

Bill
William M Bouton

vs
Elizabeth Gustin

Jon Ouler and wife Nancy

Samuel Bouton

William Ouler & wife Martha

Heirs at Law of Senna Merriman

Baxter Alexander & wife Damaris

David Thompson and wife Sally

Ross Skinner

Heirs at Law of Catharine Skinner

John H Petty and wife Anna

Parsons & Bouton

William Bouton

William C Rutland

In Chancery

To the Honr Alexr Mc Campbell Chancellor &c
for the western division of the state Tennessee sitting
in Equity at Clarksville

Your Complamant Wm
M. Bouton is a citizen of the county of Stewart State
of Tennessee humbly complaining sheweth to
your honor that George Bouton some time in the
year 18th intestate was seized and possessed of a
certain tract of land lying on the Dry Fork of
Panther Creek in the county of Stewart Bellet and
Bounded as follows. Beginning at a white oak

^{Bill}
Abel Alescaniers South west corner thence south
twenty eight poles to a stake by a black oak thence
west one hundred and sixty poles to a sycamore and
a mulberry on the south bank of the creek thence
north one hundred poles to a stake fence. East one
hundred and sixty poles to a stake thence south
seventy two poles to the beginning. Compliant
states that the said George Drifton left as heir
at law the following persons. To wit. John H.
Petty and wife Anna Elizabeth Galtin John Culer
and wife Nancy and Samuel Drifton who are
all citizens of the county of Stewart and Turner
McGinnis and wife Serena who were citizens
of the state of Arkansas who have both dep-
arted this life leaving as heirs at law George Sally
and Emily infants who have no guardian who
are citizens of the state of Arkansas and John
Culer and wife Peity Manuel John Drifton and
Parsons Drifton who are also citizens of Arkansas
and also David Thompson and wife Sally who
are citizens of the Republic of Texas, Buxton
Alexander and wife Tagonora who ~~are~~ citizens
of the state of Kentucky and also John Drifton
who is a citizen of the state of Missouri and
Ross O Skinner and wife Catharine who has
since departed this life leaving as heirs at law
Wesley Dempsy Merrill William George marthin Inymour
marvel & Nancy & James who are all infants

except ^{Bell} Wesley Denny and Merrill and who have³
are guardian and are citizens of the state of
Kentucky Complainant further sheweth to your
honor that some time in the spring of 1825 he
purchased from all the heirs aforesaid their entire
interest in the land aforesaid with the exception of
the interest of Marvel M Bruton Ross Skinner
wife Cuthbert and gave a valuable consideration
for the different shares and the deeds were all
assigned and the pny examinations of the
fences were duly taken Compt states that
after the execution of the deed of said land
he left with the clerk of the court who promised
to have the same registered Compt states
that after the acknowledgement of the said
deed by one of the said heirs Samuel Bruton
the interest of Samuel Bruton was given upon
and Marvel M Bruton became the purchaser
of said share of Samuel Bruton and the compt
charges that the said Marvel Bruton took or caused to
be took from the office the deed that had been exe-
cuted as aforesaid and the same was destroyed
or concealed to prevent compt from having the
same rectified Compt states that he applied
to the clerk of the court for said deed and was
informed by him that some one called and took it
out of the office compt further sheweth to your
honor that by the execution and by which Marvel

Bell

4 Briton became the purchaser of said Briton's share was void as Samuel Briton was in possession of said land holding it for complete and complete is informed by the sheriff and by Samuel Briton that the notice of 20 days in writing required by the statutes in such case made and provided was not given to the tenant in possession. Complainant further sheweth to your honor that after the said Marvel M Briton became the purchaser of the interest aforesaid of Samuel Briton as aforesaid he sold and conveyed the entire interest in said land to one Miles Lewis who departed this life some time in 1836 and his land was levied upon and sold to satisfy a debt that one William Rutland had against the said Lewis complainant sheweth that the said Rutland took possession of said land in the fall of 1836 and exacted from the tenant in possession the rents for 1836. Complainant further sheweth that the said Rutland continued to rent out said land the rents and profits for the years 1836 1837 1838 1839 complete charges that the rents were worth \$30 per year and said Rutland has failed and refused to account with complete for any portion of said rents or with Ross Skinner or Lewis at law of Catharine Skinner. Complete states that the said M C Rutland

in the year 1810 ^{Bill} about the first of said year I
abandoned the possession of said land and houses
and the place lay waste and unoccupied for
about two years. Comfelt states that the fences
were thrown down and the doors of the houses were
also blown down the roofs off and the houses the
common resort of the stock in the neighborhood
for about 2 years or till about the 15th Oct 1811
when Comfelt moved on to said land and
took possession as tenants in common with
the said Rutland and the heirs of Ross and
Catherine Skinner. The said Rutland does not
at this time pretend to lay claim to all the
land but admits that Comfelt and the heirs at
law of George Britton have an interest in said
land. Strange as it may appear a forcible entry
and detainer was commenced and prosecuted
by the said William C Rutland against the said
complainant for forcible entry and detainer against
complainant and a jury met on the premises and judgment
was rendered against your complainant from which judgment
your complainant by writ of execution and opus has carried the
cause to the circuit court for the county of Stewart where
said suit is now pending complainant charges that there
was an entire abandonment of the purpose on the part of
William Rutland for the time aforesaid he further states
that he was at all times willing for the said Wm Rutland
to enter upon said lands and enjoy the portion to which

he might be entitled ^{Bill} and he charges the fact
so be as he is informed and believes that the
said William C. Rutland has frequently stated
that he only owned and claimed title to the interest
of Marvel M. Bouton but he would run your
complainant to much cost and harass him
with lawsuits until it would cost him as much
as the land was worth the interest of the heirs
of the said George Bouton has never been con-
veyed otherwise than aforesaid as you come
pendent is informed and believes and no one
claims title to said land different from that which
was before stated George Bouton purchased the
land in the year 1828 from one John Polk
the deed of which was duly registered and which
will be shown on a final trial of this cause
The premises being considered and as you comp-
lainant is wholly remediless according to the
strict rules of the common law he prays your
honor that the heirs of George Bouton be made
^{and defendants} parties to this Bill. That copies and subpoenas issue
to those who are residents of the state and that publication
be made to those who are residents as aforesaid and
he prays your honor that the said Wm C. Rutland
who is a citizen of the county of Stewart be made
party defendant to this bill that he answer all the
charges specially as they are again set forth and
he further prays your honor that an account be taken

that the balance ^{of the} of said land be delivered each of said
heirs as stated ^{of the} aforesaid and those whose interest he
had purchased aforesaid and vested in you comp-
plainant and he further prays your honor that an acco-
unt be taken of the rents and profits received by the
said William C Rutland for the rent of the said land
and that he be compelled to account to complainant
and the Law ^{of the} and the heirs of Catharine Skinner
for the same and upon a final hearing he prays
your honor that a division of the said lands be made
your complainant and Wm C Rutland and the
heirs of Catharine Skinner upon such terms as shall
be equitable and just in the mean time he prays
your honor the said Wm C Rutland and all persons
be enjoined and restrained from proceeding said
suit of Forceful entry & Detainer now pending in
the Stewart circuit court and to grant your
complainant all such and further relief as the
equity of his case may require this is the first
application for an injunction in his case and
as it duty bound will ever pray
P Shackleford Shenton

State of Tennessee } This day personally appeared
Stewart County } before me William Cook an
acting Justice of the peace for Stewart County Wm
B Branton the complainant in the foregoing bill
who made oath that the matters and things stated

8 of his own knowledge all true and those in information of others he believes to be true

John Folger Clerk
Wm M Banton

Wm M Banton

State of Tennessee

To the clerk and master in the chancery court at Clarksville. Let an injunction issue according to the prayer of the of the foregoing bill in bond and security being given in the sum of \$300 conditioned as the law directs

Jan 25 1842

Wm A Martin Judge

From John Polk to George Banton

This indenture made the 22^d day of January in the year of our Lord one thousand eight hundred and twenty Eight. Between John Polk of the County of Stewart and State of Tennessee of one part and George Banton of the County and State aforesaid of the other part Witnesseth that for and in consideration of the sum of Three hundred dollars to me hand paid to the said John Polk by George Banton at or before the sealing and delivery the said George Banton his heirs executors administrators by these presents he the said John Polk hath granted bargained and sold delivered and confirmed and by these by these presents doth grant bargained and sold

sold alien and confirmed unto said George Denton
and his heirs a certain part or parcel of situated
lying and being in the county of Stewart and State
of Tennessee containing one hundred acres lying
and being in Stewart County in the first district
and on the Dry Fork of Panther Creek beginning
at a white oak Abel Alexander south west corner
Thence south 28 poles to a stake by a black oak
thence west one hundred and sixty poles to a
sycamore tree and Mulberry on the south
bank of the creek thence north one hundred
poles to a stake thence south seventy two poles
to the beginning and with the hereditaments and
appurtenances thereto belonging To have and
to hold the said tract or parcel of land with
its appurtenances to the said George Denton
his heirs and assigns forever to the only proper
use and behoof of him the said George Denton
his heirs and assigns forever and the said

John Polk and his heirs singular the premises
herunto bargained and sold with the appurtenances
unto the said George Denton his
heirs and assigns against him the said John
Polk and his heirs and all and every persons
forever warrant and defend by these presents
Witness whereof the said John Polk has hereunto

set his hand and seal

Test aliam Subat

Passers Denton Sur

John Polk

State of Tennessee }
 Stewart County } This deed of conveyance was
 proven in open court by William
 Olive and Parsons Bouton the subscribing witnesses
 thereto and ordered to be certified for Registration

Test Wm Williams
 Clerk of Stewart County Court
 Registered the 12 day of March 1828

State of Tennessee } I William Valentine Register
 Stewart County } of Stewart county do hereby
 certify the foregoing to be
 a true copy from the Records of my office of a
 deed from John Polk to George Bouton
 Given under my hand and seal at my office
 in the town of Dover this 1st day of Nov 1821

Answer

W Valentine Register
 The answer of Wm C. Huttlar to the bill
 of complaint of Wm M. Bouton filed in
 the Chancery Court at Chickasaw

The defendant, saving
 and reserving to himself now and at all
 times hereafter all and all manner of
 of benefit & advantage of exception which
 can or may be had or taken to quit comp-
 -laintants in said bill of complaint for ans-
 wer thereto or to so much thereof as respondent

is advised it is in any wise material for him to make answer unto answers and says As to complainant's statement in relation to the death and intestacy of George Bouton Respondent cannot either admit or deny having no knowledge of the matter whether the individuals named as heirs of George Bouton and in the complainant's Bill are such or not Respondent cannot state of his own knowledge Respondent admits that George Bouton died seized of the said tract of Land on the dry Fork of Panther Creek as stated in complainant's Bill as to the alleged purchase by compelt of the interest of said heirs and attendant circumstances as stated by complainant Respondent is informed and believes the same to be untrue Respondent states that George Bouton had in addition to the tract of Land mentioned in complainant's Bill, which now subject to a division amongst said heirs that Sam Bouton the father of complainant relinquished his interests in the above mentioned divers tracts that the rest of the heirs relinquish their interests with the exception of Marvel M Bouton in & to the tract of Land in complainant's Bill mentioned by way of division that Sam Bouton was deeply ~~intended~~ in divisions to avoid the payment of his debts for a time pretended that the title to the land mentioned in complainant's Bill was in his son Alva complainant in this cause

But in the year 1832 Samuel Borton became indebted to his brother Marvel M Borton in the sum \$307.73 which by John T Bailey assignee of M M Borton was reduced to a judgment on the 3rd May 1835 & upon which execution issued directed to the sheriff of Stewart County which was levied on said tract after legal notice had been given was sold on the 1st day of August 1835 to M M Borton for \$500.00 being the highest & best Bidder Complainant and his father Sam Borton being present at the time and aiding in the sale on the day of sale and after the land had been sold Complainant said to Marvel M Borton make you don't want that land for 50. it is not enough for it you should have the execution against father satisfied if you will do that father and myself will give you immediate possession of the place and this is what you should do After repeated solicitations to this effect complainant and his father Sam Borton M M Borton gave a receipt in full of the judgment aforesaid and Recd the land of Sam Borton on the premises aforesaid at the time of said sale That the Compt informed Marvel M Borton that if he would discharge the aforesaid judgment that he could sell the land to one Miles Per-ries which was done in less than 30 days

Plaintiff's answer
after the sale by the sheriff aforesaid on the 24th day¹³
of August 1835 Miles Perrie had possession of the
aforesaid tract of land of & from Sam Branton Mr.
Mr Branton & complainant said Perrie continued
to hold said land by deed from Mr M Branton as
aforesaid until the 30th April 1836 Respondent
on the 4th day of November 1835 obtained judgment
in the court of Pleas & quarter sessions in & for
Newark County for \$147.29 against the said Miles
Perrie whereupon execution issued directed to the
sheriff of said County which was levied upon
the tract of land in complainant's Bill men-
tioned which was sold on the 30th day of April
1836 to Respondent for \$147.29 & costs the being
the highest and best bidder after legal notice
had been given As to the charge of complainant
against his uncle Mr M Branton of stealing his
deed from the clerk's office Respondent cannot
state as he is in these reports of their family
affairs Respondent would further state that
the charge of taking the deed was not heard until
after Manuel M Branton had run away
The Respondent is informed and believes that
that complainant never pretended to have any
interest or claim to the property in his Bill men-
tioned until after the flight of his uncle which was
in 1831 In answer to the alleged illegality
of the sale by the sheriff Respondent ^{has been informed} states and believes
N

^{Buttcher's Answer}
14 The sale to have been in accordance with the
statute in such case made and provided
In answer to the charge of taking possession
of the premises mentioned in complainant's
Bill Respondent admits that he did take poss-
-ession in time to answer as charged by complaint
In Answer to the charge of Receiving Rents
Respondent did receive rents but not at so high
a rate as charged in the bill In answer to
complainant's charge of refusing to account with him
for the rents Respondent states that complainant
never intimated that he had any interest in these
lands or rents thereof aforesaid neither has compl-
-ainant at any time asked respondent for any
part of said rents Respondent states that the first
idea that ever entered his mind on the subject of com-
-plaint was created by the news that complainant was
on the land of Respondent Respondent admits that
the statement of complainant in relation to his
entry upon the land of Respondent so far as relates
to time is true In answer to the charge of aban-
-doning the place aforesaid Respondent states that
he never did abandon the premises in question
but on the contrary exercised acts of jurisdiction and acts
of ownership on the premises in question at
all times since respondent became the owner
thereof and the premises have not lain waste as cha-
-rged by complainant Respondent further states

15

that the roofs have not been off the houses mentioned
by complainant for the last 7 years previous to filing
this bill of complaint in answer to the prostration
of the fences on the premises Respondent admits that
in the fall of 1881 a portion of the fence on said
premises were thrown down Respondent is informed
and believes that complainant threw down a portion
of said fence for the purpose of making the place
one of resort for the stock of the neighborhood
Respondent states that there was no field which
was enclosed with fence at the time of trial
of the action of forcible entry and detainer
mentioned by complainant and that ^{said} there was
enclosed ^{previous} to that time that complainants
brought a trespass upon the premises in question
In answer to complainants charge of admission
Respondent never has admitted the charge or charges
of complainant or the heirs of George Benton
deceased or any one else that he did respondent then
of any cause of complaint or from the heirs
of George Benton and until after complainant
made his entry into the tenements and on to
the lands of Respondent as aforesaid in the fall
of 1881. In answer to the remark of complainant
from the fact that an action of forcible entry and
detainer was commenced by respondent against
him Respondent states that he did bring said suit
for the express purpose of disposing of his

^{William A. Anderson}
Unlawful possession & holding and trespassing
on the premises aforesaid and strange as it
may be the jury of good & lawful men found
complaint to be in the land of respondent
and ~~complaint~~ declared the possession
to be in Respondent.

Respondent admits that in
order to prevent the verdict of the Jury from being con-
sidered in to effect and for the purpose of delay complaint
carried this cause to the circuit Court of Stewart
County. Respondent states that he will be happy
meet complaint before said court on the merits
of said cause. Respondent again denies
the charge of abandonment of the premises also the
claim of complaint to the land in question or
any part thereof. Respondent distinctly denies the
admission of any interest in the property in question
on his part to be in any of the Britton family.
In answer to the charge of harassing complaint
Respondent states that he has never manifested
any disposition to harass complaint other than
to get complaint off the land of respondent and
that desire was manifested in a legal way.
Respondent is informed and believes that the
interests of said heirs of George Britton are not
now or ever has been vested or intended to be vested
in complaint. Respondent admits that the
title which George Britton had he derived from

one John Polk Respondent states that M^r M^r Banton became insolvent in 1841 and left the county in a secret manner leaving a large amount of debts unpaid has fled to parts to Respondent unknown. Respondent is informed and believes that soon after the flight of M^r M^r Banton complainant considered the design of Defending Respondent of the land in question & that complainant in now in combination with a part of the above named heirs of George Banton and for the express purpose of defending Respondent of the lands in question.

Respondent submits to this Hon Court that all and every of the matters in the said complaint Bill mentioned & complained of are matters which by the laws are determined at law and with respect to which the said complainant is not entitled to any relief from a court of Equity and thus respondent hopes he shall have the same benefit of this Defence as if he had demurred to the said complaint bill and this Respondent desires

~~Amos~~ ~~Wood~~

might have written both of them

State of Tennessee
Stewart County

Ado
This day personally appeared before me Wm Cook an acting Justice in and for Stewart County John C. Pollard the

8 Respondent in the foregoing answer who made
oath that the matters and things stated and
set forth in the foregoing Bill of his own
knowledge are true and those on the inform-
-ion he believes to be true

Wm Cook J.P.

Wm C. Rutland
" 2 "

Petty & wife's Answer

The separate answer of John H. Petty and wife
Perry to the bill of Wm. Bouton filed against them
and others in the chancery court at Blacksburg
These deponents answering for themselves and
say that they as stated in the bill are of the heirs
at law ^{of Geo. Bouton dec'd} that they intermarried as stated in
the bill. It is also true as stated in the bill
that Geo. Bouton dec'd seized and possessed of a
certain tract of land as stated in the bill con-
taining about 100 acres ^{the said Geo. Bouton and intestate} that it is also true as
stated in the bill that Respondents sold and
conveyed their interest as heirs at law of Geo.
Bouton to Wm. M. Bouton being 8 acres and a
fraction for which Wm. Bouton paid them paid them
10 dollars though at the time and under the circum-
stances of the division in twelve parts split up
as it was by dividing was a fair price. It is also
true that the said George left as heirs at law those
mentioned in the bill who were entitled to an
equal proportion of the same land it. It is also

Respondent then states that the deed of conveyance
 of Perry Potts was duly taken before John P. Deane
 a commissioner appointed and the deed was
 signed & acknowledged by both your Respondents
 and Respondents have never sold or conveyed the
 said land to any other person what ever and the
 interest in said land is the property of the said
 Mrs. M. B. Deane Respondent under the deed to
 said land was lost but cannot say by what
 means Respondent further answers say that
 they claim no interest in said land that they are will-
 ing that the title to the same should be vested in
 said Deane as he is entitled to the same your
 respondent John H. Potts further answers and says
 that it is true as stated in the bill that so far as
 his knowledge the place was abandoned by the said
 Rutland and other persons. He was on the land
 some time in the summer of 1841 when the fences
 were down and it appeared to be a common
 resort of stock in the neighborhood. He does
 not know in what way the said Deane took
 possession Respondent has received no rents
 since he conveyed the land and respondent
 having fully answered says to be dismissed with
 his costs

S. H. Petty
Tenny Petty

20 State of Tennessee This day personally appeared
Newport County seen before me Wm Cook one
of the Justices of the peace in and for said
county John C. Petty and Perry his wife
Respondents in the foregoing cause whose
names are assigned as above who made
oath that the matters and facts stated in the
foregoing answer are true and just
Sworn to and subscribed as above before me
this 22nd day of March 1822

Sam. Brantons Justice

Wm Cook. J.P.

The answer of Samuel Burton Elizabeth Fiddle
his Wife and wife Nancy to the bill of com-
plaint of Wm Burton filed against them and
others in the Chancery Court at Clarksville
These Respondents now and at all times moving
and residing to themselves the benefit of all exceptions
to the answer unto said Bill is so much that if
as they are advised is material for them to answer
They answer and say that they are the heirs at law
of George Burton dead as stated in the Bill and
that he died seised and possessed of the land
described in the Bill The abuts and bounds
of which they believe are correctly set forth con-
taining by estimation about 100 acres They further
state that the said George died leaving as heirs at law
those stated in the Bill They further state that

upon a division of said tract & and a fraction more be
 allotted to each heir. Upon Respondents state that in
 the winter or spring of 1835 They sold and conveyed
 their entire interest in said land to the compiler
 said Bill for which he paid them a valuable con-
 sideration. Upon Respondent Elizabeth Fulllund state
 that at the time of said conveyance she was a feme
 covert and her proxy examination was duly taken
 and she executed said deed without the coercion
 of her husband Ophimius Fullin who has since
 departed this life and was duly signed and
 acknowledged by her. Respondent Samuel Branton
 states that it is also true as stated that he sold
 and conveyed his interest in said land to the compiler
 Wm M Branson and that he has duly acknowledged
 the deed and it is also true that he was in possession
 of said land at the time the said was sold at the
 instance of one John T Bailey by execution and
 Wm M Branton became the purchaser. Respondent
 states that the only interest which he ever had in
 said land was one Twelfth part and that he had
 sold or conveyed to Wm M Branton as aforesaid
 before the execution sale or rendition of the judgment.
 He states that he was the tenant of the said Wm
 M Branson & that the 21 days notice in writing of the
 time and place of sale as observed in the bill was not
 given nor did he know of the time & place of sale. The

22
Olive & wife Nancy answer and say that it is also true
as stated in the bill that they sold and conveyed their
entire interests in said tract of land to complainant
for a valuable consideration and the deeds were duly
acknowledged by them about the time stated in
the bill and your Respondents Samuel Burton
Chirubeth Patton Sam Olive & wife Nancy state that
they never have sold and conveyed their interest
in said land otherwise than stated in this bill
their answer and that they are willing that the
title and their interest in said land should
be vested in said Wm Burton Your Respondents
further answering say that they know nothing of
the loss of the deed mentioned in the bill they
admit that a deed was executed as stated said
respondents further answering say that they have
never received any rents & profits of said land
since it was sold & conveyed by them as above
stated but they shew that they the same were
received as they are informed and believe by
their Co defendant Wm C Rutland as charged in
the bill Your Respondents Sam Olive and Sam
Burton further answering say that there was
an entire abandonment of the premises so far
as the appearance of ^{the} place indicated the fences
were down the roofs of the houses were off and they
seemed to be the common resort of the stock of the
neighborhood during the greater part of the year

1841 and until the said Wm M Barton took possession and having thus answered they pray to be dismissed with their costs

J W Taylor Sol^r
for plaintiffs

State of Tennessee

Stewart County

March 2^d This day personally appeared before me Wm Cook Justice of the peace for the county of Stewart Elizabeth Galtin Olive and Nancy & Samuel Barton respondents in the foregoing answer who made oath that the matters and things stated and set forth in the answers of their own knowledge are true and those stated upon information they believe to be true

Test this 19 March 1842

Wm Cook J.P.

Elizabeth Galtin
Nancy Olive
Samuel Barton

Exceptions to Answer

William M Barton vs The complainant by
William C Rutland vs The answer of William C Rutland
and for cause of exception. Exception 1st The bill charges that the deeds were executed by the heirs of a portion of the heirs of George Barton and the same are lost The answer is in no part what-
soever to this charge The answerer that the purchase of the interest by complainant is notice as

34
also the attendant circumstances (Sustained P.
Priestly) Exception 2^d The bill charges that the
deeds were registered in the Clerk's office of Stewart
and the jury examinations of the fences & coat
were duly taken This is not responded to by
the answer Sustained P. Priestly 3rd The bill
charges that the cents were worth \$30 per acre
This is not responded to only by bringing the
same with suit showing how much it was
worth per an acre The bill is that be set forth and
show the value (Not sustained P. Priestly) Exception
4th The bill charges that the said Wm C. Rutland
stated that he only claimed title to the interest of
Marvel M. Boston but that he would harass the
complainant with law suits and run him to
costs This charge is not responded to (Not
sustained P. Priestly) 5th The bill charges that the
interest of the several heirs as stated in the bill
has never been conveyed otherwise than stated
The answer is evasive He states that a relinquishment
of the said heirs was made but was not set out
and show in what way or at what time or the
conveyance of the same (Not sustained P. Priestly)
All of which Exceptions the Complainant by his
counsel which may be sustained until the def-
endant William C. Rutland be compelled to answer
over

Shackelford

The defendant Rutland not confessing any of the matters and things contained in said bill says from anything contained in said bill he is not bound to answer the same and prays Judgment of the Court why said bill should not be dismissed as to Defts ^{right} ~~left~~ of possession
Johnson

Decree

Barton is Rutland

Be it remembered that this ^{day this} cause came on before the Hon J. M. Campbell upon the demurrer of Deft Barton to the bill of complaint and after judgment being made by Counsel and by the Court fully understood. The Court doth see proper to order & decree that the demurrer be acknowledged and allowed and the bill be dismissed as to Rutland and that the Complainant pay his costs from which he is sustaining the demurrer and dissolving the injunction pays an appeal to the next term of the Supreme Court of errors and appeals at Nashville and having entered into bond with J. O. Shuckelford as his security in the sum of \$500.00 the same is allowed

Appeal Bond

Know all men by these presents that we William M. Barton and James O. Shuckelford are held and firmly bound unto William C. Rutland in the

sum of Two hundred dollars in current money
of the state to be paid unto the said William B. Burton
his heirs executors administrators &c jointly severally
and firmly by these presents sealed with our seals
and dated the 26th day of March 1842.

The condition of the above obligation is such that
whereas in an action of demurrer prosecuted in
the Chancery Court of Montgomery county by William
M. Burton Plaintiff against William M. Burton deft
was this day rendered by said court against said
William M. Burton sustaining the said demurrer
from which judgment the said William M. Burton
hath moved an appeal to the next supreme Court
to be held at Nashville Tennessee now if said
William M. Burton shall prosecute said appeal
with effect or in case of a failure thereof shall
perform the sentence judgment or decree. & pay
all such costs that said court make therein then
this obligation to be void or else of full force and
effect. Signed sealed and delivered the day and date
above written.

Wm M. Burton (Seal)
By J. O. Shuckelford
J. O. Shuckelford (Seal)

Decree 20th March 1842 for costs State tax \$ 2.50
 Bond 15¢ Security 15¢ recording bond 15¢ 7 Copies of
 Bill 2224 words each @ 10¢ pr 100 is \$15.56 7 Subpoenas to
 Ansmer @ 75¢ is \$5.25 2 Affidavits @ 15¢ is 36¢
 Order of Publication 75¢ 6 Answers & Replications @ 37.5¢
 is \$2.25 6 Affidavits to Ansmer @ 15¢ is \$1.08 filing demurrer
 37.5¢ entering demurrer 25¢ Enrolling Bill 2224 words
 10¢ pr 100 is \$2.22 Enrolling Ansmer 5656 words @ 10¢ is \$5.65
 drawing decree 2 Copy Sheets @ 15¢ is 36¢ Enrolling Decree
 2 Copy Sheets @ 15¢ is 36¢ Order 25¢ Appocal & bond 75¢
 transcript to Supreme Court 10¢ pr 100 is \$10.96
 Bill of cost 25

48.15⁷

Wallace Jurisdiction \$1.00 1 Subpoena to Ansmer Executed @ 62.5¢ 1.62⁵
 Mockba 3 Subpoenas to Ansmer Executed @ 62.5¢ is 1.87⁵
 Hollertine Register Copy of deed 1.12⁵
 Nashville Union Publication 15.6⁵
 \$ 70.28

I Philander Priestley Clerk & Master of the Chancery Court at Clarksville
 in the State of Tennessee, certify the foregoing pages from 1 to 26 inclusive
 contain a full and complete transcript of the Bill, Exhibits, Answers,
 Depositions, Exceptions to Rutland Ansmer, demurrer, Decree, Appeal bond
 and other papers in the cause of ^{Wm} Mr. Drutson Complainant, against
 William F. Rutland & others, defendants, as decreed upon by the
 Chancery Court at Clarksville, in the State of Tennessee, at the March
 Term thereof 1842 as the same are of record and on file in my
 Office.

Given under my hand and private seal,

J. E. A. D.

having no Seal of Office, at Office
in the town of Clarksville the 9th day of
September 1842 and the 67th Year of
American Independence -

J. Trusty J. M.

Wm. M. Johnston

Wm. M. Johnston

Wm. M. Johnston

Wm. M. Johnston

Wm. M. Johnston

Wm. M. Johnston

No. 0