerk of the Circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do hereby certify that the foregoing is a true Transcript of the record and proceedings of said Court. between Nancy Thurmond Executrix of William Main dec'd plaintiff against Joseph W Walsh and others defendants as the same remains of Record in my Office.

In testimony whereof I hereunto set my hand and affix the seal of said Court at Office in the Town of Hillsboro May 1st 1842

Jno T Mathews Clerk

Jefferson Cir Court
July Term 1842

Nancy Thurmond Extr
of Wm Rian

vs

Joseph W Walkertan

Bill in Chancery
& Exhibits for
Eli Wiley et al

Exhibits To accompany the bill of Nancy Hammond Executrix of William Rion deceased against Joseph W Walsh & others

(Exhibit A)

December 26th 1811

Received of Wm Rions one negro man named Lewis in full of his part of Samuel Burns estate his father

Test

Nathan C Scoggins Thos Lusby

John mark Hustrie

(Exhibit B)

December 26th 1811

Received of Wm Rions one negro man named Wm in full of his part of Samuel Burns estate his father

Nathan C Scoggins Thos Lusby

John W Burns

(Exhibit C)

In the name of God amen I William Rion of the State of Missouri and Jefferson County being of sound and disposing memory and mind and mindful of my mortality do make ordain and establish this my last will and testament Item 1st It is my will and desire that my executor hereinafter named pay out of my estate all just debts and the recording fees of all deeds and emancipation documents for the benefit of my slaves together with funeral expenses in a christian manner Item 2d I give and bequeath to my beloved Step daughter Nancy Hammond for the natural love and affection I have for her, the land on which I now live with all the household furniture two beds excepted. Item 3d I will and bequeath unto my Step son J Burns for the love and affection I have for him Eighty acres of land, lying North East of the old farm that I give to Nancy Hammond together with all the Stock of all kinds not hereinafter particularly named Item 4th I give and bequeath unto my beloved Mary Eastwood for the affection for her one bed and the furniture thereto belonging Item 5th I will and bequeath unto my negro Hesy who I intend shall after my death

be free and emancipated from Slavery as small bed and one hundred and ten dollars in cash to save her from becoming a charge and her interest in the land hereinafter described I mean her support Item 6th I will and give negro Jim his freedom and fifty dollars in cash that he may not become a charge Item 7th I will and give negro Ellick his freedom and the cow mare and fifty dollars that he may not become a charge Item 8th I will and bequeath unto Septen and his wife Ruth and the children to wit Betty, Newey, Lewis and Sarah and the infant child their freedom and to Septen for the use and to support his family including Aley a tract of land by patent No 417 dated 24th of April 1820 it being the west half of the South East quarter of section two of Township forty north and Range three East in the district of St Louis containing eighty acres and also twenty acres of West half of Lot No two North East quarter of section No two Township forty North in Range three East and the South side of said Lot at a parallel line of the South part of said Lot No 7805 dated September 16th 1836 and as good a horse or mare as may be on the farm at my death, one pair of gears, two weeding hoes, one axe, one iron wedge for the use of the family Ruth and the children named Aley three cows and calves, ten sheep, three sows and pigs, and a support for the whole family off the old farm where I now live, of meat and corn and until a new crop is or may have been raised on the land I have give to the use of said family and Ruth the wife of Septen her loom and wheel all herein above mentioned for the support of said family and shall not be subject to any other uses whatsoever and I will and declare that the said Septen and wife and their posterity forever shall be free after my death and all others of my slaves before mentioned and nothing to the contrary shall effect this my last will and testament in the emancipation of my

slaves or the disposition of my property either in law or equity
Item 9th I intend this my will be entered on record and
that the letters of emancipation be also recorded and that
all things be done in a lawful manner to carry into
effect this my last will and that to making void all
wills heretofore by me made and to the disannulling of
all things that may in any wise oppose this believing that
I have secured to my slaves that liberty and a sufficience
to secure them from the charge of the public I intend
that nothing shall impair this will Item 10th I do hereby
appoint empower and nominate my friend Eli Wiley of said
County and State my executor in this my last will and testa
ment and hereby authorise him with full power and auth
ority to execute the same to take charge of all my lands pro
perty monies and effects of every kind and to as soon as applied
to by any of the interested parties of the will as legatees give to
each one his part agreeable to quantity, quality and kind mon
ey or what may be in accordance with the intent of this will
and I intend that there shall not be any order of court in
any case I intend that my executor shall have power to
divide and give possession and pay debts and settle all mat
ters after paying all recording fees and debts and all funeral
expenses than the residue in the foregoing manner Given
under my hand and seal at home in my own house on the
tenth day of March in the year of our lord one thousand
eight hundred and thirty nine

Signed sealed published and declared by the testator as and for his last will and Testament in the presence of us and at his request in the presence of each other have signed our names as witnesses thereto

Wm big X Rian mark (Seal)

Maricletta Wideman Joseph S McKee

I also will and bequeath to my negro man Septimus

40 acres of land it being the East ½ of Lot No 1 No 40 N the quarter of section No 2 in Township No 40 of Range three East containing 40 acres, it being No 7616 to be added to the 100 acres named in the will so as to make him 140 acres

In presence of us
Merideth Wideman Joseph S McKee

his
Wm X Rian
mark

State of Missouri } ss
County of Jefferson } Personally came before the undersigned clerk Meridith Wideman and Joseph S McKee & made oath that the above was duly executed in their presence on the 15th day of March 1839 the date of the testators will and in his presence and at his request witnessed by them and that the same was intended to be in the will of said testator in the eleventh line immediately after the words 1836

Sworn and subscribed to march 16th 1839 before me
John S Mathews clerk

Meridith Wideman
Joseph S McKee

State of Missouri } ss
County of Jefferson } Personally appeared before me John S Mathews clerk of the county Court of said county Meridith Wideman and Joseph S McKee the two subscribing witnesses to the within will and testament of William Rian who being by me duly sworn upon their oaths do say that the said testator did in their presence sign the within instrument of writing as his last will and testament and that they and each of them did sign their names thereto as witnesses in the presence of the said testator and of each other and at his special instance and request and that the said William Rian then appeared to be of sound and disposeing mind and that the papers hereto attached numbered one, two, three, four, five and six were signed sealed and delivered in the same manner as above stated and as parcel and part of the same will Meridith Wideman. Joseph S. McKee.
Sworn and subscribed to before me this 16th Day of March 1839 pro S Mathews clerk

(Exhibit (D)

State of Missouri County of Jefferson I William Ryon of said county and State do liberate, free and emancipate my slaves Septon Ruth, Hetty, Navy, Lewis, Sarah, and the infant child, Septon aged thirty seven, dark complexion, five feet ten inches high. Ruth= dark complexion age thirty, the wife of Septen and the children named, all of dark complexion, Hetty ten years, Navy eight, Lewis six, Sarah three, and the infant about two weeks. all of which are my brown slaves and I intend by these Letters that they shall be free after my death, and they shall not be subject to Slavery according to the act of the general assembly of this State in such cases provided Given under my hand and seal this Tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed Sealed published and declared by the testator as his will and for the purposes expressed in the presence at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto Meridetto Wideman Joseph S M°Kee

Wm × his mark Rian (Seal)

State of Missouri } ss
County of Jefferson } In the circuit court of the County of Jefferson April Term 1839

Be it remembered that on the eighth day of april 1839 appeared Meridetto Wideman and on the ninth day of the month and year aforesaid appeared Joseph S M°Kee in open court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Rian attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and of each other attached their names as witnesses thereto" S John S Mathews clerk of the circuit court within and for the county of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct Statement of the proceedings had

in that behalf in said Circuit Court as the same now remains of record in my office In testimony whereof I have hereunto set my hand and affixed the Seal of said Court at office in the Town of Herculaneum this 18th day of april 1839 [Seal] Jno S Mathews clerk

Filed 18th april Recorded 19th april 1839 Jno S Mathews Recorder

To all to whom these presents shall come I William Ryon of Jefferson County and State of Missouri do hereby liberate and free and emancipate my slave Ellick of dark complexion about five feet seven inches high fifty years of age from all bondage and servitude, to be free and act and transact for himself at and after my decease, according to the act of the General assembly in such cases provided Given under my hand & seal this tenth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed sealed published and declared by the testator as and for his will and wish for the purposes above mentioned who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto

William + Ryan his mark (Seal)

Meredith Wideman Joseph S McKee

State of Missouri } ss
County of Jefferson }

In the circuit Court of the county of Jefferson April Term 1839

Be it remembered that on the eighth day of april 1839 appeared Meredith Wideman and on the ninth day of april 1839 appeared Joseph S McKee in open Court and being duly sworn upon their oaths declared that they were present at the execution of the foregoing emancipation paper, that they saw the said William Ryan attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and of each other attached their names as witnesses thereto I John S Mathews Clerk of the circuit Court within and for the county of Jefferson in the 9th Judicial Circuit of the State of Missouri do certify the foregoing proceedings to be a correct Statement of the proceedings had in that behalf in

said Court as the same remains of record In testimony whereof I have hereunto set my hand and affixed the seal of said circuit court at office in the Town of Herculaneum this eighteenth day of april 1839 [L.S.] Jno S Mathews Clerk

Recorded april 19th 1839 Jno S Mathews Recorder

State of Missouri
County of Jefferson } I William Ryon of said County and State do by these presents liberate free and emancipate my negro slave Abby of dark complexion aged seventy and forever shall be free of servitude and shall act and transact for herself after my decease according to the act of the General assembly in such case provided Given under my hand and seal this tenth day of March in the year of our lord one thousand eight hundred and thirty nine

Signed sealed and published and declared by the testator as his will for the above purposes in the presence of } his Wm + Ryan [Seal] mark

us who at his request in his presence and in the presence of each other subscribed our names as witnesses thereto

Merida Th Widenman, Joseph S M°Kee

State of Missouri
County of Jefferson } Set In Jefferson County Circuit Court April Term 1839

Be it remembered that on the eighth day of april 1839 appeared Meredith Widenman and on the ninth day of the month and year aforesaid appeared Joseph S M°Kee in open court and being duly sworn upon their oaths declare that they were present at the execution of the foregoing emancipation paper that they saw the said William Ryan attach his signature thereto and acknowledged the same to be his act and deed for the purposes therein mentioned and that they in the presence of the said testator and each other attached their names as witness the said S John S Mathews clerk of the circuit court for said and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do certify the foregoing to be a correct statement

of the proceedings had in that behalf in said Circuit Court as the same remains of record in my office In Testimony whereof I have hereunto set my hand and affixed the Seal of said Circuit Court at office in the town of Hannibal this 18th day of April 1839

Seal Jno S Mathews clerk

Recorded April 19th 1839 Jno S Mathews Recorder

State of Missouri. Jefferson County I William Ryan of said County of aforesaid State do hereby liberate free and emancipate from slavery and bondage my Slave Jim of dark complexion aged thirty seven years five feet eight inches high. this letter of freedom to be in full force after my death according to the act of the General assembly of this State in such cases provided which will also appear in my last will and testament Given under my hand and seal this ninth day of March in the year of our Lord one thousand eight hundred and thirty nine

Signed sealed published and declared by this testator as his intention and wish to be in force in the presence of us who in his presence and in the presence of each other subscribed our names as witnesses thereto his Wm X Ryan mark Seal

Meredith Wideman, Joseph S. M.c Ree

State of Missouri } Set In the Circuit Court of the County
County of Jefferson } of Jefferson April Term 1839

Be it remembered that on the eighth day of April 1839 appeared Meredith Wideman and on the ninth day of April 1839 appeared Joseph S. M.c Ree in open Court and being duly sworn upon their oath declared that they were present at the execution of the foregoing emancipation paper that they saw the said William Ryan attach his signature thereto and acknowledge the same to be his act and deed for the purposes therein mentioned and that they in the presence of said testator and of each other attached their names as witnesses thereto" I John S Mathews clerk of the

circuit court within and for the county of Jefferson in the ninth Judicial circuit of the State of Missouri do certify the foregoing to be a correct statement of the proceedings in that behalf in said circuit court as the same remains of record in my office In testimony whereof I have hereunto set my hand and affixed the seal of said circuit court at office in the town of Herculaneum this 18th day of april 1839

[Seal]

Jno S Matthews Clerk

Recorded april 19th 1839 Jno S Matthews Recorder

(Exhibit E)

Be it remembered that heretofore to wit at a term of the county court within and for the county of Jefferson begun and holden at the Town of Hillsboro within and for the county aforesaid on the first day of June in the year of our Lord one thousand eight hundred and forty specially held by adjournment were present Julius Higgins Esq presiding Justice, Ezekiel Dugan and John M Hutchlans Esqrs associate Justices Mark Moss Esq Sheriff and John S Mathews Clerk of said court on the first day of said term among others were the following proceedings to wit

Nancy Hummond Exx
of the Estate Wm Rian
vs
Joseph Walsh, John Burns
Noah Hanlow & Mary Eastwood

} Motion to set aside judgment

Now at this day comes Nancy Hummond Executrix of the last will and testament of William Rian late of Jefferson County and files her motion to vacate and annul the pregment rendered at last August term of this court against the estate of said deceased in favor of the said defendants, and it appearing to the satisfaction of the court that some of said defendants are not residing in the State of Missouri on motion it is ordered that said defendants be notified that unless they be and appear at the next term of this court to be held at the Town of Hillsboro within and for said County on the fourth monday of July next and show cause to

the contrary, the above named judgments will be vacated and set aside and it is further ordered that a copy of this order be published four weeks in some Newspaper printed in the City of Saint Louis & this cause continued

The above motion is as follows to wit

Motion

Nancy Thurmond admx with the will annexed of Wm Rian deceased vs John Burns et al } In the County Court of Jefferson County

The above administratrix moves the court to vacate and annul for fraud and irregularity the judgment heretofore rendered in behalf of the above defendants against said estate

Nancy Thurmond administratrix

July Term 1840 present as before, July 28th were the following further proceedings to wit

Nancy Thurmond Exc of Wm Rian vs Joseph W Walsh and others } affidavit of plaintiff filed to wit:

Nancy Thurmond admx vs John Burns et al } on motion to set aside &c

Nancy Thurmond being duly sworn makes oath that she is one of the legatees under the will of Wm Rian dec'd late of Jefferson County Missouri that said Rian and the affiants mother were married together in Logan County State of Kentucky and from thence came to Missouri there were four children of Mrs Burns, Rian and wife had no children the estate of Samuel Burns this affiants father that came with her mother to William Rian the second husband and this affiant does know was duly paid to said heirs as they severally come of age and affiant is positively certain that receipts for the same were among the papers of the said William Rian if they have not been destroyed. This affiant further states that she lived with Rian and her mother and was a manager for her mother in her sickness both in the State of Kentucky and in the State of Missouri and State that she had

access to all parts of the house and confidential intercourse with
him and wife about their private affairs at all times, and do
never heard of the demand allowed as above and does beli
eve the same to be unjust and fraudulent. This affiant
further states that she is informed and believes it to be true
that the estate was not represented on the trial of said cause
that there was neither a notice nor a waiver of notice as
the law requires, That no account of defendants was filed
nor affidavit made as the law requires and as to the proof
of the same that an affidavit of a person by the name of
W Hogan who was present was read, which affidavit and
account this affiant believes have been removed from the
files of the court and cannot be found if indeed they ever were
placed there this affiant would further state that she saw the aforesaid
witness after the rendition of said judgment putting into his saddle
bags rolls of silver as it appeared to this witness and Mr Walsh asked
him if he was satisfied and the witness said he was, Mr Walsh
said to this that he would make him satisfied if he was not

her
Nancy + Hammond
mark

Sworn to and subscribed before me July 28th 1842 pd St Mathews Clerk

Continued by consent October Term ended by consent January Term
1841 continued on motion and at the costs of the plaintiff
And afterwards to wit at the April Term of said County Court
in the year 1841 the following proceedings were had in the
above entitled cause to wit April 26th 1841

Nancy Hammond Exx &c } affidavits on the part of the
vs } plaintiff & depts filed to wit
Jacob Walsh and others }

Statement Clerk

" I W Burns Nancy Hammond
I W Walsh, Noah Harlow &
Mary Eastwood } On account for money due them
vs } as heirs of Samuel Burns Deceased
Estate of Wm Rian deceased

The above named plaintiff with the exception of Noah
Harlow & Mary Eastwood made oath to the amount claimed

in open court being justly due and that they had given credits for all payments and offsets to which it was entitled Attest

Jno S Mathews clk

Nancy Hummond admr
vs
John Burns et al

motion to set aside Judgment for irregularity July Term 1842

affidavit of D. McGready

Dr Israel McGready being sworn as the law directs States that he was well acquainted with William Rian late of Jefferson County and now deceased That this acquaintance commenced in Logan County in 1796 and a familiar intercourse was kept up until his death in 1797 or 8 Rian married a Mrs Burns in Logan County, She had at the time a daughter married to a Mr Alexander Nancy since married to John Hummond and John Burns and Mary Burns at the marriage the said Mrs Burns had two negro boys Lewis & Bill & a horse, this affiant does not recollect any other property that she then had, They all worked and lived together except the married one This affiant was sheriff of the county perhaps for three or four years and where said family resided, Rian was very industrious and raised the family This affiant came to Missouri in 1809 Rian and family came a year or two before, this affiant then became his family physicians and was frequently there in that capacity, This affiant in all his intercourse with said W Rian and family never heard of any claim of said children against him but always understood that the estate of Burns had been settled up Rian was a very honest man

Sworn & subscribed before me
July 27th 1842 Jno S Mathews clerk

Israel McGready

John W Burns Nancy Hummond
Joseph W Walsh and others
vs
Estate of Wm Rian dec'd

In county court of Jefferson County Missouri
August Term 1842

affidavit of J. W. Walsh

State of Missouri } ss
County of St Louis }

This day personally came Joseph W Walsh before me a justice of the peace in and for St Louis County

aforesaid and he being by me duly sworn on his oath says that at the August Term of the county Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine he presented a demand against the estate of William Ryan deceased late of Jefferson County aforesaid in favor of Nancy Hammond John W Burns, Joseph W Walsh Mary Eastwood & Noah Harlow upon which demand Eli Wiley who was the acting executor of the estate of said deceased acting under Letters Testamentary to him granted by the Clerk of said Court in vacation waived in open court the service of notice and thereupon said John W Burns and Nancy Hammond did make oath in open court that they had given credit to the said estate for all offsets & credits to which it was entitled on said account & that the balance claimed on said account was justly due whereupon the said court examined the said account and allowed the greater part thereof, amounting as he now recollects to about six thousand and eight hundred dollars

Sworn to and subscribed before me
This 24 day of October 1841
Louis J Labaume justice

J W Walsh

affidavit of J S Mathews

State of Missouri } SS In Jefferson County Court
County of Jefferson } April Term 1841

Personally appeared in open Court J S Mathews who being duly sworn upon his oath says that at the August Term of the County Court of Jefferson County State of Missouri for the year eighteen hundred and thirty nine a certain demand was presented in said Court against the estate of William Ryan deceased in favor of Nancy Hammond John W Burns Joseph W Walsh and Noah Harlow upon which demand Eli Wiley the executor of said estate waived in open court the service of notice and thereupon the said Nancy Hammond and John W Burns did make oath in open court that they have given credit to said estate for all offsets & credits to which it

was entitled on said account and that the balance claimed was justly due John S Mathews

Sworn to and examined before me this 26th day of April 1841 Julius Higgins P.C.C

among the papers filed in relation to the foregoing cause were two receipts almost illegible but appeared to be as follows to wit

Receipt "December 26th 1811 Recd of Wm Rians one negro man name Wm J.W Burns in full of his part of Samuel Burns estate his father. John W Burns attested by Nathan C Scroggins. Thos Pusley"

"December 26th 1811 Recd of Wm Rians one negro man named Lewis in full of his part of Samuel Burns Estate his father attestion by Nath C Scroggins Thos Pusley" John his X mark Nastie

April 29th 1841 the following further proceedings were had in the above cause

Trial — Nancy Thurmond admx with the will annexed of Wm Rian Dec'd vs Joseph W Walsh John Burns Noah Harbord & Mary Eastwood } on motion to set aside judgment rendered in favor of said defts for $6864 on the 26th day of August 1839, for irregularity &c

Motion Sustained — On this day the above motion came on to be heard and after evidence and argument being heard by the court on the part of the plaintiffs and defendants and after due and sufficient deliberation had thereon the motion of said plaintiff is sustained It is therefore considered by the court that said Judgment be set aside for manifest irregularity in the creation of the same and that the same be held and considered for naught and it is further considered by the court that the said plaintiff recover of the said defendants her costs and charges by her about her suit in that behalf expended and that she have execution therefor To the above opinion of the court, the above defendants filed their bills of exceptions which are signed sealed and made a part of the record in this cause To wit

Exceptions — Nancy Thurmond admx of Wm Rian deceased vs John W Burns Joseph W Walsh et al } In the County Court of Jefferson County

motion to set aside judgment for irregularity Be it remembered that on the trial of the above motion the above named defendants by their attorney moved the court to overrule said motion upon the following grounds to wit 1st Because there was no irregularity in said judgment 2d Because the Court have no authority by law to set aside said judgment 3d Because the plaintiff in this motion was one of the plaintiffs in the original suit and cannot now take advantage of her own wrong if any wrong there be 4th Because the irregularity if any there be can only be taken advantage of by appeal or writ of error 5th because all the requisitions of the law have been complied with by the plaintiffs in said suit 6th Because there were frauds in the judgments all of which the court overruled and refused the above motion to set aside the Judgment To which decision of the court in the above entitled cause the defendants by their attorney excepted and prays the court to allow to sign this their bill of exceptions which is accordingly done

Lucius Higgins P.C.C. John N Strickland & Dugans

affidavit

Nancy Thurmand Exx of
Wm Rian deceased
vs
John W Burns, Joseph N Walsh
Mary Eastwood & Noah Harlow

} April 28th 1841
In the County Court of
Jefferson County
State of Missouri motion to
set aside judgment

Personally appeared before me the undersigned Clerk of the County Court of the County of Jefferson State of Missouri D B Freeman the attorney of the above named defendants who being by me duly sworn upon his oath says that they the said defendants do not appeal from the judgment of the court in the above case for the purpose of vexation or delay but because said affiant believes that the appellants are agrieved by the judgment of the court

D B Freeman

Sworn and subscribed before me this 28th day of April A.D. 1841

Jno S Mathews Clerk

Bond Know all men by these presents that we D B Freeman as prin

appeal and John Hammond as security acknowledge ourselves in
debted to Nancy Hammond administratrix of the estate of William
Rian deceased in the sum of one hundred dollars to be void
upon this condition Whereas Joseph W Walsh, John W Burns
Mary Eastwood and Noah Harlow have appealed from the jud
gment of the County Court of Jefferson County in the State
of Missouri in a certain matter to set aside a judgment in
favor of Nancy Hammond Joseph W Walsh Mary Eastwood
and Noah Harlow against the estate of William Rian deceased
in which motion Nancy Hammond administratrix of William Rian
dec'd is plaintiff and the said Joseph W Walsh John W Burns Mary
Eastwood and Noah Harlow are defendants Now if the appellants
shall prosecute their appeal and pay all the damages and costs that
may be adjudged against them by the judgment of the circuit
court of the County aforesaid then this obligation shall be void
otherwise to remain in full force and virtue in law and equity

Signed Sealed and delivered in pres — D B Fleemon Seal
ence of John S Matthews — John Hammond Seal

Order — Nancy Hammond vs Joseph W Walsh et al — on motion to set aside Judgment

Now at this day come the said defe
ndants by their attorney and say that they are aggrieved by the
Judgment of the court in this behalf and pray an appeal to the cir
cuit court which is granted and having filed their affidavit as
required by law and bond which is approved, it is ordered by the
court that the clerk of this court make out and certify to the
clerk of the circuit court of this county a full and complete transcript
of the record and proceedings in this cause together with the orig
inal papers filed in the same

State of Missouri } ss
County of Jefferson }

I John S Matthews clerk of the county
court within and for the county aforesaid certify the foregoing to
be a full and true transcript of the record and proceedings of
said court in the above entitled cause wherein Nancy Ham

monst. administratrix with the will annexed of William Rian dec
eased is plaintiff and Joseph W Walsh, John W Burns, Mary Pastw
oos and Noah Harlow are defendants together with all the
original papers appertaining to and filed in the same In test
imony whereof I hereunto set my hand and affix the seal
[S] of said county court at office in Hillsboro the fourth day
of June A D 1841 Jno A Mathews Clerk

(Exhibit F)

In the Circuit Court of Jefferson County July Term 1841

Motion to Dismiss

Nancy Hammond admx of William Rian deceased vs Joseph W Walsh et al } appeal from County Court of Jefferson County

The appelle in the above cause moves the court to dismiss said appeal for the following reasons 1st The appeal is not warranted by law 2d The Circuit Court has in virtue of said appeal obtained no jurisdiction over the subject matter thereof. 3d The bill of exceptions does not bring up any question that the Circuit Court can enquire into 4th The bill of exceptions does not present the record nor original motion but a motion to the question on record and nothing else P Cole atty for plff

Continued to next term November Term 1841

On Tuesday November 16th 1841 the following further proceedings were had in the above cause

Motion overruled

Nancy Hammond Exct vs Joseph W Walsh et al } appeal from County Court

The motion of the plaintiff to dismiss the appeal filed at the last term of this court is by the Court after mature deliberation overruled To which opinion of the court the plaintiff files his bill of exceptions which are signed sealed and made a part of the record in this cause (and are as follows to wit

Exceptions

Nancy Hammond admx vs Joseph W Walsh et al } on appeal Nov Term 1841

Be it remembered that the plaintiff filed a motion to dismiss the appeal taken in the above cause in the words and figures following to wit (motion heretofore inserted

which being considered by the court was overruled to which decision of the court the plaintiff excepts and prays her exceptions to be signed sealed and made a part of the record in this cause which is accordingly done David Steigers judge

Cause Continued to next term

State of Missouri } SS
County of Jefferson }

I John S Matthews clerk of the circuit Court within and for the County of Jefferson in the ninth Judicial Circuit of the State of Missouri do hereby certify that the foregoing is a true transcript of the record and proceedings of said court between Nancy Hammond Executrix of William Rian deceased plaintiff against Joseph W Walsh and others defendants as the same remains of record in my office

In testimony whereof I hereunto set my hand and affix the seal of said Court at office in the town of Hillsboro May 1st 1842

J S Matthews Clerk

I Marshall Brotherton Sheriff of the County of St Louis do certify that I did on the 2nd day of June 1842 in the county of St Louis deliver to Joseph W Walsh a true copy of the foregoing exhibits & C

M Brotherton Sheriff

$1,00

Jefferson Circuit Court
July Term 1842

Bill in Chancery

Nancy Thurman a Ext
of Wm Rian dec
vs } Exhibits
Joseph M Walsh et ae

To Joseph M Walsh.
St Louis County.

Copy to Walsh
June 3d 1842

filed July 12th 1842
Jno J Mathews
Clk