

To the Honorable Andrew McCampbell Chancellor in Equity at
Hartsville

The Bill of Complaint of Alexander Daniel a Citizen
of the County of Stewart against John Johnson a Citizen of
the Said County Humbly Complaining Sheweth to Your Honor
that Jason King died in the County aforesaid Some time in
the Year 1840 Having a last Will and Testament a Copy of
Which is herewith filed and Exhibited Marked (A) and
prayed to be taken as a part of this Bill at the December Term
1840 of the County Court Of Said County it Was admitted
to probate and Said Johnson qualified as the Executor of
Said Jason, the Said Jason Was Not indebted to any One
Save Your Orator and With the exception of a few small
pecuniary Legacies given by the Said Jason - the entire prop-
erty Was given to Your Orator as he Was Constituted the
Residuary Legatee Under the Said Will after the qualification
of the executor he proceeded to sell the estate of the Said Jason
and the Sale of the property as appears from his Returns
amounted to One hundred and Sixty five dollars and 31 cts
Your Orator Sheweth he purchased at the Sale of the
property by the executor to the amount of ten dollars and
he also executed his Note to Said Johnson as executor
for property purchased by James Collier for thirty Seven
dollars Making the amount of forty Seven Dollars that
he executed his Note for to the Said Johnson as the executor
of the said Jason Your Orator further Sheweth that he
paid the funeral expenses of the Said Jason amounting
to between ten and fifteen dollars that the Said Johnson
has Collected Most if Not all the debts due the estate but
Notwithstanding the Your Orator is the Residuary Legatee
Under Said Will and there is ample means in the hands
of the executor he is seeking to force the Collection of Said
debts from Your Orator and on the 26 day of April 1842
Judgment Was Rendered against Your Orator before William

Wells Esq a Justice of said County Which With the interest
up to this time amounts to fifty dollars and fifty four
Cents Your Orator further Sheweth that the said John-
son is Combining and Conspiring With Others to defeat
the Will of the said Susan And an issue of Divorcement
now is Unpending to by the validity of the said
Will but though said issue is still pending and
the said Johnsons Not having been appointed admin-
istrator during the pending of the Suit And though
No administrator has been appointed as yet he has
caused an execution to issue from said Judgement
and the same has been levied On the property of your
Orator Your Orator States that he would have pleaded
his off sets at the time said Judgements was rendered
but he believed that the property was his as he was the
residuary legatee under said Will - Your Orator States
that the said Johnson is Wholly insolvent and if said
Will should be decided, voided and the said Johnson be
permitted to Collect the funds his remedy to recover the
Money back would be greatly embarrassed - the premises
considered and as your Orator is ~~greatly~~ ^{greatly} distressed by
the Common Law and Only Redress in Your Hon-
orable Court he prays Your Honor that the said Johnson be made
a party defendant to this Bill that he answer all the alleg-
ations on his Corporal Oath as fully as though they
were again ~~specifically~~ ^{specifically} repeated that Writs of injunction
and Subpoena issue that the said Johnson and all
others be enjoined and restrained from Collecting said
Judgement until the further Order of Your Honorable
Court and upon a final hearing that the same be ~~permanently~~
injoined this is the first application for an injunction
in this case and he prays Your Honor to grant him all
other and further relief as the Equity of his Case may require
Shackelford & Thomas
Solicitors

State of Tennessee }
Montgomery County } This day personally appeared before me
Phelander Priestly Clerk and Master of the Chancery Court
at Clarksville Jordan Daniel the Complainant in
the following Bill Who made oath that the Allegations
contained in this his Bill against Abner Johnson as
stated of his own knowledge are true and those
allegations which are made on the information of
Others he believes to be true

Subscribed and sworn to before

me 22nd April 1843

Jordan Daniel

J Priestly CVM

In the Name of god amen I Susan King being in
Common health and Sound Mind as my age and
infirmity will permit And taking in Mind the Short
nap of life and the Certainty of death I do Make and
publish this my Last Will and Testament hereby Reversing
and Making void all Others by me at any time made
first I direct that my funeral expenses and all my just
debts be paid as soon as possible after my death out
of any money I may die possessed of or may hereafter come
into the hands of my executor Secondly I give and
bequeath unto my Brother William King five dollars
to him and his heirs forever. 3 Item I give and
Bequeath unto the lawful heirs of my sister Elizabeth
Andrews five dollars to her and her heirs forever
Item the fourth I give and Bequeath unto my sister
Sarah Crook five dollars to her and her heirs forever
I give and bequeath unto Margaret Ann Robertson to
her and her lawful heirs thirty dollars to her and her

him forever from hence I do give unto my beloved
 friend Hordison Daniel all the residue and balance
 of my Estate of all and every kind whatever to him
 and his heirs for ever I do nominate and
 appoint Abner Johnson my Executor in witness
 whereof I have to this my will set my hand and
 Seal this the 19th day of February 1839 Signed Sealed
 and published in our presents and We have Subscribed
 Our Names hereto in presence of the testator this the
 19th day of February 1839.

A Johnson
 Eli Hardy Jr

Susan^{her} King Seal
 Mort

State of Tennessee
 Stewart County } I Certify the Within to be a true Copy
 of the last Will and Testament of Susan King Deed
 as appears of record in my office this given under
 my hand at office in the town of Dover the 21st
 day of April 1843

Jas W Cook Clerk
 of Stewart County Court

Hordison Daniel
 or
 Abner Johnson } defendant

This defendant by protestation not confessing
 or acknowledging all or
 any of the matters and things in and by the said Bill set forth
 and complained of to be true in manner and form or the
 same or them and thereby set forth and alleged saith he
 is advised by Counsel that there is no matter or thing

in the said Bill Contained good and Sufficient in law
 to Call the defendant in Question in this honorable
 Court for the Same but that there is good Cause of
 demurr thereto And for Cause of demurr the defendant
 saith that the Complainant's said Bill in Case the
 allegations therein be true Which the defendant doth
 in No Way admit Contains Not Any Matter of Equity
 Where this Court Can grant any decree or give the Complainant
 Any Relief or assistance or against the defendant Wherefor and
 for divers other errors and imperfections in the said
 Bill appearing the defendant doth demur in law
 thereto And humbly demands the Judgement of
 this Honorable Court Whether he Shall be Compelled
 to put in any further or other answer to the said Bill
 And humbly prays to be herein discharged (With Reasonable
 Costs in this behalf Most Wrongfully Sustained)
 Valentine My Deft.

Hordson Daniel

17

decree 22 March 1844

Abner Johnson

This day this Cause Was continued by consent

Hordson Daniel

18

decree 18 September 1844

Abner Johnson

This day this Cause Came on for argument
 before the Honable Andrew McCampbell Chancellor of upon the
 Bill of the Complainant and the demurrer filed by the
 defendant and thereupon all and singular the Matters and
 things arising upon said demurrer being argued by counsel
 on both sides and by the Court humbly understood and
 the Court being Satisfied that the Complainant is not entitled
 to the relief prayed doth order adjudge and decree that

the demurrer be allowed, the Injunction in this case granted
be dissolved and the Bill be dismissed, and the Court further
Orders and decrees that the defendant recovers of the comp-
laint- together With James A. Shackelford and

Robert J. Rivers his Securities in the Injunction bond
the Sum of fifty four dollars and Eighty three Cents the
principal and interest up to this time of the debt
injoined, as also the Costs at law and the Costs of this
Court and that Execution issue therefor as at law

State of Tennessee }
Montgomery County } I Philander Trustley Clerk &
Master of the Chancery Court at Clarksville, Montgo-
-mery County Tennessee, do hereby Certify that the
foregoing is a true and entire transcript of the record
and proceedings had in Said Court between the parties
herein named, as they are on file and of record
in my Office.



In testimony whereof I have
hereunto set my hand and affixed
my private Seal, having no Seal of
Office, at Office in the town of
Clarksville, the 3^d day of January
1845 and the Sixty ninth Year of
American Independence
Philander Trustley C. C. M.

Transcript 2326 words @ 10¢/pr. 100. 2.32

Certificate

1.00

\$ 3.32

Know all men by these presents. That we St. Daniel and
are held firmly bound unto Abner Johnson Esquire in
the penal sum of one hundred & twenty five dollars. Which sum
well truly to be paid. We bind ourselves on heirs & assigns &
scarcely fairly by these presents. Witness our hands & seals. This
11th day of January 1845.

The condition of the above obligation is such
that whereas the S^r St. Daniel. has this day filed a Transcript
of the record in the case of St. Daniel vs Abner Johnson Esquire
for a writ of Sum. to bring up the cause, from Chancery Court
at Clarksville for rehearing:-

Now, if the said St. Daniel, shall well & truly per-
-form his said writ of Sum. with effect, or in case of failure
therein, to pay all such costs & damages, as said Supreme
Court, shall adjudge. against him: Then this obligation is to
be void, & otherwise to be in full force & virtue.

" Hester Daniel Esq
J Othwellford also Esq

J Othwellford Esq

54.83.
8
438.64

285

Wardson Daniel

Manuscript

Abner Johnson

Feb 11th Jan 1825

7th Dec 1825

Appended

Bound Book 308
Pages 411 to 413,
p. 30.0

No. 0
