State of Tennessee
Supreme Court
Second Circuit

To James Davis, Benj. Tipton their agents or attorneys and to the sheriff of Blount

Whereas Rebecca Tipton has this day filed in our Supreme Court a bill of injunction against James Davis and Benjamin Tipton You are therefore hereby commanded to desist from all further proceedings on any writs of possession & fieri facias which James Davis obtained against said Rebecca Tipton until this cause shall be heard in our Supreme Court or until further order therefrom

Witness Ale Brown Clerk of our Supreme Court of Errors and Appeals at office in Knoxville this 24th day of June 1818.

Ale Brown Clk
by E. Parsons his
Special Deputy

Injunction
Rebecca Tipton
vs
Pd. Davis &
Benj. Tipton
Filed June 24
1818

State of Tennessee,

To the sheriff of Blount *County;*

GREETING.

YOU are hereby commanded to summon James Davis personally to be and appear before the **Judges** of the **Supreme Court** of **Errors** and **Appeals** at the Court-house in Knoxville, on the ~~fourth~~ third Monday of November next, then and there to answer a bill in Equity, exhibited against him in our said Court, sitting as a Court of Equity by Rebecca Tipton

and this he shall in no wise omit under the penalty prescribed by law. Witness **HUGH BROWN,** Clerk of our said Court the third Monday of May 1818

Hu Brown

97

Subp to ans.
Rebecca Tipton
vs
James Waves & another

Sd June 26
To July

Ex'd the 19 August 1848
Charles Donohoo Sty

Blount

State of Tennessee,

To the Sheriff of Blount *County;*

GREETING.

YOU are hereby commanded to summon Benjamin Tipton the younger personally to be and appear before the **Judges** of the **Supreme Court** of **Errors** and **Appeals** at the Court-house in Knoxville, on the third Monday of November next, then and there to answer a bill in Equity exhibited against him in our said Court sitting as a Court of Equity by Rebecca Tipton

and this he shall in no wise omit under the penalty prescribed by law. Witness **HUGH BROWN, Clerk** of said Court the third Monday of May —— 1818

Hu Brown

97

Subp to answer

Rebecca Tipton

vs

Benj. Tipton Junior

and another

Sd. June 26 } 1818

To July

Ex'd 19th August 1818

Charles Donohoo Shff

Know all men by these presents that we Rebecah Tipton ~~and~~ John B. Cusick and Samuel Tipton all of Blount County and State of Tennessee are held and firmly bound unto James Davis and Benjamin Tipton of said County in the penal sum of five hundred dollars for the which payment to be well and truly made by us to the said James and Benjamin we bind ourselves and each of us our and each of our heirs Executors administrators and assigns by these presents sealed with our seals and dated this 24th June 1818

The condition of the above obligation is such that the said Rebecah Tipton is about to commence a suit by Bill of injunction in the Supreme Court of Errors and appeals of the second Circuit of Tennessee at Knoxville against the said James and Benjamin now if the said Rebecah shall prosecute said suit with effect or in case of failure pay and satisfy all costs and damages occasioned thereby then this obligation is void given under our hand and seals the date above in presence of

Rebecah Tipton her mark (Seal)

Enoch Parsons

John B Cusick (Seal)

Samuel Tipton his mark (Seal)

(Seal)

Pros. bond

Rebecca Tipton

vs

James Davis &

Benj. Tipton

The Demurrer of James ~~Duncan~~ Davis & Benjamin Tipton
defendants to the Bill of complaint of
Rebecca Tipton
complainant.

These defendants by Protestation, not confessing or acknowledging
all or any of the matters and things in and by the said Bill
set forth and complained off to be true in manner and form
as the same is therein and thereby set forth and alledged
say they are advised by their counsel that there is no matter or
thing in the said Bill contained good and sufficient in
the Law to call these defendants to answer in this honourable
court for the same but that the same is good cause of Demurrer
in Law to the bill for these defendants do demur
thereto & for cause of Demurrer these defendants say that
that complainants said Bill (in case the allegations in the
said Bill contained were true which this defendant doth in
no part admit) contains not any matter of Equity
whereon this court can ground any decree or give
complainant any relief or assistance as against these
defendants, wherefore & for divers other Errors, in
the said Bill appearing these defendants do demur
in law thereunto and humbly demand the judgment
of the honourable court whether they shall be compelled
to put in any other or further answer thereto
& humbly pray to be hence dismissed with their
reasonable cost most wrongfully sustained

R. M. Mills Atty

22 bo d.

Lipton 97
vs
Davis & Lipton

Demurrer

State of Tennessee

2nd Judicial Circuit of Said State & Blount County

To the honorable Judges of the Supreme Court of said State or

To the honorable Edward Scott Judge of the ~~circuit court of Equity of the State and county aforesaid~~ Circuit aforesaid Your Orator Rebecah Tipton humbly complaining sheweth unto your honors that upwards of twenty years ago she intermarried with one Benjamin Tipton then resident in what is now Blount County and who said Benjamin then owned a farm on allaroy Creek in what is now the County aforesaid and which farm the said Benjamin held by right of occupancy and preemption under the constitution and laws of the said State

Your Oratrix further sheweth to your honors that the said Benjamin and her had during the time they lived together as man & wife several children to wit Samuel Elizabeth Levina Vance and Butler who are now alive

and that the said Benjamin made large improvements on said farm which improvements were of large value and that she your oratrix by her exertion industry and economy contributed very much to the ~~battery~~ bettering the circumstances and condition of said Benjamin and the ameliorating the condition of said farm of land and that the said Benjamin your oratrix and their family continued in possession of said farm of land until about the month of February

4 in the year 1807 when
the said Benjamin departed this life first
having made his last will and testament and
thereby devising said tract of land to Benjam
= in Tipton Junior & John Tipton two sons of the said
Benjamin the elder by a former wife and
leaving your oratrix & her children in the
possession of said land the law of the
State having passed before the death of said
Benjamin By which he was authorized
to survey and obtain a Grant of the State
for six hundred and forty acres or any less
quantity by virtue of his improvement
and possession before mentioned
Your oratrix further states that after the
death of her husband she by petition applied
to the County Court of Blount that said Court by a jury then
sheriff and a surveyor might lay off & assign to
her dower of said tract land which was
done accordingly and which was done
agreeably as she believes to the law and
custom for many years of the country
Your oratrix further shews that her dower
was laid off and assigned on the part of said
land which was willed or fell by division
to the share of Benjamin Tipton the young
= er and that the guardian of said Benjamin
after her dower was assigned had the land
which included her dower surveyed and
obtained from the State a Grant for the same

In the name of said Benjamin the younger
Your oratrix further shewth after the
said Benjamin the younger had obtained
a Grant for the said land and arrived at the
age of twenty one years he sold and conveyed
his right to the land he had obtained a
Grant for to ~~the said~~ one James Davis a
supposed
Lonerlaw of said Benjamin the elder by
a natural daughter ~~of a former wife~~ and that the
said James Davis had for many years lived
or resided in the County aforesaid and in the
neighbourhood when your oratrix lived
and where said land lieth and that the said
Benjamin Tipton the younger sold to said
Davis said land reserving to your oratrix
her right of dower as land off or at least
advising said Davis at the time of his pur
=chase that your oratrix was entitled
to her dower and that he would not sell
to him said land so as to defeat her claim
and that Davis purchased upon that
condition and with a full knowledge
of your ~~your~~ oratrix's claim and all
the circumstances attending the same
and by agreeing to take the right of said
Benjamin the younger to said land ex
=clusive of the right of your oratrix
Your oratrix further sheweth that the
said James Davis combining and confeder
=ating with divers other persons to your
oratrix unknown but who when

discovered your orators prays may be made parties to this Bill with apt words to charge them how to oppress your orators in the Circuit Court of Blount County by his lessee instituted his action of Ejectment and recovered against your orators in said Court and then in the Supreme Court had said judgment confirmed against your orators and one Compton her Tenant on the part of said land assigned her as dower and now threatens to turn her tenants out of possession of said land

Your orators is informed said recovery was had against her because the Grant of the land was in favour of and in the name of Benjamin Tipton the younger & not in his name as heir of his Father and because there was no express law to secure to your orators her right and because your orators could not in a Court of law shew as it may not state in the Deed from Tipton the younger to Davis that said Davis purchased said land subject to the right of your orators nor shew that said Davis was owing to any equitable circumstance estopped to take possession and oust your orators of said land.

Your orators states that the her said husband left her and her children very little property although the children were young & helpless as she believes in part because he considered during

the life of your orator she would have dower in said land and if she ~~should~~ or is dispossessed of that her and her children will not be as well provided for as the other children of her husband

Your orator prays that the said James Davis and Benjamin Tipton the younger may be made defendants to this her Bill and that they upon their corporal oath may full and true and perfect answer make to all and singular the matters and things herein before charged as fully and amply as though the same were herein again repeated and they particularly thereto interrogated and that your honors may sitting as judges of the ~~Circuit~~ Supreme Court of the Commonwealth aforesaid for the ~~County~~ perpetually enjoin the said James or Benjamin or their lessee from taking possession of the land upon which your orator, dower has been ~~dower as before~~ assigned her of the land aforesaid and that said judgment may be perpetually enjoined and that the said James Davis or Benjamin Tipton may be decreed to pay all costs and that if your orator's dower has

not been legally and Equitably assigned
to her it may yet be done and if your
orator has in any thing mistaken
her relief that your honors will afford
such relief as is agreable to Equity
and good Conscience and that your
honors will direct the Clerk of the
~~Circuit~~ Supreme Court of said ~~County~~ Circuit ~~County~~ to
issue a writ of injunction and
subpoena commanding the said
James L Bempathan to stay all proceedings under said judgment at Law and to appear
at the next ~~Circuit~~ Supreme Court of ~~Blount~~
~~County~~ of said Circuit then & there to answer this Bill and
abide by and perform such decree
or decrees as shall be made touching
the premises and your orator as
in duty bound will ever pray &c

Rebecca Pepton

Parsons atto Pro Q

State of Tennessee
Blount County

This 24th day of June 1818 personally appears the before named Rebecah Tipton before me James Turk one of the justices of the peace of the County aforesaid and being by me first duly sworn according to law saith the facts stated in the foregoing Bill as of her own knowledge are true and those not stated as of her own knowledge she believes are true

Subscribed and sworn to before me the day & date & at the place aforesaid

Rebecah Tipton her ✗ mark

James Turk

To the Clerk & master of Equity of the Supreme Court of Equity & Law for the second Circuit

Let Writs of injunction & Subpoena issue according to the prayer of the foregoing Bill upon the Complainants giving Bond Security according to the Rules of your Court

E. W. Scott J. P. & C.

June 24th 1818

15 bo 8

15 Co. Ark

Bill 97

Rebecca Tipton
vs
James A Davis &
Benj Tipton

1818

Bill

Bill

Bill

James Davis &
Benjamin Tipton
a dvs
Rebecca Tipton

Brown

Tax		2.50
bond	90	
2 copies bill 15 cts. each	7.50	
2 subs to answer	2.50	
Injunction	1.50	
Filing demurrer	25	
2 rules	20	
2 orders	30	
3 continuances	75	
Recording bill	3.75	
Demurrer 2½ cts.	6 2½	
Dismission & recording it	31¼	
Fi Fa	1.25	19.83¾

Mills Clerk Pondroc

2 subs to ans		1.20
Atty Miller		12.50
		$36.03¾

103
97

James Laver &
Benjamin Tipton
vs
Rebecca Tipton

Certs
1818

97
certs