

Jefferson County Circuit Court
Case Files - Civil
October 1858; No. 14

Box 10 Folder 31

Gwynn, John R.
Gwynn, Robert
Merrymann, Margaret
Merrymann, John, et al

v.
Frazier, Thompson

Ejectment

593 appears in U.S. Survey No. 2185; Damages
\$400.00; Other Plaintiffs: Emily Curly, Joseph
H Curley, Eleanor Mathews, William Mathews,
Catharine Hay, Marion Hay, Ann Dumbleton,
Eleanor Hart, John Hart, John G Pole, George
W. Pole, Charles Pole, Eliza Ogburn, John W.
Ogburn, Fanny Bail, Abner Bail, and Ann
Gorsuch; Supreme Court; depositions
from Maryland; Survey Map

John R Gwynn, Robert Gwynn, Margaret Meryman and
her husband John Meryman, Emily Lerley and her
husband Joseph H Lerley, Elanor Mathews and her
husband William Mathews, Catharine Hay and her
husband Marion Hay. Ann Dumbleton, Elanor Hart
John Hart, John H Pole, George H Pole, Charles Pole, Eliza
Oghurn and her husband John H Oghurn, Fanny Bail
and her husband Abner Bail and Ann Gorsuch,
Plaintiffs,

against.

Thompson Frazier Defendant.

In the Circuit Court of Jefferson County Missouri
Plaintiffs state, that on the first
day of September 1854, they were entitled to the possession
of the following described premises situate in the County
of Jefferson aforesaid, to wit, a certain tract or parcel of land
containing five hundred and ninety three acres, situated
on the Platin Creek and being United States survey No
2185, which was confirmed to Joseph Bear and by him con-
veyed to James Bryan and by the said James Bryan and Emily
his wife conveyed to James Cox Junior and by said James
Cox Junior conveyed to William Gwynn (of John), and being
so entitled to the possession thereof, the defendant after-
wards, to wit, on the first day of March 1855, entered into
said premises and unlawfully withholds from the plaintiffs
the possession thereof, to their damage in the sum of Four
thousand dollars,

Therefore they demand judgment for the recovery

of the possession of the premises and Four Hundred dollars damages for the unlawfully withholding of the same from the plaintiffs, and for such other proper relief as they may be entitled to receive.

Hetcher atty for Plffs.

This L Hetcher attorney for plaintiffs, makes oath and says, the above petition and the matters therein, as stated, he believes to be true, This L Hetcher.

Signed and sworn to before me this 29th day of July 1858, In Testimony whereof I hereto set my hand

and affix my notarial seal at
office in Saint Louis County.

Henry L Cooper
Notary Public St Louis Co Mo

John B. Gwynn, Robert Gwynn, Margaret Merryman
and her husband John Merryman, Emily Curley
and her husband Joseph H. Curley, Elanor Mathews
and her husband William Mathews, Catharine Hay
and her husband Marion Hay, Ann Dumbeton, El-
-nor Hart, John Hart, John G. Pole, George H. Pole
Charles Pole, Eliza Ogburn, and her husband John
H. Ogburn, Fanny Bail and her husband Abner
Bail, and Ann Gorsuch Plaintiffs

Against
Thompson Grazier Defendant.

In the Circuit Court of Jefferson County Missouri
Plaintiffs State, that on the first day of September
1854, they were entitled to the possession of the following
described premises, situate in the County of Jefferson
aforesaid to wit: a certain tract or parcel of land
containing five hundred and ninety three acres
situated on the Platin Creek, and being United States
Survey No 2185, which was confirmed to Joseph Bear
and by him conveyed to James Bryan, and by said
James Bryan and Emily his wife, conveyed to James
Cox, Junior, and by said James Cox Junior conveyed
to William Gwynn (of John) and being so entitled
to the possession thereof, the defendant, afterwards
to wit; on the first day of March 1855, entered into
said premises and unlawfully withholds from
the plaintiffs the possession thereof to their dam-
-age, in the sum of Four Hundred dollars.

Wherefore they demand judgment for the recov-
-ery of the possession of the premises, and Four

Hundred dollars damages, for the unlawfull
withholding of the same from the plaintiffs,
and for such other proper relief as they may
be entitled to receive

Pltches atty for. Plffs

Thos. C. Pltcher attorney for plaintiffs, makes oath
and says, the above petition and the matters therein
as stated he believes to be true

Thos. C. Pltcher

Signed and sworn to before me this 29th day of
July 1858. In Testimony whereof I hereto



Set my hand and affix my notarial
Seal at office in Saint Louis County

Henry C. Cooper

Notary Public, St. Louis Co. Mo.

Endorsed

"Filed July 30th 1858.

Elias D. Honey Clerk"

A true copy of the original petition and af-
fidavit on file in my office

Witness my hand and the Seal of
said Court. Aug. 7th 1858.

Elias D. Honey Clerk

COUNTY OF JEFFERSON, SS.

The State of Missouri.

To the Sheriff of the County of Jefferson--Greeting:

We command you, that you summon Thompson Drazier

----- if - he - be
found in your County, that he, be and appear before the Hon.
Judge of our Circuit Court, on the first day of the next term thereof,
to be begun and held at the town of Hillsboro, within and for the
County of Jefferson, on the fourth Monday of October
next, then and there to answer unto John B. Gwynne Robert
Gwynne, Margaret Berryman and John Mer
ryman her husband and others
upon their original petition, a copy whereof is herunto annexed and
accompanies this writ—and have you then there this writ.

Elias D. Hovey
Witness, THO. C. FLETCHER, Clerk of our said Circuit
Court, with the seal thereof hereto affixed, at
office, in Hillsboro, this Seventh
day of August A. D. 1838

Elias D. Hovey

CLERK CIRCUIT COURT.

I executed the within summons on Thompson Frazier
in the county of Jefferson State of Mo by giving him
A true copy of the above summons ^{& petition} on the 18th day of
August AD 1858

Oscar Dover Sheriff of Jefferson
County Mo

No 14

vs Jefferson Circuit Court

October Term 1858.

John B. Ferguson et al
vs F. Ferguson et al

Thompson Frazier

Shery fee \$100

Filed Sept 18th 1858
Oscar Dover, cn

This deed, made and concluded this tenth, fifth day of
September in the year of our Lord, Eighteen hundred and
Eighteen, between James Cox Junr. (of the County of St Louis
and Territory of Missouri of the one part, and William
Gwynn (of John) of the City of Baltimore in the State of
Maryland of the other part. Testifyeth That the said
James Cox Junior for and in consideration of the sum of
fifteen hundred dollars to him in hand paid by the said
William Gwynn (of John) at and before the sealing
and delivery hereof the receipt whereof is hereby acknowl-
edged hath granted, bargained and sold and by these
presents doth grant bargain and sell unto the said
William Gwynn (of John) his heirs and assigns forever
a certain tract or parcel of land containing five hundred
and ninety three acres situate lying and being on the
plattow Creek in the County of St. Genevieve and Territory
of Missouri and bounded as follows, to wit: Beginning
at a Stake near Peter McCormick's line on the north run-
ning South, East, north and west to the beginning and
bounded by public lands on every side being the same
tract of land which was confirmed to Joseph Beer
and by him conveyed to James Bryan and by the said
James Bryan and Emily his wife conveyed to the said
James Cox Junior by deed bearing date the fifth day
of April Eighteen hundred and Eighteen, recorded
in the office of the Recorder of the County of St. Gene-
vieve Book C, folio 30, 128. 7 with all and singular
the appurtenances. To have and to hold the above

described tract of land and premises with the appurte-
nances unto the said William Gwynn (of John) his heirs
and assigns forever. In testimony whereof the said James
Coy Junior hath hereunto set his hand and affixed his
seal the day and year first aforesaid
Signed sealed & delivered in James Coy Jun. *(Signature)*
presence of Thomas D. Williams

J. Caldwell

Territory of Missouri, County of St. Genevieve Let,

Personally appeared before the undersigned
a Justice of the Peace in the County aforesaid the within
named James Coy Jun. and have acknowledged that he
signed sealed and delivered the within deed for the uses
and purposes therein mentioned Given under my hand
the 25th day of January 1838

Thos Oliver J.P.

Deed recorded the 25 January 1838 Thos Oliver clerk

State of Missouri }
County of St. Genevieve } ss

I Chas. C. Rogers, clerk of the circuit court and Ex-
Officio Recorder for said County do certify, that the above and foregoing
is a true copy of the deed of conveyance and acknowledged there-
to attached, from James Coy Jun. to William Gwynn as
the same now remain of record in my office, in Book C pages
155 & 156 one of the land records for said County

In testimony whereof I hereunto set my hand & affix
the seal of said court at office in the city of St. Genevieve
this 24th day of April A.D. 1838

Charles C Rogers
Clerk

State of Mississippi
County of St. Genevieve

I, Charles C. Rozier, clerk of the
circuit court and Ex officio Recorder for said county
do certify that the above and foregoing is a
true copy of an instrument of writing purporting
to be a deed by Jos. Coyp to ~~some~~ Geoynn and of
the certificate of acknowledgement thereto and
date of recording of the same, as the same remains
on record in my office, in Book "C" pages 155-
156, one of the land records of said county.

In Testimony whereof I have to Set my hand
and affix the Seal of said court at Office
in the City of St. Genevieve this
26th day of October A.D. 1887

Charles C. Rozier

Chun

Ex officio Recorder

4
copy.
James Lear from
to J. Steel
William Lyngman.

John R. Swyne et al } In the circuit
Agst } Court of Jefferson
Thompson Hager } County Oct Term 1838

Now this day comes Defendant
by his atty and motions the court to
rule the plffs in the above entitled
cause to give security for costs
for the following reasons

1st. Because plffs are non residents
of this state

Francis Hagan atty
for Def.

John H. Thompson
Agent
Thompson Traders

Protein to give
Security for cargo.

Filed Oct. 27 1858
Chas. J. Henry
clh

John B. Grogan & others
against
Monkscon Traquie

In the Circuit Court
of Jefferson County
Missouri
Action in Ejectments

I hereby bind myself to pay all
costs which have accrued or may hereafter
accrue in the above entitled cause and
to defend against said plaintiffs
claims on hand and seal Oct 27th
1858,
Chas. B. McReher

Lynn

= us. =

Drazier

Security for costs.

Dated Oct 27th 1858

Elias D. Hooney
Clerk

John R. Gwynn and others

plaintiff

Agts

Thompson Hrazier

defendant

In the Circuit Court of

Jefferson Co. ^{Oct.} April T. 1858.

The defendant for answer to the petition states that he denies that plaintiffs on the first day of September 1854 or at any other time were entitled to the possession of the tract of land situate in the County of Jefferson containing 593 Acres situate on the Platten Creek and being United States Survey N^o 2185 being same tract confirmed to Joseph Bear. He denies that he unlawfully withheld from the plaintiffs the possession thereof. He denies that plaintiffs are entitled to judgment for said tract of land or for any damages for withholding the same from plaintiff.

And for further answer defendant states that on the 23rd of August 1850 for a full and valuable consideration Philip Pipkin Atty in fact of James St. McCulloch and Saml J. Donaldson Exors of James Cox dec^d. conveyed said tract of land to defendant - that said Exors of Cox were duly authorized by will to ~~convey~~ ^{sell} the real estate of said Cox - that for a number of years prior to said sale to defendant, said James Cox had been in possession, thro tenants, of said tract of land - that he had agents who resided near the tract and rented it out and paid the taxes thereon and said tract was always appraised to said James Cox and he purchased from the Exors of the same James Cox who had for a number of years exercised acts of ownership

over the same and had thro agents paid taxes thereon.
~~therein~~ And defendant further states, that
he had no knowledge whatever of any deed for this
tract of land ~~to~~ William Gwynn (of John) by James
Leaf - He states that Jefferson County was created a sep-
arate County on the 1st of Jan'y 1819 and there was no
deed of record ^{in said County} from said Leaf to Gwynn prior to his purchase
from Peppin City in fact for the Exor of Leaf. And
he states most positively that he had no notice whatever
of any conveyance to Wm Gwynn (of John) either actual
or constructive (and he insists that he is a purchaser with-
out notice for full value, and should be protected in
his possession.)

And for further answer the defendant
says that the plaintiffs or their ancestor did not
commence their action within twenty years after
the cause of action accrued.

And for further answer the defendant
says that the plaintiffs or their ancestor did not
commence their action within ten years after the
cause of action accrued.

Thos Johnson
Atto for defl.

State of Missouri
County of Jefferson

Thompson Hargis being duly sworn
states that the foregoing answer (and the matters or things
therein stated he believes to be true.

Sworn to & Subscribed before me this
11th day of Dec. 1858.

Phendrick J. R.

Tompson Hargis

In testimony whereof I
do hereby certify
Oct. 7. 1858

John R. Thompson and
others -

vs.

Thompson & Morgan

Deacons of the

Methodist Church

Att. for the

Filed Dec. 27th 1858

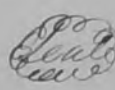
Wm. & Henry

Clerk

This Adventure made the eighteenth day of January in
the year of our Lord one Thousand eight hundred and eighty be-
tween Joseph Rees of the Township of Big River, County of Ste,
Genevieve and Territory of Missouri of the first part and
James Bryan of the Township, County and Territory aforesaid
of the second part, Witnesseth, that the said party of the first
part for and in consideration of the sum of one Thousand
dollars current money of the United States of America
to him in hand paid by the said party of the second part
the receipt whereof is hereby confessed & acknowledged by
the said party of the first part, hath by these presents doth
grant bargain sell release & confirm unto the said party
of the second part and his heirs & assigns forever a cer-
tain tract of land containing five hundred and sixty
three acres including an improvement of fifteen acres
now occupied by John Selmond situate lying and being
in the Platte Township, County and Territory aforesaid
on the Platte Creek bounded and bounded as follows,
To wit, North, South, East and West by Public lands beginning
at the South East corner & surveyed agreeable to order of
Government, near lands of Peter P. McCormack, said tract confirmed
to me by settlement right, I do have and do hold the above de-
scribed and granted premises with all and singular the rights
privileges and appurtenances whatsoever therunto belonging
or in any wise appertaining and the reversions and reversion
remainder and remainders rents issues and profits thereof
and also all the right title interest claim or demands whatso-
ever of him the said party of the first part in law or in

equity of in and to the above bargained premises and every
part and parcel thereof to the said party of the second
part his heirs and assigns to the sole & only use benefit & behoof
of the said party of the second part his heirs and
assigns forever and furthermore the said party of the first
part doth by these presents bind himself his heirs and
assigns forever to warrant and defend the above bargained
premises to him the said party of the second part his
heirs and assigns forever against all claims and de-
mands whatsoever,

In Testimony Whereof the said Joseph
Beer hereunto set his hand and seal the day and
year first above written

Joseph Beer 
March

Signed, sealed & delivered in presence
of us

Wm H. Andrews,

County of St. Lawrence }
McDonnell Territory }

This day personally appeared before
me a Justice of the peace in and for the County aforesaid
the above named Joseph Beer who acknowledged the within
Instrument of writing to be his free act and deed for the
purposes therein mentioned, Given under my hand and seal
this 18 day of January 1878

Wm H. Andrews Justice

Read & Recorded February 4th 1878.

of the Peace

State of Missouri, *25*
County of St. Genevieve

I, Chas. C. Rozier Clerk of
the Circuit Court and Ex officio Recorder for
said County do Certify, that the above and
foregoing is a true and correct copy of
an instrument of writing of record in my of-
fice, importing the deed of Conveyance
from Joseph Beer to James Bryan; also of
the Certificate of acknowledgement thereto
attached, and the date of recording the same
^{as the} remain of record in Book C page C, one
of the land records of said County.

In testimony whereof I hereunto set my
hand and affix the seal of said
Court at office in the City of
St. Genevieve this 7th day of Febru-
ary A.D. 1839

Chas C. Rozier Recorder
By Mark Bous D.R.

copy.

Joseph Dean
Black

James Benjamin

Dec 1/25

This Indenture, made the sixth day of April in the year of
Our Lord One Thousand eight hundred and Eighteen between
James Byrum and his wife Emily, of the Township of Big River
County, of St Genevieve Steigbourn Territory of the first
part, and James C. Jann, of St Louis Town and County
Territory of Steigbourn of the second part Witnesseth; That
the said party of the first part for and in consideration
of the sum of fifteen hundred dollars & there in hand paid
by the said party of the second part the receipt of which
is hereby confessed and acknowledged by the said party
of the first part, hath and by these presents doth grant
release and confirm unto the said party of the second part
and to his heirs and assigns forever a certain tract or parcel
of land Five Hundred and ninety three acres confirmed to
Joseph Beer and by him conveyed to the said party of
the first party situate, lying and being on the Platte River
Platte Township County and Territory aforesaid bounded
as follows to wit Beginning at a Stake near Peter McCon-
macks line on the North running South, East, North and
West to the beginning public land on every side, To have
and to hold the above described premises with all and
singular the rights, title privileges and appurtenances that
ever thereto belonging or in any wise appertaining and
the revenues and recessions rent and remainders
rents issues and profits thereof and also all the right
title interest and claim or demand of them the said
party of the first part either in law or equity of in and
to the above bargained premises and every part and —

parcel thereof to the said lady of the second part his
heirs and assigns to the sole and only use benefit and
 behoof of the said lady of the second part her heirs
and assigns forever. In Testimony Whereof we
hereunto set our hands and seals the day and date
first above written

J. Bryan L.D.

Signed Sealed and delivered in presence

of us Wm. H. Andrews

Emily W. Bryan L.D.

Asaon Bellitt

Territory of Jefferson County of St. Genevieve
Big River Township

This day personally
appeared before me a justice of the peace in and
for the County aforesaid the above named James
Bryan and Emily Bryan who acknowledged that they
fully comprehended the within instrument and having
examined the said Emily separate and apart from
her said husband she signed sealed and delivered
the same without any compulsion of her said husband
of her own free will and accord. Given under my hand
this 24th day of April 1818.

Wm. H. Andrews justice of the peace

County of St. Genevieve P.

I do certify that on the 24th day of
April 1818 this deed in writing was duly recorded
in the office of the Circuit Court of the County
aforesaid for record and the same is recorded in
Book C, folio 30 Thos. Oliver Clerk and Ex. Officer
Recorder.

I James Buzan, the Grantor named in the within In-
strument bearing at the time of making the same con-
tained to insert a clause therein warranting the prem-
ises to the within named James Coy Junr the Grantor
Therefore I the said James Buzan do by these pres-
ents covenant and agree and do oblige myself
my heirs executors and administrators to warrant and
forever defend the within granted premises in the
full extent as the same is within sold unto James
Coy Jr, his heirs and assigns against the claim or
claims of all and every person or persons lawfully
claiming or to claim the same, In witness
whereof I have hereto set my hand and
seal the Seventh day of November 1818

In presence of David Armour,

J. Buzan

County of St. Lawrence J.

personally appeared before me a Justice

of the peace in the County aforesaid David Armour and
being duly sworn deposes and says that he is the
Subscribed Witness to the above additional agreement
of James Buzan and that he said Buzan signed
sealed and delivered the same in his presence and
for the uses and purposes therein mentioned
Sworn to and Subscribed before

David Armour

me 15th November 1818 Tho Oliver J.P.

The foregoing acts were Read & Recorded on 15th November 1818,

Tho. Oliver Clerk

State of Missouri
County of St. Lawrence

2561-

I, Chas. C. Rizer, Clerk of the
Circuit Court and Ex. Officer Recorder for said County
do certify that the above and foregoing is a
true, full and correct copy of an instrument of
writing of record in my office purporting to be a deed
of conveyance from James Bryan & wife to James
Cox Junr.; also of the certificate of acknowledgment
thereto attached and the date of recording the
same, as the same remain on record in Book
C. page 128, one of the land records of said
County.

In Testimony whereof I hereto set my hand
and affix the Seal of said Court at office
in the City of St. Lawrence this 4th day
of February 1859.

Chas. C. Rizer Recorder
By M. R. Boas D. R.

Copies.

James Bryan
do } deed
James Cox junior

See p. 150

Opinions of the Recorder of Land titles for Missouri sent as to claims entered under act of 13 June 1812, and proven before 1 January 1814, as provided by the act of the 3 March 1813 - comprehending also the claims in the late district of Arkansas, which by act of 2 August 1813, were permitted to be entered until 1 January 1814 and proven until 1 of July 1814 - together with the extensions of quantity provided by 4 Section of the act of 3 March 1813, by confirmation under the act of 12 April 1814.

Grantor or order of survey	Survey	Notice to the Recorder by whom	Quantity claimed	where situated	John Shadrach Smith	Opinions of the Recorder
_____	Survey 10 July 1806.	Joseph Bear	593 acres	Platte, City of Genesee	John Shadrach Smith prior to and on 20 Decr 1803.	Granted 593 Acres. A 4513. Sept 309.

Recorder Office, St Louis 9 May 1859.

The above is correctly transcribed from page 1 of book 231, and page 75 of book 234, being two of the five small books in this Office with the following endorsement on the first and also on the fifth book, believed to be in the handwriting of Frederick Bates, to wit: "These five small books are originals in the proper handwriting of the undersigned being his decisions on land claims since the adjournment of the late Board. They were arranged and fairly transcribed for report to the Commissioners of the General Land Office, but not yet recorded in the books because they have no authority till sanctioned by Government, Saint Louis Nov 1, 1815. Frederick Bates Recorder Land titles."

Also Frederick
W. J. Shadrach Smith
in the State of Missouri

Recd by the Clerk City

1

Joseph Bear, claim

Confirmation

John R. Livingston, Robert Livingston, Margaret Livingston
John Livingston, Emily Cuddey & John Cuddey, Eleanor
Matthews & John Matthews, Catherine May & Marion May
Ann Dumbleton, Eleanor Grant, John Grant, John G. Cole
George H. Cole, Charles Cole, Edgar Livingston & John M.
Lefebvre, Henry Bail & Abner Bail & Ann Lonsuch

vs.

Chambers Traeger vs.

In the Circuit
Court of Jefferson
County
State of Missouri

TO THE above named defendant Chambers Traeger

Take Notice, That depositions of witnesses in the above entitled cause, to be read in evidence

on the part of the Plaintiff will be taken at the office of James O.

Watkins, Commissionaries appointed by the Governor of Missouri for the State of Maryland
No 68 Bayette Street in the City of Baltimore in the County of

Baltimore and State of Maryland on the 20th day of

May 1859, between the hours of eight o'clock in the forenoon, and six

o'clock in the afternoon, of that day; and that the taking of the same will be continued from day
to day at the same place, and between the same hours, until completed

John R. Livingston atty for Pte

I served the within notice at the County of Jefferson
on the 15th day of April 1859 by leaving a true
copy of the same at the usual place of abode
of Thompson Frazer with a ^{free} white member
of the family over the age of fifteen years.
as can be seen by the Sheriff
by J. C. Parner Deputy

68
Sheriff-fees 50 cts

County of Jefferson, sct.

THE STATE OF MISSOURI,

To any Judge or Justice of the Peace or other Judicial Officer or Notary Public or
Commissioner of Deeds of the State of Maryland, Greeting:

We, reposing special trust and confidence in your integrity and circumspection,
do authorize and require you, that you cause to come before you, such person or per-
sons as shall be named to you by John R. Grayson, Robert Grayson, Margaret Merryman
John Merryman, Emily Curley, Jos. A. Curley, Elanor Mathews, Wm. Mathews, Catharine Day Wm
Day, Marion Day, Ann Dumbleton, Elanor Hart, John Hart, John H. Pole, George H. Pole, Charles Pole
Eliza Agburn, John H. Agburn, Henry Bail, Abner Bail & Ann Gonsuch their

Attorney or Agent, and him or them examine upon his, her or their corporal oath,
(to be by you administered,) touching their knowledge of any thing that may relate
to a certain matter of controversy, now pending in our Circuit Court, for the County
of Jefferson, wherein the said John R. Grayson and the other persons above
named are

plaintiffs,

and Thompson Trazier is

defendant,

on the part of the Plaintiff; and having so reduced the said depositions
so taken by you, as aforesaid, in writing, you are required to send the same, together
with this commission, enclosed under your seal, to our said Circuit Court, with all
convenient speed.

Elias J. Honey
Witness, JOHN S. MATHEWS, Clerk of our said Circuit
Court, at Hillsboro this 25th
day of November in the year of our Lord one
thousand eight hundred and fifty Eight

Elias J. Honey

Clerk C. C.

The Execution of this Commission appears in
a certain Schedule hereto annexed

John S. Mathews
3
State of Missouri

State of Maryland
- City of Baltimore -

Depositions of Witnesses produced
sworn and Examined on the twentieth day
of May in the year of our Lord one thousand
Eight hundred and fifty nine, between the Hour
of Eight o'clock in the forenoon and Six o'clock
in the afternoon of that day, at the Office of
James M. Latimer, in the City of Baltimore, in
the State of Maryland (No. 88 Fayette Street),
before me James M. Latimer a Commissioner for
the State of Maryland, duly appointed & commissioned
by the Governor thereof for the State of Maryland
in a certain cause now depending in the Cir-
cuit Court of the County of Jefferson in the
State of Maryland between John R. Gwyn, Robert
Gwyn, Margaret Meryman & John Meryman,
Emily Carley & Dorset H. Carley, Eleanor Matthews,
& William Matthews, Catharine Hay & Marion Hay
Ann Dumbarton, Eleanor Paul, John S. Pol, George
W. Pol, Charles Pol, Eliza Ogden & John W. Ogden
Henry Paul & Abner Paul & Ann Gossack, Plaintiffs
and Thompson Frazer, Defendant on the part of
the Plaintiffs

Victor Holmes of lawful age, being pro-
duced, sworn and Examined on the part of the
plaintiffs - deposes and says -

— I reside in

I reside in Baltimore County in the
State of Maryland. I know William
Gwynn (formerly known as Willard
Gwynn of Ohio). I was intimately ac-
quainted with him. He was raised
in my immediate neighborhood. He after-
wards removed to the City of Baltimore
became a member of the Bar, and sub-
sequently the Proprietor & Editor of the
Federal Gazette a daily newspaper prin-
ted and published in the City of Baltimore.
He left Baltimore some time before his
death, & went to reside to with his Sister,
Mrs. Jane Gowan, then living in the
County of Carroll, State of Maryland,
where he died in August 1854. He
was near eighty years of age when he died.
He was never married. Both his Father
and Mother died many years ago, long
before his death. He never had but
two brothers, their names were, John
and Samuel, neither of them ever married
and died long before he did. His Sister,
Elizabeth was married three times -
she has been dead some 10 or 12 years
perhaps longer. I cannot state the precise
time. I know she is dead. The name of
her first husband was Robert Gwynn.

by whom she had two sons, both of whom
I knew from their boyhood. William
who died some 8 or 10 years ^{ago} in the war,
left the following named children - viz,
Robert Guyson, Margaret, now the wife of
John Berryman, Emily, now the wife of
Capt H. Curry, Elana, now the wife of
William Mathews, Catharine now the wife of
Marion Hay. Elizabeth who first inter-
married with Isaac McCurdy and after
his death became the wife of Levi Sparks -
is dead, she left two or three children
who I understand are alive. I cannot
give their names. The above named and
described persons are the only descendants
of the said William Guyson, son of the
said Elizabeth. The other son named
John R. Guyson who formerly lived in
Baltimore County, removed to California
some years ago, whom I understand he
still resides. The name of the said
Elizabeth's second husband was John
Dempsey, by whom she had one daughter
named Ann, she intermarried with
James A. Dunstons, is now a widow,
resides in the City of Baltimore, Maryland.
This was the only child that survived
her by her second marriage, and there
are no descendants of any other child.

by the marriage. The name of the said
Elizabeth, first husband was John Harts
I have not seen him for many years
I understand he is alive, by the marriage
there is a daughter named Eleanor Harts
who resides at this time with her ~~sister~~
half sister Ann Dumbarton who I have
refused to bequeath. The late William
Gwynne (known formerly as William Gwynne
of John) had a sister named Jane, she
was twice married. The name of her
first husband was Thomas Pole, by
whom she had several children, I
knew but two of them personally, viz
John G. Pole and Fanny Pole (wh. I have
understood and believe is now the wife
Abner Pate. The other children I did
not know personally. There were two
other sons named Charles and George,
and two other daughters named Ann &
Eliza, so I have been informed and believe
in all six children, who were the only
descendants of the said Jane Pole the
wife of the said Thomas Pole. The
name of the said Jane's second hus-
band is Stephen Gornick he resides in
Carroll County, Maryland, the said Jane
is dead. I know the fact of her death

but the precise time I cannot state.
she survived her brother the said William
Guyson some two or three years, leaving
no child or descendants of any child
by said Stephen Gosack. There was
another sister of the said William Guyson
named Ann who was married to
John Cranford. They lived in the State
of Virginia, both of them are dead. They
left four sons, named John, William,
Langston and Jefferson, I know them
are personally, I know of but one of
them being alive, John still lives in
the State of Virginia, from my intimate con-
nexion with this branch of late Wm
Guyson's family, my impression is that
the said John is the only survivor of the
four brothers, the others may have left
descendants, but I have never seen any
of them, nor do I know of them where
- abouts. I did not know her
personally, but there was another sister
of the said William Guyson named
Fanny. She married a person by the
name of William Hansbury, both of
them must be dead, I have so under-
stood and believed. The descendants
of the said Fanny as I have been told
and believe, are Samuel Hansbury

living in Westminster, Carroll County
Maryland. Betinda, the wife of Judge
Brown, living near Westminster and
Fanny the wife of Hezekiah Croot said
to be living in Baltimore, Maryland.
I believe I have given the names of all
the Brothers and Sisters of the said Nathan
Emory (formerly known as William Guying
Abbey) and the names of the descendants of
said Abbey, and I can only add that what
I have stated on my personal knowledge
I know to be ^{the} truth and such as I have
stated, as derived from others, I believe

to be true
Subscribed & sworn to before me ~~on~~ the day
at the place and within the time first
aforesaid.

Nictor-Hobbs

Notary Public
for the State of Maryland

Not being able to complete the taking of said
depositions by reason of the absence of
Witnesses, I adjourned the further taking of
the same till to-morrow, then to be con-
tinued at the same place and between
the same hours mentioned in the annexed
notice

John B. Watson
Notary Public

Pursuant to adjournment as above stated
on the 21st day of May 1859, between the
hours of 8 o'clock in the forenoon and 6
o'clock in the afternoon I continued the

reading of said of said depositions, as
follows, - viz.

Mary Anne Kniff of law,
of age, being produced sworn and
examined on the part of the plaintiff, de-
posed and said,

I reside in the City of Baltimore
now State of Maryland. I knew the late
William Guyson, formerly known as William
Guyson of whom he had an uncle many
years ago whose name was William Guyson
and he used the John after his own name
to distinguish him from his uncle. I
must have known him for many years
and upwards, he had lived from his
manhood in the City of Baltimore, was
a lawyer by profession and was the
Editor of the 'Federal Gazette' a daily
paper published in Baltimore, and he
continued to reside in Baltimore until
a short time before his death when he
went to live with his Sister Mrs Jane
Goruck who resided in Carroll County
Maryland, where he died some four
or five years since. I cannot state the pre-
cise time, he must have been between
seventy and eighty years of age when
he died. he never ^{was} married, The
Father and Mother of the said William

Gwynn have been dead a great many years. I cannot say how long but upwards of thirty years. He had two brothers, one was named John the other Samud, neither of them ever married, and both of them are dead, they died many years ago, so long ago, that I am unable to say when their death occurred. Elizabeth Gwynn one of the sisters of the said William Gwynn was three times married. Her first husband was named Robert Gwynn by whom she had two sons, the name of one those sons is John B Gwynn, he formerly resided in Baltimore County, after -wards he resided in the City of Baltimore left here some years ago for California where I believe he now resides. The other son, whose name was William is dead he died in Baltimore County about eleven years since leaving a widow (since dead) and the following named children Robert, now living in the City of Baltimore, Margaret, the wife of John Montgomery. Emily the wife of Joseph H. Conly, Eleanor, the wife of William Matthews, Catherine the wife of Harrison Hay, and Elizabeth who was twice married her

her husband's name was Isaac McCurdy
after his death she was married to
Levi Spaulding. the said Elizabeth is dead,
she left three children named Emily
William and Frank Winford

3

After the death of her first husband
Robert Gryson, the said Elizabeth the
sister of the said William Gryson married
John Dempsey by whom she had one
daughter named Ann who was mar-
ried to James A. Dumbledore, he is dead,
and she is a widow, now living in the
city of Baltimore aforesaid, she is the
only child of the said John Dempsey
and the said Elizabeth, nor are there any
descendants of any other child or children
of the said John & Elizabeth Dempsey.
The name of the said Elizabeth's last
husband is John Hart. I understand
he is alive but I have not seen him
for many years, by her last marriage
she became the mother of a daughter
named Eleanor, who is now living
with her half-sister Ann Dumbledore
who I have referred to before. I
have now furnished the names of
all the descendants of the said Elizabeth
the sister of the said William Gryson

Jane, another sister of the said William Gwynne
was twice married, by her first husband
Thomas Pole she had the following named
children. John G. Pole, now living in the State
of Virginia. Charles Pole, now living in Wisconsin.
George W. Pole, now living in Washington
County, Maryland. Fanny, now the wife
of Abner Bate living in Carroll County,
Maryland. Ann, the wife of Thomas Gornet
now living in Frederick County, Maryland.
Elyza, the wife of John W. Guburn living in
Frederick County, Maryland. The above
named are all the children that are
now living of the said Jane by her
first husband Thomas Pole, and there
are no descendants of any deceased
child. The name of the said Jane's
second husband is Stephen Gornet
he is now living in Carroll County
Maryland. when his wife the said Jane
died between two and three years ago -
surviving her said brother William Gwynne
I suppose about eighteen months or
two years, leaving no issue, or the
descendants of any issue, by her se-
cond marriage.

Another Sister of

of the said William Gwynn whose name
was Fanny was married to William
Stansbury. both of them are dead,
they died many years ago leaving
the following named children.

Samuel living at Westminster Lancashire
Belinda wife of Judge Brown living near Westminster
Fanny wife of H. Esout living in the City of Baltimore
I know them all personally, and I know
of no other descendants of the said Fanny
Stansbury.

The said William Gwynn had
another sister named Ann married
to John Crawford Jernery residing in
the State of Virginia. I have always un-
derstood and believe they are long
since dead. She had four sons - viz
John, William, Longlop & Jefferson, the
three last named are dead. John
is alive and resides in the State of
Virginia.

I believe I have named all the
descendants of Elizabeth Jane Fanny
and Ann the four sisters of the late William
Gwynn (formerly known as William Gwynn
of John) from the long and intimate rela-
tions I had with most of them, ^{of them} if not all,
I have been able to give the foregoing
statement which I believe to be correct
in

in all its particulars and that those
persons I have named are the only de-
= cendants of the said sisters, now is
being to my knowledge.

Subscribed and sworn to before
me on the day, at the place,
within the hour first aforesaid
Interdiction *for the State of Michigan*

Mary Anne Knapp

Not being able to complete the taking
of said depositions by reason of the absence of
Witnesses I adjourned the further taking of the
same till ~~the~~ ^{Monday} the 23^d to be continued at
the same place and between the same hours,
mentioned in the annexed Notice

Interdiction *for the State of Michigan*

Pursuant to adjournment as above stated on the
23^d day of May 1859 between the hours of 8 o'clock in
the forenoon and 6 o'clock in the afternoon I
continued the taking of said depositions in my office,
no Witnesses attending I adjourned the further taking
of said depositions until ~~the~~ ^{to-morrow} the 24th at the
same place and between the same hours

Interdiction *for the State of Michigan*

Pursuant to adjournment as above stated on the 24th
day of May 1859 between the hours of 8 o'clock in the
forenoon and 6 o'clock in the afternoon I continued the taking of
said depositions ^{in my office} as follows: viz

Jacob Poe of lawful age being pro-
duced sworn and examined on the
part of the plaintiff, deposes that and
sath, —

— I reside in the City of Baltimore
in the State of Maryland, I was per-
sonally long & intimately acquainted
with the late William Guyton who was
formerly known as William Guyton John
he resided in the City of Baltimore from
an early period of his life until some
short time before his death, he was a
lawyer by profession and was for many
years the Proprietor and Editor of the
Federal Gazette a daily newspaper
printed and published in the City of
Baltimore, he died at the residence
of his Sister Mrs Cornick in Carroll County
Maryland on the 9th day of August 1854
he was in the 79 year of his age when
he died, I was his senior by about
two months, I am now in my 84 years
Mr Guyton was never married, left
no father or Mother, both of them have
been dead for many years, I did not
know personally Mr John Guyton
— such at whose house he died, but I

— have

Have always understood and so I
believe that she was a widow at the
time of her marriage with Mr. Gossard,
and that the name of her first husband
was Polk. Mr. Gwynn had other sisters
but I do not recollect ever having
seen any of them except on one oc-
-casion I saw a lady at his Mr. G's
office who I believe was a Mr. Hart
I know that some of her sisters had
children but I am unable to give any
account of them further than that I
have heard that one of her nephews
named William Gwynn formerly an
engineer is dead leaving children
and that a brother of the said William
named John B. Gwynn is now alive
and is a resident of California —
I knew of William Gwynn (known
formerly as William Gwynn of Ohio) his
name was Samuel, he died when he
was young, I suppose some upwards of
40 years ago, he never married. I
have heard of his having had another
brother whose name was John I never
saw him, he must of have died many
years ^{since} leaving as I have understood no
children, never having married —

I have on several occasions heard Mr
Gwyn speak of a claim that he had
to certain lands in Mississipi derived
from a young man by the name of
James Cox Junior, a nephew of James Cox
who was for many years Clerk of
the Bank of Baltimore and who has been
dead for some years. The said James Cox
Junior I have always understood was
lost at sea many years ago
Subscribed and Sworn to

before me, on the day,
at the place within
the limits first specified

Jacob Poe

Jacob Patterson, Justice of the Peace
for the City of Baltimore

James H. McCulloch of lawful age, being
produced, sworn and Examined on the
Oath of the plaintiff, deponent and sworn
Oath in the City of Baltimore, in the
State of Maryland, I never knew or heard
that the James Cox of whom I was one
of the Executors was ever designated as
Senior. He never had a son of the name
of James Cox, but he had a nephew who
was known and subscribed himself as
J. Cox Jr. This J. Cox Jr. as I have
understood

understood from popular report was lost
at sea in the fall or winter of 1819 - the
vessel in which he sailed having never
been heard from afterwards,
Subscribed and Sworn

to before me, on the day,
at the place, and within
the County first aforesaid

John Dutton
for the State of Maryland

John W. Cullon

State of Maryland - City of Baltimore

I James B. Latimer a Commissioner for the State of Maryland
duly appointed and commissioned by the Governor thereof for the State
of Maryland do hereby certify that in pursuance of the annexed
Commission and Notice, I came before me at my Office at 68 -
Fay St. in the City of Baltimore aforesaid in the State
aforesaid, Victor Holmes, Manly Am. Knapp, Jacob
Poe and James H. McCulloch who were by me sworn
-sober and able to testify the whole truth of the ^{testimony} ~~testimony~~
the matters in Controversy aforesaid; that they were
Examined and their Examination reduced to writing
and subscribed by them, respectively in my presence
on the days respectively between the County and at
the place in that behalf first aforesaid, and their
said depositions are herewith returned,

And I further certify that the said
Victor Holmes is a resident of Baltimore

County in the State of Maryland, And that
the said Mary Ann Knapp, Jacob Poe and
James H. McCutcheon are all residents of the
City of Baltimore in the State of Maryland

Given at the City of Baltimore
in the State of Maryland, on
the 24th / Twenty fourth day
of May. Eighteen Hundred
and fifty four, John B. Watson
Judge of the Court Subscribes my
Name and affix my official
Seal, as Commissioner of said

John B. Watson
Commissioner for
the State of Maryland.

Cost of Executing

Commission \$20

paid by plaintiffs
John B. Watson

Received for mail done
6th 1859 & opened &
filed by me
Elias J. Henry Clerk

Fletcher



Survey No 2185

Surveyed for Joseph Bear who claims in his own right 593 arpens equal to 504 acres and 46 hundredths of an acre of land.

Beginning at a post on the bank of Platteau creek from which a sycamore 13 in dia to S 12 N 17 W 4 a Sugar tree 10 in dia to N 15 E 33 W. Thence S 7 1/2 W at 173 W the Platteau 40 W wide runs N. at 45.37 W a W. Oak 10 in dia at 71.03 W a post from which a W. Oak 10 in dia to S 11 E 39 W a Hickory 9 in dia to

South 14 W. - Thence N 82 1/2 W at 37.54 W a W. Oak 12 in dia at 50.35 W intersected line between Secs 25 & 30, 462 W S of the Sec corner at 52.20 W Platteau creek 40 W wide runs N. at 71.03 W a post from which a W. Oak 13 in dia to N 48 W 39 W a W. Oak 20 in dia to S 18 E 75 W. - Thence N 7 1/2 E at 2.32 W intersected line between Secs. 24 & 25 S 39 N R 5 E, 19.98 W of the Sec. corner, at 59.72 W a P. Oak 14 in dia at 71.03 a post from which a P. Oak 15 in dia to S 21 W 22 W and a P. Oak 18 in dia to N 11 W 45 W. - Thence S 82 1/2 E at 12.41 W intersected line between Secs 19 & 24, 13.23 W S of the corner of Secs. 13 & 24, at 39.11 W a P. Oak 16 in dia 71.03 to the place of beginning

Recorded 7 24, 13.23 W S of the corner of Secs. 13 & 24, at 39.11 W a P. Oak 16 in dia 71.03 to the place of beginning

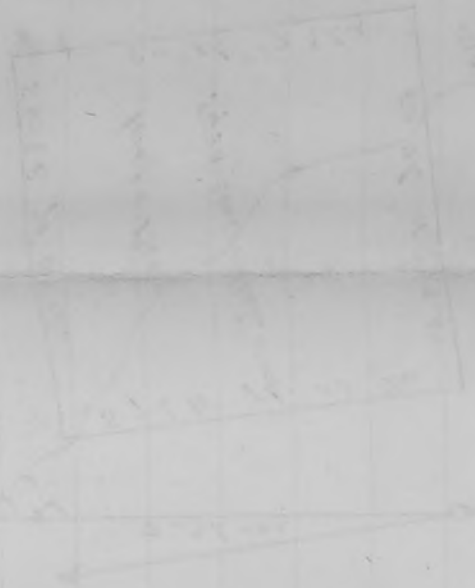
L. Browne D.S.

Office of the Surveyor General for Illinois and Missouri
Saint Louis October 1st 1859

The foregoing plat and description of Survey No 2185 are correctly copied from page 476 of Record Book B on file in this office

Jno Longbrake
Surveyor General

Dr. Dear Friend



State of California

County of Placer,

ss.

On this 10th day of October A.D. 1859.
before me the undersigned County Clerk

and for said County came John R. Gwynn, who being by me duly sworn, upon his oath states. That he is a nephew of William Gwynn (of John) late of the City of Baltimore Maryland, and is one of the legal representatives of said deceased, entitled to inherit his estate. That he is one of the Plaintiffs in the case of John R. Gwynn and others against Thompson & Frazier now pending in the Circuit Court of Jefferson County Missouri for the recovery of the possession of a tract of land on the waters of Platin Creek, confirmed to Joseph Bear for five hundred and ninety three acres, which was conveyed by James Cox Junior to said William Gwynn (of John) by a deed dated on the 25th day of November 1818, which deed was recorded in St. Genevieve County in said State of Missouri, that the original deeds for said land from Joseph Bear to James Bryan. from James Bryan to James Cox Junior and from James Cox Junior to William Gwynn (of John), are not in his possession or control, that he is informed and believes that neither of the plaintiffs have possession or control of said original deeds or either of them, that he has caused search to be made for said deeds in all places where said deeds would naturally or reasonably be found, and has failed to find said originals or either of them, and cannot produce them at the trial of said cause, that he has no knowledge whatever of where said originals are or either of them and is informed and believes that his co-plaintiffs have no knowledge of where they now are.

John R. Gwynn

Subscribed & Sworn to before me this 11th day
of October A.D. 1859

In Witness whereof I have hereunto set my
hand & Seal of the County Clerk at
Office in Auburn Sp. Co. Mo.
Wm. Bowling Esq. Clerk

affo of loco of
seeds

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To James Smith, Hardy McLeannan & S^{rs}

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Rein court* Court for the County aforesaid, on the *14th day of December next* — at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *John R. Gwynne* is Plaintiff and *Almonson Strayner* is Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court
with the Seal thereof hereto affixed, at office this

10th day of *Nov* A. D. 185*9*,

Elias F. Honey

Clerk.

To Circuit Court
Decer Term 1859

Ans R Gorynverals

vs

Thompson Jozquier

for Debt

James Smith Sr

Hardy M Connack Sr

Shenapppees \$1400

I presented the within writ in the
County of Jeff on the 16th day
of Novr 1859 by Reading the
same in the presence and hearing
of Hardoy Mc Connack also
in James Smith 29th day
J. C. Parmer Deft
Shff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To

James D. McCarthy, Red Street, Hardly, Independence

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you

appear before our

Circuit

Court for the County aforesaid, on the

14th day of June next,

at Hillsboro, then and there

to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein

John R. Thompson et al

Plaintiff and

Thompson et al

Defendant on the

part of

Defendant

and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court

with the Seal thereof hereto affixed, at office this

7th

day of

May

A. D. 18*80*

Elias F. Honey

Clerk.

I Summed the within writ by Reading the
same in the presence and hearing of
Reed Sweet and H. McCormack on
the 15th day of May 1860 also on J. G.
McCarthy of 16th day of May 1860.

J. C. Pauer Depty
Sheriff

20 Circuit Court
June Term 1860

John R. Gorman et al

Thompson Drayes

for debt

J. G. McCarthy 16

Reed Sweet 15

H. McCormack 15

Sarah Goza 5

for 12

I executed the within writ by
Reading the same in the presence
and hearing of Sarah Goza on
the 5th day of June 1860

J. C. Pauer Depty
Sheriff

COUNTY OF JEFFERSON.

THE STATE OF MISSOURI,

To *James Smith, Henry McConnack, Senr*

GREETING:

You are hereby commanded, that setting aside all manner of excuse and delay, you appear before our *Circuit* Court for the County aforesaid, on the *14th day of June next* at Hillsboro, then and there to testify, and the truth to say in a certain matter of controversy, now pending in our said Court, wherein *John R. Hargrave* is Plaintiff, and *McConnack Senr* is Defendant on the part of *Plaintiff* and herein you are in no wise to fail.

WITNESS, ELIAS F. HONEY, Clerk of our said Court with the Seal thereof hereto affixed, at office this

7th day of *May* A. D. 18*80*
Elia F. Honey
Clerk.

To Circuit Court

June Term 1860

John R. Gorymonetsky

"

Thompson Grazers

for petty

James Smith 147th

Hardy McCannack Sr.

Sheriff fees \$1.00

I turned the within writ by reading
the same in the presence and
hearing of Jos Smith on the 14th day of
May also on H. McCannack on the
15th day of May 1860

J. C. Power depy
The Clerk

John R. Grogan & others }
vs }
Thompson & Frazer }

Be it remembered that at the Term
Term of the Circuit Court of Jefferson County A.D.,
1860 it being the fourth day of said Term the
above entitled Cause being called for trial both
parties announced themselves ready for trial thereupon
came a jury which being duly empanelled & sworn
the plaintiffs to sustain the issue on their part
gave the following Evidence to wit. The Confirmation
& Survey to Joseph Bear which Confirmation &
Survey are in words & figures as follows to wit
(here Copy Same). Also a Certified Copy of a deed
from said Joseph Bear to James Bryan dated
which deed bears date January 18th 1812 & which is
in words & figures as follows to wit (here Copy Same)
Also a Certified Copy of a Deed from James Bryan
to James Cox junior which deed bears date April 6th
1818 & which is in words & figures as follows to wit (here
Copy Same) to the reading of which deed in Evidence
the defendant objected because the same have not been
properly acknowledged upon the same was recorded which
objection was by the Court overruled ^{& said deed permitted to be read in evidence} to which ruling
& decision of the Court defendant excepted at the time
Plaintiff then offered to read in Evidence a Certified
Copy of a Deed from James Cox junior to William
Grogan as a ^{the copy of} Recorded Deed - which deed bears date
November 25th 1818 & which is words & figures as follows
to wit. (here Copy Same) Defendant objected to the
reading of said Deed in Evidence because ^{he alleged} the same
was recorded in the Superior Court when the land
at the time the same was ^{recorded} lay in Jefferson County
& to sustain said objection read in Evidence the

act of the Territorial Legislature of the Territory of
Nebraska passed December 8th 1818. Creating
& defining the boundary of the County of Jefferson
& then introduced Oscar Dover who being duly
sworn testified as follows, to wit, I surveyed the
boundary line between Jefferson and Ste Genevieve
counties under the act passed in 1849. I do
not know where the source of the north fork
of Isle au Bois creek is. I do not know pre-
-cise where the source of Hazel Run is, before
the time I ran the line between the counties
of Ste Genevieve and Jefferson in 1849 or under
the act of 1849. There was always disputes
and trouble among the people along there
as to which county they lived in there was
difficulties in assessing them & collecting
their taxes, never heard any dispute as to
the tract of land in controversy it was con-
-sidered in Jefferson County, from the best
knowledge I have of the source of the north
fork of Isle au Bois and the source of Hazel
run I think a direct line from one to the
other would include the land in controversy
in Jefferson County, but it would be as much,
when I ran the county line under the
act passed in 1849. it left the land in
controversy in Jefferson County about
a mile and a half, the Joseph Bear
Survey is the most southern confirmation
of land on the waters of Platte creek.

By reference to a map made by him when he surveyed
the line in 1849. on which the north fork of the Isle
au Bois is correctly laid down I am satisfied that
a line run from said north fork to Hazel run
will leave the tract of land one and a half or
two miles in Jefferson County. He had not been
shown this map when the ~~map~~ first part of his testimony
was given. The source of the Isle au Bois & Hazel

men are south of this tract of land,

a and also introduced Peter McElain who testified that he was born in 1812. recollects when he was a boy about twelve years old he was with a party under Col Poston who surveyed a line between Jefferson and the Genevieve counties, the tract of land in controversy was by that line in Jefferson county by about a mile and a half. it was always considered in Jefferson county. I have no knowledge that the line was ever run before Col Poston ran it, don't know by what authority he ran it, don't know that his survey was ever approved by any court or recognized as the true line by the authorities of either county, there was a great deal of doubt about the line always after that time and disputes in the neighborhood as to where it was until 1849. when Dover ran it under a new law. There was however no doubt about the tract in controversy being in Jefferson county, it was always assessed and taxes paid on it in Jefferson county.

to the introduction of all of said testimony by the defendants, the plaintiff objected at the time, but the court overruled the objection to which opinion of the court in overruling said objection the plaintiff excepted at the time, and the court refused to permit said deed to be read to the jury because the same was not recorded in the proper county. to which opinion and ruling of the court in refusing to allow said deed to be read the plaintiff excepted at the time,

The plaintiff then read in evidence the affidavit of John R. Gwyn one of the plaintiffs for the purpose of showing the loss of the original deed from the said James Cox junior to William Gwyn which affidavit is in words of power as follows to wit (See Copy Same)

Plaintiff then offered in evidence the Certified Copy of the deed from James Cox junior to William Gwyn as a Circumstance to show the Existence of a deed from the said James Cox jr to the said William Gwyn which motion was by the Court overruled to which ruling & decreeing of the Court in refusing said Certified Copy to be read in evidence the plaintiff objected & excepted. Thereupon the plaintiff took a non-suit with leave to move to set the same aside. Plaintiff then filed their motion to set aside the non-suit in this cause & to remitt the same upon the docket which motion is in words of power as follows to wit (See Copy Same) which motion was by the Court overruled to which ruling & decreeing of the Court in refusing said motion plaintiff objected & excepted & to all of which rulings & decreeing of the Court the plaintiff objected & excepted at the time & tender hereto the Court this their Bill of Exceptions which they pray may be signed & sealed by the Court & made a part of the record herein which is done accordingly

Blair H. Hove

Deft

John D. Thompson
Thompson Thayer

Best of Expositions

Filed June 16th 1860
Elev 3 H only
Clerk

John R. Gwynn vs. Thos.

Thompson & Frazier

In the Jefferson County Circuit Court

Plaintiff Comr & more the Court to set aside the non-suit in this case & restate the same, and for causes thereof, assigns the following, to-wit:

1. The Court erred in refusing ~~to~~ let the certified copy of the deed from James Cox, Jr. to William Gwynn be read in evidence, the defendant making no objection to the reading of the same, because of its being a copy.
2. The Court should have allowed said certified copy to be read in evidence, as the copy of a recorded deed, the defendant not objecting because of its being a copy.
3. The Court erred in allowing the defendant to introduce oral testimony to sustain the objection of defendant to the reading of said deed in evidence, at the time.
4. The Court should have permitted said certified copy of deed to be read in evidence, and the objection of the defendant to the competency of said instrument should have been made afterwards, upon a motion to exclude the same from the jury.
5. The Court erred in ^{to permit} refusing said certified copy to be read in evidence upon the affidavit of John R. Gwynn, as evidence of the existence of a deed from the said James Cox, Jr. to William Gwynn, and as secondary evidence.
6. The Court should have let the deed go to the jury upon the evidence offered in

the cause, and permitted the jury to determine from the evidence whether they would find or presume that there had been a conveyance of the land in controversy, from James Cox, jr. to William Gwynn.

7. The Court erred in refusing to allow the jury upon the evidence to pass upon the question of facts, as to whether the said deed from James Cox, jr. to William Gwynn was properly recorded in Ste. Genevieve County, or not.

Stetson & Carter

for plaintiffs

8 The court erred in excluding said deed from the jury the same having been prima facie recorded in the proper county,

Stetson & Carter,

for Plaintiffs

John R. Thompson returned

by

Chapman Street

Motion to let aside

from lunch

Dated June 16th 1865

Oliver D. Stoney
Clerk

John R. Graymooter }
Shompson Grazer } In the Jefferson County Circuit Court

Thomas C. Fletcher agrees for the
plaintiffs in the above entitled cause being duly
upon his oath say that the appeal in this cause
is not made for vexation or delay but because
the officers believe that the appellants are aggrieved
by the decision of this Court

Thomas C. Fletcher
Sworn to before me June 16th 1860
Elias J. Honey Clerk

John A. Hargrave rectus

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Thompson Strayer

Officiant for Episcopae

Filed June 16th 1860
Elias F. Hargrave
Clerk

In the Supreme Court held at St. Louis, of the State of Missouri,

October Term 1862
Friday October 31st 1862

John R. Gwynn, Robert Gwynn, Margaret Merry-
man & her husband John Merryman, Emily Curley
& her husband Joseph C. Curley, Eleanor Mathews &
her husband William Mathews Catharine Hay &
her husband Mariner Hay, Ann Dumbleton, Eleanor
Hart, John Hart, John S. Pole, George W. Pole
Eugene Ogburn & her husband John W. Ogburn
Fanny Bail and her husband Abner Bail and
Ann Gorsuch
Appellants
Thompson & Frazier Respondents

Appeal from
Jefferson Circuit
Court

Now again come the parties aforesaid, by their respective attorneys, and
the Court being now sufficiently advised of and concerning the premises, doth
consider and adjudge that the judgment rendered herein by the said Circuit Court for
Jefferson County be in all things affirmed and stand in full force
and effect, and that the said Respondents recover of the
said Appellants his costs and charges herein expended, and
have execution therefor. Opinion filed.

STATE OF MISSOURI, SS.

I, ANDREW W. MEAD, Clerk of the Supreme Court, held at St. Louis,
of the State of Missouri, certify that the above and foregoing is a full, true and
complete copy of the judgment rendered in the above entitled cause, as fully as the
same remains of record in my office.

In Testimony Whereof, I have herunto set my hand and affixed
the seal of said Court, at office in the City of St. Louis,
this 29th day of November
A. D. eighteen hundred and sixty two

A. W. Mead Clerk.

Supreme Court of Missouri.

Wm. J. Sugrue

Chambers
MANDATE.

Judgment ~ Jefferson Dickey

Appointed.