Platte County Circuit Court
Circuit Court
March Term 1851

Box 20 File 103

Wells, John B et al

vs

McCurdy, Solomon P (Administrator of the estate of William M Walden, deceased)

Injunction

John B Wells, Robert B Ballew
Samuel Rich and Robert Wilson, Jam H Morton
Jam M Estill & John Avery — Robert T.P. Ridly — Plaintiffs
William L Thompson Henry A Wilmans
Jam M Kinly Alfred M Bell and
William Thompson
vs
Petition.
Solomon P McCandy administrator
of the estate of William M Walden dec'd — Defendant.

In the Circuit Court of Platte
County of March Term 1857.

Platte County to wit,

The plaintiffs state that they are all creditors of William M Walden deceased, that they all and each have an interest in this action, and in obtaining the relief demanded, that is to say they have all and each of them, the following claims against the estate of William M Walden deceased, allowed by the Probate Court of Platte County, which allowances are made part of this petition, to wit John B Wells fifty six dollars, Robert B Ballew fifty six dollars and eighty five cents Samuel Rich and Robert Wilson Twenty six dollars eighty five cents, Jam H Morton Ten Dollars, Jam M Estill and John Avery forty seven dollars, Robert T.P. Ridly Two hundred and Seventy One Dollars and forty nine cents, that is to say Robert T.P. Ridly became the Security of William M Walden in his lifetime, to Solomon P. McCandy

administrator of the estate of Thomas W Mitchell deceased, and since the death of William M Malden Judgment has been rendered in the Platte Circuit Court against said Robert S. P. Ridy and Dolman P McClendy administrator of the estate of William M Malden deceased, in favor of Dolman P McClendy administrator of the estate of Thomas W Mitchell deceased, which said judgment of the Platte Circuit Court has been affirmed by the Supreme Court of Platte County, and Dolman P McClendy on account of his petition position declaring being a plaintiff in this petition for which reason he is made defendant. And William D Thompson Twenty three Dollars and thirteen Cents, Henry A Wilmans Two hundred and Twenty nine Dollars and forty Cents, James McKinty forty Dollars and M Butt Seventeen Dollars William Thompson Nineteen Dollars and fifty two Cents, And the plaintiffs state that the estate of William M Malden is wholly insolvent except the following described slaves Penelope and Emily be subjected to the payment of the debts of said estate, but the County of Platte and plaintiffs state, that said William M Malden had in his possession the said slaves Penelope and Emily in Platte County from about the year 1843 until his death in the winter of 1848 or 1849 claiming them as his and exercising constantly acts of ownership over them offering to sell them &c and the fact that he had them here claiming them as slaves proved for him credit, which he used

not have attached without them, but at the County aforesaid, Plaintiffs further state that the administrator of Thomas Walden dec'd has procured a judgment of this Court at the present term in an action of Detinue for the said Slaves Pendleton and Emily and is about to remove them out of this County and out of the jurisdiction of this Court to the County aforesaid, And Plaintiffs state that if they are so removed, they will loose their said debts, or be in great danger of loosing them, Plaintiffs state that said Slaves Pendleton and Emily are by law subject to the payment of their debts as they have been advised and believe, that although the property in said Slaves may have been always in said Thomas Walden in his lifetime and his administrator since his death, yet that property has been forfeited so far as plaintiffs are concerned who are bona fide Creditors of William M Walden dec'd that said William M Walden was permitted to attorn said Slaves under a claim of right and property in them adverse to the claim or right of said Thomas Walden or his administrators for more than five years in Platte County, to wit at the County of Platte Plaintiffs state that said Slaves are now in the possession of Solomon L McCandy the defendant as administrator of the estate of William M Walden deceased either actually or under his Contract in the hands of hirers temporarily, that the agent of the administrator of Thomas Walden deceased under said judgment in said action of Detinue rendered at this term of the Court, is about to procure the possession of said Slaves, and McCandy the defendant is about to place said Slaves into his possession to be removed to

out of this County and out of the Jurisdiction of this Court Plaintiffs therefore ask that said negro slaves Pendleton and Emily may be adjudged and decreed by this Court to be subject to the payment of their debts and that they may be sold for that purpose. And that the said Solomon D. McCurdy, the administrator of Thomas Walden's estate or his agent or any and every other person or persons may be enjoined and restrained from removing said slaves from this County and until the further order of this Court, and that said Defendant McCurdy may be required by the order of this Court to retain the possession of said slaves until the final order of the Court herein and plaintiffs pray for such other and further relief as may be equitable and their case may require -

James McKinley and others
By Hardin & Reese their Attys

James McKinley one of the plaintiffs makes Oath and says that he believes the above petition and the matters therein as stated are true

James McKinley

Sworn to and subscribed before me John Collier a Justice of the Peace within and for the County of Platte this tenth day of Sept 1850

John Collier J.P.

R. T. P. Rudd and Alfred McBeth agent for Alfred McBeth one of the plaintiffs makes oath and says that they believe the above petition and the matters therein as stated are true

Alfred McBeth by G. W. Belt his agent

Sworn to and subscribed before me John Collier a Justice of the Peace within and for the County of Platte & State of Missouri this tenth day of September A.D. 1850

John Collier J.P.

John B. Wells & others

vs. Bill in Chy. for Injunction

Solomon D. McCurdy Admr

of William M. Walden dec'd