

State of Tennessee Hilouay
Moulgawny County } August term 1828

Patrick W. Dwyer }
vs } Plaintiff
William Reaser } Defendant

This day came the parties
by their attorneys, & there upon came a jury of good and
lawful men to wit, Mathew Ry, Curran, Francis Boker,
Lee Price, William Chance, John R. Kershner, Val,
William Brantly, David Davis, Amos Martin,
John Henderson, Robert Collins, James Wallis &
Solomon Hunt, who being duly sworn & sworn
the truth to speak upon the oaths joined upon their
Oaths do say they find the issue in favor of the
plff & say the Dff is guilty of the trespass
& injunct in the plff Declaration mentioned
& upon his damage to his & one forth cents, besides
his costs. Therefore it is considered by the Court
that the Dff plff have his cost of possession
& that he receive of the said Dff the sum of
his & one forth cents the damage aforesaid
in Manner & form aforesaid & also his costs
by him about his suit in this whole expended
& the Dff in Mercy.

And thereupon the Dff prays an appeal in the
Nature of a writ of error to the Supreme Court
Shaving entered into bond & security Agreable to
Law the same is allowed.

Know all men by these present that we Wm
Reassons & Ruben Pallord all of the County of
Montgomery & State of Tennessee one time & lawfully bound
unto John Ben Loper of Putnam Co Dory in the
penal sum of one thousand & fifty dollars for the
true payment of which we have our selves &c
duly & lawfully by these presents sealed with our
seals & dated this 28th day of Feb 1893

The Condition of the above Obligation is such
that whereas Putnam Co Dory have obtained a judgment
against William Reassons & whereas the above
said William Reassons hath this day prayed an
appeal ^{in the name of a writ of error} to the Supreme Court of errors & appeal
for this Circuit, Now if the above said William Reassons
do with effect prosecute his said writ of error or in
case of failure therein pay satisfy & discharge such
costs & charges as the said Supreme Court may decree
in the premises then this Obligation otherwise
to remain in full force & virtue

That

P. S. Loper

Wm Reassons 

Ruben Pallord 

Pleas before the honorable Robert Black esq Judge of the
Sixth Judicial Circuit of the State of Tennessee, & now pre-
siding in the fifth circuit of the State of Tennessee by partial
interchange of riding.

Be it remembered that heretofore, to wit, on the
6th day of February 1816. a writ issued from the Circuit Court
for Montgomery County, in the State of Tennessee, in the words
& figures following, to wit,

State of Tennessee

To the Sheriff of Montgomery County Greeting.

You are hereby commanded to take James McCarrell
William Reason, Reuben Pollard, and Jonathan Thomas, if
they be found in your County, and them safely keep, so that
you have their bodies before the Judge of our fifth Circuit
at our next Court of law & equity to be holden for Montgomery
County at the Court house in the town of Clarksville on the
third Monday in February next, to answer John Den, before
of Patrick Darby of a plea of Trespass ~~with the force~~ & arms
for that they broke & entered the close & premises of the said
John & ejected him therefrom to his damage five hundred
dollars, and have them & there this writ.

Witness Frederick W. Huling Clerk of our said Court
at office the Third Monday in August 1815 and 40th
year of the Independence of the United States.

F. W. Huling Clk.

Know all men by these presents. That We Patrick
Darby John Edmonson & Robert Edmonson, are held
& firmly bound unto James McCarrell William Reason
Reuben Pollard & Jonathan Thomas in the penal sum of five
hundred dollars, to be void on conditions that said Patrick Darby
do with effect prosecute a suit by him this day commenced, in
the Circuit Court for Montgomery County against the said James
William Reason & Jonathan, otherwise pay & satisfy all costs &
damages which may be awarded for failure therein. Witness
our hands & seals this Sixth day of

(2)
day of February 1816.

Perly seal
Jno Cammons *Esq*
Robt Cammons on Trial

Endorsed. Affirmed 6th February 1816. Came to hand the
7th of February 1816. Executed on reuben Pollard & William
Reasons on the 7th of February 1816, James McCarrell &
Thomas not found.

John Cocke Sheriff
by his Deputy John Nettles.

State of Tennessee.

To the Sheriff of Montgomery County Greeting

You are hereby commanded, as heretofore, to take James
McCarrell, if he be found in your County, and him
safely keep, so that you have his body before the Judge of
our Circuit Court of law & Equity, at our next Circuit Court
to be holden for the County of Montgomery at the Court house
in Clarksville on the Third Monday in August next then
& there to answer John Ben Leford of Patrick County of a plea
of Trespass, wherefore with force & arms, he entered the close
of the said John & ejected him therefrom to his damages
five hundred dollars: him self not, & have them & there
this writ, Witness Frederick W. Huling Clerk of our
said Court at office this Third Monday in February
1816 and 40th year of American Independence

F. W. Huling Clerk.

Enclosure.

Y^d 29th April 1816.

Came to hand the 30th of April 1816. Executed on
the 2^d of July 1816 & a copy of the Bill delivered.

John Cocke Sheriff
by his deputy John Nettles.

Throw all men by these presents, That Wee James
McCarrell, Jacob H. Fort & James Vance are held
& firmly bound unto John Cocke sheriff of Montgomery
County, in the full sum of One thousand dollars to be
paid unto the said John Cocke Sheriff or his assigns

to which payment well & truly to be made, we bind ourselves, and heirs Executors & Administrators jointly, severally & firmly by these presents, sealed with our seals & dated this 2^d day of July 1818. The condition of the above obligation is such, that if the above bound James McCarrell doth make his personal appearance before the Judge of the fifth Circuit at a court to be holden for the County of Montgomery at the Court house, in the town of Clarksville on the third Monday in August next, then & there to answer John Sen Leper of Patrick Barby of a plea of trespass, wherefore with force & arms he entered the close of the said John, ejected him therefrom to his damage of five hundred dollars, Then this obligation to be void, otherwise to be & remain in full force & virtue Given under our hands & seals this day & date above written

James McCarrell *Esq*
 Jacob W. Fort *Esq*
 Samuel Vance *Esq*

I John Cocke Sheriff of Montgomery County do hereby assign the above obligation and conditions to John Sen Leper of Patrick Barby the Plaintiff therein named his Executors & administrators, to be used for, according to the statutes in such case made & provided. In witness whereof I have hereunto set my hand & seal this 2^d day of July 1818
 John Cocke *Sheriff*
 by his Deputy John Nettles.

Know all men by these presents, That We Reuben Pollard & William Reasons & David Gould & James Hamilton, are held & firmly bound unto John Cocke Sheriff of Montgomery County, in the just sum of One thousand dollars, to be paid unto the said John Cocke or his assigns to which payment well & truly to be made we bind ourselves our heirs executors & Administrators, jointly & severally firmly by these presents, sealed with our seals & dated this 7th

day of February 1816. ⁽⁴⁾ The condition of the above obligation is such, that if the above bound Reuben Pollard and William Reasons, doth make their personal appearance before the Judge of the fifth Circuit, at a Court to be held = then for the County of Montgomery at the Court house in the town of Clarksville on the third Monday in February next, then & there to answer John Ben Lape of Patrick barby of a plea of trespass with force & arms, for that they broke & entered the close of the said John Ben Lape & him therefrom to his damage so five hundred dollars, then this obligation to be void, otherwise to remain in full force & virtue. Given under our hands & seals this day & date above written.

Reuben Pollard *Reuben Pollard*

William Reasons *William Reasons*

David Gauld *David Gauld*

James Hamilton *James Hamilton*

I John Cocke Sheriff of Montgomery, do hereby certify the above obligation & condition, to John Ben Lape of Patrick barby the Plaintiff therein named, his Executors and Administrators, to be used on according to the statute in such case made & provided, In Witness Whereof I have hereunto set my hand & seal this 7th day of February 1816.

John Cocke Sheriff
by his Deputy John Nettles.

State of Tennessee

Montgomery County Sec. John Ben Lape of Patrick barby complains of Richard Fen, in Custody of the Sheriff of Montgomery County of a plea of trespass with force & arms for that he broke & entered the close & premises of the said John Ben Lape & Ejected him therefrom, for that whereas on the first day of February one thousand eight hundred & Sixteen, at the County aforesaid, the said Patrick barby was owner & possessor of a certain tract or parcel of land containing by estimation Six hundred & forty acres, situate lying & being on the main west fork of the River and in the County aforesaid, and within the jurisdiction of this Court

(5)
and bounded as follows to wit, Beginning on a poplar
on William's Targets line, running north with said
line eighty eight poles, to a hickory & ash, thence
east one hundred & sixty poles to a white oak, thence
North three hundred & fifty six poles to a dead oak,
thence West two hundred & forty six poles to a beech
in Roberts Youngs line, thence South two hundred and
ninety four poles to a poplar & Hickory, thence West
forty poles to a Poplar, thence South one hundred
& sixty poles to a white oak, thence East one hundred
& twenty six poles to the beginning. The aforesaid land
& premises the said Darby did lease to farm let to the
said John, and the said land so leased by the said
Darby to have & to hold to the said John Ben & his assigns
for & during the term of two years then next ensuing
from the said first day of February aforesaid & fully to
be completed & ended. By virtue of which said lease
the said John Ben, on the said first day of February aforesaid,
entered on the said land & premises, and was thereof
possession, on the day & year last aforesaid, and being so
thereof possessed, the said Richard Fen, on the day and year
last aforesaid, with force & arms entered upon the said land
& premises so leased as aforesaid, and ejected the said John
Ben, against the peace & dignity of the State of Tennessee
and to the damage of the said John Ben five hundred
dollars, wherefore he brings suit & there are pledges to H.C.

Gentlemen.

Harp Atty for Pltff.

You may see by the above declaration that
I am sued in Ejectments for the premises therein mentioned
to which I have no title, if therefore you have, or claim
any title thereto, you must appear at the next Circuit Court
to be held for the County of Montgomery, at the Court house in
Clarksville, on the Third Monday in February ~~Present~~,
1816 to be entered as defendants in my stead, otherwise I will
suffer Judgment to be entered against me by default, and
you will be turned out of possession. Your loving friend.
Wm. James McCanell Reuben Pollard
William Parsons Joseph Thomas Tenants in possession. Richard Fen

(6)

Enclosed came to hand the 7th February 1817 Executed by
leaving a copy with each of the Defendants.

Gen Lepus of Patrick Darby
James McCarrell William Reasons
and Reuben Pollard
February Term 1817
This cause is continuing
on appeal of
Defendants at this Term.

John Gen Lepus of Patrick Darby
James McCarrell William Reasons
& Reuben Pollard
Ejectment.
August Term 1817
This day came the
parties by their attorneys
and thereupon came a jury of good and lawful men
to wit, James Hamilton, William E. Williams, Samuel
C. Hawkins, Barney Buff, Josiah G. Luke, James Trice
Jeremiah Brown, James Tilton, & John Marshall, Randolph
Ramsey & James Wilson & Nathan Peple who being
duly elected sworn & sworn the truth to speak upon the issues
joined, and thereupon by consent of the parties with the
assent of the Court this cause is continued until tomorrow
morning nine o'clock.

August 20th 1817. This day came again into Court here
the parties aforesaid by their attorneys, and thereupon
came the Jury who were impannelled, and on their appear-
ance took their seats in the box and by consent of the par-
ties with the assent of the Court this cause is continued until
tomorrow eight o'clock. A.M. & Jury adjourned

August 21. 1817. This day came into Court here the parties
aforesaid by their attorneys, and thereupon came the jury
aforesaid, and on their appearance took their seats in
the box: by consent of the parties with the assent of the
Court this cause & Jury are adjourned until tomorrow
morning eight o'clock.

Darby's Lepus
James McCarrell & others
August 22d. 1817.
Ejectment.
This day came again
into Court here the parties aforesaid by their attorneys
aforesaid, and thereupon came the jury aforesaid, and

and on their appearance^{ed} took their seats in the box.

As to the opinion of the Court given on the trial of this cause the Plaintiff ~~deposits~~ ^{deposits} his council excepts and prays his Bill of Exceptions, which is allowed to be signed read and filed as a part of the record.

And this cause & Jury are adjourned until tomorrow morning nine o'clock. A.M.

Darby's Ledger

August 23^d 1817.

James McCarrell & others

Ejectment.

This day came into Court here the parties aforesaid by their attorneys, and thereupon came the Jury aforesaid, and on their appearance took their seats in the box, and the said Jury upon their oaths do say, that the Defendants are not guilty of the trespass and ejectment in the Declaration mentioned, as the Defendants, by replying to the allegations;

Therefore it is considered by the Court here, that the said Plaintiff takes nothing by his bill, but for his false Claimant be entered, and that the Defendants go hence without day and recover of the Plaintiff their costs by them about their defense in this behalf expended & the Plaintiff in Money &c.

The Plaintiff in this cause prays an appeal in the nature of a writ of Error, and to him it is granted on his entering into bond with security, which is accordingly done.

Bill of Exceptions.

Patrick Darby's Ledger

James McCarrell & others

On the trial of this cause the Sedor of the Plaintiff gave in evidence a copy of the Grant to John Elliott, Decedent, for 640 acres of land being the land in controversy, hereto annexed marked A. and made a part of this bill. He also proved that George J. Elliott, was the heir at law of John Elliott decedent. That said John died about May 1789; at which time said George was an infant, about one year old. He then gave in evidence, a copy of the deed of conveyance

for said tract of land, from said George to the lessor of
the Plaintiff, which is annexed marked B. and then
proved the defendants in possession at the time of the
commencement of this suit. The defendants then offered
to read in evidence, the deed of conveyance here to annexed
marked C. from George Neville, to James McCarrell
one of the defendants for 590 acres of the said 640, acres
granted as aforesaid, also a copy of a record here to annexed
marked D. and also offered to prove that the said George
Neville is dead, and that the defendants had been in possession
of said land, since about 1792, or 3. The defendants also
offered to prove that there was a sale at Auction of the
said land at the time mentioned in deed marked
C. That one Robert Priner acted as auctioneer, under
the instructions and direction of said George Neville,
and that said McCarrell became the purchaser, and
that eighty nine pounds was the value of the said tract
of land, at said time, the defendants also offered to
introduce in evidence, the depositions of Robert Priner
here to annexed marked E, the notice of taking which
was acknowledged by Plaintiff, to the admission of which
testimony the Plaintiff by his council objected, but the
objection was overruled, and the testimony permitted to
go to the jury, the Defendants also introduced the
depositions of William C. Sumner, Clerk of Montgomery
formerly Tennessee County Court here to annexed
marked F. and made a part of this bill. To the
introduction of which Plaintiff objected, but the
objection was overruled, and it was read, to the jury.
The defendants then, after making the affidavit here to
annexed marked G. and reading the same to the
Court, and after having proved the existence of the land
therein described, offered to give parole evidence of the
contents of said land, which was objected to by Plaintiff
but overruled. The Defendants then proved that on the 9th
day of June 1811 an arbitration bond in a large sum

was made & entered into ⁹ between James McBarrell on the one part, and George G. Elliott & Jeremiah Walker who had married the sister of the said George, on the other part conditioned to abide by & perform the final award & determination of Hugh F. Bell, Robert Prince & James Stuart, concerning all matters in dispute, between the said Parties. The Defendants also offered to prove, that in the presence of said parties, on the same day, said arbitrators, after having heard the allegations of ~~both parties~~, and examined the papers of both sides laid before them, did make an award by parole, in substance as follows, that said McBarrell should pay to George G. Elliott & Walker four hundred dollars & should execute to them a deed of conveyance for 320 Acres of land lying in Davidson County, on the waters of Whites Creek, and also that George Aldham & Davidson joint Administrators of the estate of John Elliott Dec'd, should pay the said George G. & Jeremiah 450 dollars each, it was also proved, that in pursuance of said award, said McBarrell executed the bona fide and ~~in~~ marked I, both which he had performed & paid, the said Walker & Elliott at the same time executed the receipt, hereto annexed marked K. It was also proved by Defendants that the matters in dispute between the parties to said Arbitrators bond, were all the matters relating both to the lands & personal estate of said John Elliott deceased, more particularly the lands, as the personal estate was not worth more at the death of said John than about \$200. dollars, & that the parties were well satisfied with the said award. The Arbitrators in evidence further stated that it was their opinion at the time of making the award that said McBarrell had a good legal title to the land purchased by him at sheriffs sale, & otherwise the property of said John Elliotts estate, and the said arbitrators at the time of making the award, were ignorant of any fraud relative to the purchase of said lands, the Defendants.

Reasons then introduced in evidence a deed from him from James McBarrell for 124 acres of said 640 acre tract, which deed is annexed marked L. The Defendant Pollard then introduced a deed to him from James McBarrell for 124 acres of said land marked M, and annexed as a part of this bill. The Defendants then proved that they had been in continued possession of the land described in Plaintiffs declaration since about the year 1793, claiming the same adversely to all the world beside, to all which evidence the Plaintiff objected but was admitted by the Court, to which the Plaintiff excepts, prays his bill of exceptions may be read & made a part of the record.

2. Bill of Exceptions.

Nathl W. Williams *Att. Gen.*

Patrick Darby, *Sequo*

James McBarrell & others. *vs* The Plaintiff in addition to the testimony, in the first bill of Exceptions filed in this cause as rebutting testimony, introduced the Record hereto annexed marked A. A. as also a copy of the agreement hereto annexed marked B. B. and then proved that James McBarrell & wife intermarried with Zephia Elliott, widow of John Elliott dec'd about three years after the death of said Elliott, or some time in the year 1812, & further proved that the lands contained in the deeds of Pollard & Reasons were conveyed by said McBarrell in pursuance of the agreement referred to marked B. B. which land had been given to them, by James Elliott after their intermarriage with his daughter which was the whole consideration, then proved by the oath of Joseph Love that he was at the sale of the land 600 acres on the waters of Whites Creek mentioned in the record A. That he heard McBarrell at that time publicly say, that he purchased said land for the benefit of John Elliott's heirs, that upon this declaration others ^{ceased} ~~refused~~ to bid for the land, further said Love on oath said, that the sum bid for said land by said McBarrell was more than it was worth in his opinion at that time.

(11)
Her then proved by the oath of George Oldham, that shortly after said McCarrell had become the purchaser of two tracts of land in Davidson County the property of Elliotts Estate, the witness was told by said McCarrell, that the land would have sold for much more, but that he McCarrell stated to those present, ^{at the sale} that he was buying the land for the benefit of John Elliotts heirs, that none of the personal property of John Elliott had been taken out of the hands of the Widow. It was proved by Plaintiff, that John Elliotts family residence was on the tract of land in dispute between the parties, & the widow lived on it before, and at the time of her intermarriage with the Defendant McCarrell, and the testimony contained in this, and the former Bill of Exceptions, was all the evidence in the cause. On this evidence the Judge instructed the Jury that by the law of this State, the County Court had Jurisdiction over the estate of orphans & the appointments of Guardians, & that if the County Court did appoint a special Guardian, in the existence of a General Guardian, and order that the special Guardian should sell the orphans land, that a sale made under that authority would be binding & convey the estate of the minor, notwithstanding the purchase was made by the general Guardian, and that although no such order of the County Court was shown in this cause, that the Jury might presume from the circumstances of the case, that such an order had once existed, and that the deed made by Neville the special Guardian was founded on such an order, and that if the Jury did believe that such an order did exist at the time of the sale to McCarrell by the special Guardian, that the title of the defendants, would be a good legal title in law and bar the Plaintiffs right to recover, and that if the deed to McCarrell was ever void & conveyed no estate, that the arbitration and award, if conducted

10

with honesty & good faith would stop the Plaintiff
in this action from any right of recovery, or to dispute
the title of the Defendants, in an action of Ejectment,
and that as to the statute of limitations gives possession
if the title of the Defendants was good either, by the
sale by the Special Guardian, or by the arbitration
and award, they did not stand in need of its pro-
tection, and if their titles were not good in either of
these ways, the Defendants were not in a situation
to claim its protection.

Nath W. Williams Ind. Secy

Exhibit A.

April 26th 1792.

Know ye for once in con-
sideration of the sum of ten pounds for every hundred
acres hereby granted, paid into the treasury by John
Elliott, have given & granted, & by these presents do give
& grant, unto the said John Elliott a tract of land
containing six hundred & forty acres, lying & being in
the County of Davidson on the West fork of Red River
below the Junction of said fork, with its West fork
beginning at a poplar on William Margetts line, running
North with said line ninety eight poles to a hickory and
Apt. Thence East one hundred & Sixty Poles to a white
oak, thence ~~North~~ three hundred & fifty six poles to a Red
Oak, West two hundred & forty six poles to a Birch
on Robert Youngs line, thence south two hundred &
Ninety four poles to a poplar & Hickory. Thence West
forty poles to a poplar, Thence South one hundred
& Sixty poles to a white Oak, East one hundred &
twenty Six poles to the beginning, as by the plat annexed
doth appear, together with all woods waters mines min-
erals, hereditaments and appurtenances to the said land
belonging, or appurtenances. To hold to the said John
Elliott his heirs and assigns forever &c, which land
was surveyed for the said John Elliott Feby 24th 1785
by Robert Nelson Surveyor by consequence of a pre-
emption right, warrant numbered 518. The Entry dated

(18)
dated July 10th 1784. The grant signed Samuel Johnson
with seal of the State affixed, dated the tenth day of July
in the Thirteenth Year of our Independence, in the
year of our Lord, one thousand seven hundred &
eighty eight, and countersigned, James Glasgow
Secretary

Wm. Benjrd Hardin Pub. Aug 26

State of Tennessee

Montgomery County Register office Feby 20th 1823.

I Peter H. Cole Register of Montgomery
County do certify that the foregoing Grant is registered
in my office, Book A page 30, and that this is a copy
of the same, given under my hand at office in the
town of Clarksville, the day & date above written.

Peter H. Cole Register

Exhibit C.

Montgomery County.

This indenture made twenty second day of October
in the year of our Lord one thousand seven hundred &
ninety three, between George Neville of Tennessee County
& Territory South of the river Ohio special Guardian for
Zebulon & George Simms Elliott, Orphans of John Elliott
decd of the one part & James McCauley of the County
aforesaid of the other part Witnesseth that whereas
George Neville of County & State aforesaid, was at the
County Court in the year one thousand seven hundred
& ninety two, George Neville was appointed special
Guardian for Zebulon & George Simms Elliott, Orphans
of John Elliott decd, as would satisfy the
Judgment which appears on the docket of the Court
in the County of Tennessee at the July Term one
thousand seven hundred & ninety two Neville was
appointed special Guardian for Zebulon & George Simms
Elliott, Orphans of John Elliott decd, of the
real estate of the said John Elliott decd, as would
so much thereof as would satisfy the Judgment ob-
tained against the estate of John Elliott, decd
& Sureties having been issued & served on the said
George W. Neville Guardian as aforesaid to the Orphans
of the said John Elliott decd, & the legal mode ha-
ving been pursued on the Judgment, to charge the real es-
tate

(14)

state of the said Elliott, so that the Judgment might be paid off and satisfied, and an order was also made at the July Court of Tennessee one thousand seven hundred & Ninety three, as follows (to wit) That the said George Neville Guardian to the Orphans of John Elliott deceased as aforesaid, is directed to expose to sale at twelve months credit, the real estate of John Elliott deceased as aforesaid, or so much of the real estate of John Elliott deceased, as will satisfy the Judgment, hanging over the said estate, or to pay so much of the Judgment as the land will sell for. The aforesaid George Neville Guardian aforesaid, by virtue of the order last above mentioned, he has caused a tract of land lying & being in the County of Tennessee, on the north side of Cumberland River, and on the west fork of Paducah, a branch of said River, and bounded as hereafter described, which well fully appear by patent, bearing date the tenth day of July, in the thirteenth year of our Independence, and in the year one thousand seven hundred & Eighty Eight which was granted to the said John Elliott, by patent from the state of North Carolina. This said tract of land being advertised to be sold at public Auction, on the 25th day of August one thousand seven hundred & Ninety two, and now on the 28th day of August one thousand seven hundred & Ninety two, as aforesaid the said tract of land aforesaid being set up to be sold to the highest bidder and James McCall being the highest bidder, bid the sum of eighty six pounds, for the aforesaid tract of land, and he the aforesaid James McCall as aforesaid being the highest bidder became the purchaser.

And now this Indenture made as aforesaid, of the said George Neville Guardian to the Orphans of the said John Elliott deceased, for the consideration of the sum of eighty six pounds, to be paid in twelve months after the day aforesaid, and by virtue of the power given from the County Court of aforesaid as guardians, here cause the said tract of land aforesaid to be sold Aliened, conveyed & confirmed, & by these presents bargain sell alien convey & confirm into the said James McCall his heirs & assigns forever, which tract of land is

(15)
boundaries as follows. Beginning at a poplar on William
Margetts line, running north with said line ninety eight
poles to a hickory. Thence East one hundred & sixty poles
to a white oak, Thence North Three hundred and
fifty six poles to a dead oak. Thence West two hundred
& forty six poles to a beach on Robert Youngs line. Thence
South two hundred & ninety four poles to a poplar and
Hickory. Thence South one hundred & fifty poles
to a white oak. Thence East one hundred & twenty six
poles to the beginning, the whole five hundred & ninety
acres, to have & to hold the aforesaid granted premises
with the appurtenances to the said James McCarrell
his heirs & assigns forever, with all & singular the
rights & privileges, & emoluments, thereto belonging, or
of right appertaining, and the said George Neville
Guardian of the Orphans of the said John Elliott
deceased, have granted bargained & sold all the right
title interest claim and demand, that the aforesaid
Orphans, had or could have had in right of representatives
of their father John Elliott deceased, to the said James
McCarrell, his heirs & assigns forever, with all the
privileges & emoluments, thereto belonging or in any
wise appertaining, to the aforesaid tract of land. In witness
whereof I the said George Neville Guardian for the
said Orphans have hereunto set my hand & affixed
my seal, the day & year before written.

Witness present.

George Neville (seal)

Acknowledged in open court.

A. Crutcher.

Jennepu County Court October Term 1793.

This deed was acknowledged in Court and ordered
to be Registered.

A. Crutcher Clerk.

Mevo District, Jennepu County Registry.

This deed is duly Registered in book B. page 56. May 6th 1793

Hugh Lewis Register.

Exhibit C.

Mississippi Territory
Jefferson County } Know all Men that We
William Lloyd & Isaac Dunbar two of the Acting
Justices of the peace in & for said County & Territory
By Virtue of a Commission to us directed from the
Honorable the Circuit Court of Montgomery
County in the State of Tennessee hereto annexed
have this 23 day of November in the Year 1816
caused Robert Porter to come before us at the
house of Robert Porter in the said County & Territory
aforesaid who being first solemnly sworn on the
Wholy Evangelist, the truth to speak in a certain
matter of Controversy in said Circuit Court depen-
ding wherein the Issue of Patent Dorch is
Elff & William McCorroll William Reasons &
Ruben Pollard defendants Deposeth & Says (to wit)

Q = Was you ever Shff of Montgomery County

A = I was acting Shff of Tennessee County & Territory
South of the River Ohio Now Montgomery County
& State of Tennessee

Q What time did you Act as Shff

A = From July Seventeen hundred & ninety two to
July 1793

Q = While you acted as Shff of Montgomery County
did you or did you not expose to publick sale a
tract of land on which James McCorroll Ruben
Pollard & William Reasons living

A = I did -

Q By what authority did you make sale of that
tract of land

A Under the direction of a Special Guardian
Whether the execution was directed to the Shff

On an Order of sale to the Guardian at this time
I do not recollect having no papers to show what
was the case but to the best of my recollection
I made the deed as above

Q= To whom did you sell the said tract
of land to

A= I sold it to James McCorrell

Q= Was you at an arbitration held between
George Elliott - Walker & James McCorrell

A= Yes

Q= Was this arbitration in consequence of the
real or personal estate

A= It was in consequence of both real & personal

Q= How many tract of land did Walker & Elliott
to the best of your recollection that was sold by execution

A= There are four to the best of my recollection

Q= Where did they buy & in what County

A= To the best of my recollection there is one
in Montgomery one in Williamson one in Sumner
& I believe one other in Davidson

Q= did said Elliott & Walker appear to be satis-
fied with the arbitration award of 320 Acres
of land on White's Creek & \$400 dollars in Cash

A= They were perfectly satisfied

Q= Did not Elliott & Walker give James Mc-
Correll a receipt at the time of the arbitration

A= Yes

Q= What was the intention of that receipt

A= It was a full and final discharge to James
McCorrell of Elliott & Walker's claim to the Estate
both real & personal

Q= Was it your impression & understanding at the
time that Elliott & Walker relinquished all

Claim to the lands ^(B) before mentioned by you, &
all lands sold by execution, belonging to the estate
& heirs

Ans. It was. And further this Depoant saith not

No Prince

We do certify that the foregoing deposition was taken
by us, reduced to writing by one of us, & sworn to & signed
before us in the presence of the agent for the defendants.
November 22^d 1816.

Isaac Dunbar *(Signature)*
William W. Lloyd *(Signature)*

Exhibit G.

J. Parby, Secus

¹³ James McBarrell & others *(Signature)* James McBarrell One
of the Defendants makes oath, that in or about the 7th day
of June 1811, a bond to abide by the award of James Stuart
Robert Prince & Hugh F. Bell, was entered into by this
affiant, & George S. Elliott & Jeremiah Walker, that
this affiant has used all means in his power to discover
said bond & have it before the Court on this trial, but
has been unable to discover it, and has reason to believe
that it is lost, or so mislaid that this affiant cannot find
it. sworn to in open Court. August 21st 1817.

Exhibit I.

(Signature) I, *(Signature)* on or before the 5th day of June one thou-
sand eight hundred & twelve, I promise to pay, or cause
to be paid unto Jeremiah Walker & George S. Elliott four
hundred dollars, if not paid at that ~~above~~ time
stipulated, I am indebted until the ensuing Christmas
by paying lawful interest. Witness my hand & seal this 5th
day of June 1811.

Test James Stuart

Hugh F. Bell

James McBarrell *(Signature)*

Endorse. September 26th 1812, then received of James
McBarrell two hundred & thirty dollars of the within
note, I say Received by me Jeremiah Walker.

19

Exhibit D. This Indenture made this twenty three day of January in the Year of our Lord one thousand seven hundred & ninety seven, between James McCarrell of the State of Tennessee, and County of Montgomery of the one part, and William Reasons of the State & county aforesaid of the other part Witnesseth, that the said James McCarrell for & in consideration of the sum of thirty pounds current money to him in hand paid, by the said William Reasons, the receipt, whereof the said McCarrell here by ^{fully} acknowledges. The said McCarrell hath granted bargained & sold, & by these presents do grant bargain sell convey enfeoff, and confirm unto the said William Reasons one certain tract or parcel of land, situate lying & being in the state & county aforesaid on the North side of Cumberland River and on the East side of the west fork of the River. Beginning at an ash and two Hickories, thence North seventy six poles to a black oak & poplar, then West to the patent line above where it crosses the Junction of the West Fork, thence down with said line to the junction of said creek, thence West with the meanders of the Creek to a white oak & sugar tree, thence East to the beginning containing one hundred & thirty four acres more or less, to have & to hold the said land & premises, and every part & parcel thereof, with all the emolument & advantage to the said land belonging, on in any wise appertaining to the said William Reasons his heirs & assigns forever or also all the right title interest & claims, which he the said McCarrell has in & to the said land & premises at the time of making & delivering of these presents, by virtue of a deed granted to said McCarrell by George Neville Esquire guardian to the orphans of John Ethell Deceased, Reference being had to the Records may more fully and at large appear, & by virtue of said deed the said James McCarrell

doth hereby warrant secure & defend the said land
and premises from him his heirs Executors
Administrators or assigns to the said William
Reasons his heirs Executors Administrators
or assigns. In witness whereof I have hereunto
set my hand & seal the day and date written
mentioned. signed sealed & delivered in
that presence of

M. Phillips

James McBarrell

P. McBarthy.

State of Tennessee

Montgomery County 3 January Term 1797

The within deed of conveyance James
McBarrell to William Reasons proven in open
court & ordered to be Registered.

Test.

Wm Pollock C. M. County.

State of Tennessee

Montgomery County.

The within Deed is Regis-
tered in book C. page 264 October 28th 1797

Francis Prince C. R.

Exhibit. No.

This Indenture made this 23rd
day of January, in the year of our Lord
one thousand seven hundred & ninety seven
between James McBarrell of the State of
Tennessee and County of Montgomery of the
one part, & Ruben Pollard of the State & County
aforesaid of the other part, witnesseth that the
said James McBarrell, for and in consideration
of the sum of thirty pounds current money to
him in hand paid, by the said Ruben Pollard

the Receipt where of is ²⁴ hereby fully acknowledged
The said McBarrell hath granted bargained & sold
& by these presents grant bargain sell convey enfeoff
and confirm unto the said Reuben Pallard, one
certain tract or parcel of land, situate lying
& being in the State & county aforesaid on the
North side of Cumberland River, and on the
East side of the West fork of Red River
Beginning where the old patent line crosses
the West Fork. Thence North one hundred
& twenty five poles to an ash & two Hickories
thence West to the creek, to a White Oak and
Sugar tree, Thence down the Creek the mean-
-ers to the beginning, containing one hundred
and twenty four acres, more or less, to
have and to hold the said land, and pre-
-mises, and every part & parcel thereof, with
all and singular the proffit right privilege
emolument, and advantage to the said land
belonging, or in anywise appertaining, to
the said Reuben Pallard, his heirs and assigns
forever, As also all the right title interest
and claim which he the said McBarrell
has in and to the said land & premises, at
the time of the sealing and the delivering of these
presents, by virtue of a deed granted to the said
said McBarrell, by George Neville Esquire
Guardian to the Orphans of John Elliott
deceased, reference being had to the Record
may more fully and at large appear, and by
virtue of said deed, the said James McBarrell
doth hereby warrant secure and defend the
said land & premises, from him, his heirs,

(28)
Executors, Administrators or assigns In witness
whereof I have hereunto set my hand and seal
the day and a date first within written.

Sealed and delivered

In presence of

M. Phillips

Christopher Owens

James McCarroll

State of Tennessee

Montgomery County

3 January Court 1797

The within deed James

McCarroll to Andrew Pollard, acknowledged
in open Court and ordered to be
Registered.

Test

Bartholomew Pollock C. C. C.

State of Tennessee

Montgomery County

3 February 10th 1797

The within deed
is recorded in book C. page 78.

by

Francis Prince C. C.

State of Tennessee
Montgomery County

Circuit Court Augt term 1803

Patrick H. Darby

Examiner

vs

James McCarroll & others

This day came the parties by
their attorneys & thereupon on motion of the plff & with
the assent of the Court the Defendants by Order of the
Court here and dissolved & that this case be made a
case separate & distinct against each of the Defs.
It is ordered on motion that the Surveyor John Calver
do go upon the land in controversy & make out four
true plats of each of the parties & chain as either party
may direct & make return thereof on or before
the next term of this Court.

State of Tennessee
Montgomery County

I Peter N. Barr Clerk of
the Circuit Court for the County of Montgomery
do hereby certify that the foregoing is a true
Transcript of the Record Patrick H. Dargy vs
against William Reason, as appears from the
papers filed in my office



In Testimony whereof I have hereunto
set my hand & affixed my private seal
having no public seal of office this 10th
day of June 1823

And 11th Year of our Independence

P. N. Barr clk

The costs are as follow, to wit

Original Writ & bond ————— 1.40

Alias Copies ————— 1.00

11 Continuances ea 40 cts ————— 4.40

3 Affidavits ea 25 cts ————— .75

Original transcript & seal ————— 1.40

7 exhibits ea 60 cts ————— 4.20

present Transcript & seal ————— 1.40

7 Exhibits ea 60 cts ————— 4.20

Original & present Judgment ————— 2.00

Order for appeal 25 cts & appeal bond 40. — 65

Order of Severance & for depositions — 50

9 probates of Attendance — 54

Discount 2/3 off of said costs 13 1/5 \$22.44

Thos Geo Nettleton ————— 3.25

do B. King ————— 1.25

do J. Jay ————— .25

Witness Hugh F. Bell ————— 13.12 1/2

do James Elliott ————— 14.75

do James Walker ————— 17.20

do David McGadden ————— 3.12 1/2

Discount Two Thirds ————— 48.19

32.12

\$13.68

16.07

\$29.65

121. 447
Palmer of Cary

W

William Beers

Filed 10 June 1893

Transferred from the
to Lewis & Clark 10th
Aug 1895

Recorded Book

B page 188

