

1843-019

Franklin Co

Chancery Causes: Showers Price vs Adms. of John Turner + c

Standifer, Hunter, Dickenson, Cahill, Stone, Hill, Dickinson

Oversized:

Box 2

-1 Debt Account

-1 Bond

-2 Deeds

To the worshipfull court of Franklin County in Chancery sitting.

Humbly complaining sheweth unto your worships your Orator **Shores Price** of the county of Franklin that some time in the year [blank in MS] **Joseph Shores Price** departed this life intestate seized and possessed of a valuable real and personal estate consisting of lands[,] slaves and other valuable property liable to distribution among nine children the sons and daughters of the said decedent --- subject to the dower of **Charity Price** the widow and relict of the said intestate. That your Orator qualified as the administrator of the said Intestate [and] in that character took possession of the personal estate and distributed the same according to the laws of this commonwealth and the agreement of the parties interested in the distribution thereof as may more fully and at large appear by referring to two deeds or agreements filed and prayed to be taken as part of this Bill marked A & B.

Your Orator further represents that a tract of land lying in the County aforesaid upon the waters of Rich Run, estimated to contain 120 acres was assigned to the widow aforesaid as her dower, and three other tracts of mountain land who[ly] unproductive and of little value containing 120, 164, and 300 acres is all the real estate belonging to the said **Joseph Shores Price** that has not been distributed among his children aforesaid. Your orator now expressly charges that **Charity Price** the widow aforesaid has departed this life and the real estate aforesaid is liable to distribution among the heirs of the said **Joseph Shores Price** deceased. The said intestate left nine children, to wit **Patsey Price** who intermarried with **John Hill** (both of whom are dead) **Mary** who married **Luke Standifer**, **Elizabeth** who married **John Turner** (both of whom are likewise dead) **Sally** who intermarried with **John Hunter**, Patsey the wife of

Josiah Dickenson who was the Daughter of Charity Campbell formerly Charity Price, **George Price**, **Joseph Price** and **David Price** and your Orator. Your Orator expressly charges that on the 12<sup>th</sup> day of December 1801 he purchased of the said **John Turner** his interest in right of his wife **Elizabeth** in the land aforesaid at the price of \$[blank in MS] and paid him the sum of &pound;45.0.0 in part thereof as may more fully appear by referring to a receipt marked C. referred to and prayed to be taken as part of this bill, your Orator afterwards paid him the full amount of the purchase money aforesaid. Your Orator charges that the said **John Turner** and **Elizabeth** his wife left the following children to wit, **Shores Turner**, **Shadrock Turner**, **Benamine Turner**, **Clementine Turner** who married **Thomas Cahill**, + **Mary** who married **William Stone** all of whom have failed or refuse to convey their interested in the said land to your Orator.

Your Orator expressly charges that on the [blank in MS]th day of [blank in MS] he purchased of **John Hill** his interest in right of his wife **Patsey** their interest in the land at the price of \$[blank in MS] aforesaid and on the 27<sup>th</sup> day of June in the year 1810 paid him the sum of &pound;36.0.0 in full of their interest aforesaid as may more fully appear by referring to a receipt marked D for the same herewith exhibited and prayed to be taken as part of this bill. The said **John Hill** and **Patsey** his wife are dead and left the following children to wit, **Elizabeth** the wife of **John Hill Junior**, **Jesse Hill**, **William**, **Barnett**, **Lot**, **Lewis**, [Tyre?], **Emma**, **Maurice**, **Lydia** and **Paul Hill** who likewise refuse or fail to convey their interest therein.

Your Orator expressly charges that on the 14<sup>th</sup> day of June 1810 he purchased of **Luke Standifer** at the price of \$[blank in MS] his interest in right of his wife **Mary** in the land aforesaid and paid him at that timethe sum of [\$?]15 and afterwards on the 12<sup>th</sup> day of February 1814 the further sum of &pound;40.0.0 in full for their interest in the land aforesaid as may more fully appear by referring to two receipts also prayed to be made a part of this bill marked E&F. Your Orator further charges that the said **Luke Standifer** and **Mary** his wife reside without the limits of this commonwealth and have so resided from the time of the execution of the receipt last aforesaid, they also refuse or have failed to convey their interest in the land aforesaid.

Your Orator further expressly charges that the aforesaid **John Hunter** in the settlement of their accounts relating to the personal estate of the said **Joseph Shores Price** dec[ease]d was overpaid and thereby became endebted to your Orator in the sum of &pound;7.12.9 and by way [preserving?] some evidence of that fact the said **John Hunter** on the 23<sup>rd</sup> day of August 1804 made in his own hand writing a written acknowledgement of [li?] the same which is also prayed to be taken as part of this bill marked G. Your Orator charges that immediately after the execution of the said paper **John Hunter** and **Sally** his wife removed themselves without the limits of this commonwealth where they still reside they have paid no part of the sum of money aforesaid and they have made no provision therefor and left no estate out of which the same can be made

except the land aforesaid.

Your Orator expressly charges that **David Price** and **George Price** have sold and conveyed their interest in the land aforesaid to your Orator as may be seen by their deeds marked H & I also made a part of this bill.

Your Orator expressly charges that he has since the death of the said **Joseph Shores Price** in order to save the lands aforesaid from sale for the non payment of the tax paid in the years 1804, 5, 6, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 22, 23, 24, 26, 27, 28, 29 and 1830 to the Sheriff of Franklin the sum of \$52.73. He likewise paid to the said sheriff for the years of 1807, 15, 16, 18, and 1821 the sum of \$[blank in MS] for the former tax[.] [H]e offers as evidence the said sheriffs receipts number 1 to 21 prayed also to be taken as part of this bill and for the latter the said receipts by time and accident have been lost or mislaid.

Your Orator expressly charges that he has by the means afo[re]said become entitled in his own right to six ninths of the said lands, that the greater portion thereof is wholly unproductive, that it is not worth the sum of \$300 to each distribute, yet the parties interested refuse to come to an amiable sale and division of the proceeds arising from said land they refuse to reimburse him for their portion of the taxes paid upon the said land [as?] aforesaid. The said **John Hunter** refused to refund to him the money overpaid him out of the personal estate aforesaid. All of which acting [?] are injurious to your Orator and in as much as he is without any adequate remedy in a court of common law he prays that the said **Luke Standifer** and **Mary** his Wife **John Hunter** and **Sally** his wife **Joseph Price Josiah Dickenson** and **Patsey** his wife, **Shores Turner, Shadrock Turner, Benjamin Turner, Thomas Cahill** and **Clementine** his wife and **William Stone** and **Mary** his wife children and heirs of **Elizabeth Turner** dec[ease]d. **John Hill Junior** and **Elizabeth** his wife, **Jesse Hill, William Hill Barnett Hill [Barnett Hill] Lot Hill, Lewis Hill, [Tyre?] Hill, Emma Hill, Maurice Hill, Lydia Hill** and **Paul Hill** children and heirs of **Patsey Hill** dece[ase]d may be made Defendants to this Bill and Compelled to answer the allegations of this Bill truly and perfectly and finally may it please your worships to decree a sale of the lands aforesaid appoint commissioners to carry the same into effect appoint a commissioner to convey the same to the purchases for the absent defendants decree to your Orator not only his own interest in the land aforesaid but likewise the interest purchased of **John Turner** and **Elizabeth** his wife of **John Hill** and **Patsey** his wife, of **Luke Standifer & Mary** his wife direct that the said **John Hunter** and **Sally** his wife pay out of their interest in the said land the debt aforesaid acknowledged by the said **John** to be due your Orator together with interest thereon and grant process [?] and suth other and further relief in the premises as equity may accord and the nature of their case may require.

[?]

George Townes Counsel for the Plaintiff

To the worshipful court of Franklin County in chancery sitting

Humbly complaining showith unto your worships your Orator Shores Price for his amended bill of complaint having first obtained leave to file the same humbly represents that in drawing his original bill or memorandum for his counsel to draw the same by, many errors were committed in the draft of the same as it related to parties and a slight error in relation to a fact state in the said Original bill, so far therefore as the said bill is not inconsistent with the allegations of this his amended bill, he insists upon them, in the same manner as if this bill had not been filed.

Your Orator charges that on the [blank in MS]th day of [blank in MS] he purchased of John Turner and Elizabeth his [sic] wife their interest in the dower lands in the Original bill mentioned at the price of one hundred and twenty dollars and paid them for the same as he will be fully able to prove and at the time of the purchase and payment of the same the said John Turner in behalf of himself and the said Elizabeth executed to your Orator a receipt in writing for the same. The said John Turner & Elizabeth his wife are now dead and they died intestate and Shores [P.?] Turner and Shadr[a?]ck Turner qualified as the administrators of the said John Turner deceas[e]d, they left the following children to wit Shores P. Turner, Shadrack Turner, Benjamin Turner, Clementine Turner who intermarried with Thomas Cahill, Mary Turner who intermarried with William Stone, the said children refuse to convey their titles to the land aforesaid and the said administrators [Executors] refuse to repay to your Orator the sum of \$120 with the interest aforesaid.

Your Orator further represents that on the [blank in MS]the day of [blank in MS] he purchased of John Hill and Patsey his wife their interest in the Dower land aforesaid at the price of \$120 and on the 27<sup>th</sup> day of June in the year 1801 paid them for the same as may fully appear by referring to a receipt for the said purchase money executed by the said John Hill refered to and prayed to be taken as a part of this [this] his amended bill mark D. The said Patsey Hill the wife of the said John is now dead leaving the following children her heirs to wit Elizabeth the wife of John Hill Junior, Jesse Hill, William Hill, Barnett Hill, Lott Hill, Lewis Hill, of full age and [L?]yne Hill, Emma, Maurice, Lydia and Paul Hill infants under the age of twenty one years the legal title to the land aforesaid is in the said children who refuse to convey the same to your Orator and the said John Hill refuses to repay to your Orator the sum of \$120 afores[a]id with the interest due thereon.

Your Orator further charges that on the 8<sup>th</sup> day of March in the year 1819 the said Luke Standifer in right of hiw wife Mary and himself for a valuable consideration which has been fully paid sold and conveyed by deed his interest in the said Estate of Joseph Shores Price to your Orator as may more fully appearing by the said Deed herewith exhibited and prayed to be taken as part of this his amended bill marked K.

Your Orator further charges that on the [blank in MS]th day of [blank in MS] he purchased of David Price his interest in the Dower land aforesaid at the price of \$[blank in MS] and paid him for the same as may more fully appear by referring to the receipt of the said David Price executed therefor hencewith likewise exhibited and prayed to be taken as part of this bill marked L. The said David has likewise failed to execute a conveyance for the same.

Your Orator being without remedy upon the premises aforesaid except in a court of Equity prays that the said Luke Standifer & Mary his wife, John Hunter and Sally his wife, Joseph Price, David Price, Josiah Dickinson and Patsey his wife, Shores P. Turner and Shadrack Turner [executors] administrators of John Turner dece[ase]d and the said Shores P. Turner Shadrack Turner Benjamin Turner, Thomas Cahill and Clementine his wife, William Stone and Mary His Wife, John Hill the Elder, John Hill Junior and Elizabeth his wife, Jesse Hill, William Hill, Barnett Hill, Lott Hill, Lewis Hill, and Lyne Hill, Emma, Maurice, Lydia and Paul Hill infants children of Patsey Hill dece[ase]d may be made defend[ant]s to this his amended bill and compelled to answer the allegations thereof on oath truly the adults in person and the infants by a guardian ad litem assigned them for that purpose &ndash; and finally may it please your worships in the event of the children of the said John Turner and Elizabeth Turner refusing to convey their interest in the land aforesaid he prays the the [executors] administrators aforesaid or the distributees the children aforesaid, may be decreed to refund the purchase money aforesaid with legal interest thereon until paid and that this fund may be [?] as a [him?] for that [purpose?] prays that in the event of the said children of the said Patsey Hill refusing to convey their interest in the said land, that the said John Hill the Elder may be deemed to pay the amount of the purchase money aforesaid, paid to him, and the said Patsey in her life time, together with the interest due thereon. He prays that the said David Price may be decreed to convey his interest to your Orator -- He prays that the prayer of his original bill not inconsistent with this his amended bill may be granted by and grant [processed?] and such other relief upon the premises as equity may award and the nature of his case may require.

To.

Price vs. Turner & Others

Amended Bill

1832 Aug[us]t ans[we]r filed for Jo[seph?] Price

1832 Nov[embe]r ord. to take De[fense?] of John Hill a party Deft.

1834 June 3d [D?]uty Decreed

1834 Nov 3d Report returned.

1835 Nov 3d [C?] Tate appointed a Receiver Nov 4. Further decree

1836 Sept 4 &ndash; [M. G. Carper?] appointed a Receiver of \$333.69 paid into court.

1836 Nov 9. Order to pay J. [W.?] Dickenson his portion of money in receivers hand &ndash; (one third)

1839 July 1<sup>st</sup> order to pay Joseph Price one third of money in receivers hands

1843 [June?] [4?] final decree

The answer of Josiah W. Dickenson and Patsy his wife to the bill of complaint exhibited in the County Court of Pittsylvania Franklin by Shores Price against their defendants and others; These defendants reserving & in answer thereto or so much thereof as they are advised it is material they should answer, say, they admit the death of Joseph Shores Price interstate; that the Complainant qualified as his administrator, & by virtue thereof possessed himself of the personal estate of said intestate & these defendants believe that the Complainant distributed the same to those entitled thereto according to the Laws of the land.

These defendants admit the death of the widow of Joseph Shores Price, and that certain lands belonging to the said Joseph Shores Price, and which were allocated to his widow as her dower in his real estate remain to be divided among the heirs of said Joseph Shores Price. But these defendends being ignorant of the quantity of lands allotted to said widow as her dower as aforesaid cannot say whether or not they are correctly described in plaintiffs bill.

These defendents admit that the said Joseph Shores Price left nine children as stated in the plaintiffs bill, and these defendants are entitled to One Ninth part of the lands aforesaid or the proceeds of the sale thereof.

As to the payment of the taxes of the lands aforesaid by the complainant these defendants know nothing, but so much as he paid on that account, t hese defendents are perfectly willing should be refunded to him.

These defendants are informed believe and charge that the Complainant rented out one of the tracts of land aforesaid at 30 \$ pr year for several years and received the rents, that he also cultivated some of the lands for some years himself and on the last year rented the same out for \$70 or 75 dollars for the present year. For so much of the rents of the said lands as the Complainant has actually received and for the actual value of said lands whilst the Complainant cultivated them these defendants are advised the Complainant should account for, therefore these defendants claim their due proporation of the same. These defendants are perfectly willing that the lands aforesaid should be sold so that thet get their one ninth part of the proceeds. These defendants deny all fraud & having fully answered pray to be hence dismissed with their costs in this behalf expended.

Franklin County Court

This day Josiah W. Dickenson & Patsy his wife made oath before me an acting Justice of the peace for the County of Franklin that the facts contained in the foregoing answer set forth so far as they depend on their own knowledge are true and so far as they [sic?] believe them to be true. Given under my hand this 4<sup>th</sup> day of April 1831.

[Signature]

The separate answer of Sherwood P Turner to a Bill of Complaint exhibited against him and others in the County Court of Franklin by Showers Price. This defendant now and at all times saving and reserving to himself all manner of benefit and advantage of exception the many errors and insufficiencies in the complainants said Bill of Complaint contained, for answer thereto or unto so much in such part thereof as he is advised is material for him to answer, answereth and sayeth that it is true as charged in the complainants Bill that John Turner (this defendants father) intermarried with Elizabeth Price daughter of Joseph Shores Price and as such an Heir and distribute of the said Joseph Shores, that it is also true that the said Joseph Shores Price, John Turner and Elizabeth his wife have departed this life and this defendant believes that the said John Turner and Elizabeth his wife have never made any legal conveyance whatever to their interest in the Estate of the said Joseph Shores and he is advised that the receipt which is referred to in the Bill signed by John Turner is no way binding upon him[??] or any of the heirs of the said John Turner or Elizabeth his wife and that as there never [has ?] was a regular conveyance signed and acknowledged by Elizabeth Turner wife of the said John Turner, and mother of this defendant that the title of the said land claimed by the Complainant in his Bill is now in the heirs of the said Elizabeth turner and other children of the said Joseph Showers Price. This defendant believes & is advised that the said Showers Price has no right to the said [land in?] controversy under the [paper?] prayed to be taken as a part of his bill and that as his father John Turner only had a raight to a life estate in the said lands, he had no right to make any other conveyance to the said Showers Price and that the title at the time that the receipt given by John Turner for so much money rec[ieve]d as a part of his interest in the lands of Joseph Shores Price dec[ease]d was [at that time] in Elizabeth Turner the wife os the said J[ohn] Turner and mother of this defendant, and having fully answered this defendant prays to be hence dismissed without prejudice to his title to the lands in Controersy and that the said Complainant be compelled to pay him his costs in this behalf injustly expended.

[Signed] James [C Lake?] for Def[enden]t

Franklin County To Wit

This day Showers P. Turner personally appeared before me a justice of the peace in the county aforesaid, and made oath that the facts contained in the above answer so far as they depend upon his own knowledge are true & so far as they are derived from the information of others he believes them to be true. Given under my hands this 6<sup>th</sup> day of June 1831.

[Signed] [William?????]

The separate answer of John Hill to a bill of complaint exhibited against himself and others in the County Court of Franklin in Chancery by Shores Price.

This defendant saving [??] says that he admits that he intermarried with Martha one of the heirs & distributees of Joseph Shores Price dec[ease]d [death & to death?] of the said m\Martha. He also admits that during the life of his said wife he sold to the plaintiff all the right & interest which he had in right of his wife in & to the lands in the bill mentioned to the plaintiffs for the sum of one hunder & twenty dollars. He denies that he ever refused to convey title or relinquish whatever interest or title was in his & his wife to the plaintiff in the lands aforesaid. He [even that so far from to ing is?] he was always ready & willing and frequently proposed to convey whatever right or interest vested in him & his said wife in & to the land [as the] plaintiff himself the plaintiff demanded of your respondent is d[ecase]d so the said lands in fee simple with general warraranty & refused to receive any other, but your respondent having sold only his interest & that of his wife refused to make such a conveyance as he was unwilling to [bind?] himself by his warranty for tittle when he agreed only to sell [&?] transfer the interest which wested in him & his wife under the said Joseph Shores Price the father of the plaintiff and of your respondents said wife Martha.

This respondent further answering says that [his?] slate of [things?] contained until the death of the said Martha the former wife of your respondent & that [a?] conveyance would have long since been made in conformity with the agreement [??] between your respondent and the plaintiff during the life time of the said Martha; but for the conduct of the plaintiff who constantly refuse to accept it without the warranty aforesaid. Thus may it please the court the condition in which the plaintiff may be placed for want of title is owing to the obstinacy and wrong of he the plaintiff himself and not through any wrong of your respondents.

This respondent further answering says that in 1810 the heirs of the said Martha the late wife of your respondent are properly set forth in the bill, he says that they are & always have been willing to relinquish to the plaintiffs all the right & interest which they may to the lands in the bill mentioned, that they were willing to do so before this suit was instituted & that this fact was known to the plaintiff. Your respondent would at any time have [?] their relinquishment of the plaintiff would have accepted it. He therefore submits it



to the court whether he has now been improperly brought into court \* pray to be hence dismissed with his costs in this behalf expended.

Franklin County to Wit

This day John Hill personally appeared before the undersign a justice of the peace for said county \* made oath that the matters & things in the foregoing answer so far as the same relate to himself are true & that so far as they relate to others he believes them to be true. Given under my hand this 12<sup>th</sup> day of May 1831.

[Signature] Rich[ar]d M. [Juliaf?]

The [kind?] answer of Shadreck Turner, Thomas [Cahill?] and Clementine his wife formerly Clementine Cahill, two of the children and heirs at law of John Turner dec. to a bill of complaint exhibited against them & others in the County Court of Franklin in Chancery by Shores Price.

These defendants saving [?] for answer to so much of said bill as they are advised of is material to answer say, that [they?] [admit?] the death of [John] [?] Shores Price, of John Turner and Elizabeth his wife; they also admit the distribution and [division?] of the estate of the said [John] Joseph Shores Price by the complainant as his administrator.

They say that they have [sic] do not know positively whether their father in his life time sold his interest in the said [allotment?] to the widow of the said John [Joseph?] Shores Price as her dower, but they believe from the complainants showing that such was the facts. Under that impression they are willing as the heirs of the said John Turner & Elizabeth his wife to convey to the complainants any title or interest in the said land which may have descended to them as such although not bound so to do. They deny that they ever refused to make any conveyance thereof or therefor to the complainant [nor?] that they were ever required so to do. If such a demand had been made & they had been satisfied of complainants right so to do, they would at any time have made the conveyance.

As to the other allegations in complainants bill they are uninformed except as to the statements & lands & property left by the intestate which they believe correct & having answered & denying all fraud & wrong on their part they pray to be [hence] to be hence dismissed with their costs in this behalf expended.

Franklin County to Wit

This day Shadreck Turner [& Thomas Cahill] personally appeared before me a justice of the peace for said County & made oath that the matters

& things in the foregoing answer contained are true.

Given under my hand this 5<sup>th</sup> day of March 1832.

[Signed] Rich[ar]d M. [Tahifirro?] J.P.

The Separate Answer of Sally Hunter widow of John Hunter de[cease]d to a bill of complaint exhibited against herself and others in the County Court of Franklin inChancery by Shores Price.

This respondent saving [?] for answer says she admits the death of Joseph S Price and that the plaintiff qualified as his administrator and in that Character took unto his possession all the personal estate of the decedant. Whether he has distributed the same she is uninformed and cannot therefore admit. She denies the lands in the bill mentioned were allotted to Charity Price the widow of the decedant for her dower but charges that the complainant was to sell said land and distribute the [sic] [proceeds?] thereof amongst the heirs of the said Joseph Shores Price dec[ease]d. She says however and expressly charges that the complainant has been in the possession of the same from the time of the death of the said [Charity] Joseph Shores Price, which took place in the year 1801 to the present period, has all the while used and enjoyed the same as his own, and has never [accounted?] for the [rents?] profits [?] thereof as in justice he ought to have done. This respondent charges that the said lands were valuable and prays an account may be taken of the [rents profits & ?] thereof whilst in the posession of the plaintiff and that he be compelled to pay the same [?].

This respondent further answering says that her husband John Hunter departed this life in the state of Kentucky in the year 1821 that the said fact was well known as she believes to the plaintiff yet the plaintiff has made him a defendant to his bill and for purposes which the circumstands of his case can only explain. Your respondent is advised that by the death of her said husband she has become and is entitled in her own right to the interest in the land aforesaid in the bill described, that the same is in no way subject to the debts of her husband or liable to descend to his heirs she therefore claims the same in her own right.

Your respondent says that where the claimed &pound;7.12.9 [allotted?] to be set up against her late husband was ever acknowledged by him or not she is not informed. She charges that her husband John Hanter resided in the state of Virginia within 15 or 20 miles of the plaintiff from the 23d of August 1804 when the said claim is is pretended to have first been executed until the year 1818 a period of fourteen years when he removed to the State of Kentucky. She says during all that time he was good for his debts & had always even if he had refused to pay an ample estate out of which the same might have been made. Inaddition to this her husband lived in the State of Kentucky until the time of his death in 1821 at all times good for any debt which he might have owed. She therefore says she is advised that the plaintiff is not entitled

to recover his said claim of &pound;7.12.9 & that the same is barred by the act of [?] which she prays may be considered as though it was formally pleaded. This respondant says she takes this course because the plaintiff does not for his own purposes make the representatives & heirs at law of her late husband John Hunter parties to his suit & to protect them against any injury which may be done them.

[This respondant claiming all her rights & praying the she knows nothing of the other allegations in the bill and denying all fraud prays to be hence dismissed with her costs ?]

This respondant further states that she admits that the said tract of land containing 120 acres upon Rich Run was assigned to the widow Charity as mentioned in the complainants bill is true, she also states that 129 acres adjoining thereto were allotted her, and she further states that [three?] other tracts of land lying in the mention[?] is containing 120 acres 160 and 300 acres were also allotted to [?] to [?] the heirs of Joseph Shores Price dec[ease]d [the said Charity for her dower] And this respondant charges that the complainant has been in the possessed use and [a?] of the three last mentioned tracts of land ever since the death of Joseph Shores Price (which was in the year 1801) until the present time and hever never paid rent thereupon, this respondent therefore prays the the complainant may be compelled to pay rent and accrued to the defendants for the use and occupation of the three aforesaid tracts of land from the year 1801 until the present time.

This respondant claiming all her right and saying the has knows nothing in [relation?] to the other allegations of the complainants bill, and denying all fraud prays to hence be dismissed with her costs. [?]

[Signed] Sarah Hunter

This day personally appear before me Harold P. Saufley a justice of the peace in and for Cumberland County in the State of Kentucky, the above named Sarah Hunter and made oath that the matter and things set forth in the foregoing answer of her own knowledge are true and those set forth from the information of others she believes to be true February 18<sup>th</sup> 1831

[Signed] Harold P. Saufley J.P.

State of Kentucky Cumberland County [?]

J. Milton King Clerk of the county Court for said County do certify that Harold P. Saufley, esquire whose signature is subscribed to the foregoing Certificate, is and was at the date thereof an acting Justice of the Peace in and for said county, duly Commission and legally qualified this his attestation is in due form of Law and that all his affical acts are entitled to full faith & credit.

Given under my hand & the seal of my Office in Burksville this 18<sup>th</sup> Day of February 1831.

[Signed] M. King

Kentucky Cumberland County [Sct.?)

I John M Emerson the presiding Justice of the peace for said County, do Certify that Milton King whose signature is subscribed to the foregoing Certificate is and was at the time and date thereof, the Clerk of the said County, duly appointed and qualified, that his attestation is in due form of law, and all his Official acts are entitled to Credit.

Given under my hand this 18<sup>th</sup> February 1831.

[Signed] J M Emirson [??]

The filing of this answer is objected to because The Defendant has not even bond and security to abide the decree of the Court being an absent defendant.

[Signed] George Townes Atty for the Plaintiff

8<sup>th</sup> November 1831

The joint answer of Tyre Hill & Maurice Hill infants under the age of twenty one years by B.[C.?) Keatts a commissioner of this court and specially assigned as Guardian ad Litem to defend the their interest in this suit to the Bill of Complaint exhibited against them and others in the County Court of Franklin by Shores Price.

These defendants saving [?) for answer say that the facts disclosed by the allegations of the plaintiffs bill took place during their minority they have no personal knowledge thereof without admitting or denying the same they submit themselves to the Court to make such decree in the premises as may be consistent with law and equity [?).

The above answer may be file without being sworn to be the said defendants therein named.

[Signed] George Townes Counsel for the plaintiff.

Suggest the death of John Hunter

Turner [vs?] Price

Answer of Jos[eph] Price

6<sup>th</sup> Aug 1832

The answer of Joseph Price to the original and amended bill of Shores Price in the County Court of Franklin in which he is plaintiff and this respondent and others are defendants.

This defendant saving [?] for answer to the said original and amended bill of the complainant says: he admits the death of Joseph S. Price and that the complainant administered on his estate. He admits also that the land in the bill mentioned are assigned to the widow of plaintiff's intestate and the other lands are properly set forth. He denies that he ever refused to divide the same or to consent to a sale of the land for the purpose of division and distribution on the contrary he says he was always [anxious?] that a division or sale thereof should be made.

He admits that the complainant paid part of the taxes of the said lands but for what years or to what account he is [?] uninformed except from the [representations?] of the complainant. He charges expressly that the complainant since the death of the [plaintiffs] widow of the plaintiffs intestate rented out the lands [of the] assigned when he has always rented the other lands of the intestate. He prys that the plaintiff may be compelled to render an account of the amounts thereof & amount to your respondent for his share thereof. [When] Your respondent is perfectly willing & has been always to pay to complainant his share of any [costs?] advanced.

As to the other allegations in complainants bill your respondent is advised he has no interest therein believing that the sales were made as [described?] in the bill & not knowing the [particulars?] or indeed but little if any [?] of the [particulars?] of the payment, to what amount \* to whom paid he said he advised it is not material for him to answer further.

And your respondent denying all wrong & saying that he is brought into court against his consent when he was willing to do any proper act to effect a distribution of the estate aforesaid he prays to be hence dismissed with his costs by [him?] in this behalf expended.

[??] for debts.

Frankling County to Wit:

This day Joseph Price personally appeared before the undersigned a justice of the peace for said County and made oath that the allegations in the foregoing answer contains so far as the same relate to himself are true & that so far as they relate to other he believes them to be true. Given under my hand this 23<sup>rd</sup> day of June 1832.

[Signed] Rich[ar]d M. [Tabiafind?] J.P.

Price Vs. Turner & Wife & Others

Note for Decree

This cause, this day, again came on to be heard on the papers formerly the [intert?] orders heretofore pronounced in this suit and it was again argued

by counsel on consideration whereof the court is of opinion that the plaintiff purchased the interest of John Turner and Elizabeth his wife late Elizabeth Price in the lands in the Bill mentioned, and paid them for the same that they made no conveyance of their said interest, that they are now dead and the legal title is now outstanding in the heirs of said Elizabeth parties to this suit; The court is moreover of opinion that the plaintiff purchased of John Hill and Patsy his wife late Patsy Price the interest of said Patsy in the lands in Bill mentioned and paid them for the same, that the said Patsy is now dead tht no conveyance of said interest was ever made and that the legal title to said interest passed to the heirs of said Patsy who are also parties to this suit; The court is moreover of opinion that the plaintiff purchased of Luke Standifer and Mary his wife late Mary Price the interest of the said Mary in the lands in the Bill mentioned and paid them for the same, that the Standifer & wife have made no conveyance of their said interest and that they do not reside in this county. It appearing to the court moreover that the plaintiff purchased of the defendant David Price his interest in the said land paid him for the same, and that the legal title is yet outstanding; The court being moreover of opinion that the defendant John Hunter hath departed this life that his wife the said Sarah hath receiver her part of interest in the said lands from the [?] of this court and that the said Sarah does not reside in the county. The court being moreover of opinion that the defendants Josiah W. Dickenson & Martha his wife have received their interest in the said lands in money from the said [recievors?] in this suit and that they do not reside in this [country?]; The court being moreover of opinion that the Defendant Joseph Price hath received in money his interest in the said lands from the Receivers of this court and that he resides [out of this Country?] that nearly all of the Defendants in this suit reside in [foreign?] parts and that [some?] defendants being infants and disposed doth therefore adjudge order and decree that Thomas S. Green who is hereby appointed a commissioner for that purpose do by proper deed convey the outstanding legal title in the Dower Lands in the Bill and Report mentioned to with the 120 acres of Dower Land and the 120 acres of Mountain Land to the plaintiff and the residue of said Land by like proper deed to the heirs of [purchaser?] Merritt Price, the purchaser thereof being dead. The court further adjudge order and decree that the costs of this suit be apportioned among the parties hereto. But liberty is reserved to the infant defendants to this cause against this decree at any time within size months after they shall respectively arrive at full age.

The court doth order that the receivers in this suit do pay of the balances in their hands to the partys to Sarah Hunter & entitle thereto reserving a commission of five per [cent?] on the same and an equal portion of her costs of this suit [for the parties to whom said balances may be due] and the said parties are at liberty to resort to this court at any time to enforce this order.

Price vs. Turner & others

Note for Decree

Same Court 1843

