

LESTER ET ALS.

vs.

LESTER ET ALS

} *Supreme Court, Equity Docket, No. 16.*

In this cause complainants file their original bill in the nature of a bill of review, to impeach and set aside a decree of the Supreme Court, on the ground that it was obtained by fraud. Decree was rendered March 20, 1867.—See record page 60.

To this bill defendants file their demurrer, setting out as grounds thereof:

1st. Upon the showing of complainants, the questions sought to be raised have been finally settled by decree of the Supreme Court.—Record, page 63.

2d. A bill of review, or a bill in the nature of a bill of review, will not lie to review a decree of the Supreme Court.

3d. The bill has no equity on its face.

4th. The bill is multifarious.

5th. The bill is argumentative, etc.

In the court below this cause came on to be heard before Chancellor Shackelford, on May 27, 1868, on the bill and demurrer, and the bill was dismissed on the ground "that neither a bill of review, nor an original bill in the nature of a bill of review, will lie to review a decree of the Supreme Court, for fraud in the institution and preparation of the case."—See record, page 65.

The sole question at issue is upon the correctness of this ruling.

Complainants insist that an original bill, in the nature of a bill of review will lie, to *impeach* a decree of the Supreme Court for fraud.

The learned Chancellor in the decree, and the Solicitor for defendants in the demurrer, went upon the idea that the object of this bill was to *review* the decree, whereas the sole office of such a bill, is to impeach and set aside the decree for fraud; and the allegations

of this bill show expressly that such was its object.—See record, page 23.

The bill charges and the demurrer admits the fraud and imposition.

Complainants hold as was held in “*Lenox vs. Notrebe*, Hempstead R, 251—that a decree may be set aside for fraud, and will be if the allegations of fraud are clear, and satisfactorily proven by positive or circumstantial testimony.”

This leads us naturally to inquire as to the proper mode of arraigning the decree fraudulently obtained.

Among the authors of books on equity pleading, there is no diversity of opinion as to the mode of impeachment.

This bill is drawn in exact conformity to the rule, as laid down in Story’s Equity Pleadings—sec. 426, and in Mitford’s Equity Pleadings, page 76, and authorities cited.

Fraud vitiates every thing, even the most solemn transactions—15 Peters 518, 2 Heiskell 242.

If fraud infects a decree, it renders it void, and this fact makes intelligible the reason of the rule, which requires the filing of an original bill, in the nature of a bill of review, to impeach and set it aside. Complainants do not seek to reverse, alter or explain an erroneous decree, because of error in law apparent on the face of it, or because of any new matter arisen in time after the decree, or because of new proof that has come to light after the decree has been rendered, and could not possibly have been used at the time the decree passed, all of which causes may, by special leave of the Court, become a predicate on which to ground a bill of review; but they seek to impeach the decree for fraud in its obtention, and have proceeded by an original bill, and filed the same without leave, and simply because it is an original bill.

This Court in *Frowzer vs. Sypert*, 5 Sneed R—100, quote and adopt the rule laid down in *Daniel Chan—Pr.*, page 1626, “that after final decree, a new original bill between the same parties and for the same subject matters, would not be allowed, *unless* the decree was obtained by fraud.”

There is some diversity of opinion even as to whether a pure bill of review will lie after judgment in the Appellate Court—but in Tennessee it is settled that it will not.—*Cox & Catron vs. Breedlove*, Yer. R—499–520.

Some of the books draw distinctions between bills of review and original bills, to impeach decrees for fraud.

Leave of Court is essential before filing a bill of Review, but not so with an original bill to impeach a decree for fraud.—See 3d Cold. R—*McGavock vs. Bell P.*

Mr. Story in his Equity Pleadings, sec. 426—says, “fraud infects decrees of *all courts*.”

It is well settled that courts of equity grant relief against judgments and decrees obtained by fraud and imposition.—*Smith vs. Harrison*, 2nd Heiskell R—242—and authorities cited. 1 Story’s Eq. Jur. sec. 252.

Is the decree of the Appellate or Supreme Court comprehended in the expression “*all courts*” as used by Judge Story? Most unquestionably.

11, *Pierre Williams*, 73, and the cases cited. It is however argued that the American doctrine is different.

Such is not the case: for the American cases refer to and expressly adopt the English cases referred to.

Sec. 4, *J. J. Marshall’s Ky.*, R. 497—and cases cited, in which case Judge Buckner delivered an able opinion, replete with all the learning upon the very questions raised by the demurrer in their cause.

This Court, in the case in 2 Yer. 510—*White J.*—delivering the opinion, expressly declares “when a cause has been re-examined in the Supreme Court, and a decree pronounced the whole remedy is exhausted unless fraud has intervened in obtaining the decree,” citing *Barbou vs. Searle*, 1st Vern, 416.

This bill is filed in the Chancery Court, the Court of original jurisdiction.

After an affirmance of a decree in Parliament, even, if it has been obtained by fraud, the only remedy would be by a bill in the Court of Chancery to set aside the decree for fraud. 2 Maddox, Chan. 537; this same principle being cited with approval by this Court 2, Yer. R. 507.

Surely the maxim *expedit Republicae ut sit finis litimae*, does not apply to cases settled by fraud; and Courts will not willingly hear it asserted by a party who admits by his demurrer, the fraud charged.

To such an argument in a cause like *this*, how conclusive an answer do we find in the dissenting opinion of Peck J, 2 Yer. 516—he says, “that it is as well not to end as to come to erroneous conclusions, unless it be that men delight rather in wrong than the establishment of right.”—5 Dana, 164—see case 16 How.

In that case it was simply a conclusion founded upon *error*, in this, a conclusion founded upon *fraud*: and if applicable in the case of *bare error*, how convincing is the response in a case of *base fraud*.

E. B. McCLANAHAN,  
Solicitor for appellants.

1 Mr. Wm  
-16 (Kend  
5 Atty  
2 Yery



Samuel L. Jackson

27

John Q. Adams

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Enc. No. 499

Ms. A. 9. 2. 3

Copy

James Suter and others.

vs

A. M. G. Suter and others.

Can a bill be sustained which seeks to set aside a decree of the Supreme Court upon the ground that a fraud was ~~attained~~ practiced in taking the proof. The decree in the Chancery Court and in the Supreme Court both being pronounced several years after the alleged fraud?  
(The case now sought to be reviewed)

This was a case of considerable magnitude, and perhaps no case in the Court's history of the same magnitude. As the general outlines of the bill shows - has been more vigorously contested through all the stages.

The bill was filed on the 18<sup>th</sup> of March 1864 and the final decree was pronounced on the 20<sup>th</sup> of March 1869 - the final decree was in the Supreme Court.

On the 11<sup>th</sup> of September 1869, with a vigor in litigation which certainly has

no parallel in temper the losing  
parties reverse the fight by an origin  
- at in the Chancery Court, attacking  
in the most furious manner the  
dorse of the Supreme Court, for  
a fraud practiced in procuring a  
writ - not in the Supreme Court -  
not in the obtaining of the writ -  
not by imposing on the Supreme Court,  
not even by a fraud in obtain-  
- ing the dorse in the Chancery  
Court, but in procuring a  
writ - Three years before the  
Case was tried in the Chancery  
Court. Certainly as a conspicuous  
act, this bill would be a feather  
in any <sup>lawyer's</sup> cap. The journal, who  
dinner from his last justification  
can mend the attack in the rear,  
and compel the enemy to surren-  
- der the many held, and fight  
again in the open field for the mastery  
would be a great military Captain.  
- He would be a perfect Captain

Jack of a fellow.

The only blemish upon the keivision of the legal Commander who filed this bill is - that instead of an open declaration of war upon the decree of the Supreme Court, numerous pages of the bill are taken up in trying to deceive as to the real purpose.

But commencing at page 19 of this report, and including page 23 - the Court will see that the bill is a bill to set aside a decree in the Supreme Court, because the proof before the Court was not sufficient.

That such a bill can be so sustained is preposterous.

See 8 Humph 309 1 Vernon 416  
16 Howard 547.

Without doing poor human nature any wrong, it may be safely said - that after such litigation as this was - if the



door was opened by the Court  
for another trial, namely upon  
the account of the losing party,  
that his adversary had protracted  
a point in getting up his proof,  
there would indeed be no end to  
litigation.

James Lister doctors

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State of Tennessee }  
County of Davidson } In Chancery

State of Tennessee

County of Davidson } In Chancery

At Nashville, Tenn:

Before the Hon: J. O. Shackelford, Chancellor.

At a Meeting of the Chancery Court for the April Term 1868, the following proceedings were had in the cause, wherein James Lester & others are complainants and A. M. C. Lester and others are defendants, as the same appear of record & on file in said Chancery Court.

Orig: Bill

To the Hon: Annae H. Harrison, Chancellor &c,

The Bill of Complaint of M<sup>rs</sup>. Davis, Widow Heiress of Sam<sup>l</sup>. Davis, deceased, C. W. Nance, Elizabeth Newbern, Calvin Cabler and Emily his wife, formerly Emily Newbern, Jesse Perry, and Martha his wife, formerly Martha Newbern, George Friendly, and his wife, Lizzie, formerly, Lizzie Newbern, and James Lester, all citizens of the State of Tennessee, filed in the Chancery Court at Nashville, Tennessee against

A. M. C. Lester, W. A. Baker, and Elvira, his wife, formerly Elvira Lester, George W. Lester and William Lester

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which was read and approved by the court.

all citizens of Davidson County, Tennessee, and James  
Hooper, and his wife Eliza Ann, formerly Eliza Ann  
Lester, citizens of Williamson County, Tennessee, Joseph  
L. Mills and George H. Mills his son, a minor, and  
Nicholas P. Corbett, citizens of Davidson County,  
Tennessee.

Annably complaining, complainants  
come with this their bill, and beg to state that on the  
19<sup>th</sup> day of April 1834, Royal Lester, executed his  
promissory note to Watson Northard for \$20<sup>34/100</sup> -  
payable one day after date for value received, and  
also on the 23<sup>rd</sup> day of March 1835, he executed a  
like note to the same parties for the sum of \$4<sup>50/100</sup> -  
on the 15<sup>th</sup> April 1848, judgment was rendered against  
Royal Lester on the first one of these notes, by John  
Corbett, a J. P. for Davidson County, Tenn: on the 1<sup>st</sup>  
of February 1849, execution issued on said judgment, but  
the 16<sup>th</sup> day of July 1849, said execution was returned  
by W<sup>m</sup> C. Hyde, C. D. C. "No personal property was found  
to be levied on lot 13, and tract of land (described in  
the levy as the property of said Lester" - said papers  
were sent up as required by law in such cases, and  
to the May Term, 1849, of the Circuit Court for Davidson  
County, Tenn: for an order of condemnation, and as

30<sup>th</sup> June 1849. Venditioni Expensis issued from said Court against the said land so levied on.

On the note for \$4<sup>50</sup>. judgment was also obtained or rendered on the same day, and by the same J. P. and execution thereon was taken out by the same Constable, and returned as the other. Also the papers were sent up to same term of said Circuit Court for the same purpose, and venditioni Expensis directed as in the preceding case, issued on 30<sup>th</sup> June 1849, all of which will more fully appear by reference to the Transcript from records of said Court, Nashville marked & "3" & "4" which are herewith file and may be taken as a part of this bill, but need not be copied -

After the issuance of said process Ven: Exps:, which came into the hands of B. M. Barnes, the then Sheriff of Davidson County, Tenn: who after giving notice, advertising &c. as is in such cases required, sold the lot of land so levied on, on the 3<sup>rd</sup> day of Sept. 1850, at the Court House door in the Town of Nashville, being the County site, for Davidson Co: Tenn: - at said sale defendant W. H. Baker became the purchaser, at the price of ninety one (\$91) Dollars, which was and one C. Vaughan being also a part of

creditor, and having had land levied on to satisfy his judgment of \$55<sup>51/2</sup>/<sub>100</sub>, which was James Lester, one of complainants, paid to said Sheriff in full satisfaction of said judgment - Afterwards, complainant, James Lester paid to said Baker, the amount he had bid for said land on the day of sale, and said Baker requested the Sheriff to make an absolute deed of said property to complainant, James Lester, and on the 1<sup>st</sup> day of Sept. 1857, the said Sheriff made a deed of said property to complainant James for the consideration of \$145.51/2, and on the 3<sup>rd</sup> day of Sept. 1857 - said deed was registered, all which will more fully appear on the face of said deed which will be produced and read, if necessary - a copy of the same is here filed, marked Exhibit "B" and prayed to, but need not be copied.

Complainants beg further to say that on the 4<sup>th</sup> day of July 1847, the aforesaid Royal Lester, executed a deed in trust, or of gift to N. P. Corbett, as trustee, of all his property, both real and personal, including the land sold by Sheriff Barnes, on the day last the true as herein before set forth -

The beneficiaries under this deed were, Nancy Lester, the wife of the grantor, and his two children

A. M. C. Lester, one of the defendants herein, & Emeline Lester, who subsequently married defendant Joseph L. Mills, and became the mother of the defendant George H. Mills - The terms of said deed will more fully appear by reading the same - a copy of which marked "Ex" "M." is here filed as part of this bill, but need not be copied.

On the 10<sup>th</sup> day of June, 1854, Complainant, James Lester, who purchased the lot of defendant Baker, and paid off the Vaughn judgment on the land then sold by the Sheriff, which was the same conveyed to Corbett, in the deed of July 7<sup>th</sup> 1844, by Royal Lester, and conveyed by deed of that date to Jas. W. M<sup>re</sup> Donald and Crispet C. W. Nourse a 35 foot lot of the land purchased & held by him under the Sheriff's deed, hereinbefore mentioned, for the consideration of three hundred dollars - a copy of which said deed is now reproduced on the hearing.

Also on the 13<sup>th</sup> day of June 1855, Complainant, James Lester, sold & conveyed by deed of that date, to Thomas Seaborn, the father of Crispet Emily Baker, Martha Perry Haggie Friendship (who died on the  
day of                      18, for the consideration

of four hundred and twenty five dollars, a parcel of 35 feet  
of said land purchased by him as aforesaid held under  
said Sheriff's deed - which said deed to Newbern will  
be produced at the hearing -

Also on the 23<sup>rd</sup> day of July, 1855, Complainant  
James sold seventy additional feet of the aforesaid land  
to Lucy Ann Adams, for the consideration of twelve  
hundred and fifty dollars paid in cash, and fifteen  
hundred dollars secured to be paid on the 23<sup>rd</sup> day of  
December 1855, a copy of which deed will be produced &  
read on the hearing.

On the day of July 1856, A. L. Adams and  
Lucy Ann Adams, executed a deed to Samuel Davis  
for 35 feet of the 70 feet purchased from James Lester,  
for the consideration of one thousand dollars - a copy  
of which deed will be produced on the hearing.

Also on the 10<sup>th</sup> day of March 1856, said A. L. Adams  
wife, sold ten acres by deed to Thomas Newbern for the  
consideration of four hundred dollars, the remaining  
35 feet of the 70 feet, as aforesaid purchased as above by  
James Lester, Compt, a copy of which deed will also  
be produced and read upon the hearing.

The aggregate of all these sales make up the  
amount or quantity of the land purchased and held



by couple James under the Sheriff's deed.

On the 13<sup>th</sup> day of March 1864, defendant A. C. M. Lester filed his original Bill in this Court, setting up the fact that he was one of the beneficiaries, under said deed of July 9<sup>th</sup> 1844 - that his Mother Nancy, and his Sister Emeline, the other beneficiaries were both dead, and that defendant Corbett had accepted the trust - that Royal Lester the grantor under said deed, lived on the land from the time the deed was executed until the day of his death - said A. C. M. Lester claiming in his bill that, inasmuch as his Mother and sister Emeline, were both dead, that he was entitled, as the survivor of the joint, or tenants in common under the deed of July 9<sup>th</sup> 1844 -

Complainant state in Addition that Emeline Lester, one of the beneficiaries under the trust deed, intermarried with Joseph Mills, on the day of 10 ; Defendant George H. Mills, the son of Joseph & Emeline Mills, was born on the day of 10 ;

Defendant A. C. M. Lester in his original Bill charged that he often asked Corbett, the trustee to make him a deed as the survivor of the joint tenants.

Thomas Newben died owning this messuage

the land bought by him from James Lester and  
Adams - His death occurred on the \_\_\_\_\_ day of  
18 \_\_\_\_\_; leaving Emily, his daughter, who  
had intermarried with Compt Barber - Martha,  
who married Compt Perry, and Lizzie, who married  
Compt Furdley, and his widow Elizabeth Newbern,  
surviving, and his heirs at law, and as such, the  
said Emily, Martha & Lizzie his daughters and  
only heirs, inherited the interest of their Father, Thomas  
Newbern in the lots purchased from Complainant  
James Lester -

The original bill filed by A. C. M. Lester charged  
that when the levy & sale of the property, the lots, the  
title to the same was in Corbett, the trustee, with  
remainder in the children, & that even if not, that  
it was redeemed before the expiration of two years &  
further that defendant Corbett Compt James,  
confederated for the purpose of defrauding the  
beneficiaries under the deed.

On the 29<sup>th</sup> Oct. 1864 - Complainant James  
Lester filed his answer to the bill filed by A. C. M.  
Lester, detailing the facts in connection with his  
occupancy and ownership of property med for,  
repelling all charges of fraud and confederation,

replying that Royal Lester the father, and all the family knew that he had and claimed and bid in the land for his own benefit, and so claiming sold it as he had a right to do, and all these statements are here repeated as well as that the deed of July 7<sup>th</sup> 1844, was made by Royal Lester, for the purpose of hindering, delaying & depending his creditors, and the decree of the Supreme Court declared that said deed was void for fraud.

Complainant James also plead and acted, as complainants now do, upon seven years adverse possession against all the world, maintaining that the Statute of Limitations then in full force in Tennessee, conferred & perfected his, and the title of his then co-defendants, but no Co-complets in and to said land.

On the 1<sup>st</sup> Decr. 1864, all the rest of the depts save J. P. Corbett filed a demurrer to the bill of A. C. M. Lester, and among the grounds thereof, stating that there was no equity on the face of the bill as to them - that if Complainant was entitled to any remedy, it was at law, and not in Equity, & that bill on its face, showed that Complet was barred by the Statute of Limitations of seven years.

On the 12<sup>th</sup> day of July 1865, said course,

coming on to be heard, on the demurrer, the same was overruled, and leave granted the defendants to answer, and in their answer to rely on the Statute of Similitudo (said deft Baker's name was inserted in the demurrer by mistake)

On the 14<sup>th</sup> day of May 1865, deft A. C. M. filed an amended Bill, and had pro confesso at the Rules entered against Corbett the trustee, also avowing in said amended Bill that Corbett James Lester, had leased rented, brought said land and its life estate in said land, and went into possession by her consent, consequently she was not freed out as he supposed and changed in said original Bill - that his (said James') breeding was not adverse to the widow or said Corbett, the trustee, during the life of said Nancy, the widow, and charging that the claim of said James Lester under the Sheriff's deed was absurd, false and fraudulent.

Stating also in said amended Bill, that his name which appeared on quit claim deed, executed on 1<sup>st</sup> day of October 1853, by defendants, Mills wife Nancy (belonging his wife now deceased) & Nancy Lester & A. C. M. Lester to complainant James Lester, a copy of which said deed marked Ex. 1 is here filed

as part of this bill, but need not be copied, was not signed by him, but by his mother (who could not write) -

And further more Compts here state & charge that all defendants here, except A. C. M. Lester, Geo. H. Mills were of full age at time Complainant James was selling the lot of land in controversy & never covered in any way against the same, knowing as they did that the land belonged to Complainant James in fee. - And further pleading his minority and covering that he had no title to convey until the death of his Mother, and that at the time he was young and illiterate, and also that during the widow's life the trustee had no control over the possession of the land.

On the 14<sup>th</sup> day of July 1865, the remaining defendants under the original Bill filed their joint answer thereto, except J. P. Corbitt, the trustee, and W<sup>m</sup> H. Baker - Respondents merely stating how they acquired possession - that they paid fair prices for the lots, and plead the Statute of Limitations of seven years, and that James Lester had a good and perfect title in the land sold by him to them.

on the 6<sup>th</sup> day of November 1865, Complainant James Lester, filed his separate answer to the amended bill filed by A. C. M. under the original proceedings denying all fraud in the procurement of the quit claim deed, and charging that after his majority def. A. C. M. had acquiesced in his claim to the land, and states that he took possession of the land from the date of his purchase, which was anterior to the death of Royal Lester, & denying any title in A. C. M. because he claimed under a fraudulent deed, to wit, the trust deed of July 7, 1847.

Complainants beg to mention as noticeable, the fact that neither defendant Borlitt or W<sup>m</sup>. H. Baker answered any of the bills filed against them in the original cause, and that on 22<sup>nd</sup> Nov. 1865, said trustee was made to testify that by A. C. M. the complainant the said trustee denied having accepted the trust that was charged in A. C. M.'s bill to have been accepted, and also that he heard "old man Perry Jim was a going to redeem the land for him".

Complainants state that said Borlitt, as a witness admitted to one John H. Minter long after the death of the old man, Royal Lester, that

he had accepted the trust under the deed of July 4<sup>th</sup> 1844,  
and complainants are advised that even if the deed  
of July 4, 1844, conferred any title upon the trustee, or  
the beneficiaries in the trust property, that the rule  
of law is clear, that if a party have once by any  
means accepted the trust, the effect of such an  
acceptance is exclusive, and he cannot after-  
wards by renunciation or disclaimer throw off  
or repudiate the duties and responsibilities of the  
trust - And complainants further insist that  
even if the said trustee by parol disclaimer threw  
off the trust, still there is no validity in such a  
disclaimer under a deed conveying land - i.e. a  
freehold interest in the same -

And complainants state that their counsel  
refused to cross examine said Brill, and as  
appears from said deposition, excepted to the same  
on the ground of the incompetency of said Brill  
to testify, the court here insists that he was  
incompetent so to testify, and that said objections  
were wrongfully overruled.

And furthermore complainants are advised  
that a trustee, who has never acted, & who has  
already disclaimed, ought not to be joined as a

party wa out respecting the trust property, and that the original bill was, in that respect and for that cause defective, and subject to dismissal &c.

Complainant began also to state that on 30<sup>th</sup> of November, 1865, defendant A. M. C., took the deposition of his now ex-defendant W<sup>m</sup> H. Baker to sustain his original bill, and that said Baker swore in his deposition that, Compt James Lester, redeemed the land for the benefit of the old man & the children, just as he had been holding it - Much proof was taken on either side and said cause came on for hearing at the November Term 1866, of the Chancery Court for Davidson County, Tennessee, and upon pleading, proof and argument of Counsel, was heard before the Hon: David Campbell, the Chancellor for said Co. State, and decree rendered in favor of Compt, a copy of said decree is on the files in your Honor's Court, and will be produced there at the hearing.

Respondent's Counsel prayed obtained an appeal to the Supreme Court of Tennessee, then in session at November Term, and on the 20<sup>th</sup> day of March 1867, upon a transcript of the record below said cause came on to be heard, and was heard &c.



and a decree rendered modifying in effect, the  
decree below, declaring the deed of July 4<sup>th</sup> 1847, void  
establishing a trust in defendant, James Lester,  
and his co-defendants who had purchased of him,  
in favor of his son, Royal Lester, the children,  
except as to 30 feet, and inasmuch as it did not  
appear from the record who the children of Royal  
Lester were, and also that it did not appear who  
were entitled to take under the designation, whether  
the two younger named in the void deed, or all of  
his children, the cause is remanded for the creation  
of new parties, and to take proof as to whether all,  
- or only the two younger children, were to take under  
the trust set up in James Lester, his co-defendants,  
and also to ascertain whether Joseph L. Mills was  
tenant by the entirety of any interest his wife might  
have had in the land - A copy of said decree is on  
file in your Honors' court, in the files of original  
proceedings, and will be produced and read at  
the hearing.

Under, and in pursuance of said order of  
reference in said decree entered, on the 3<sup>rd</sup> day  
of August 1867, the said W. H. Baker & his wife,  
Clara, formerly Clara Lester, Geo. W. Lester, & 2

Lester, and James Harper, and his wife, Olyvia Ann, filed their amended bill for the purpose of being admitted as party complainants to said original suit, and setting up the fact that they are the remaining heirs of Royal Lester, and claiming their part said real estate, so held by deft James Lester & others - on the 5<sup>th</sup> day of August 1864, deft A. C. M. Lester filed his amended bill under said decree and reiterating all the allegations, charges &c. made in his original bill, & further charging "that deft James Lester held the property in dispute, as Trustee, only for him his sister as stated, & under the deed 7<sup>th</sup> July 1847" "that his sister being dead, her interest devolves on him, if not, to the other defendants, except Mills, who is not entitled to any thing" & prays that the complainants' amended bill first filed be made defendants to his bill the required answer the same.

None of the complainants herein are made parties defendant in said amended bills, except complainant James Lester, who filed his answer, on day of \_\_\_\_\_ 1864.

George H. Mills the son of deft. Joseph Mills & wife

his wife does not appear as complainant or defendant  
in any or either of said amended bills.

~~Y. L. L. L.~~ To obtain relief against the consequences of  
said decrees of the said Honorable Supreme Court, & to  
vitiolate the same for fraud and imposition, Complainant  
charge that said decree was procured through the  
corrupt confederations and fraudulent and false  
designs of some of the defendants as will be more  
specifically alleged hereafter.

Complainant allege and so charge that the  
deed in trust of July 7<sup>th</sup> 1847, was fraudulent and  
void, and conferred no title whatever upon the  
beneficiaries, that the Sheriff's sale was legal proper  
and that the redemption of the land or the purchase  
by Complainant, James Lester of the bid of def. Baker was  
for a fair consideration, and he was a bona fide  
purchaser for a valuable consideration without  
notice, and made alone for the benefit of Complainant  
James Lester - that the Sheriff's deed made therein  
by the said James the Sheriff, was made at the  
instance and request of said Baker, defendant  
hereto - that Complainant James immediately  
thereafter went into possession of the same, and held  
it adversely well the world, and with the knowledge,

approbation and consent of his father, Royal Lester,  
and others of the family, not in trust for anyone, but  
in and for his own benefit, and exclusive right -  
That Couplet James sold different parcels of said  
land to his co-complainants &c, who paid fair  
prices for the same, and have been holding the  
same under the deeds given them by their Co-Couplet  
James Lester for more than seven years next preceding  
the filing of the original bill on            day of  
1864, by deft. A. C. M. Lester, and they rely upon the  
Statutes of Limitation of Seven, three and one years  
in force in Tennessee as though specially plead, as  
a bar to any right of action in favor of any party  
whomsoever, and also that Couplets herein named  
as purchasers, shew themselves to be bona fide  
bona fide owners & purchasers for a fair & valuable  
consideration without notice of any kind whatever  
of any right or claim prejudicial, or in any way  
affecting their title -

Complainants also state that deft. A. C. M.  
was more than twenty four years of age at the time  
of the filing of his original bill - That his sister  
Eveline died on            day of            186, that  
at the time of the execution of the quit claim deed

of day of 186, that defendant Geo. H. Mills, now a minor, was born, the issue of the marriage between defendant Joseph Mills & Lucretia Lester.

Complainants here state and so charge that aforesaid Joseph H. Mills, being at the time he signed such deed quite a minor to complainant James, all right title interest &c, in said land therein mentioned, of full age and discretion, that notwithstanding the interest, if any (and these complainants deny any) Lucretia his wife might have had in and to said land, be it legal or equitable, passed by free & lawful act of her death to her said husband defendant Joseph notwithstanding the contrary, but having signed said quit claim deed as above, his interest, if any he had, passed to complainant James Lester this Co. Complainants who purchased from him.

Complainants allege and so charge that defts Baker and H. B., as they have been informed since the rendition of the decree, by the Hon: Supreme Court fraudulently, wickedly and feloniously procured testimony for the purpose of depriving Complainants out of their titles to said property. They have since the hearing of said cause just been informed they believe and so charge that said defendt. Baker

urged defendant A. C. M. Lester, his brother in law to  
bring suit against complainants for the property  
in dispute, telling deft A. C. M. that he (deft Baker)  
would make all the necessary proof & secure for  
defendant A. C. M. all the land under the deed of  
July 9, 1844, and go his security for the prosecution  
of the suit, if he deft. A. C. M. after the recovery of the  
land mentioned in the deed, would give him (deft  
Baker) the share of his dead sister Amelia, who  
had married deft. Joseph Mills - and further:  
soon after this deft A. C. M. filed his bill claiming  
all the land, ignoring all other claims, and that  
defendant Baker went to the office of the Clerk  
Master of the Chancery Court at Nashville, under  
his name, as security, but in consequence of some-  
thing to complainants' unknown, he did not  
do so - they believe however and so charge that it  
was because he, deft Baker, had been made by the  
draftman of the bill, a defendant therein, and that  
he could not well be a defendant, and at some  
time security for costs for complainant, inasmuch  
as it would reach his creditability and affect his  
competency as a witness -

Complainants further believe and so charge

that defendant Baker procured himself to be made a witness, that such was his wicked, false & felonious intention from the beginning - that because of this intention he declined to answer the bill filed against him by deft. A. B. Co. - that no per confesso was taken against him, and that his name was, without his consent, among those of the defendants who demurred to the bill filed originally by deft. A. B. Co. - But this is not all - Several weeks after the hearing of the cause before the Hon. Supreme Court of Tennessee, Compts were for the first time informed. They believe it, state it, and charge it as a fact, that will be abundantly sustained by testimony, that defendant Baker, stated that he knew when he gave his testimony that if deft. A. B. Co. recovered the land, that he would get his share of the land - that he knew that the deed of trust of July 7, 1846, was void, that if it was set aside he would get his share in that event - he defendant Baker having married Elvira Lester, one of the children of Royal Lester by whom he then had, and now has several children -

Complainants also state and for charge that the decree rendered by the Hon. Supreme Court of Tennessee, on 20<sup>th</sup> March 1869, in the cause of

A. G. M. Lester vs. N. P. Bobbitt These Complainants  
was predicated upon the statement of deff Baker  
made in his deposition taken April Nov. 30. 1865,  
in said cause "that James Lester redeemed the  
land from him for the benefit of the old man & old  
Lady and the children, and was in that way  
knewed it, and upon this testimony of deff Baker  
unsupported by any other testimony the Hon. Supreme  
Court decreed that complainant, James Lester, his  
Co. Complainants held the land as trustees for the  
children, but it did not appear who the children  
were, & who were meant to take, the two younger,  
A. G. M. & Lueline, or all the children, deff. Elvira  
Baker, the wife of deff. W. H. Baker, being one of the  
children of Royal Lester -

Respondents W. H. & Elvira Baker have filed  
as above stated their amended bill, claiming that  
they are entitled to inherit their share of the lands -  
and this bill filed by deff W. H. Baker, under a  
decree that had been rendered, procured & predicated  
through and by reason of his wicked fraudulent  
contribution and false swearing, and it is further  
alleged that of all the parties to said amended  
bill, defendant, W. H. Baker, is the only one that



means to the same, defendant Joseph L. Mills being  
security for costs.

Complainants charge that through the  
fraudulent mispositions and false swearing, and  
corrupt interference of Jeff W. A. Baker, their rights  
have been seriously endangered, and they come with  
this their original bill in the nature of a bill of  
review, in order to impeach the decrees heretofore  
set forth, on the ground of fraud and corruption,  
and to that end they pray that all the parties  
named as such in the caption be made defendants  
to this bill - that guardian ad litem be appointed  
for George H. Mills, minor defendant - that copy bill  
and subpoena issue, and that defendants be required  
to answer this bill, but not under oath, the same  
being expressly waived - and that upon the hearing  
your Honor will declare and decree that said  
decrees and decrees herein set out, void for fraud  
and misfeasance - that all proceedings heretofore  
had be stayed until final hearing under this  
proceeding, upon such security being given by complainants  
as may be required, as may seem reasonable - that  
the titles of complainants be declared perfect - Said  
deed of July 7<sup>th</sup> 1844, declared a fraud, &c.

mistaken in the relief sought, then for such other further  
and general relief as in Equity be, they may be  
entitled to, and as in duty bound they will ever  
prayer.

McClanahan & Lane

Attys for Compt. &c.

Personally appeared before me James Lester and  
Jesse Perry, complainants in the above bill made  
oath that the facts therein stated as upon  
information he believes true, & those upon his knowledge  
he knows to be true.

Sworn to & subscribed before }  
me this 10<sup>th</sup> of Sept. 1864 } James & Lester  
mark

M. B. Howell D.C. & M.

J. B. Perry

My Co. M. Howell D.C. & M.

C. J. Baker

Sworn to & subscribed before me, by

C. J. Baker, October 11<sup>th</sup> 1864

Co. M. Howell D.C. & M.

I acknowledge myself security for costs in this cause.

Oct. 11, 1864

C. B. McClanahan

Exhibit

State of Tennessee.

No 3

Plies at the Court House in the City of Nashville, County of Davidson and State aforesaid, on the second Monday, being the 14<sup>th</sup> day of May in the year of our Lord one thousand eight hundred and forty nine, and in the seventy third year of American Independence.

Present the Hon: Thomas Mowey one of the Judges of the Circuit Courts of the sixth Judicial Circuit of the State of Tennessee and assigned to hold the Circuit Court, said with judicial Circuit in said State.

And afterwards, to wit, at the May Term 1849, and on Monday the 28<sup>th</sup> day of May 1849, the following entry is made.

A. A. Withard

vs

No 305.

Royal Lester

The following papers are brought up from before the Circuit Court of the Peace and are here recorded as follows, to wit.

\$20.37 1/2 - one open <sup>dollar</sup> after date I purchase Wm Watson & Co. the sum of Twenty \$20.37 1/2 Dollars and 3/4 <sup>parts</sup> for value received - April 14, 1834.

Test: Tho W. Petaw. J. C. Brown

Royal <sup>his</sup> Lester (Seal mark)

State of Tennessee. Davidson County - To any lawful officer  
execute and return - You are hereby commanded to  
summon Royal Lester to appear before me, or some  
other Justice of the Peace to answer A. H. Stithard in a  
plea of debt under Two hundred dollars, due by note,  
given under my hand and seal this fifth day of  
April 1848. - Jacob Jarvis (Seal) Justice of the Peace,  
Executed and set for mail on the 15<sup>th</sup> day of April 1848 -  
Esq. Corbett, W<sup>m</sup> O. Hyde ck - Judgment for Thirty seven  
forty eight cents and costs the 15<sup>th</sup> Apr: 1848. John  
Corbett, J.P.

State of Tennessee, Davidson County - To any lawful  
officer execute and return - You are hereby commanded  
as you heretofore been that of the goods and chattels,  
lands and tenements of Royal Lester, you cause to  
be made the sum of Thirty seven dollars and 48 cents  
and costs of suit to satisfy a judgment, which A. H.  
Stithard obtained before me on the 15<sup>th</sup> day of April  
1848, against the said Lester, and such moneys when  
collected pay to the said Stithard for his debt and  
costs aforesaid - Given under my hand and seal  
this 5<sup>th</sup> day of February, 1849, John Corbett (Seal)  
Justice of the Peace" - To personal property to be found  
in my County, to make this execution. Feby 16. 1849

W<sup>m</sup>. O. Hyde. C. D. C., July 17. 1849 - Leveit this execution on the following lot, N<sup>o</sup> 13, as Royal Lester's property, W<sup>m</sup>. O. Hyde, C. D. C., Leveit this execution on the following described land - a tract of land situate lying being in the County of Davidson State of Tennessee within N<sup>o</sup> 9, in vicinity of Nashville part of a tract of land purchased by John Nelson from Allen M<sup>r</sup> Gurnis and designated as lot N<sup>o</sup> 13, as levid down in J<sup>r</sup> Nelson's plan, which will be found in the Register's office, Book N<sup>o</sup> 2, page 102, fronting on the Nolensville Turnpike 134 feet 9 in, running back to A. Corbitt's lot N<sup>o</sup> 23, three hundred and twenty one feet 9 inches to bridge Street - W<sup>m</sup>. O. Hyde, C. D. C.

And upon motion of the said Plaintiff, by his attorney, it is considered by the Court that the land so leveit on as aforesaid be condemned to satisfy the Plaintiff's judgment and cost aforesaid, and that he have process to sell the same.

A. H. Withend	}	Judgment 15 April 1848	\$ 37.48
do		Costs Clerk	\$ 4.63
Royal Lester	}	Judge Corbitt	50
		Const. Hyde	1.50

Verd: Expenses 30 June 1849 Satisfied Names: Shff

State of Tennessee  
Davidson County } J. Daniel C. Love, Clerk of the Circuit  
Court of Davidson County, State  
aforesaid do hereby certify that the foregoing is a  
correct manuscript of the record in the case heretofore  
presented and determined therein, between J. H.  
Hothard, Plaintiff and Royal Lester, defendant,  
(except the Verdict Expenses which is lost or mislaid)  
as the same remains of record in my office.

In testimony whereof I hereunto  
subscribe my name and affix the  
seal of said Court, at office, in  
Nashville, this 26<sup>th</sup> day of April  
1864.

David C. Love, Clerk

Seal

Exhibit.  
No 4

State of Tennessee.

Placed at the Court House in the  
City of Nashville, County of Davidson State aforesaid  
on the second Monday, being the 14<sup>th</sup> day of May  
in the year of our Lord, one thousand eight hundred  
and forty nine, and in the seventy third year of  
American Independence,

Present the Honorable Thomas Maney, one of the  
Judges of the Circuit Court of the State of Tennessee,  
and assigned to hold the Circuit Court of the seventh  
judicial Circuit in said State.

And afterwards, to wit, at the May Term 1849, and  
on Monday, the 20<sup>th</sup> day of May, 1849, the following  
entry is made.

Watson Stothard

vs.

N<sup>o</sup> 3024

Royal Lester

The following papers are brought  
up from before the Justice of  
the Peace, and are here recorded, as follows, to wit:  
#457. - One day after date, I promise to pay A. H.  
Stothard, Ten dollars and fifty cents, for value  
received, Month 20, 1835. Royal <sup>his</sup> Lester (Seal  
mark

State of Tennessee, Davidson County - I, a lawful  
officer, do execute and return - You are hereby  
commanded to summon Royal Lester to appear  
before me, or some other Justice of the Peace, to answer  
Watson Stothard, in a plea of debt under Two  
hundred dollars, due by note - Given under my  
hand and seal, this 5<sup>th</sup> day of April 1848 -  
Josiah Ferris (Seal), Justice of the Peace.

executed and set for mail, on the 15<sup>th</sup> day of April 1848  
Exp. Corbett - W<sup>m</sup>. O. Hyde, C.D.C. - Judgment for eight  
dollars and five cents, on the 15<sup>th</sup> April 1848, for  
Corbett, J.P. -

State of Tennessee - Davidson County - I, my lawful  
officer execute and return - You are hereby  
enjoined as you have heretofore been that, of  
the goods and chattels, lands and tenements of  
Royal Lester, you cause to be made the sum of eight  
dollars and four cents, and costs of suit to satisfy a  
judgment, which Watson Shothard obtained before  
me on the 15<sup>th</sup> day of April 1848, against the said  
Lester, and such moneys when collected pay to the  
said Watson Shothard, for their debt hereto assigned  
Gwen under my hand and seal this 5<sup>th</sup> day of  
February 1849 - John Corbett (Seal) Justice of the Peace.

To personal property here found in my County to  
make this execution - Feb: 16. 1849. W<sup>m</sup>. O. Hyde, C.D.C.  
July 17. 1849 - Levied this execution on the following  
Lot N<sup>o</sup> 13, as Royal Lester's property - W<sup>m</sup>. O. Hyde -  
Levied this execution on the following described land.  
A tract of land situate upon and being in the County  
of Davidson State of Tennessee, in District N<sup>o</sup> 9 in  
the vicinity of Nashville, a part of a tract of land



purchased by John Nelson from W<sup>m</sup>. M. Gwin n. designated  
 as lot N<sup>o</sup> 13. as laid down in John Nelson's plan which  
 will be found in the Register's office. Book N<sup>o</sup> 2. page 182,  
 fronting on the Nolensville Turnpike 134 feet 9 inches,  
 and running back to A. Corbett lot N<sup>o</sup> 23, three hundred  
 and twenty one feet and 9 inches to College Street - W<sup>m</sup>. O.  
 Hyde. C. D. C.

And upon motion of the said Plaintiff by Attorney, it  
 is considered by the Court, that the said land is bound as  
 aforesaid to be condemned to satisfy said Plaintiff's  
 judgment and costs that they have process to sell the  
 same -

- Markon Stothard

vs

Royal Lester

judgment 15 April 1848 \$ 8.04

Costs Clerk \$ 4.62

Justice Corbett 50

Crust Hyde 1.50 6.62

Vend'. Expenses 30 June 1849. - Satisfied Barnes, Shiff

State of Tennessee

Davidson County

J. David C. Love, Clerk of the Circuit

Court for Davidson County, State

aforesaid do hereby certify that the foregoing is a

correct transcript of the record in the case heretofore  
pursued and determined therein between Watson &  
Stoward, Plaintiffs and Royal Lester, Defendant  
(except the Vend. Express which is lost or mislaid)  
as the same remains spread in my office -

In testimony whereof I hereunto  
subscribe my name, and affix the  
(Seal) seal of said Court at office in Nashville  
this 26<sup>th</sup> day of April, A.D. 1864  
David C. Love, CLK

Exhibit B.

Rames, Shiff  
vs  
Seed  
James Lester

Registered, Sept. 3, 1851

Whereas, heretofore, to-wit, on the 15<sup>th</sup> of April 1849, A.D.  
Stoward and Watson Stoward recovered judgments  
against Royal Lester, before John Corbett, a Justice of  
the Peace for the County of Davidson, Tennessee, the  
former for Thirty seven <sup>48</sup>100 dollars, and costs of suit,  
and the latter for Eight <sup>54</sup>100 dollars and costs of  
suit, on which judgments aliois executions were  
issued by said Justice, on the 5<sup>th</sup> of July 1849, which  
were placed in the hands of W<sup>m</sup>. O. Hyde, a Constable  
for said County, who made on each, the following  
return, to-wit, No personal property to be found in  
my County to make this execution. July 16<sup>th</sup> 1849

W<sup>m</sup>. O. Hyde, C. D. C. - July 14<sup>th</sup> 1849, levied this execution  
on the following described land as the property of  
Royal Lester - a tract of land situate lying being  
in the County of Davidson and State of Tennessee  
in District N<sup>o</sup> 9, in the vicinity of Nashville, a part  
of a tract of land purchased by John Nelson, from W<sup>m</sup>.  
M. Gwin, designated as, lot N<sup>o</sup> 13, as levied down on  
John Nelson's plan, which will be found in the Register's  
office, Book N<sup>o</sup> 2, page 102, fronting on the Nashville  
Swampke road 134 feet 9 inches, and running  
back to A. Corbett's lot N<sup>o</sup> 23, three hundred and  
twentyone feet and 9 inches to College Street, W<sup>m</sup>. O.  
Hyde, C. D. C. which executions and levies, together  
with the original papers of said suit before the Justice  
have been filed in the Circuit Court of Davidson County,  
and entered on the Minutes of the same - And whereas  
at the May Term 1849, said Circuit Court, it was  
ordered that the said land so levied on as aforesaid,  
be condemned to satisfy said Plaintiff's judgments  
aforesaid, and the interest thereon, and that they  
should have process to sell the same, which process, or  
rendition's Exponases, were issued 30 June 1849,  
and came to my hand same day - and after having  
advertised and given notice according to law said

offer said tract of land at public sale, at the Court House,  
door of Davidson County, on the 3<sup>rd</sup> day of Sept. 1850,  
agreeably to said advertisement & notices, and one  
Wm. H. Baker being the highest bidder the same was  
struck off to him at the price of Forty one dollar, the  
same being to me in hand paid - the highest bid.

And whereas one C. Vaughn, was a judgment creditor  
of said Lester to the amount of \$55.51/2, which one  
James Lester paid to me in full satisfaction of said  
judgment - And whereas said James Lester, has also  
paid to said Baker the amount by him bid for said  
land, and said Baker has requested me to convey  
the same to said Lester - Therefore in consequence of  
all the premises I do hereby transfer and convey to the  
said James Lester, and his heirs for ever, all the right  
and title of the said Royal Lester to the said tract of  
land and premises for the consideration of \$145.51/2  
to me paid as aforesaid - To have and to hold the  
same unto the said James Lester his heirs assigns  
for ever, in as full & ample a manner as I, as Sheriff  
aforesaid ever, ought to convey the same, but no  
further or otherwise, this Sept. 1<sup>st</sup> 1851.

B. M. Davis (Seal)  
Sheriff of Davidson County.

State of Tennessee }  
Davidson County } Personally appeared before me  
J. R. Cheatham, Clerk of the  
County Court of Davidson County, the within named  
D. M. Barnes, Sheriff, the bargainer, with whom I am  
personally acquainted, and who acknowledged that  
he executed the foregoing, and for the purposes therein  
contained -

Witness my hand at office, this 2<sup>d</sup> day of Sept. 1851

J. R. Cheatham

(Rec<sup>d</sup> Sept. 2, 1851 4/60 O'clock P.M.)

State of Tennessee }  
Davidson County } Register's office, July 12, 1854  
J. Phineas Garrett, Register for  
said County, do hereby certify that the foregoing is a  
true copy from the records of said office Book No 15,  
pages 60 and 61.

Phineas Garrett

Archibald C.

Registered Oct. 1, 1855

Mills & Thomas  
to } deed  
Lester

This indenture made and entered into this day  
of October, 1855, between Nancy Lester, Joseph Mills & Nancy  
Luellen, his wife, and Andrew C. Lester of the first part  
and James Lester of the second part. Witnesseth that

the said James Lester is the owner by virtue of a sale made by B. M. Barnes, Sheriff of Davidson County, under execution against Royal Lester, of a certain piece or parcel of land in Davidson County, State of Tennessee, in District N<sup>o</sup> 9, in the vicinity of Nashville, being part of the tract of land purchased by John Nelson from William M<sup>r</sup> Gorman, designated as lot N<sup>o</sup> 13, on said Nelson's plan of lots, registered in the Register's office of Davidson County in Book N<sup>o</sup> 2, page 102, fronting on the Nashville Turnpike one hundred and thirty four (134) feet, and running back to N. Corlitt lot N<sup>o</sup> 23, three hundred and twenty one feet nine inches to College Street, as will more fully appear by reference to the deed of said Barnes as Sheriff to said James Lester, made on the 3<sup>rd</sup> Sept. 1857, and registered in the Register's office, Book N<sup>o</sup> 15 page 60 - And whereas the said Royal Lester had powers to that time, to wit, on the 4<sup>th</sup> July 1849, made a pretended deed of conveyance in trust to N. Corlitt of the same lot, together with all his other property purporting to be in trust for his, the said Royal Lester's wife, Nancy, and her two children, Andrew C. Lester, and Nancy Elizabeth Lester, now Nancy Elizabeth Mills, as will appear by the 1<sup>st</sup> instrument

Registration in the Register's office, in Book N<sup>o</sup> 10. p. 30.  
And whereas the said deed was made under pecuniary  
pressure, and for the purpose of avoiding the payment  
of certain debts with which the said Royal Lester  
was at that time threatened - the claims under  
which the lot was finally sold and purchased by  
said James Lester being of old standing and in  
existence years before the execution of said deed of Gift  
Worrell - And whereas the said James Lester subsequently  
in addition to the judgment debts paid at the time  
of the purchase aforesaid, paid various debts for the  
said Royal Lester and his family, amounting in all  
to the full value of said lot - and whereas the said  
supposed deed of trust operates as a cloud upon the  
title of the said James Lester, but in reality is of no  
force and effect for the reasons above stated.

Now therefore, in consideration of the premises the  
said parties of the first part do hereby relinquish,  
quit claim and convey unto the said James Lester  
his heirs and assigns for ever all & all manner of  
interest and claim on their part in, and to the said  
lot above described as aforesaid To have & to hold the  
same to him, the said James Lester his heirs & assigns  
for ever, with all the tenements, hereditaments and

improvements thereunto in anywise belonging - And  
they further warrant against the lawful claims of all  
persons claiming by through, or under them, but no  
further or otherwise -

In testimony whereof they have hereunto set their  
hands and affixed their seals, the day and date  
above written -

Joseph L. Mills (Seal)

Samey Buelmi <sup>her</sup> X Mills (Seal)

Samey <sup>mark</sup> <sup>her</sup> X Lester (Seal)

Andrew <sup>mark</sup> <sup>his</sup> X Lester (Seal)

State of Tennessee

Carroll County

} Personally appeared before me,  
J. R. Cheatham, Clerk of the County

Court of said County, the within named Joseph L. Mills,  
Samey Buelmi Mills, Samey Lester & Andrew Lester  
the bargainors, with whom I am personally acquainted  
and acknowledged that they executed the foregoing  
deed for the purposes therein contained - And Samey  
Buelmi Mills, the feme covert having also personally  
appeared before me privately and apart from her  
husband, the said Joseph L. Mills, acknowledged the  
execution of said deed to have been done by her freely &  
voluntarily and understandingly without any



compulsion or constraint from her husband, and for the purposes therein expressed.

Witness, F. R. Cheatham, Clerk said Court, at office,  
this 1<sup>st</sup> day of October 1855.

F. R. Cheatham, Clerk, by  
J. J. Faulkner, D.C.

(Rec<sup>d</sup>. Oct. 1, 1855 . 9 o'clock. A. M.)

State of Tennessee

Davidson County

} Register's Office, Aug: 27. 1864

J. C. W. Smith, Register for said

County, hereby certify that the foregoing is a true copy  
from the records in my office, in Book N<sup>o</sup> 22 page 312.

J. C. W. Smith, C. R.

Exhibit A.

Royal Lester

Registered July 8, 1847

to } Gift

N. P. Corbett, Jr

This Indenture made this 7<sup>th</sup> day of July 1847, between  
Royal Lester and Nicholas P. Corbett, both of the County  
of Davidson and State of Tennessee, Witnesseth that  
the said Royal Lester, for and in consideration of the  
sum of five dollars which in hand paid the receipt  
whereof is hereby acknowledged, has conveyed, sold

conveyed, and by these presents does grant bargain, sell  
alien, convey and confirm unto the said Corbett, his  
heirs and assigns, the following described real and  
personal property, viz: one piece or parcel of land,  
situate near the Town of Nashville in District N<sup>o</sup> 9,  
being lot N<sup>o</sup> 13, as laid down in Sr<sup>o</sup> Nelson's plan  
registered in the Register's office of Davidson County in  
Book N<sup>o</sup> 2, page 102, fronting on the Nolensville  
Turnpike, 134 feet 9 inches, and running back to Sr<sup>o</sup>  
Corbett's lot N<sup>o</sup> 23, three hundred and twenty one feet  
9 inches to College Street, being the same conveyed by  
R. A. Brenton to said Lester, which is found in the office  
of the Register of Davidson County, in Book N<sup>o</sup> 9, on  
pages 444 and 445 - Also two beds, bedsteads and  
furniture - all his stock of Hogs, 1 cow, and all the  
rest and residue of his household and kitchen furniture  
and farming utensils - To have and to hold the said  
land and premises with all its hereditaments and  
appurtenances, and all other personal property to the  
said N. P. Corbett his heirs and assigns forever -

And the said Royal Lester for himself his heirs, executors  
and Administrators covenants warrant and ever  
defend the right and title of said land & personal property  
to the said N. P. Corbett, his heirs &c. against the legal

claims of all persons whatsoever. - This conveyance is how-  
ever made in trust for the following uses and purposes &  
none other, that is to say:

The said Corlitt his ex<sup>r</sup> or adm. is and agrees to hold  
said land and premises and personal property for the  
sole and separate use and benefit of Nancy Lester (wife of  
said Royal) and his two children, Andrew B. Madison  
Lester and Nancy Emeline Lester, during the lifetime of  
said Nancy Lester, and allow her to occupy all of said  
property as she may think proper, during her life, without  
accounting to said Corlitt in any way for the same,  
and without said Corlitt being responsible for any loss  
or damage of said property in consequence of her  
own management of the same, or the said Nancy  
Lester may rent out said land and houses, receive  
the rents therefor, and appropriate the same to her use  
and sustenance of herself & family, and at the death  
of the said Nancy, the said Corlitt and his ex<sup>r</sup> or adm.  
is to convey said property to the said A. B. M. Lester and  
Nancy Emeline Lester for ever -

In testimony whereof the said Royal Lester hereunto  
his hand and seal the day & date above written.

Wm. A. Corlitt

Royal <sup>his</sup> Lester (Seal  
mark)

State of Tennessee }  
Davidson County } Personally appeared before me  
Robert B. Cashman, Clerk of the  
County Court said County, the above named Royal  
Lester, the burgess, with whom I am personally  
acquainted, and acknowledged that he executed  
the foregoing deed of trust for the purposes therein  
enjoined - Witness my hand at office, this 5<sup>th</sup>  
day of July 1844 - Robt. B. Cashman  
By David C. Love, C.C.

(Rec<sup>d</sup> - July 8. 1844 1<sup>57</sup>/<sub>40</sub> o'clock P.M.)

State of Tennessee }  
Davidson County } Register's office, July 12. 1864

J. Phineas Garrett, Register  
for said County do certify that the foregoing is a  
true copy from the records of said office, Book N<sup>o</sup> 10  
pages 30 and 31

Phineas Garrett

Beitified copy deeds re. referred  
to in the foregoing Bill of  
Compliment to &c.

Registered June 12, 1854

Lester  
to, Deed.  
James et als

I, James Lester here this day bargained and sold  
and do hereby transfer and convey to James H. M<sup>r</sup>. Donald  
and C. W. Norree and their heirs forever, for the consideration  
of three hundred dollars to me paid, a certain lot of  
ground in the State of Tennessee, Davidson County, and  
town of South Nashville, on Cherry Street, bounded as follows,  
to wit, Beginning at a stake in the center of said  
Cherry Street, seventy feet north<sup>west</sup>wardly, from the South-  
west corner of lot N<sup>o</sup> 13, as laid down in John Nelson's  
plan, which is deposited in the Register's office in Davidson  
County, in Book N<sup>o</sup> 2, page 102, and runs eastwardly  
and at right angles with Cherry Street 371 feet 9 inches  
to the east boundary of said lot N<sup>o</sup> 13, and thence  
northwestwardly with the east boundary of said lot,  
thirty five feet to a stake and thence southwardly  
and parallel to the first line of the same 371 feet 9 inches  
to the center of said Cherry Street, and thence South-  
-eastwardly thirty five feet to the beginning, along  
said Cherry Street - I have and I hold the same with  
all its appurtenances to the said James H. M<sup>r</sup>. Donald

and C. W. Vance their heirs and assigns for ever - I do  
covenant with the said James H. McDonald and C.  
W. Vance, that I am lawfully seized of said lot of ground  
have a good right to convey, and that the same is  
unencumbered - I do furthermore covenant with  
the said James H. McDonald and C. W. Vance to  
maintain and for ever defend the title to said lot of  
ground, with all its appurtenances to the said  
James H. McDonald and C. W. Vance their heirs  
assigns and legal representatives against the lawful  
claims of all persons whomsoever - This 10<sup>th</sup> day of  
June 1854.

his  
James X Lester (Seal)  
mark

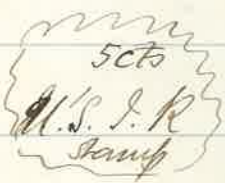
State of Tennessee }  
Davidson County } Personally appeared before me  
J. R. Cheatham, Clerk of the County  
Court for said County the within named James  
Lester, the bargainor, with whom I am personally  
acquainted, and who acknowledged the within deed  
to be his act and deed for the purposes therein contained  
before my hand at office, this 10<sup>th</sup> day of June 1854

J. R. Cheatham, Clerk

by L. P. Cheatham, D.C.

(Received June 10<sup>th</sup> 1854, at 11<sup>50</sup> AM)

I certify that the above is a correct copy from Book  
18 page 388, of my office



Chas. W. Smith,  
County Register

Lester  
by deed  
Newbern

(Registered Jan 16. 1855)

This Indenture made this Jan 16. 1855, between  
James Lester and Thomas Newbern, both of Davidson  
County, City of Nashville, Tennessee, Witnesseth that  
the said James Lester for and in consideration of the sum  
of four hundred and twenty five dollars which, in  
hand paid by said Thomas Newbern, the receipt  
whereof is hereby acknowledged, has bargained, sold  
and conveyed, and by these presents does give, grant  
bargain, sell, alien, convey and confirm unto the  
said Thomas Newbern, his heirs and assigns forever  
a certain lot or piece of land situated in the City of  
Nashville, Cherry Street & Wood, Davidson County  
extended, bounded and described as follows:  
Beginning on Cherry Street at the corner of James  
Innes's westerly corner, running towards Morris's  
brook on said Street, thirty feet, thence at right angles

Eastwardly, three hundred and twenty one feet & 9  
inches to College Street, thence northwardly with said  
College Street, thirty feet to a stake in said James Jones's  
line, thence with said line to the beginning, it being  
a part of lot N<sup>o</sup> 13 as laid on John Nelson's plan,  
which will be found in the Register's Office, Book N<sup>o</sup> 2  
page 102, it being that part of said lot that George  
W. Lester built on and now occupied by W. W. Hughes  
near the Nashville - Chattanooga Railroad.

To have and to hold the aforesaid lot or parcel of land  
with all and singular the rights profits & emoluments  
heretofore and hereafter to be received of or in the same  
belonging, or in any way appertaining, to the only  
proper use benefit & behoof of his the said John Nelson  
his heirs & assigns forever - and the said James Jones  
for himself, his heirs, executors and administrators  
do covenant and agree to and with the said John  
Nelson his heirs and assigns that the before recited  
lot or parcel of land and bargain premises, he  
will warrant and forever defend against the rights,  
titles interests claims of all and every person or  
persons whatsoever

In witness whereof said James Lester  
has hereunto set his hand, and affixed his seal



day and date ~~before~~ above written.

his

(Test:)

James & Lester (Seal)

W. N. Wilkinson

mark

J. L. Farrell

State of Tennessee

Davidson County

Personally appeared before me

J. R. Cheatham, Clerk of the

County Court of said County, the above named James  
Lester, the defendant, with whom I am personally  
acquainted, and acknowledged the above deed to be  
his act and deed for the purposes therein contained.

- Witness my hand, at Office this 15<sup>th</sup> day of June  
1853.

J. R. Cheatham, Clk

W. L. P. Cheatham, D.C.

(Rec<sup>d</sup>. Jan. 15/53, at 10 o'clock A.M.)

State of Tennessee

Davidson County

Register's Office, No. 2465

I certify the above to be correctly  
copied from Book, No. 19, page 378, of my Office.

(signed)

C. W. Smith, C.R.

(Stamp 5 ct U.S.P.)

Lester

Registered Feb: 24/55

to } Deed  
Adams }

I know all men by these presents that J. James Lester of the City of Nashville, for and in consideration of the sum of Twelve hundred and fifty dollars to me in hand paid, and the further sum of Thirteen hundred dollars to me received to be paid on the 25 day of December next by Lucy Ann Adams, of said City of Nashville, have this day bargained and sold, and by these presents do, bargain sell, alien and convey to said Lucy Ann Adams, wife of Jonathan J. Adams, and to her heirs and assigns, the following described lot or parcel of land, situate in the City of Nashville, in that part of the City, formerly known as South Nashville, to wit: Beginning on Cherry Street at the South corner of a lot heretofore conveyed by me to Ben James, running thence, up Cherry Street, seventy feet to a lot, now, or formerly owned by V. H. Stevenson - thence at right angles to said Street, across to College Street, thence down College Street to Ben. James's East corner, thence with said James line to the beginning on Cherry Street - To have and to hold the above bargained lot or parcel of land with all the buildings and appurtenances, unto and profits thereunto belonging to the only and sole use

and benefit of the said Lucy Ann Adams her heirs &  
assigns for ever - And I do hereby covenant with the  
said Lucy Ann Adams that I am said possessed  
of good estate in fee simple in the said lot of land,  
and that I may rightfully enjoy the same, and  
that the same is free and clear of all incumbrances -

And I do further for myself my heirs, executors &  
administrators covenant that we will for ever  
warrant and defend the right and title in fee simple  
to the said Lucy Ann Adams her heirs assigns in & to  
the land above bargained lot of land with all its  
appurtenances - In witness whereof I have to set my  
hand and seal, this 23<sup>rd</sup> day of February, 1855,

James & Lester (Seal)

Signed, sealed & delivered in  
presence - Daniel Plowman

John Adams

(The word "her" italicized in 4<sup>th</sup> line, before signature,)

State of Tennessee

Carroll County

Personally appeared before me

F. R. Cheatham, Clerk of the

County Court of said County, the above named James  
Lester, the bargainer, with whom I am personally acquainted  
I acknowledged the above deed, to be his act and deed

for the purposes therein contained.

Witness my hand at office, the 24<sup>th</sup> day of July, 1855.

J. R. Cheatham, Clerk

by L. P. Cheatham, D.C.

(Rec<sup>d</sup>: July 24/55 at 10 o'clock A.M.)

State of Tennessee

Davidson County

} Register's office, Nov. 22/65

I certify the above to be correctly  
extracted from Book 19, page 272, of my office,

(Sub. G. S. R.)

C. W. Smith, C.R.

Adams  
to } Deed  
Davis

Registered, March 11/56.

We, Nathan J. Adams & Mary Ann Adams (wife  
of said Nathan J. Adams) acknowledge ourselves  
indebted to Samuel Davis his heirs &c, in the sum  
of Two thousand dollars - The condition of the above  
is, however, as follows: We have this day sold and  
agreed hereafter to convey to the said Davis a lot of  
ground in Nashville, Davidson County, Tennessee,  
beginning at the South corner of a lot conveyed to C. W.  
James by James Lester, on the East side of Cherry Street,  
and running up Cherry Street, thirty five feet, thence

at right angles to said street, across to college street, thence  
down college street to said corner, thence  
with said corner's line to the beginning, being the  
north half of a lot of 40 feet conveyed to Lucy Ann  
Adams by James Lester, by deed Registered in Book  
No 19 page 442, and in consideration of which  
agreement the said Davis is to pay us one thousand  
dollars - seven hundred and fifty dollars whereof is  
paid by said Davis in hand - and the balance  
is to be paid by said Davis as soon as ever perfect the  
title to said ground that we now have to the satisfaction  
of said Davis, his heirs &c. - Now, if after said title is  
perfected as aforesaid, and the balance of the purchase  
money is paid, we make a cession to be made a sufficient  
deed in fee simple, with covenant of general warranty to  
said lot of 35 feet of ground to the said Davis, his  
heirs &c. - then this bond to be void, else to remain in  
full force and effect - said title to be perfected by the  
first day of next October - Witness our hands & seals  
July 16. 1855

J. J. Adams (Seal)

L. A. Adams (Seal)

James Lester

State of Tennessee

Davidson County

Jesse Perry

Personally appeared before me

J. R. Cheatham, Clerk of the County Court of said County,  
do hereby certify that I have examined the within named S. J. Adams and L. A. Adams,  
the bargainors, with whom I am personally acquainted  
and acknowledged that they executed the foregoing  
title bond for the purposes therein contained - And  
the said L. A. Adams, the feme covert having also  
personally appeared before me privately and apart  
from her husband, the said S. J. Adams,  
acknowledged the execution of said deed to have  
been done by her, freely, voluntarily and understandingly  
without any compulsion or restraint from her  
husband, and for the purposes therein expressed.  
Witness, J. R. Cheatham, Clerk of said Court at office  
this 29<sup>th</sup> day of July 1855.

J. R. Cheatham, Clk. by

J. J. Faulkner, D.C.

(Recd. March 11/56. at 8<sup>25</sup> o'clock, A.M.)

State of Tennessee

DeWitt County

Register's office Nov. 22/65

I certify that the foregoing is a  
true copy from the records of my office - see Book No  
24. page 85 of this office

(5th U.S. J.R.)

Wm. Smith, Clk.

Adams wife

Registered March 12, 1856

do } deed  
Newbern

This Indenture made this 10<sup>th</sup> day of March 1856, by and between Nathan J. Adams wife, Lucy Ann Adams of the first part and Thomas Newbern of the second part all being citizens of Davidson County in the State of Tennessee - Witnesseth that the parties of the first part for and in consideration of the sum of four hundred dollars paid by the said Newbern to the said Lucy Ann Adams with the permission and consent of her said husband, the receipt whereof, as hereby acknowledged have bargained and sold, and do hereby bargain & sell and convey unto the said Thomas Newbern for ever, all their right title and interest of an and certain lot & piece of ground, lying and being in the City of Nashville, in the County State aforesaid, it bounded as follows: beginning at the Southeast corner of a lot of ground herebefore sold by the said Nathan J. Adams wife to Saml. Davis, thence thence, thirty five feet up Cherry Street to the lot now or formerly owned by V. H. Stevenson, thence at right angles with Cherry Street, and along the line of said V. H. Stevenson's said lot to College Street, thence down College Street, and in the direction of the Court House thirty five feet to the lot sold by the said Adams wife

to the said Davis - thence at right angles with said  
College Street, and along the line said Davis, to  
Cherry Street to the beginning corner - the lot was  
sold, being the one half of the lot conveyed by James  
Lester to the said Lucy Ann Adams, on the 23<sup>rd</sup> of  
February 1853; the deed to which was registered in  
the Register's office of Davidson County, in Book  
No. 19, page 442. To have and hold the said piece  
of ground to the only proper use the benefit of him the  
said Thomas Newbern, his heirs and assigns forever.  
And the said Nathan J. Adams wife for themselves  
and heirs, do covenant and agree to and with the  
said Thomas Newbern to warrant for ever defend the  
title to said piece of ground, so bounded as aforesaid,  
against the right and title of themselves, and all  
claiming under or through them, but not otherwise.

In witness whereof they have hereunto signed their  
names, and affixed their seals on the day & year first  
above written.

J. Adams (Seal)

L. A. Adams (Seal)

State of Tennessee

Davidson County

} Personally appeared before me

J. R. Chatham, Clerk of the

County Court of said County, the aforesaid J. Adams



H. A. Adams, the bargainous, with whom I am personally acquainted, and acknowledged the foregoing deed to be their act and deed for the purposes therein contained. And the said S. A. Adams, the feme covert, also appeared before me separate and apart from her husband, the said H. A. Adams, and acknowledged the execution of the foregoing deed to have been done by her, freely, voluntarily and understandingly, without any compulsion or restraint, from her said husband, and for the purposes therein expressed.

Witness my hand at office, this 10<sup>th</sup> day of March 1856.

J. R. Cheatham, Clerk by  
L. P. Cheatham, D.C.

(Rec<sup>d</sup>. Mar: 11/56 at 11 1/2 o'clock A.M.)

State of Tennessee }  
Davidson County } Register's office, Nov. 23/65

I hereby certify that the above is a true copy from the records of my office, as the same appears in Book 24, page 86.

(Stamp 50¢ U.S.D.R.)

C. W. Smith, C.R.

Decree of  
Chancery Ct.

Andrew C. M. Lester

vs.

Nicholas P. Corbitt

William H. Baker

James Lester

Samuel Davis

C. W. James, Plaintiff

Newton, Caloni Cable wife

Emily, Jesse Perry wife, Martha

George Frendley wife, Lizzy

Joseph L. Mills vs. H. Mills

This cause came  
on to be heard, before

the Hon. David Campbell, Chancellor, upon the  
pleadings and proof, and upon argument of  
counsel, from all which it appears to the Court,  
that Royal Lester, the father of Complainant, & of  
defendant, James Lester, and the Grandfather  
of George H. Mills (who was made defendant by  
the bill, but afterwards by amendment, made  
Complainant), on the 9<sup>th</sup> day of July, 1844, made,  
and executed a deed of that date to Nicholas P.  
Corbitt, in the land in dispute, a copy of which  
deed is on file in this cause, and is here referred to  
as made a part of the record in this cause. The same

being registered in the Registered Office of Davidson  
County, on the 8<sup>th</sup> of July 1847, in Book N<sup>o</sup> 10, pages  
30 & 31.

This deed is in trust for the sole separate use of his  
wife, Nancy, and her two children, the Complainant,  
and Nancy Euclidean Lester, for the life of the said wife,  
with power to the said wife to use it as she pleased, the  
said brother who is now very responsible for her mis-  
management of it, and in no way to control it during  
her life, and at her death to convey it to said two  
children -

On the 12<sup>th</sup> day of September 1851, the Sheriff of  
Davidson County made a deed of said land to said  
James Lester, reciting a copy of the same by execution  
issued from a justice of the peace, on the 16<sup>th</sup> day of  
February, 1849, and a sale of the land on the 3<sup>rd</sup> day  
of September 1850, and that William H. Baker, became  
the purchaser, at the price of \$91.00 - It further  
recites that one Vaughn, was a judgment creditor  
of said Royal Lester to the amount of \$55.57, which  
James Lester paid to the said Sheriff as recited - the  
deed also recites that said James had paid to  
Baker the full amount paid by him, and that  
Baker had requested a deed to be made to said

James Lester -

In the month of October 1855, Royal Lester having died, Joseph L. Mills, Nancy Emeline Mills, Mary Lester, Andrew Lester conveyed the same tract of land to said James Lester - This deed recites the Sheriff's deed, and also the deed of the 7<sup>th</sup> July 1844, and recites also that said deed was fraudulent, being made for the purpose of avoiding the payment of debts, due from the said Royal Lester.

Royal Lester died on the 31<sup>st</sup> of May 1852, and his widow died on the 4<sup>th</sup> of December 1860 -

Nancy Emeline, at the time of the deed to James Lester was a married woman, and a minor, only about seventeen years old. Nancy Emeline died in 1863, leaving an only child, the complainant, Geo. H. Mills, who is still a minor - Corbett did not accept the trust - Shortly after the death of Royal Lester James Lester got possession of the land -

Andrew H. Lester, was born on the 10<sup>th</sup> day of March 1840, and became of full age in March 1861, and the bill was filed 15<sup>th</sup> of March, 1862.

The proof shows that James Lester agreed with his father, a few days before the death of the latter, that he would set up no claim to the land, but would hold

it for the benefit of her Mother, and the two children a/s &c.  
and that Baker conveyed the land, or caused the  
Sheriff to do so, with the understanding that he was  
to hold as trustee for the family.

The Court is therefore of opinion that said  
James Lester held said land as trustee for said  
two children, and their Mother, and that he accepted  
the title as such, and that he cannot be heard here  
against it, and that neither complainant, Andrew,  
nor Geo: H. Mills is barred by the Statute of Limitations  
and that their title to the land in controversy is  
complete, subject only to the payment of the money,  
- which James Lester may show he advanced or paid  
on said land, and that they are entitled to the rents  
and profits - the parties defendants, who have  
been holding James Lester, stand on no higher  
ground than he - the deed of Royal Lester being on  
record, and the whole proof showing that they had  
knowledge of the condition of the title -

Whereupon, it is ordered, adjudged & decreed  
that the Clerk of the Court proceed to take and state  
an account of rents and profits against James  
Lester, and against the parties respectively who have  
held under him, giving a credit for the money paid

by said James to get the title, and make his report to  
the next term of the Court - A writ of possession may  
issue. (But<sup>r</sup> Minute Book 2. page 266 et seq.)

Decree of the  
Supreme Court

Supreme Court for the Middle Division of the State of  
Tennessee, December Term, 1867. Present Judges, Saml.  
Milligan, James C. Shackelford and Moris Hewlins.  
Andrew C. M. Lester Geo. H. Miller

James Lester and others } This cause was  
heard before the  
Hon. Supreme Court of Tennessee, on this the 20<sup>th</sup> March  
1867, and on a former day of this term, upon a transcript  
of the record from the Chancery Court at Nashville, from  
which it appears to the Court that Royal Lester in 1847  
(4 July) made a deed of the real estate in question,  
and other property to A. P. Corbett, but this deed (though in  
form a trust for the benefit of his wife & two children,  
Andrew C. M. Lester & Nancy Corbett Lester) was made,  
as the proof shows, to hinder and delay creditors, and  
therefore the property was subject to the execution creditors,  
paid Royal Lester, and was afterwards sold under an  
execution, or executions, and the same was bought by

M<sup>rs</sup> Baker, for the benefit of Royal Lester, his wife & children,  
By an agreement, afterwards entered into between Royal  
Lester, said Baker, and James Lester, James Lester took &  
held the title - the sheriff's deed being made to him, for  
that purpose - James Lester, therefore, became a trustee, &  
held the property as trustee, but it does not sufficiently  
appear, whether he held the property for all the children  
of Royal Lester, or only for the two younger mentioned in  
the trust deed - nor does the record sufficiently disclose  
whether Mills is entitled by the curtesy, he having signed a  
deed made on the 1<sup>st</sup> October 1853, and which was signed by  
the widow of Royal Lester, and the two minor children,  
which had been named in the deed of 4<sup>th</sup> July 1849, but as to  
which children the deed was a nullity - James Lester being  
a trustee, and the purchasers from him, having bought  
as the purchasers, with knowledge of the trust, but being  
innocent purchasers without notice, neither James  
Lester, or the other parties who claim under him, are  
protected by the statute of limitations, except as to thirty  
feet on one end of the lot & running back about half the  
depth of the lot, being the lot at one time sold by James  
Lester to George Lester, & afterwards taken back - As to that  
lot, the doubt is of opinion that James Lester, & those who  
claim under him, have a good right - As to all the other

parties of the lot, the parties holding the land, held as trustees  
trust account for rent - The cause is therefore remanded  
to the Chancery Court at Nashville, to make new parties,  
if necessary, those persons who are the children of Royal  
Lester - whether James Lester, held as trustee, for all the  
children of Royal Lester, or only for the two, A. C. & Nancy  
Melvin Mills, mentioned in the deed of trust, and also  
whether Joseph L. Mills, was a tenant by the courtesy - The  
defendants, except Capt. Corbitt & their securities in the  
appell bond, C. G. Carter, James Hughes & W<sup>m</sup> Lathimer, will  
pay the costs of this Court, and the other costs will abate the  
cause, in the Chancery Court -

Office of the Clerk of the Supreme Court.

for Middle Division of the State of Tennessee

Nashville June, 1867

I, Jesse G. Traeger, Clerk of said Court do hereby certify that the  
 foregoing is a true, perfect & complete copy of the decree of said Court  
 pronounced at its December Term, 1866, in the case of Andrew C. & C.  
 Lester & Gen. A. Miller against James Lester & others, as appears of record,  
 now on file in my office.

(Seal) In testimony whereof, I have hereunto set my hand & affixed the  
 seal of the Court, at office, at the Capitol, at Nashville, on this the 14<sup>th</sup>  
 day of June 1867, and the Independence of the United States, the  
 91<sup>st</sup> Year. Jesse G. Traeger, Clerk



Subpoena to Answer issued on the 11<sup>th</sup> October, 1867, to Davidson County  
for A. M. C. Lester - W. H. Baker & Elona, his wife,  
George W. Lester, William Lester - Joseph L. Mills -  
Geo. H. Mills and Nicholas P. Corbett, returnable to the  
1<sup>st</sup> Monday in November, 1867, and returned executed  
on all, except Joseph L. Mills, and Geo. H. Mills, not  
found, by

A. J. Murphy, S. D. Shiff - Oct. 30, 1867.

Answerer

James Lester, et al

vs.

A. M. C. Lester, et al

} The defendants by Attorney,  
come and defend to, and  
answer to Complainant's bill, and  
allege the following  
causes of answerer.

1<sup>st</sup>. Upon the showing of Complainant the questions  
ought to be raised have been finally settled by decree

of the Supreme Court -

2<sup>nd</sup>. A Bill of review, or bill in the nature of a bill of review will not lie to review a decree of the Supreme Court -

3<sup>rd</sup>. The Bill has no equity on its face.

4. The Bill is multifarious -

5 - The Bill is argumentative, perlex & confused.

Wm. K. Colfax

Atty.

(Filed Nov. 7<sup>th</sup> 1864)

Alias Subpoena to Ans.

Issued 1<sup>st</sup> Jan'y 1868 to Davidson County for Joseph L. Mills and Geo. H. Mills, and returned 29<sup>th</sup> January 1868.

"not to be found in my County" by

G. W. Howell. S. D. Hoff.

Pluries Subpoena to Answer

Issued 5<sup>th</sup> Feby, 1868, for Joseph L. Mills & Geo. H. Mills to Davidson County, and returned 3<sup>rd</sup> April, 1868. "not to be found in my County" by

A. J. Murphy

S. D. Hoff

Decree

Jas Lester, et als

vs

And: M. C. Lester, et als

April Term, 1868

May 24<sup>th</sup> 1868.

This cause was heard before the Hon: James O. Shackelford, on a former day of this term, upon demurrer to the bill, and upon argument of counsel, and the Court being of opinion that neither a bill of review, nor an original bill in the nature of a bill of review, will lie to review a decree of the Supreme Court for alleged fraud in the testimony preparatory of the case, and before the cause was heard in the Court below - the demurrer is sustained, and the bill dismissed - The complainants and their surety will pay the costs for which an execution may issue as at law - From which decree the complainant prayed an appeal to the Supreme Court which was granted - And the complainants have until the July rules to give bond.

Appeal Bond

65

Know all Men by these presents, that we, James Lester  
others principals and B. D. M. Blumhau, Surety

are held and firmly bound unto Andrew M. C. Lester & others  
or their certain Attorneys, Executors, Administrators or  
assigns, in the penal sum of Two hundred fifty  
dollars, for the true payment whereof we find ourselves  
our heirs, executors & administrators, firmly by these  
presents - sealed with our seals and dated this first  
day of June 1868 -

The condition of the above obligation is such,  
that whereas the above bound James Lester & others  
have prayed for and obtained an appeal from the  
Chancery Court at Nashville, in Davidson County, to  
the Supreme Court of this State at its next term, to be  
held at Nashville, in the State of Tennessee, from a  
decree rendered by said Chancery Court at Nashville,  
at its April Term, 1868, in the case of  
James Lester & others

80

Andrew M. C. Lester & others

Now, if the said James Lester & others, shall well and  
truly prosecute their said appeal with effect, or in case  
they fail therein, pay and satisfy the whole debt,  
damages and costs, which may be awarded against  
them for wrongfully prosecuting said appeal, and  
satisfy the judgment of said Supreme Court thereon,

then the above obligation will void, else to remain in full  
force and effect.

James Lester, et al., by  
C. B. McBlanchard, Solicitor  
C. G. Babler  
C. B. McBlanchard

(Filed June 1<sup>st</sup> 1868.)

Certificate

State of Tennessee

County of Davidson

J. Morton B. Howell, Clerk and  
Master of the Chancery Court at  
Nashville, Tenn: hereby certify that the foregoing 46  
pages contain a full true & perfect transcript of the  
records & papers in the case wherein James Lester and  
others are Complainants and Andrew M. C. Lester and  
others are defendants, as the same appear & record for  
file in my office.

In testimony whereof I hereto set my hand  
and affix the official seal of said Chancery  
Court, at office, at the Court House, at  
Nashville, this first day of November  
1868, 43<sup>rd</sup> year of our Independence

Morton B. Howell,  
Clerk & Master  
by R. H. Howell, C. S. C.

Bill of Costs.

State Tax,

\$5.00

M. D. Merrill, 6 copies for Court,

Bill 25; aff. to (2) 50; bond 25; Exhibits 25; Rep.

bond 25; Spa 75; Copy bill to Wm. S. Co. 11.50;

postage 15; Spa 75; Copy bill to Wm. S. Co. 11.50;

Declarations 25; notices 25; alias Spa 75; plus Spa 15;

Rules 130; decrees 50; ord. for appeal 25;

Transcript 2.1.<sup>00</sup> order for 6.50; bill of costs 25;

52.70

Geo. W. Merrill, J.C. 2 nonest

50

Chas. W. Winfrey, J.C. 6 Spa 4 non est

7.00

Jas. Smith, J.C. 1 notice 5,

50

\$65.40

19 ~~82~~ (16)

(15)

In Chancery  
At Ashville

James Lester et al vs

— vs —  
Andrew M. C. Lester  
and others. —

Transcript

Filed for, 24<sup>th</sup> 1877  
E. A. [unclear]

James J. Longmire

Enc. to 477

Appended with

Copy

Apr. 5<sup>th</sup> 1878

54, 3016.

Handwritten