

To the Hon^{ble} the Judges of the Supreme Court of Errors and
Appeals now sitting at Knoxville in the second Judicial
Court for the State of Tennessee -

Humbly complaining sheweth unto your honors
of our Coators John Ewing and Samuel Cavan of the
County of Blount State of Tennessee that John Gardiner
of the County State aforesaid, being or pretending to be
seized in fee, and possessed or otherwise well entitled to him
and his heirs, of and unto the messuage or tenement and
premises hereinafter mentioned and having occasion for
a sum of money did apply to your Coators to lend or advance
for him the sum of three hundred and sixty dollars (\$360) and
in order to secure the repayment of the same with interest at and
after the rate of 6 per centum per Annum did propose to
mortgage to your Coators the said messuage or tenement
and premises of which he was so seized in fee as before mentioned
which said premises he alleged were free from all incumbrances;
And your Coators further shew to your honors that they did accord-
-ingly comply with the request of said John and did pay loan
or advance for him the said sum of three hundred and
sixty dollars and to secure the repayment of which sum
of money with interest, the said John Gardiner by an
Indenture, by way of Mortgage, bearing date the 3rd day of
July 1817. did grant, bargain & sell to your Coators their
heirs and assigns a certain parcel or lot of land, it being
a lot in the Town of Maryville in said State and the one
on which the said John Gardiner then resided bounded by
Andrew Agnew on the Northeast, by Back-street on the
north west, by the lot belonging to John Gardiner Junior
on the south west and the main street ^{on} the south east
containing one Quarter of an acre, together with all and
singular the tenements, appurtenances, & incidents -

To Have and To Have to your Orators their heirs
and assigns forever conditioned to be void if said John
Hardener should on or before the 20th day of August 1817
pay or cause to be paid to your Orators said sum of three
hundred and sixty dollars, all of which will more fully
appear by exhibit A. which accompanies and your
Orators pray may be made a part of this his Bill—
And your Orators Avow that said John Hardener did not
on or before the time for that purpose limited and
appointed, pay or cause to be paid to your Orators
said sum of three hundred and sixty dollars or any
part thereof or at any time since— Now Orators
therefore pray that said John Hardener (and confederates
when discovered), may upon his corporal oath answer and
say whether your Orators did not lend pay or advance for
him said sum of three hundred and sixty dollars, and did said
John not mortgage to your Orators said above described
lot of land to secure the payment of the same with
interest conditioned as above and has that condition
been complied with— The premises considered your Orators
pray your honors to decree that said John Hardener may stand
absolutely barred and foreclosed of or from all manner of
benefit or advantage of redemption or claims to said lot or
parcel of land as before described and every part thereof
and that your Orators have such other relief as the nature
of their case may require and to your honors seem proper—

My att^o for Comp.

This indenture made the 3^d day of July in the year of our Lord
one thousand eight hundred and seventeen between John
Gardner of the State of Tennessee and county of Blount ^{of one part} &
John Ewing and Samuel Cowan of the state and county
aforesaid of the other part Witnesseth that the said John
Gardner for and in consideration of the sum of three hundred
and sixty dollars to him in hand paid by the said John
Ewing and Samuel Cowan at or before the sealing and
delivery of these presents (the receipt of which is hereby acknow-
ledged) hath granted bargained and sold and by these
presents doth grant, bargain and sell unto the said
X John Ewing & Samuel Cowan their heirs and assigns a
certain piece, parcel or ~~tract~~ lot of land, being a lot in
the Town of Maryville, the one end whereof the said John
Gardner now lives, bounded by Andrew Agnew on the
North East by a ~~high~~ street on the North West
by the lot belonging to John Gardner Jr on the South
West and by the main street on the South East
containing one quarter of an acre. Together with
all and singular the tenements appurtenances and here-
ditaments thereto appertaining and belonging. To have
and to hold the said lots of land hereby granted bar-
gained and sold and every part and parcel thereof
with all and singular the tenements appurtenances and
hereditaments unto and for the only proper use and behoof
of them the said John Ewing and Samuel Cowan their
heirs and assigns forever: and the said John


Gardiner for himself and his heirs all and singular the
promises hereby granted bargained and sold with the ten-
ements hereditaments and appurtenances unto the said
John Ewing and Samuel Cowan their heirs and assigns
against him the said John Gardiner and his heirs and
every and all other person or persons whatsoever and
shall and will prove warrants and defend by these
presentes. Provided always and upon condition that
if the said John Gardiner his heirs executors or administrators
shall will and truly pay or cause to be paid unto the
said John Ewing and Samuel Cowan their heirs
executors or administrators or assigns the just and full sum
of three hundred and sixty Dollars on the or before the
26th day of August next ensuing the date of these presentes
then and in such case and at all times from thence forth
these presentes and all the estate hereby granted bargained
and sold and every clause and sentence herein contained
shall cease determine and be utterly void to all intents
and purposes any thing herein contained to the contrary
notwithstanding

In witness whereof the said John Gardiner hath
hereunto set his name and affixed his seal the day and
year first above written.

Attest

Jose Beene

Wm. Russell

Gardiner 

State of Tennessee }
Blount County } August Term 1877 there was the within
mortgage deed of ~~some~~ proven in open Court admitted to record
and ordered to be registered.

Filed
C.C.

In testimony whereof I have hereunto
set my hand and affixed my private (having
no public) seal at office in Maryville
the 24th September 1877

Wm. Bennett

State of Tennessee }
Blount County } I do hereby certify that this deed
or Mortgage is registered in my
office together with the clerks certificate in
Book E given under my hand at office
In Maryville this 25th day of Sept 1877

Geo. Thompson
Register for Blount County

bill. 13 Co. A.

Tax - 20
Rent - 75
45 Cents

Mortgage Deed
John Gardiner
to
John Ewing &
Samuel Cowan

Lown got

A

Bill in C. C.
A ~~bill~~ to go down
this bill page once
sent to many bills to
the office

1768.

John Ewing and
Samuel Cowan

By
John Gardiner

A Bill to amend an act
dated Nov. 14th 1817

State of Tennessee
To the Sheriff of Blount County Greeting

You are hereby commanded to summon John Gaddiner
Sen. personally to appear before the Judges of the Supreme
Court of Errors and Appeals at the court house in Knoxville
on the fourth Monday of November ^{instant} next and there to
answer a bill in equity exhibited against him in said court
by John Ewing and Samuel Cowan and this he shall in
no wise omit under the penalty prescribed by law

Witness Our Hand Clerk of our said court the fourth
Monday of May 1817

Our Hand
C. S. C.

89

Sub. to Ans.

John Ewing (and)

Samuel Cowan

vs
John Gardner Sr

Do. Nov. 7. 1817

To Nov. 7 1817.

Ex. 13th Novem 1817

Charles Donshoo

Shff

Tax 2.50

Brown

Bill 13 bo. s. . . . 3.25

1 sub. to ans. . . . 1.25

Recording bill . . . 3.25

3 boont 75

Taking costs . . . 1.25

2 miles 20

Decree \$ 3.6 \$ 13.01

Judgt pro confuso 25

recording it 12 $\frac{1}{2}$

13.38 $\frac{1}{2}$

Atto 12.50

to Donshoo 1 sub 00.60

Painted