

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

Folder 3 of 3

Box 6 Folder 37

Thurman, Nancy, adm.

Rian, William

vs,

Wiley, Eli

Carney, John

Woodcock, William

Woodcock, Mary

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 Thurmond adm^t of William Rian deceased with the will annexed
against } In Chancery

Eli Wiley Joseph W Walsh and Elizabeth his wife late Elizabeth
Eastwood and William Woodcock and Mary his wife late Mary
Eastwood Children of Mary Burns wife of Elijah Eastwood
both of whom are dead, John W Burns, John Carney, Nancy
Harlow late Husky daughter of Mary Husky and her husband
Noah Harlow and Elizabeth Alexander widow, late Elizabeth Burns.

The answer of Elizabeth Walsh wife of Joseph Walsh
to the bill of Complaint of the said Nancy Thurmond adm^t -
is that as aforesaid. This respondent saving and
reserving to herself now and at all times hereafter all
manner of benefit and advantage of exception to the many
uncertainties insufficiencies and inaccuracies in said bill
contained, for answer therunto, or to so much thereof
as she is advised is material for her to answer unto
says, that she is married to Joseph W Walsh and that
Nancy Husky and Mary Eastwood are married as in said bill set
forth - and that as she has always heard Samuel Burns the father
of Nancy Thurmond died in North Carolina leaving some property
which was sold by his widow amongst the rest ~~there~~ ^{other} three
Slaves Jim Lewis & Bill but what amount of ^{other} property or what
kind of property it was she does not know. This respondent
further says that she has understood that the widow of Samuel
Burns afterward removed to Kentucky & there married William Ryan
~~she~~ and afterward removed to Jefferson County Missouri
where he afterwards died in ^{March} 1839, and his wife died in
August 1835. - This respondent does not remember to have
heard that Elizabeth Alexander received any part of her father's
estate on her marriage though she may have heard it. This respondent
does not know what property Mrs Burns had at the time of her
marriage with Wm Ryan but has always heard that she was well
off and that said William Ryan had nothing. This respondent never

heard except from Mrs. Thurmond herself that she received from Mr. Ryan any property for her share of her father's Estate. This respondent has heard that John Huskey & John Burns received from William Ryan two slaves and perhaps other property, but does not recollect who she heard say so, nor does she know of any receipts being given to Mr. Ryan for them.

This respondent further answers and says that she believes the names and residences of the heirs of Samuel Burns are correctly stated in said Bill. This respondent knows nothing of an article of agreement between her husband and Mrs. Thurmond nor of any between him & Eli Wiley. That John Carny came to her husband in St. Louis at his own house and bought from him the negroes Hetty and Dave, but for what sum of money she does not know, nor what agreement was between them the said sale was soon after the negroes were brought by her husband to St. Louis. All the negroes brought were Ellick Hetty, Minerva Lewis Sarah & Dave. Lewis, Minerva and Sarah her husband has now in St. Louis and Ellick ran away while her husband was sick soon after he was brought to St. Louis and she has not seen nor heard of him since; that the day he ran away Ellick came into the room where her husband was sick and asked him if he might go to see his daughter Hetty. That Mr. Wilson was in town from Big River & he could go with him, that her husband answered he would see about it & she never saw Ellick after. This respondent further answers and says that soon after the death of Mr. Ryan John W. Burns called on her husband at his house in St. Louis and wanted him to sue the Estate for money due him and the other heirs of Samuel Burns and she tried to persuade her husband to have nothing to do with it, but Mr. Burns at last got him to consent to undertake it. This respondent

further says that she has known William Hogan by Character
ever since she was a child & never heard his Character
for truth and veracity questioned - and further this
respondent answereth not.

Elizabeth Walsh

State of Missouri
County of Lewis } ss. This day personally came Elizabeth
Walsh before me Patrick Walsh a Justice of the peace in
and for said County and she being by me duly sworn on
her oath says that the matters and things in the foregoing
answer contained so far as stated of her own knowledge
are true, and those things stated upon information derived
from others she believes to be true.

Sworn to and subscribed before
me this 12th day of July A.D. 1842

Elizabeth Walsh

P. Walsh
Justice of the peace
Lewis County Missouri

St. Thomas
about 11th Apr

SS

Elizabeth Walsh

Answer of Elizabeth

Walsh

filed July 19th 1842

John M. M. M.

Nancy Thurmond adm^r of William Ryan deceased
with the will annexed

against $\frac{2}{3}$ In Chancery

Eli Wiley Joseph Walsh and Elizabeth his wife
late Elizabeth Eastwood and William Woodcock
and Mary his wife late Mary Eastwood Children
of Mary Burns wife of ~~Elizabeth~~ ^{Elijah} Eastwood, both of
whom are dead, John W Burns, John Carney,
Nancy Harlow late Husky daughter of Mary
Husky and her husband Noah Harlow and Elizabeth
Alexander widow late Elizabeth Burns -

The answer of Joseph Walsh ~~and Elizabeth~~ ^{as administrator}
to the bill of Complaint of the said Nancy Thurmond
^{administratrix} ~~Executrix~~ as aforesaid - This respondent saving
and reserving to himself now and at all times here-
after all manner of benefit and advantage of
Exception to the many uncertainties insufficiencies
and inaccuracies in said bill contained for answer
thereto or to so much thereof as he is advised is
material for him to answer unto Says, it is true as
in said bill stated that he is married to Elizabeth
Eastwood, and that Nancy Husky and Mary Eastwood are
also married as in said Bill set forth as he is informed
believes, and that Samuel Burns the father of said
Nancy Thurmond died in North Carolina as he is informed
leaving as he understood two Slaves which were not sold
and other property which ~~was~~ sold by his widow, but
what were the names of the Slaves he does not know
and if he ever heard does not remember, ~~nor~~ does
he know the amount of other property left by the
said Samuel Burns ^{nor what that property consisted of whether land, slaves or other property} nor has he ever heard, ~~that~~
respondent has been informed that the widow of said
Samuel Burns removed to Kentucky and there

married William Ryan who since died in Jefferson County Mo in 1839. - This respondent does not know nor does he remember ever to have heard that Elizabeth Alexander on her Marriage received the Slave fine in said bill mentioned and other personal Estate as husband nor that she ever received any part of Samuel Burns' Estate after his death. - This respondent does not know what property or what amount Mary Burns had at the time of her Marriage with William Ryan. - This respondent never heard of Nancy Thurmond having received Seventy pounds in property from William Ryan, upon her Marriage with John Thurmond nor that she received any thing from him.

This respondent further says that he has been informed that William Ryan and his wife removed from Kentucky to Jefferson County Missouri, and that William Ryan died there about the year 1839, his wife having died some time before. - That he has heard that John Husky & John W Burns received from William Ryan the two Negro Men that belonged to Samuel Burns before referred to, but does not recollect to have heard of either of them receiving any other property from William Ryan. Nor that he has ever seen the receipts referred to in said bill marked A & B, but heard from Eli Wiley (Mrs Thurmond or John W Burns, which he does not know) of the existence of one receipt for a Negro to William Ryan, but for what Negro or by whom Executed he does not recollect, nor does he remember, if he ever knew in whose possession the said receipt was, but supposes of course that it was in the possession of Mr Wiley, he being Executor of William Ryan & having his papers, but if he ever saw it, it must have been at the time of the sitting of the County court of Jefferson County at which the claim was allowed against the Estate of

William Rian & he remembers that in talking of the receipt Wiley, Burns, Mrs Thurmond & this respondent being together it was distinctly stated that that receipt had nothing to do with the claim that was then about to be presented to the Court for allowance, that statement was ~~either~~ made either by Mrs Thurmond or Mr Burns (the other being present) to this respondent in presence of Mr Wiley, which this respondent believed to be true and thinks Mr Wiley remarked to the Court during the time said claim was pending & before it was allowed that such a receipt (perhaps two) existed to the purport of the same.

This respondent further answers that he can only say from information how many heirs Samuel Burns left, but believes their names and residences correctly stated in said bill at least he knows nothing to the contrary, that is that John W Burns & Nancy Thurmond children of Samuel Burns reside in Missouri, Mary Eastwood now Woodcock & Elizabeth Eastwood now Wall grandchildren of said Burns & children of Mary Burns also reside in Missouri, that Nancy Husky now Harlow also daughter of said Mary Burns resides in Illinois & Mrs Alex and her heirs if living reside in some one of the Southern States, which this respondent does not know; This respondent further states that the following is a true copy of the article of agreement or instrument of writing signed by Nancy Thurmond to this respondent to wit - "Whereas Joseph W Wall of Louis county State of Missouri has this day in our names and the name of himself and others heirs and legal representatives of Samuel Burns deceased, did on this day present for allowance in the County Court, of the County of Jefferson in said State a demand for the sum of two thousand dollars with forty two

year interest in favor of the said heirs and legal representatives of said Samuel Burns, of which the sum of six thousand Eight hundred and Sixty four dollars was this day allowed by said Court, Now the undersigned John W Burns and Nancy Thurmond in consideration of the trouble, and time lost heretofore, and that he is to manage and collect the said sum of said Estate, do agree to pay to the said Joseph W Walsh One fifth of each of our proportions of the said amount allowed as aforesaid the interest of each of us in the same being the equal one third part thereof or two thousand two hundred and eighty eight dollars —

The said Joseph W Walsh agreeing to deduct of his charge on Nancy Thurmond's part the sum of One hundred and twenty four dollars if the whole of said allowed account shall be by him collected from said Estate. In witness whereof we have hereunto set our hands and seals this 26th day of August

A D 1839

Done in presence of

Julius Higgins }

Nancy^{her} Thurmond Seal
John^{his} W Burns Seal
Mark

This respondent further states, That the following is a true copy of an agreement between Eli Wiley & himself which agreement is in the possession of this respondent, to wit "Know all men by these presents that whereas I Eli Wiley of the County of Jefferson State of Missouri, Executor of the Estate of William Ryan deceased having by letter of Attorney bearing date the 26th day of August A D 1839 appointed Joseph W Walsh of the City & County of St Louis in said State my attorney irrevocable to manage the said Estate, do by these presents give & grant unto the said Joseph W Walsh all the commissions and compensation to which by law I am entitled or

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which may be allowed me for the same by the County Court of said Jefferson County for managing said Estate; Except the Extra Compensation which shall be allowed me by said Court for taking care of and dividing the property of said Estate according to the will, and for attending to prove said will and at the two last terms of said Court; and the allowance that shall be made me by said Court for retaking the slaves of said Estate. St Louis 2^d September 1839 - Eli Wiley -

This respondent further states that there was another agreement signed by himself the purport of which he does not recollect which he delivered to said Eli Wiley and which he supposes is still in the possession of said Wiley.

This respondent further states that he sold to John Carney the negroes Hetty and Dave for six hundred and twenty five dollars (as he now recollects) and executed to him a bill of sale for said negroes, and that subsequently he executed a bond to said Carney with (as he now recollects) John Rourke Security in the sum of six hundred and twenty five dollars Conditioned that he would guarantee the title to said Hetty and Dave to said John Carney, but what were the dates of said instruments of writing or their purports Except as above stated he cannot now state as he kept no copy of either of them and delivered the originals to said John Carney in whose possession he supposes them now to be. This respondent further states that the authority by which he sold the said two negroes to said Carney was this, that at the sale of said negroes and the others belonging to said Wm Ryan's Estate in September 1839 by order of the County Court of Jefferson County, Mrs Nancy

Thurmond became the purchaser of those two and others of said negroes and failed and finally refused to give the security required by the terms of the sale and after the sale agreed that this respondent might take them at the prices at which she bid them off, if he choose, and that he told her he would take them at the same prices, which he believed to be lawful, and that the County Court would approve of the sale; and brought the negroes back with him to St Louis where he resides considering himself the purchaser & that he would be liable & bound to pay the prices at which they were severally sold, and that he was accountable to the estate of Wm Ryan for the same; He further says that it was not his intention to sell said negroes or any of them immediately nor did he offer them or any of them for sale to any person, & that a short time after the said sale and before the County Court of Jefferson County sat again, said John Carney came to this respondent at St Louis and offered to buy said Betty & Dave, knowing the whole of the circumstances attending the sale as this respondent believes, and the manner by which they came into this respondent's possession, and this respondent sold him them and then the said Betty and Dave as before stated - and the said John Carney then and there paid this respondent the said sum of six hundred and twenty five Dollars for said negroes Betty & Dave - This respondent further states, that the other negroes Minerva, Lewis & Sarah are still in his possession in Louis, that ~~Ellick~~ he has not sold either of them - That Ellick was also brought by him from Herculaneum to St Louis after the said sale and remained with him until some

time in December 1839, that this respondent was then Sick and Confined to his house and Ellick informed him that some of Mr Carnegys neighbors (The Neighbors Wilson he believes) were in town with a wagon at market, and asked if he would be allowed to go and see his daughter Hetty at Mr Carnegys and that he would return by "New year" to which this respondent assented having before promised him to allow him to go and spend the holidays with his daughter, this respondent told Ellick not to go until he gave him a pass, that he might not be molested; this respondent has never seen said Ellick since and has since been informed that he did not go to Mr Carnegys, but believing he had gone there he did not feel uneasy until after the 1st January 1840 had passed when an Enquiry finding he had not gone to see his daughter Hetty he first suspected that he had ran away. This respondent then used all the exertions of which he was capable by writing to the police of Pittsburg & others offering a reward for his apprehension to have said negro brought back but without success and he has never heard of his whereabouts since. - This respondent further states that John W Burns was the first person who informed him that William Ryan was indebted to the heirs of Samuel Burns - That the said information was given him soon after the death of said Ryan in his own house in St Louis, where he was called upon by said Burns with a solicitation that he would undertake to have the same adjudicated upon - This respondent refused to have any thing to do with it, being in feeble health and sick at

at the time, and considering that there would be considerable trouble attending the Collection of it, and that the portion of the demand that would be coming to him would be so small as not to justify him in leaving his business which required his attention in S. Louis to go to Jefferson County perhaps frequently to attend to it - Mr Burns then rather strongly insisted upon this respondent's undertaking it, upon the plea that the demand was just and could be proved by the testimony of William Hogan and others that Hogan's Character was unimpeachable (said Hogan at that time this respondent had never seen) and that he was poor and had a large family to provide for that his Sister Mrs Burns was so anxious ^{this respondent} that ^{this respondent} should undertake it as he was & that if ^{this respondent} did not he could not get thorough with it & would have to abandon it, which was hard it being a just claim &c. and at last this respondent agreed to undertake to have the matter investigated - This respondent accordingly commenced ^{in the names of John W. Burns & Nancy Thurmond} suit in the Circuit Court of the County of Jefferson for the same against the Executor of the Estate of William Ryan (Eli Wiley). - he then went from S. Louis to the house of Samuel Palmer in Jefferson County to see said William Hogan, and had a conversation with him and being satisfied from the statements of said Hogan that the demand was just and that said Hogan was about to leave the State for ^{and would probably be absent when the case would come up for trial} Texas, he gave notice to the said Wiley Executive that he would take the Deposition of said Hogan in S. Louis - & The depositions were accordingly taken, on the ninth day of August 1839, at the City of S. Louis before Louis Labeaume a Justice of the Peace of said County of S. Louis - which depositions are in the words and figures

following, to wit, Depositions of witnesses produced
Sworn and Examined on the ninth day of August
in the Year of Our Lord Eighteen hundred and thirty
nine between the hours of Eight O'clock in the
forenoon and Eight O'clock in the afternoon of that
day, at the office of Justice Joseph W. Walsh in the
City of St Louis, in St Louis County, State of Missouri,
before Me Louis T. Labeanne a Justice of the peace
within and for the County aforesaid in a certain Cause
now depending in the Circuit Court of the County of
Jefferson State of Missouri, between John Burns
& Nancy Thurmond Plaintiffs, and Eli Wiley Executor
of William Ryan deceased defendant, on the part
of the plaintiffs.

William Hogan of lawful age being produced
Sworn and Examined on the part of the plaintiffs,
deposes and says, I have been acquainted with William
Ryan and Mary his wife since the year 1813 at which
time they lived in Jefferson County, Missouri on Big
river, where they lived until their deaths; during
the whole time since I was intimately acquainted
with them both and during the years 1817, 1818 & part
of 1819 I lived with them & made their house my
home; I have also been since 1813 intimately ac-
-quainted with John Burns & Mrs Nancy Thurmond
the plaintiffs in this suit, they are the children of Mrs
Ryan wife of said William Ryan by her first husband
Samuel Burns. Some time in the latter part of the year
1827, I was with my wife, who is since dead, on a visit of a
Saturday afternoon at Mr Ryan's, as we were frequently,
almost every week while they both lived; after supper
Mrs Ryan was very busy in working round & getting the
Negroes to work. Mr Ryan & his wife & my wife & myself

being present & seeing her so busy & she so old I remarked to her as I often did "What is the use Mrs Ryan of your working so hard? You have plenty to live on" She immediately answered "I am working for my Children" & I said "That is very well provided they get it" She then observed that "they would get it, that there was no one else to get it, & that it was her Childrens money & negroes that had made the property that she & Ryan then had, & that it would be very hard if they did not get it & if she had any reason to think that they would not get it she would quit work & spend the property faster than it was ever made: then turning to her husband she said "You know Ryan that it is my Childrens negroes & money that has made what we have got, & when I married you you had nothing & I had the Childrens money & negroes, & you then promised me if I would let you have their money, which was two thousand dollars, and say nothing about it, that they should have it back again and all you could make of it besides; and you know you got that two thousand dollars and had the use of the negroes for twenty two years" Mr Ryan answered "Yes, old lady I acknowledge all that, I had their negroes for about twenty two years, and their money, not quite two thousand dollars, but between eighteen hundred & two thousand, I have not wasted it, not a dollar of it & see what it has come to & when we die it will be a good gift to them & they shall have it" She then appeared to be satisfied and called upon my wife & myself to recollect it, and has often since told us to remember it - In the year 1830 in the fall I stayed one night at Mr Ryans and a strange

man from (as I recollect) St Charles County stayed all night at the house also, and had a couple of negro boys, twelve or thirteen years old for sale and proposed to sell one of them to Mr Ryan and they had agreed upon the terms & when Mrs Ryan understood what things were about she objected to it and said that they had plenty of negroes & that she would not be pestered with any more on the place. Mr Ryan then remarked that he knew they had negroes enough & did not need any more for themselves but that the money was the Childrens (meaning her Children as they had none of their own) and that it was growing property & would be worth more when they were done with it than the selling price at that time, she still objected to it saying that "if my children want negroes after we are dead they can take the money & buy them" but would not agree that Mr Ryan should buy them & finally persuaded him not to buy.

Since 1827 up to the time of the death of Mrs & Mr Ryan we had frequent conversations about the property and he and she always admitted that all the property they had ought to belong to Mrs Ryan's Children & that they had the labor of the negroes belonging to her Children & had had the use of their money \$1800 or \$2000 which had made the property and that they never let the Children know any thing about the money, but had always kept it concealed from them intending to give them all the property at their deaths. - I was for more than twenty years very very intimate in the family, always read his letters and writing & did his writing for him whenever he had any done - and was a confidant of all their family secrets -

Mrs Ryan died four years ago this August and for about two years before she died she was suspicious that Mr Ryan her husband did not intend to let the

children have the property as he had always promised, and called on me several times to recollect all that had passed between her & Mr Ryan in my presence if he should live longer than she did; and at the very last time I ever spoke to her which was a short time before her death, she again called on me to recollect their conversations, and if I outlived Mr Ryan & he did not leave her children all his property to be sure to let her children know what I knew -

In May 1838 I was building a mill for Mr Mark Wideman near Mr Ryan and he sent for me one day to go to his house and stay all night; I went & after supper when we were alone in his room he introduced the subject of our former conversations by asking me if I recollected the conversations that I had heard between himself and his wife about the \$2000 of his wife's children's money. I told him I did perfectly well; he then asked me if I had ever told it to anyone - I told him I had not, that it was a matter that they seemed to wish to keep secret & that I had never mentioned it to anyone - he seemed pleased and said he was glad of it, that he was now at peace with the children and wished to die so, and that if John Burns got to hear of it he would never let him have any peace and said he "I intend to do as I please with my negroes when I die but the balance of the property they can have they have the best right to it -"

I have only known Mr & Mrs Ryan since 1812, but from their statements to me and from the ages of the children and all their conversations Mr & Mrs Ryan had been married about forty years at the time

of Mrs Ryan's death which was four years ago;

The money before referred to, that is the \$2,000 was given into Mr Ryan's hands by Mrs Ryan immediately after her marriage with him as I understood from their statements -

Mr Ryan died in the month of March in the present year, and I never mentioned any thing that I knew about the money until after his death & when I found he had made such a will as the one he did make on the tenth of March 1839 & then I thought it time to let the persons interested know of it and for this Depoent saith not. - William Hogan -

Sworn to and subscribed before me on the day between the hours and at the place aforesaid Louis Labeanne Justice of the Peace -

State of Missouri, County of St Louis, SS. Louis L Labeanne a Justice of the peace within and for the County of St Louis State of Missouri do hereby certify that William Hogan the Depoent was by me duly sworn to testify the whole truth of his knowledge touching the matter in controversy aforesaid; that he was Examined and his Examination reduced to writing & by him subscribed in my presence on the day between the hours and at the place in that behalf first aforesaid Louis Labeanne Justice of the Peace -

This respondent further answers that the Cause of the dismissal of said Suit in the Circuit Court was as follows, that understanding that Mr Wiley had not been required to file bond & security as Executor of said Estate of William Ryan deceased and not having any acquaintance with said Wiley & therefore not having any assurance that the assets of said Estate would be safe in his hands until said Cause could be determined in the Circuit Court, this respondent at the August Term 1839 of the County Court of said County

of Jefferson (it being the first term of said Court held after the commencement of said Suit) for an order requiring the said Executor to file bond & Security faithfully to administer said Estate &c, upon which motion the Court ordered that the said Executor should file such bond &c, on or before a certain day (ten days off as this respondent believes) That at the same term and this respondent believes on the same day upon which said order was made, and after said order had been made, said Eli Wiley came to this respondent at Herculaneum when the Court was held, and requested this respondent to dis miss said Suit in the Circuit Court and Commence it in the County Court, giving as a reason that he disliked very much to be obliged to defend a Suit for months in the Circuit Court, Employing attorneys at perhaps a heavy Expense & being continually harassed & anxious about the matter and that it was a claim of such a nature that three honest men such as the Judges of the County Court could decide upon it as well as any lawyer, That if the claim was just he did not wish to prevent its payment & that if it was not the County Court would so decide at once & if they did so decide he expressed a hope that I would be satisfied & let it drop: I agreed to do so provided he would waive the notice required by law, the witness William Hogan being in attendance on the Court, & being about to leave the State - The said Wiley then agreed to do so upon condition that this respondent would not insist upon his filing bond as Executor, proposing at the same time

That if the Court should allow the demand to give up the management of the property of said estate to this respondent by which there would be no danger of loss to the parties interested, all which ^{and that said Wiley should not be responsible for any derelict of the estate by this respondent} was agreed upon - said Wiley then further stipulated that no claim should be made for the services of the negroes as Mr Ryan had to raise and support the children of Samuel Burns which was as much as the services of the slaves were worth, said Wiley thereupon waived the notice in his own proper person in Open Court and John W Burns & Mrs Nancy Thurmond (the present complainant) then and there made oath in Open Court that all just credits and setoffs to which the said account was entitled had been given and that the balance claimed was justly due; thereupon the witness William Hogan was sworn by the Clerk and after proceeding for some time by question and answer to get the matter clear to the understanding of the Court and finding that the nature of the claim was not fully understood by one of the Judges this respondent stated to the Court that he had taken the deposition of the witness to be used in the suit originally commenced for the same matter in the Circuit Court and with leave of the Court this respondent would read the same to the Court, offering a narrative of the whole matter and that the witness being present could correct any error in the same if there were any, which being agreed to by the Court this respondent read the said deposition to the Court and the said witness William Hogan then declared to the Court that the same was correct, and thereupon the Court after

ordered that Six thousand eight hundred and sixty four Dollars of the said demand being for principal and interest should be allowed in favor of the said Claimants against said Estate and placed in the fifth Class. which was done accordingly & a Certificate thereof endorsed on the account by the Clerk and handed to this respondent in whose possession it still remains -

This respondent further says that according to the best information he can obtain that the Character of said Hogan for truth & veracity was good at the time said depositions were taken for not knowing before about that time any thing about him he was particular in making the Enquiry of those who knew him best & from every one whom he asked he received a good Character of him, and this respondent does not know whether he has or has not fled the Country for imputed crime and until he saw it so insinuated in Complainants bill never suspected that it was so believed, said Hogan having informed this respondent in July 1839 that it was his intention to remove to Texas of which determination he made no secret.

This respondent further says that at the time of taking the deposition of said Hogan as aforesaid the said Hogan stated nothing relevant to the matter that was not inserted in said deposition -

This respondent further says that in ^{June or} July 1839 he went to Jefferson County (from St Louis where he resides) to see said Hogan and ascertain from him how far his statement tallied with the version of it given by John W Burns to this respondent, finding that it agreed in every material particular this respondent determined to commence suit in the

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circuit Court as he afterwards did and as said Hogan informed him that he was about to leave the State before the trial would probably come on, this respondent further determined to take the deposition of said Hogan and upon asking said Hogan what time would suit him to appear and give his testimony and where would be most convenient for him, this respondent found out from his answer that his business would ~~permit~~ permit him to go at any time and to any place, which would best suit the convenience of this respondent. and this respondent having business in St Louis requiring his continual presence or considerable loss then proposed to said Hogan that if he would go to St Louis to have his deposition taken that this respondent would pay him his Expenses & for his lost time, and at the same time Explained to said Hogan his reasons as above stated for requesting him to go to St Louis therefor - said Hogan agreed to go on said terms - and there was no other bargain or agreement for compensation or payment of said Hogan than as above stated, no price or sum was mentioned which said Hogan was to receive, and after the depositions were taken this respondent requested said Hogan to let him know what he was indebted to him for his lost time and Expenses, and said Hogan named the sum, (the amount of which this respondent does not now remember) Expended by him, and thought that his own time and the use of his horse for three days and a half (the time lost) were worth three dollars and a half being one dollar a day, making five Dollars and some cents, at any rate so small a sum that this respondent thought it too little for the favor that had been conferred upon him by saving him the trouble of going to Jefferson County to take the deposition and

insisted upon said Hogan receiving a larger sum; this respondent believes ten Dollars was the sum which he paid said Hogan it certainly did not exceed that sum, and said Hogan refused several times to receive so much but finally took it; This respondent further says that he never at any other time either directly or indirectly paid or gave to said Hogan and other sum of money or other valuable thing whatsoever except as above stated & that at the time of the trial at the August term 1839 of the County Court, said Hogan being at Mercurianum in attendance upon the Court at the request of this respondent, he offered to pay said Hogan for his trouble in attending said Court & the said Hogan absolutely refused to receive any compensation therefor saying that I had already paid him well and he was satisfied & that it was more than he wanted or would have made otherwise in the time which he lost in going to St Louis.

This respondent further says that having as he thought good reason to believe that subsequently the County Court of Jefferson County were dealing unjustly with Eli Wiley Executor of William Ryan and being bound by agreement to save the said Wiley harmless in his said administration after the time of allowing said account, he did request Dr. Buffay Fremow Esq. who was this respondent's counsel to appear for said Wiley before the said County Court and see that justice was done towards said Wiley, but there was no understanding that he should defend said Wiley against any maladministration of said Estate - nor is this respondent bound to defend said Wiley for maladministration on any occasion.

That said Williams left a will of which the Exhibit is he believes a copy and contains the number & names

of the Slaves of said William Rian & that they were Emancipated as by said Exhibits set forth but what the Value of said Slaves is this respondent cannot say there being some of said Slaves that he has never seen to his knowledge and further this respondent answers not

J. Walsh

State of Missouri }
County of St Louis } ss

This day personally came Joseph Walsh before me Patrick Walsh a Justice of the Peace within and for said County and he having been by me duly sworn on his oath says that the matters and things in the foregoing answer contained so far as stated of his own knowledge are true, and those things stated upon information derived from others he believes to be true -

Sworn to and subscribed before me

this 12th day of July A.D. 1842

P. Walsh

Justice of the Peace St Louis
County State of Missouri

J. Walsh

Nancy Thompson
about of Mrs. Byn

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J. M. Watson & others

Shower of

Water

Filed July 19th 1844

Prof. H. A. Tracy

Q. M.

Nancy Thurmond administratrix of
Wm Ryan dead with the will annexed
against $\frac{2}{3}$

Eli Wiley Joseph Welsh and others
The answer of Eli Wiley to the said
Bill of Complaint of the said Nancy
Thurmond—

This respondent seeing and reserving
to himself all and all manner of benefit
and advantage of exception to the many
uncertainties insufficiencies and inaccuracies
in said bill contained for answer thereto
or to so much thereof as he is advised it is
material for him to answer unto says that
the receipts men of John Husky and John W
Barns as set forth in said bill marked A
& B are genuine and are correctly exhibited
in said bill of complaint and at the time
the judgment complained of in said bill was
obtained in the County Court of Jefferson
these receipts were in his possession but
~~were not~~ he did not have them with ~~them~~^{him} and
this respondent refused to go into the trial
unless these receipts were admitted and the
said receipts were admitted ~~to~~ and consid-
ed by the court at the time the said judgment
was rendered and this respondent is informed
and believes that similar receipts were executed
by the other heirs of Wm Ryan in full of their
distribution shares of her former husband's estate
This respondent says that William Ryan decessed
did make and execute his last will and tes-
tament as exhibited in said bill of complaint

and that he was the executor thereof - and that he
did take upon himself the execution thereof and
continued in the execution of the trust imposed upon
him by the said will until the April term of the
County Court of Jefferson County 1840 at which
time his letters testamentary were revoked
That he did not take the oath nor did he give
bond for the execution of the trust as prescribed
by law, because it was the request of the testator
that he should not do so and for the further reason
that ~~the~~ almost the entire property was disposed
of by the will and there was but little to do but
to deliver the property devised to the devisees.
This respondent states that he was well acquainted
with William Ryan from 1819 to 1839 and
during that time had been much at his house
and that ~~he was~~ he was industrious and frugal
and generally staid at home attending to his
business. That he said Ryan both by deed
and by will emancipated the following slaves
Alank Jim Sep Alsey Ruth Hetty Nerva
Dave Sarah and the infant child of Ruth -
and that respondent as executor gave each of
them their deeds of emancipation. That
~~the last~~ ~~the~~ Hetty & Dave are now in the possession
of John Carvey in Jefferson County - that Alank
Nerva Sarah and the infant are in the posses-
ion of Joseph Walsh of St Louis. That in
attempting to take Jim to St Louis to confine
him in the jail there he made his escape
That Alsey was in Illinois the last respondent
~~saw~~ ^{knew} of her. That Sep and Ruth were in Ill-
nois the last accounts. That at the sale of

The negroes under the order of the County Court the said Walsh did act as crier clerk and bidder and ~~under~~ was acting under the authority of respondent he having a power of attorney to "all lawful acts in the name of the respondent in reference to said estate which power of attorney was executed at or about the time the said judgment was obtained and that six negroes were sold to wit Alunk to Walsh for about four hundred and eighty dollars That Harry Thurmond bid off the other five to wit Betty Nerva Lewis Dove Scrub and the infant at something the size of fifteen hundred dollars the precise amount he does not remember and he does not know whether the money ~~for~~ for the negroes has been paid or not for his power over ~~the~~ the estate was revoked before the money became due as he believes.

That the only agreement on the part of Joseph Walsh to keep this respondent harmless as to any suits that may be brought against him as executor of said Ryan's estate is herewith filed Marked A A and is prayed to be taken as a part of this answer and the same was entered into on the day it bears date, and this respondent further states that the said Walsh has not employed any counsel ^{for} this respondent in any court or at any time.

Respondent states that he was well acquainted with Mr Ryan Mrs Burns that was as respondent is informed for about sixteen years before her death and from information believes that Com-plaint and John Burns were ~~the~~ children of Mrs Ryan and of the other children of any

This respondent knows nothing but believes them
were other children but he does not know the
age of Cornelia but believes she is about
forty five and that Burns may be fifty years
old. That William Ryan came to the country
several years before respondent and for that
reason he does not know what slaves or how
many he Ryan brought to the country with
him - nor does he know what became of the
slaves he brought if he brought any - and
for the eight years before Ryan's death respon-
dent lived within one mile of said Ryan and was
as he believes confidentially intimate with both
Ryan and wife and was frequently there for
sometimes as often as once a week at other times
every ten days and at others once a month and
during Ryan's last sickness respondent or some
of his family were there nearly all the time
and that this respondent has frequently heard Ryan
at other times than his last sickness ^{say} that he did not
owe the heirs of Mrs Burns one cent - and that
he gave them what he did give by his will for
the regard he had for his wife. but during his
last illness this respondent does not recollect
that said Ryan mentioned the subject and
that the said Ryan was a very ~~punctual~~
punctual man in the payment of his debts
and this respondent believes that the amount
of all his indebtedness was mentioned by the said
Ryan ^{during his last illness} and that the same did not amount to
five dollars but this respondent did not hear
the statement.

This respondent further states that he is well
acquainted with William Hagon the witness upon

those testimony the said judgment was obtained
in the County Court and that he has been intimate
with him for many years before ~~the~~ the said judg-
ment was obtained and lived a neighbor to him and
he never heard any misconduct attributed to him except
his ~~last~~ living in adultery with Betsey Ware at that
time a resident of this county and for which he was
stands indicted as respondent believes, and that in
every other respect and before that time the said
Hagen stood high in the estimation of the commu-
nity

Eli Wiley

State of Missouri }
Lepusson County }

Personally appeared in open Court
Eli Wiley who being duly sworn upon
his oath says that the facts set forth
in the foregoing answer are true so far as
the same are stated from his own
knowledge and so far as the statements
are made from information derived
from others he believes to be true
Sworn to & subscribed Eli Wiley
in open Court Nov 21st 1842
J. M. Weather, C. M.

R O Hummors

to

Wash Wiley &
others

Indians of
the Valley

filed Nov 21st 1844
Prof also at the 6/11

County of Jefferson, ss.

THE STATE OF MISSOURI,

Franklin.
To the Sheriff of the County of ~~Jefferson~~, GREETING:

We command you to summon John W Burns
if he be found in your County that he
he and appear

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Hillsboro —
within and for the County of Jefferson, on the ~~second~~ ^{third} Monday
of July — next, then and there to answer unto the bill
in chancery of Nancy Thurmond Executrix
of William Rian late of said County deceased
a copy of which is hereto attached
~~to the damage of said plaintiff~~

~~dollars:~~

And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Hillsboro this first day
of May — in the year of our Lord eighteen
hundred and forty two.

John S. Mathews Clerk.

This visit was sent
to the same country
with the birds and
returner. I with the
document attached
to the bird and sent
to the same country

Filed Nov 25-1881

Prof. W. A. H. H.
B. H.

County of Jefferson, ss.

THE STATE OF MISSOURI,

Osage
To the Sheriff of the County of ~~Jefferson~~ AGREETING:

We command you to Summon John W Burns
if he be found in your county that he be
and appear before the Judge of our Circuit Court

before the Judge of our Circuit Court, on the first day of the next
term thereof, to be held at the Town of Millsboro
within and for the County of Jefferson, on the second Monday
of March next, then and there to answer unto the bill
of Nancy Thurmond Executrix of the last will
and testament of William Rian late of said County
deceased. - (A copy of which is hereto attached)
In Chancery.

to the damage of said plaintiff

dollars:

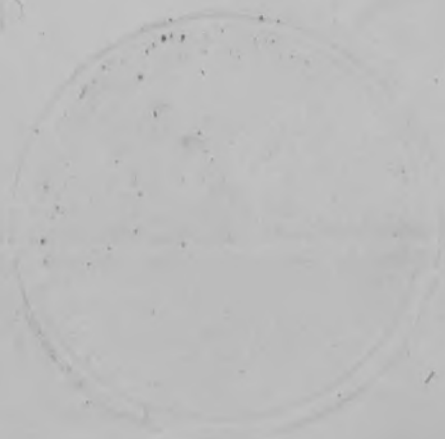
And have you then there this writ.

Witness, JOHN S. MATHEWS, Clerk of our said Court,
with the Seal thereof hereto affixed, at office in the Town
of Millsboro. this twenty fifth day
of November, in the year of our Lord eighteen
hundred and forty two.

John S. Mathews, Clerk.

This writ was sent to
Orange County & returned
Non est:
See. Copy of declaration sent
to J. W. Brown.

Filed Oct 12 1843
J. W. Brown



Mrs Nancy Hummond Executrix of William Rian Dec^d
 Joseph W. Walsh & wife Noah Harlow & wife M^{rs} Burns et al
 Bill in chancery in the Circuit Court of Jefferson
 County in the State of Missouri
 Primary Bill of costs in the above cause

To John T. Matthews, Clerk Cir Court

Filing bill 20. Drawing & Issuing four writs 1.00 each.	4 20	
8 Copies of declaration each 9180 words, \$9.184 each	73 44	
1 copy of exhibits from the original papers 796 words	7 96	
8 copies of ditto for defendants & Returns	15 18	
5 Certificates & Seals to exhibits —	2 50	
alias Summons to Ozark County	1 00	
Pluries Do " Orage Do 1.00. To Wright Co. 1.00	2 00	
Scire facias awarded to St Louis on Motion —	1 20	
alias Scire awarded 25. Scire facias 1.00. Continuance 25.	1 50	
Cost paid on package from Orage Co as per Receipt	4 00	
Cost paid on Return from Shff Wright County	2 44	
filing answers of four defendants 20 ea	80	
Do 10 additional papers 484 "	42	
award of Subpoena vs defendants	20	
entering appearances 5 defendants 10 ea	50	
Motion for order of publication 20 order of publication 50	70	
entering continuance July Term 1842	25	
Motion for alias Summons vs M ^{rs} Burns	20	
Motion for Scire facias vs Walsh's Executors	20	
alias motion for ord publication 20. order of publication 50	70	
copy of order publication for printer 50. Continuance 25	75	
Motion for alias Scire facias 20. Scire facias 1.00 contin 25	1 45	170 29
M ^{rs} M ^{rs} Sheriff. Sum ^d 4 defendants. 4.00 delivering 1. copy bill 1.00	5 00	
calling cause 3 terms 30. calling parties 3 terms 90.	1 20	1 20
Mc Brotherton Shff. 2 Drafts. 200. 1 copy of Bill & vouchers 1.00		3 00
hachanah & Bell Shff Orage 1 non Est		50
John W Hight Shff Wright Co. 1 Summons & copy		2 00
Chambers & Knapp printers. publication		13 75
		\$195 74

Dr. H. Henry
Henry Thompson
Esq.
Doyle & Maclellan
Bills of Lantz.

Willsboro Nov 4th 1843. Received of John Matthews
Twenty Dollars for service done two sessions and a
party from each the postage on a package of papers
from Willsboro County Prisoners in the case of Nancy
Mumma as I do do with and others.

W M Thorne
70 M

281.
62.
343.

Nancy Thurmond
 vs
 J. W. Walsh et al
 In W. H. H. P. M.
 Receipt
 filed Nov 4th 1843
 Prof. Mearns & Co

6.50
 22
 10
 25
 25
 35
 244

Wiltshire. But since the present County of Wiltshire
has since of John Wiltshire. Look of the present County
of Wiltshire from Wiltshire, being the stage on a
passage of papers in the case of Henry Thimmon
Boyce of Wiltshire against Joseph Wiltshire
and others — May 30th 1843
Wiltshire
J. M.

N Thurmond
J E Walsh et al

Cash paid out
by J. J. Mathew.

filed May 30th 1843
J. J. Mathew
Clerk

STATE OF MISSOURI, } SS.

County of Jefferson.

On the Equity side of the Circuit Court, November
Term, 1842.

November 23, 1842.

Nancy Thurmond, Ex'x of the
last will and testament of
William Rian, deceased.

vs.

Joseph W. Walsh, Elizabeth
Alexander, and others.

Bill in Chancery to
set aside a judg-
ment.

NOW at this day, comes the complainant by her
solicitor, and it appearing that the order of pub-
lication made at the last term of this court, had not
been complied with, on motion of the said complain-
ant, it is ordered that Elizabeth Alexander one of
said defendants, who is not a resident of this State, be
notified that said complainant has filed her bill in this
court to set aside, annul and enjoin from collection a
certain judgment rendered in the county court of
Jefferson county, against the estate of William Rian,
late of Jefferson county, deceased, of whom said
complainant is executrix, for the sum of six thousand
eight hundred and sixty-four dollars, in favor of said
defendants as heirs at law of Samuel Byrns, late of
Logan county, in the State of Kentucky; Said bill
states that said judgment was obtained by fraud, covin
and misrepresentation. It is therefore ordered, that
the above named Elizabeth Alexander, be notified that
unless she be and appear at the next term of this court,
to be held on the third Monday of March next, at the
town of Hillsboro, and on, or before the third day of
said next term, answer the said bill, the same may
be taken as confessed against her. And it is further
ordered that a copy of this order be published in
some newspaper printed in this State for eight weeks
successively, the last insertion thereof to be at least
four weeks before said next term. A true copy of
the order.

Attest,
d20, 1842, w&t

JNO. S MATHEWS,
Clerk.

STATE OF MISSOURI,

COUNTY OF ST. LOUIS,

Personally appeared before the undersigned, a Justice of the Peace, within and for the County aforesaid, *George Shuck* — who being duly sworn, deposeth and saith, that the

annexed advertisement was published in the *Missouri Republican*, the newspaper of which he is printer, for
Eight — weeks, successively, the first insertion being on the *23d* — day
of *December 23^d*—1842 and the last insertion on the *10th* — day
of *January* — 1843 as follows

Sworn to and subscribed before me, this	29 th	Dec	23 rd	1843
20 th day of September 1843	"	"	27	"

J. P.

Printer's Fee, 12.50

Affidavit,

1864

George Smith

Henry Thompson
no
New York at all

Filed Sept 25th 1843
Prof Albert Hays & W

Jefferson County Act

The State of Missouri

To the Sheriff of the County of Saint Louis Greeting.

Whereas Joseph W Walsh late of Saint Louis County deceased was heretofore summoned to be and appear in our Circuit Court within and for the County of Jefferson to answer unto Nancy Thurmond Executrix of the last will and testament of William Ryan deceased on her original bill in Chancery, to which summons the said Joseph W Walsh appeared and filed his answer, and whereas the said Joseph W Walsh is since deceased as appears by the suggestion of the said Nancy Thurmond Ex^t as aforesaid

Therefore you are hereby commanded as before you were commanded to summon Peter A Walsh & James B Walsh Executors of the last will and Testament of the said Joseph W Walsh, that they be and appear before the Judge of our said Circuit Court, at a Court to be held at the Town of Hillsboro within and for the County aforesaid on the twenty seventh day of May 1844, to defend the said action and to abide the further orders of our said Court. &c — And have you then there this writ.

Witness John S. Maatheu, Clerk of our said Court with the seal thereof hereto affixed at Office in Hillsboro the tenth day of May A D 1844

John S. Maatheu, Clerk

The Sheriff will please serve the above summons & enclosed subpoena and return them by the Marshal of St Louis who brings down a prisoner, or leave them with J D Johnston Esq to send down with papers he has to send at that time.

&c oblige. John S. Maatheu, C. C. C.

Executed this writ in the County of
St Louis on the 22nd day of May 1844 by reading
it to Peter A Walsh and James B Walsh
Executors of Joseph W Walsh, the persons within
named
William Milburn Shiff
Service \$ 2.00
By A. C. Osburn Depy

Jefferson Lewis Court
May Term 1844
Hany Thurmond Ex'r
of William Rian
vs J. J. J. J. J.
Joseph W Walsh et al
for
Peter A Walsh &
James B. Walsh Ex'rs
filed May 24th 1844
J. J. J. J. J.

Nancy Thurmond
adversely with the will
assigned of William Olan
and.

for

3

{ Nov. Term 1844

Peter A. Walsh & James B. Walsh

Executors of Joseph Walsh decd.

and other defendants

And the said Nancy Thurmond adversely com-
plained in the above suit, for replication
to the several answers of, Joseph Walsh, Elizabeth
Walsh, ~~Ann Handon~~ and ~~Nancy Handon~~, and
Eli Wiley, this replicant saith, that the facts
and allegations contained and alleged in
said Bill of Complaint, are true, and suffi-
cient to be replied to, and that the facts and
allegations in said several answers of said
respondents, so far as the same contradict said
complainant's Bill of Complaint, are untrue,
which this replicant is ready to maintain
and prove as this Hon Court shall direct,
and this complainant prays, as she has
heretofore in and by said Bill prayed.

Nancy Thurmond
Adversely.

by
J. B. Walsh
Solict.

Nancy Thompson
ackd
to 3 April
Peter & Marshall { Esq.
James B. Marshall {
and other eds -
in Application to
Governor of, Joseph Marshall
Eliot & Marshall, and
Marshall & Marshall
Eliot & Marshall -
in
April 1844
of the above

Nancy Hammond
 vs
 J. Wash et al } May Term
 1847

Said Hammond Adm^r of Nancy
 Hammond and? comes into court
 and prays to be entered as ^{party} plaintiff
 in the above case, as representative
 of said Nancy —

2. That P. Peckin who is herein
 called and a party is not the legal
 representative of said Nancy in said
 case.

3. That both of them persons counsel
 by all represent the plaintiff and
 must give way; & that is Peckin

P. Peckin
 atty. for
 plaintiff

Nancy Thompson
to 3 months
for the month of

Alfred May 26 1844
Hudson
N.Y.

Thurmond Esq

Dr Walsh Et al

McLennan states that he became acquainted with Ryan about 26 years ago, was married to Mary Burns, he came to Mo in a pretty good fix was a very industrious man and punctual in paying debts, never heard him mention about any indebtedness to Burns' Estate was with him in his last illness, he stated he thought he was going to die and wanted two or three more neighbors sent for, when Cadwalader McKee came he told a negro woman to bring him from a particular bundle the deeds of emancipation, this was at the date of the will, he stated that he had had those papers sometime, Cadwalader read the deeds, and he signed the deeds and requested McKee & myself to witness them which we done, he wanted every neighbor to assist in carrying out his will, he stated that he did not own more than \$5, the will was also executed and witnessed by us at the same time, he died that night or the next morning, knew Hogan, a good number of years, lived not farther two miles of Ryan for several years, never knew of Hogan being at Ryan, he quit his home sometime in 1840. 41. or 42 heard he went to Arkansas, at any rate disappeared, there was not greater familiarity between Hogan & Ryan than between him & other neighbors, understood

he was indicted for Adultery. More heard
of his rectitude being impeached until after
this transaction. was an industrious and
popular man, Saw Hogan. Mr Burns &
Mrs Thurman at my house, Burns seemed
to be very active about the matter & Nancy
Thurman seemed backward about it. Hogan
applied to me for money to bear his expenses
I declined & he got the money from Mrs Thurman
When he came back he had sixty or seventy
dollars. Mr Thurman I heard often tell Burns
Hogan that it was an unjust claim
Hogan had the money before the court
at New Orleans.

Pipkin states that he asked Wiley what he
thought of the claim. he replied that it
was it was fraudulent

Alford. was present at the sale. Walsh
seemed to manage the whole business -

Hammond states he was present at the sale
to Mr Walsh done every thing. Walsh took
away the slaves & the horses

Many thanks

to } this Bill Described
placed it at each Company see
the record page 181 May 31 1848
J W Alfors
CEN