

70 2 1/2 = 37 #

23 = 100 2/24 83

Merritt + Fort Adams vs Hannum's hrs + etc.

from

Montgomery chancery court

Filed Jan 11th 1878

M. H. Cowden clerk

Ex 9844

10 Eq.

Ex 9844

Montgomery Co
9844

to note and loan the money
on good security as required by law
and to realize compound interest
whereas the note was only bearing annual
interest, he was held to return on
it.

Hannum

Transcript of the record in the cause of Merritt &
Fort Adams vs F. A. Hannum his heirs and creditors
pending in the chancery court at Clarksville:

-omit-

Agreed statement of Facts

Filed Octo 10. 1877

F. A. Hannum qualified as guardian of E. S. and
A. J. Dick in October 1858, and as such received from
Thos. W. Stewart, a note executed by G. A. Henry and
Geo. S. Martin for one thousand dollars payable to
said Stewart as the Adams of Thos. Dick. - Hannum
held this note up to the time of his death which occur-
red in November 1862 without having collected the
note or brought suit on it. D. A. Merritt & Jno. S. Fort
qualified as Adams upon Hannum's estate in 1865
and after suggesting the insolvency thereof filed their
bill in the chancery court at Clarksville to have
the estate of Hannum administered under the orders
of the court as an insolvent estate. An order was
made directing the Clerk & Master to state an ac-
count between Hannum's estate and his creditors,
and in stating the account of his guardianship with
his wards E. S. and A. J. Dick, the cr & m charges

Hammum with the amount of the note, with interest compounded annually, and credits his estate by the amount of principal and interest due on the note at the time of stating the account.

It is agreed that ^{both} Henry and Martin were good for their debts up to the time of the death of Hammum. After the qualification of Hammum's administrators they offer the Henry + Martin note to the Dicks, which they declined. After Hammum's death and before stating the account both Henry and Martin become insolvent and are still so. E. D. and A. J. Dick excepted to the report of the C + M because he allowed Hammum's estate credit by the Henry and Martin note. The chancellor overruled the exception + the Dicks appeal from his decision to the Supreme court.

J. E. Bailey

for Roach wife + Dick

N. C. Merritt

C. S. Smith

for Hammum's administrators.

Appeal Bond

Filed Feby 5. 1876.

Know all men by these presents that we, H. Roach and
H. C. Merritt principals, and C. G. Smith surety, of
the county of Montgomery and State of Tennessee
are held and firmly bound unto Merritt & Fort
Adams of F. A. Hammons in the sum of five hundred
dollars, sealed with our seals and dated the 5 day of
February 1876. - The condition of the above obligation
is such that whereas in a cause on a bill prosecuted
on a bill in the chancery at Clarksville, by Merritt &
Fort Adams &c complainants, against F. A. Hammons
his creditors defendants, a decree was rendered by
said court in said cause against H. Roach wife
and A. E. Ramey wife, from which decree they pray-
ed an appeal to the next term of the Supreme court
to be held at Nashville. Now if the said Merritt,
who is the assignee of Ramey wife, & the said Roach
shall prosecute said appeal with effect or in case of
failure therein shall pay & satisfy all damages & costs
which may be awarded against them for wrongfully
prosecuting said appeal, then the above obligation to be
void, else to be & remain in full force & effect. Signed
sealed & delivered the day & date above written.

H. Roach - - - (L.S.)
H. C. Merritt - - - (L.S.)
Chas G. Smith surety (L.S.)

State of Tennessee - Montgomery county.
I, Polk G. Johnson clerk & master of the chancery
court at Clarksville in and for said county & State
do hereby certify that the foregoing is a true, perfect,
and complete transcript of the agreed statement of facts
upon the appeal granted in the cause of Merritt & Fort
adms vs F. A. Hannum's heirs & creditors; and also of
the bond given for said appeal.

Given under my hand and official seal
at office in Clarksville, this Nov. 26. 1877.

Polk G. Johnson Clerk