

J. R. Rowan v A. Thickett et al.

Brief

In the examination of the questions presented by the record in this case, we will insist upon the following points: —

First The Demurer to the bill should have been sustained — and the 2nd Demurer should have been considered and allowed, and not stricken off the file. For when a party, after answer obtains leave and amends his bill — the amended bill is open to demurrer

Second Leave should have been given to withdraw the first and second answers, which were put in before the bill was amended — upon being ordered by rule to file another answer to the amended bill — and we are still justified in disregarding those answers, as not before us in the record

Third The paper purporting to be an Inventory, should not have been admitted in evidence, without the signature of Alex Reed adur to it — or proof that he wrote it — or filed it there as and for an Inventory or had recognised it, or admitted it as such

Such is the doctrine laid down in Carver v Anderson 2 Fleming & Manford R 364.

Parsons v Hewes 22 Ing C. L. R 326 it was held that an inventory ^{was evidence} only as to those who signed it

In Giles and Headings v Dyson & Greenwell 2 Ing C. L. R 22 the Ch J said — Depts can only be charged for assets and debts when actually received

Stearns v Mills & Wright 4 Burr & Adolph 657. (S. C. 1 Nov & Mood 434).

2 A. J. Marshall R

Fourth The creditor side of the Cash book should have been received in evidence as well as the debtor side

The general rule requiring the whole of an admission to be taken together, equally applies to a book of accounts when offered in evidence against him

Gresley's Eq Ev 466. 467.

Boardman v Jackson 2 Ball & B R. 382.

2 Ball & B R. 384.

Fifth

The allowances made in taking the account were for more than debts were entitled to receive, in respect; - viz:
1st Of double allowances by mistake in the calculations, and in confusion of the same items of accounts, different persons from whom collections had been made and set upon the cash book which was taken - and again allowing the same items of debts upon ^{opinions} by the witnesses, that the debts were good;

2nd Of doubling allowances of debts, (retained as uncollected) as if not ~~so~~ inventoried;

3rd Of allowances of accounts not reported in inventory, to a greater amount than was omitted;

4th Of Allowances of uncollected accounts;

5th Of Allowances of compound interest;

6th Of Allowances of more than was collected of the rents of the realty.

In relation to this ~~4th~~ 5th ground of mistake in taking the account, they will insist, that the plff cannot be charged, as upon a devastant, upon the uncollected accounts of the estate of James Reed deceased. - because such ~~recovery~~ would be of his own estate, and out of assets belonging to the creditors and heirs of James Reed deceased; and that upon the mere opinion of witnesses testifying to their recollections and belief of the solvency of the debtor, for a period of from 10 to 20 years past between the death of Jas Reed to the death of A. Reed; and in many instances, against the evidence of returns on executions of "no property"

After the death of A. Reed, the plff became liable as administrators of Jas Reed to use diligence in their collection - and for any gross neglect might become liable as for a devastant - but the proofs have been offered for the whole period down to the trial, including about 10 years of Plff's individual responsibility, and have charged A Reed's estate.

Again in this Connection we may state, that after J. Reed's death, the estate of Jas Reed became a creditor of J. Reed's estate, for the amount of the assets which remained in his hands at the time of his death, and the ~~prob~~ could not pay the estate of Jas Reed, the claim or debt, until it was regularly proven and allowed by the Court of Probate. For doing so, he might be guilty of a devastavit of J. Reed's estate. The claim has not been presented or allowed: And therefore Rowan could not pay it, and yet J. Reed's estate is charged with interest upon ^{this amount} for this whole period - tho it was an open & unadmitted account, and was not presented and proven, & so put into a condition that it could be paid. So far as J. Reed's estate is concerned it is quite immaterial whose fault or folly this may have been - his estate is not to be charged, not only with an unproved debt, but with interest upon it. If it were Rowan's duty as admr de bonis non of Jas Reed to present this claim against the estate of J. Reed, of which he was also admr, his failure, even if it amounted to a devastavit of Jas Reed's estate, cannot be chargeable, as upon a proven debt, or as a devastavit upon J. Reed's estate.

This Relations as administrator and trustee to each estate are not to be confounded and treated as the same as to both. They are as distinct as they would be in case another had administered upon one of the estates. And the Statute recognises this distinction in requiring him as admr de bonis non of Jas Reed to enter into a separate bond Rev. 1845. p. 551. sec 70.

The Statute does not make the admr of an admr as such administrator de bonis non of the first intestate - but only compels him to take upon himself that trust, by qualifying by giving bond &c. and if no such bond be given, and he does not qualify - his Sureties on his bond as admr

of the deceased admr would not be ~~liable~~ ^{liable} for his acts, or omissions in relation to such first intestate's estate

For any negligence, therefore in Rowan, in not collecting said Jas Reed's estate, since he became admr of A. Reed, could by no possibility charge A. Reed's estate nor could his devastavit. But it does not appear that Rowan was qualified as admr de bonis non of Jas Reed, by giving bond, and he has no right to make any admission as such admr of A. R. or as admr de bonis non of Jas Reed, to charge A. Reed's estate with any accountability as such.

The defendants have confounded the representations of these two estates, and are seeking to take an account with Rowan as admr de bonis non of Jas Reed and as admr of A. Reed, all in one bill. This they are not entitled to do. Rowan as admr of Jas Reed might call for an account with A. Reed's estate for the purpose of a settlement - and to recover these claims back from the estate - and the moneys too. But the depts in calling for the account with A. Reed's estate can only have it of the money actually received by A. Reed, and must obtain the uncollected accounts of Rowan the admr de bonis non. And in view of recovering as for a devastavit they must bring their actions respectively against those who committed them, and not in one bill recover of Reed's estate, ^{as} for his devastavit - and also as for Rowan's of both estates.

And, if a devastavit be recoverable in this proceeding it is incumbent upon those who alledge that such devastavit has been committed in not collecting these debts, to show how it was committed and when it was committed, in order to enable the Court to separate and determine, who was

guilty, that Reed's estate may be charged only for his acts prior to his death in 1841; otherwise it could not be allowed in taking this account for no act of Rowen as Administrator of either estate will charge A Reed's estate with a devastant.

Again: If the Inventory is to be admitted in evidence, It is shown by it, and the Settlements on the Probate books together, that all the uncollected debts, were of the doubtful and desperate class; for neither of which is an administrator liable, without proof of gross negligence. And more especially would A Reed's estate, not be chargeable, upon general statements of witnesses covering a period of 20 years past, 10 of which are since A Reed's death, that debtors were good, that sums if these accounts could have been made, without regard to the particular period when, and against proofs by executors returned no property as to many debtors, during the life of A Reed, and without proof of notice to Reed of such property.

In the Case of Fairfax ~~Exr~~ v Fairfax 2 Cond R 178. Ch J. Marshall held that "An Executor is liable for the amount of assets in his hands, and no more" And it ~~was~~ decided in the Case of Gismold v Chandler 5 N. Hamp R. 492. That Executors and Administrators are not bound to enforce doubtful Claims at the expense of the estate unless the heirs or devisees will indemnify against costs.

Again: the administrator acted under the character of a trustee; and as such, trustees are chargeable only with the money they receive, until very gross negligence amounting to a wilful default, is shown. This doctrine is laid down in the cases of —

Osgood v Franklin 2 John Ch R 1.
Palmer v Jones 1 Vernon R. 144.
1 Ves Jr. R. 193.
Gismold v Chandler 5 N. Hamp. R. 492.
1 Madd Ch 578.
Willis on Trustees 69 (3 Law Lib 32).

Executors and administrators are not liable for false or mispleading. And consequently they may resist on plea Administravit without pleading; and even also the Special Statute of limitations see Rev Stat '45 p 552 sec 77.

Executors and administrators are required to make out an Inventory, and arrange the debts into three classes of Separate, Doubtful and Desperate. And these are prima facie evidence for and against him. Rev & '45 p 554 sec 81. p 555 sec 85.

In England, debts were put into two classes only, Separate and Desperate — and in

Shelley's case 1 Salk R 296. the Court held that Separate debts were assets — which of course would exclude the other class, without proofs to make it so: and here would exclude the two classes — This rule was recognised in this view by Mr. Sturges in his treatise on evidence 2 Sturges 20p 448.

The 5th ground of objection to the account, is an improper allowance of ^{compount} interest.

The general rule upon this subject is to allow simple interest upon balances found to be in the hands of the administrator, after a reasonable time for settlement, has elapsed.

2 Williams on Exrs 1567 to 1574 notes

Merrick's estate 1 Ash R 305
 Nymann v Hubbard 13 Mass R 232
 Lamb v Lamb 11 Pick R 371
 Jemison v Hopgood 10 Pick R 77
 Sexton v Chamberlain 6 Pick R 423.

3 Young & Jones 481
 1 Russ R 151
 2 Colly R 295
 4 Bear R 49.
 1 Madd 302:7:9.
 1 Jacob v Walk R 39:132:134:5.
 1 Ves Jr R 252 notes 3 & 4.

And this rule is not changed by the fact, that the Executor, himself used these balances and mixed them with his own estate. And this is not improper in him, if he be a responsible man, & is ready to answer legacies and debts, & so held in Adams v Gale 2 Atk R 106. which case was afterwards approved by Lord Chancellor Hardwicke in the case of Child v Gibson 2 Atk R 603. and in which his Lordship remarks that "There never was a case in this Court, where a Master was directed to charge interest on an executor, who makes use of assets come to his hands, in the way of his trade". In Roche v Hart 11 Ves Jr R 58 the principle is sanctioned that the use of the money by an executor will not charge him with interest. See also 2 Wms on Exrs ubi Supra.

9.
But there are circumstances under which Courts will enlarge the rule, and give compound interest, on such balances, where the Exr has been guilty of a breach of trust - by which he has created large balances, in his hands, and has kept them to his own use. 27^m on Exr ubi supra

Such an abuse of the trust as

Changes ~~that~~ enlarges the rule, to compound interest is illustrated by the facts as shown in the case of *Sonford v Sonford* 12 Ves Jr R 127. Where the will directed an accumulation of interest - instead of doing which, the Executor used the balances himself. This case followed upon the circumstances and principle as ~~decided~~ decided in the case of *Raphael v Boshm* 11 Ves Jr 92. which was upon like directions in the will to invest the surplus and accumulate the interest, which had been disregarded by the Executor. These cases were decided after the case of *Roche v Hart* 11 Ves Jr 58 before referred to, in which it had been laid down that the use of the money by himself, or neglecting to putting it to use, would only charge him with simple interest.

We conceive that the decision in the case of *Depeyster v Clarkson* 2 Wend R 77. proceeded upon the same principles and distinction, and allowed simple interest only, although a large balance was left in the hands of the Executor, which he used with and as his other moneys.

The statute makes administrators liable, only for what comes to his hands after using due diligence.
Rev & L 45 p 556. See 92.

which is in accordance with the general principle of trusts
2 Story Eq Juris Secs 1268-1269
2 Kent Com 571. to 573.

The Statute has also directed the time, place, and manner of presenting, proving and allowance of Claims or demands against an estate.

Rev V '45 p 561. Secs 114 to 122 inclusive. And Roman could not have paid any Claim or Demand of James Reed's estate upon J Reed's estate, until presented, proven and allowed: and so held in principle in the case of

Washburn v Hale 10 Pick R 430. This mode prescribed by the statute, would by Marshall v Adams 11 All R 40, exclude admissions of Claims by the Admin.

For the reasons and upon the authorities and principles above we conclude that error intervened in the decree of the Court in this case:—in relation to the admissibility of the evidence, its sufficiency, and the inadmissibility of the items in account of uncollected debts, as a devastant, and the interest upon balances—and especially of compound interest and more than was shown to have come into his hands, or were collectable.

The bill will not lie for the devastant—but an action only according to our reading of a note in 4 N.S. Dig p 222. See 51. Citing Young v Simball 8 Blackf R 167.

"An administrator having a devastant died, and his administrator was sued in Chancery, by the administrator de bonis non of the first intestate, for such devastant. Held that the suit would not lie. Held also, that under the Statute, the administrator thus sued was liable for the devastant to the creditors &c of the first intestate."

This Debt is barred by the Statute of Limitations under the 115 sec of the Statute of Mills Rev L '45 p 561. as settled in *Thorn v. Watson* 5 Gilman R. 26. in which it was held that a demand presented to the court of Probate a few days after the expiration of the time, was barred, although the Estate was entirely solvent. And this doctrine was applied in *Judge et al v. Selby* 11 All R 213.

See *People v. White* 11 All R 341. Distinction taken in *Thorn v. Watson* *supra*

There is a distinction taken between the general Statute of Limitations and this special limitation. The administrator may or may not plead the former; his neglect is no neglect of duty - but the latter he must plead or become responsible for his neglect as laid down in *Hodgdon v. White* 11 N. Hamp R 208.

Goodwin v. Sauton 3 N. Hamp R 492.

Emmerson v. Thompson et al 16 Mass R 429.

Watts v. Wells 5 Pick R 144

Burdick v. Grew et al 8 Pick R 108

Parkman v. Osgood et al 3 Maine R 17.

Brown et al v. Anderson 13 Mass R 200. The court say,

"The Statute 'has no regard to the payment, or non payment of debt; it was designed to produce a speedy settlement of estates, that the heirs might be quieted. A promise of the administrator, even, therefore, have no effect to bind the estate. He may decline pleading the Statute, but if he does so, without the consent of the heirs, he may expose himself for his unfaithful conduct." This decision was

in *Thompson v. Brown et al* 16 Mass R 178. approved.

and had been before applied in the refusal of the Court of a license to sell land to pay debts barred by the statute as held in the case of

Scott v. Hancock et al 13 Mass R 162.

The doctrine was carried to the fullest extent in *Ex parte Jas Allen* 15 Mass R. 58. on a petition for license to sell real estate for the payment of debts which had been paid off by the adm^r ~~within~~ the statute, and now sought a sale to reimburse himself the money. Although a deficiency was certified by the Probate Court, and no plea of the Statute interposed, the Court ex mere motu refused the application as being barred by the statute.

A strong analogy exists ⁱⁿ the principle laid down in the case of;

Freake v Crane 3 Nyl & Craig 499 (14 Eng Ch R 500). where a devise in a will for the payment of debts will not stop the running of the Statute of Limitations. And the same doctrine was approved in *Evans v Greedy* 1 Beav 55 (17 Eng Ch R 57).

Such plea would be good without an averment of notice published to claimants, even under a statute requiring such notice to be given, as held in the cases of

<i>Crabough v Hart</i>	3 Gerg R 431.	} 1. U.S. Dig p 825 Sect 816, 817, 818, 819, 820.
<i>State Bank v Vance</i>	9 Gerg R. 471	
<i>Frost v West</i>	9 Gerg R 433.	

Willis v Schaffin Nor will prevent the running of the Statute, that the Creditor relied upon the promise of an adm^r without assets, to pay the debt.

333.

In *Knox v McCall* 1 Breard R 531. It is held that the acknowledgement of an administrator "that a debt claimed from him as administrator, is justly due, shall not revive the debt, or save it from being barred by limitation of time, where the claim shall

be against the intestate's estate" 1 M.S. Dig. p. 824. see 796.

The Statute and the plea extends to suits against the administrators of a guardian Hooper v Bryant 3 Yerg. R. 1. 1 M.S. Dig. 825 see 818. The decisions are the same in Mississippi in relation to the special Statute Thrash v Sumwalt 5 Miss. R. 13.

In Alabama the same doctrine is applied and extended to an heir in resisting an application of an administrator for an order for the sale of land, upon the ground that the debt was barred by the Statute of limitations. Heirs of Bond v Smith 2 Huaph. 178. McPherson v The Governor 6 Porter 32. and 2 Ala. R. 660.

J. J. Marshall

Statute Limitations

Diff. Points

Will & 263-4 as to trusts by express appointment not to be limited
Don't by 246 note direct trusts by act of party - not barred

Objects that it is set up by assent instead of power - and
Does not aver that he gave notice of administration See Angellon Limits 167 note 3
Is not such debt as is barred {3rd class includes moneys due from guardians & administrators
not being for a sum certain - and does not include open accounts.
Bill is by guardian - not objected to by Deft

Interest

Sellick v French 1 Am Leading Cas 362 - & see 363³⁶⁴ for general rule to pay interest
Schoffelin v Stewart 1 John Ch R 620 Decided on extraordinary circumstances -
a violation of trust to invest - but instead by sales balances made larger, kept accrued - always
having \$33,000 in hand

Diligence

Caffrey v Darby 6 Ves Jr. 497. note 1. Case of Trustees proper & not for a day
(See 5 N. H. R 492 Advers not bound to enforce doubtful claims)

Refer again to Sellick v French 1 Am L. Cas 352³⁵⁶ Diligence & interest on implied contracts & on open a/c's
" Shultz v Pulver 11 Wend R 363. Held to a/c for notes & their interest - by Surrogate
There is difference between note & a/c as to interest, because admn gets interest on note & does not on a/c

To allowance by Court of Commissions. Says not allowable at all until final settlement & before 10 U.S Dig 2265124

Montgomery

Morris v Morris 24 Gratian R. 297. 340 6 Exor 265 These 2 only support
the point

Devastating Liability

3 Smeed v Marsh 2 638
8 Smeed v Marsh 688. Do not support the point on Commissions
6 Watts R 46
H B. Monroe R 75.

Limitations

2 Harris Dig 3749 is on general doctrine of proper Trusts
3 John Ch R 217 Request of trust to be executed by Executor or Adm

Don't v Webb 2 Smeed v Marsh 452 {Filing of proving claims and bringing suits in the sense
on general statute limitations - (Answer of not doing are distinct things under our statute
10 Smeed v Marsh R 100
11 " " " 9.

In Mom v Watson court took a distinction between the 2 year & 1 year bar after settlement
Somble as to 1 year after grant of letters - this is no bar, but a mere suspension
Revised L 33 1643 see 97.

19 Mo R 303 a/c may be taken ^{of guardian & adult} - but not taken of a devastant
Enumerates proofs of identity, "finding among proper, corresponds with probate
and with book - and is admitted by all the answers. Then answers are
all to be treated as in evidence. In last Rowan's account

admits balance of \$1,273.02 only - and again by that
companion - Probate books shows classification of demands
Inventories in England required to be sworn to - and are classed -
Answer - sworn to ascertain stamp duty & jurisdiction of Superior
or inferior court - and good only for that amount of stamp

Baugh { Identification by answer of Rowan (answer Rowan made up estimates from it in probate)
Inventory { Do by Vaught's docket, of debts & some persons for same amounts

Devastavit - Goodmen reported doubtful (answer classed doubtful not because debtor
is insolvent - but because, it is doubtful about proving claim to be due, or
for the amount claimed. James Reed's account book contained
charges, in professional abbreviations, for services and medicines without
prices.)

On Cross-Motion Answered that the allowance of commission by the
Probate Court is res adjudicata and cannot be required
into now except for fraud. C. L. R. 425. 426
Referred to 4 Gratt 297. 345

Decree

Account as found by the Court

That A Reed Collector in his lifetime	2	414	81			
That sale bill amounted		917	70			
That he collected rents on real estate		420	25			
		\$ 3	802	76		
Credit by Probate Court		\$1	942	03		
" by payments since	339	47	2	281	10	1
						521
						66
						bal in his hand
Compound interest @ 6 per cent on \$1,521.66 allowing						
3 years to sett. & 18 months use in lieu of Court is	2	479	18	4	000	84
Debts Collectable but not collected					976	60
					\$ 4	977
						44

Contra as shown by Proofs

Sale bill		917	70			
All goods debts as per Inventory (Collected)		73	37			
Doubtful " " " " \$2,572.37 (Collected)	2	040	59			
Desperate " " " " \$2,517.43 none collected						
Debts not Invented - but Collected	79	36	3	111	02	
Credit by amounts paid as per settlement with						
Probate Court				1	942	03
" By amounts paid ^{Reed} by ^{R. Rowan} 339.47	2	281	50			
" By commissions ^{To be} allowed by Court on A's						
\$339.47 @ 6 per cent	20	36	2	301	86	
Dr				809	16	
To balance in hand at the end of 3 years						
from date of letters say Feb 1834 on \$809.16	809	16				
To interest on same @ 6 per cent from that date to Feb	874	89	1	684	05	
1852 date of decree						

Illustrations of Double Charges by the proofs

Abra & John Crustman (page 57)	13. 25
Proven & allowed in salt, £	70
Forreston pro proved debt	74 100. 00

Of the November Term Supreme Court
A D 1852

Stephen M Brown adm^r
of Alexander Reid deced^t
and D & sons now of James
Reid deced^t

Alexander Kirkpatrick
and Eliza Jane Kirkpatrick
his wife, and Joseph Bowls
and Rebecca Bowls his wife

Errors to be corrected

The said plff by Truman Wagon
Olney & W B Seates, his Counsel, Comes & Says that
in the record and proceedings, and in the
rendering of the decree in this Cause manifest
errors have entered to the manifest prejudice
of the complainants, and for assigning Special
Causes he sets forth, and shows.

- First The Court erred in rendering a decree against
the plff and in favor of the defendants
- Second That the Court erred in rendering a decree for debts
for more than was due upon @ just and fair
account.
- Third That the Court erred in allowing and compounding
interest on the Amount from 1854 until the
date of the decree
- Fourth " In compounding interest after the death of said
" A Reid
- Fifth " In allowing the sum of \$976.60, of uncollected
" accounts

- Sixth " In overruling and disallowing the Statute of Limitations
" as set up and insisted on in the Answer in this Cause
- Seventh " In admitting improper testimony objected to by
" Defendant below
- Eighth " In finding the facts in favor of Complainants
" and decreeing an account when by the facts
" The defendant below ought to have recovered
- Ninth " In ~~not~~ dismissing the debts bill as the
" trial below.
- Tenth " In hearing proofs of, and allowing \$976.60 on
" account of debts due said Estate, which ought
" and ought to have been collected by the adminis-
" trators, which is a conviction of the administrators
" as & for a devastavit of said ~~said~~ Estate
" and which should have been established, only
" by an action at law for that purpose, and
" before any decree, or judgment, could be rendered
" fixing a liability thereof on either administrator
" and his curties, and which would become a
" personal charge on him & his heirs as well as
" curties
- Eleventh " In overruling the debts Demures to debts bill
" Page 7 of the record
- Twelfth " In overruling debts motions for leave to withdraw
" his answers on file, previous to his answer of 1850
- Thirteenth " In striking debts Demures from the files, which
" will be found on Pages 38, & 9 of the record
- Fourteenth " In overruling debts motion for leave to file an
" amended answer Page 50 of the record

Fifteenth " In admitting in evidence the papers claimed
to be the Inventory of claims & debts due the
estate of James Reid deceased, which will be found
on pages 54 to 70 together with the list of notes
payable to John Reid & Son

Sixteenth " In receiving the 2^d Cash Book in evidence
which will be found on pages 113 to 117 of the
record, unless the Credit side thereof was received
also

Seventeenth " In Taking an account, of Alexander Reid deceased
acting & doing as guardian of said
Rebecca Borols

Eighteenth " In making a decree against the Estate of the
said A Reid deceased, ~~without~~ ^{where} making his
hires at law, were not before the Court, ~~when~~
it appearing to the Court from the depts
Bill, ^{and the pleadings} and from the evidence on the hearing
of the Cause, that such decree necessarily
effected the rectification of said the 2^d A Reid and
debt, and which descended to his said heirs

Scates Wright & Tammend
& Olney for plaintiff Error

And The said Defendants in Error, came and
say, that in the pleadings and proceedings aforesaid,
and in the decree aforesaid there is no Error

Wm. L. Marshall

Baugh & Montgomery

for Depts.

Filed the 15th Nov. 1852

A. D. Preston Clerk

Defendants in Error. Object to the Decree
in Case and assign for Error

1st The Court erred in allowing commissions
for more than Alexander's Fee collected and
disbursed.

2^d Erred in allowing one year and five months
gratuitous use of the money after the expiration
of three years from grant of Letters of Adminis-
tration, in lieu of Commissions.

3^d In allowing commissions at all ^{or if at all,} before final
Settlement.

4th In not allowing simple interest on the
amount not collected which was allowed
by the Court as collectable.

5th That the amount of the Decree should
have been for a larger amount, from the
proofs submitted.

S. M. Rowan & Son, Printers, Boston.

Cross-way

Persons whose names appear on the Cash Book & who were proven to be good

Amount in Cash book - Amt on money

Person	Amount in Cash book	Amt on money	How	Good	
Atter, Mrs	\$12.50	\$12.25	How	Good	12.50
Albin, James	5.66	5.50	Doubt	"	5.66
Berkart, David	27.75	27.25	Good	"	27.75 - 27.75
Olney, Nath	14.00	14.00	Doubt	"	14.00
Allen, Samuel	1.18 ³ / ₄	1.18 ³ / ₄	"	"	1.18
Buck, Thos	15. ✓	15.	Good	"	15.00 - 15.00
Bradford, S ^r	38.75	38.75	Doubt	"	38.75
Buffington, ✓	2.50	2.50	Good	"	2.50 - 2.50
Brown, Adg	36.75 ✓	36.25	Doubt	"	36.75
Boyd, Geo	11.75	11.75	"	"	11.75
Burger, Jacob	78.78	78.78	"	"	78.78
Brown, Geo	5.50	19.25	Dec	"	"
Fish, George	20.25	30.00	"	no	"
Burke, X	1.75	1.75	Good	no	1.75 - 1.75
Boyd, Geo	3.00	3.00	Doubt	no	"
Bradley, X	3.18	3.18 ³ / ₄	"	no	"
Brown, Geo	11.77	6.75	"	no	"
Carr, Joseph	19.00	18.00	"	By	"
Croft, Thos	4.00	2.50	"	no	"
C. Kraus	4.25	4.25	Dec	Good	4.25
Cropper, Isaac	3.25	12.25	Doubt	"	"
Goehman, Geo	4.50	33.50	Dec	Bad	"
Corrall, Baley	5.75	5.75	Doubt	Good	5.75
Cann, Geo	13.00	13.00	"	no	"
Carter, Geo	25.75	8 ¹ / ₂	"	no	"
Boone	"	24.40	"	no	"
Atter, Geo	20.00	20.00	Dec	no	"
Wiss, Mrs	35.75	14.75	Doubt	Good	14.75
Wiss	"	.50	"	"	"
Durand, Geo	14.00	13.00	"	"	"
Wiss, Geo	5.	5.25	Dec	75	"
Wiss, Geo	10.	10.25	Doubt	Good	10.00
Wiss, Geo	2.37	2.37	"	"	2.37
					281.74 - 47.00

Names	amt paid	amt rep'd	How Paid	
Robert Tho 1.87	1.87	Good	Good	1.87
do x 6.38	6.87	Doubt	no	
Robert Tho 10.	10.00	"	Doubt	
Alum Joseph 7.75	7.75	Des	D. R.	
is Calep 15.25	15.25	"	D. R.	
Ward Geo 6.50	1.00	Doubt	Good	6.50
Same "	7.50	"	"	7.50
Abner 13.12 1/2	13.50	"	C. R.	
Egbert Pie 10.75	10.75	"	Good	10.75
Edward 2.00	2.00	Des	no	
Frederic Isaac 8.00	7.25	"	no	
Forbes D 2.50	2.50	"	no	
Green Henry 12.50	12.50	Doubt	Good	12.50
William Lloyd 8.50 on D. R.	8.50	"	"	8.50
Gilbert Henry 7.00	7.00	"	no	
Ed Kalan 8.87	8.87	Good	no	8.87
Robinson Geo 20.00	6.50	Doubt	Good	20.00
Same	5.37	"	"	
Same	7.50	"	"	
William Sp 29.50	26.20	"	no	
Woodnight G. J. 2.5	1.25	Good	no	1.25
Abner Wm 3.50	3.50	Doubt	no	
Esset David 7.37	7.00	"	Bad	
Hamilton Geo 46.31 on D. R.	35.00	"	Good	46.31
Same "	23.75	"	"	
Hooten Hor 15.	15.75	Des	no	
Hogan Isaac 10.	9.50	Doubt	Good	10.00
Hatfield Buck 6.12	87	"	no	
Same	5.75	"	"	
Hooten Geo 18.75	18.75	"	"	
Langston Lu Hartman	5.75	"	"	
Howard Pitt 5.75	5.75	"	"	
Smith 1.00	1.00	"	"	
Lowd Geo 62 1/2	62 1/2	Good	"	62
Lowd Geo 20.00	17.00	Doubt	"	123.93
				12.61

Names and amt out and Rep. Reports

Names	amt out	Rep. Reports	How	Ends
Johnston	24.00	24.00	Desp	no
Freight	9.37 1/2	10.46 1/2	Doubt	Good 9.37
Porter	21.31	14.00	"	no
Redington	20.25	20.25	"	"
Kennedy	7.25	2.00	"	D. R.
Linn	89.31	86.31	"	no
Linn	30.45	27.50	"	C. P.
Logg	10.00	10.00	"	Good 10.00
Marshall	63.48	43.50	"	no
Mills	21.25	21.25	"	C. P.
Mortimer	10.00	12.35	"	no
Motion	26.50	26.50	"	no
Marshall	74.25	74.25	"	
Morris	32.25	16.00	"	
McCoy	12.50	12.00	"	Good 12.00
Same	9.75	9.75	"	
Morris	1.25	1.25	"	
Neil	2.25	2.25	"	
Good				
W. by	62 1/2	62 1/2	"	
W. by	5.00	12.25	Doubt	
Pro. Star	22.50	22.50	Doubt	
Painter	12.95	46 1/2	"	
Same	"	6.75	"	
Pasey	1.50	1.50	Good	1.50
Pro. Star	25.00	25.00	Doubt	Good 25.00
Robinson	18.75	18.25	"	Collect on Debt
Same		11.50	"	Unpaid
Same		7.00	"	
W. by	12.25	14.00	"	C. P.
Same	"	4.50	"	C. P.
Same	6.62	6.62 1/2	"	
Same	57.00	77.12	Doubt	Good 57.12 - 29.
Same	29.00			
Allen	12.25	12.25	Doubt	" 12.25
				125.74
				1.50

Ino	7.53	21.00	Doub	Good	7.93
Low	75	.75	"		
Bolt	45.25	45.25	"		
Wp	8.00	7.00	"		
man	5.75	5.75	"		
Shidner	2.75	2.75	Good		2.75
Deero	42.00	6.00	Doub		
Barre		35.12	"		
Curry	2.87 1/2	2.87 1/2	Des		
Wet	1.00	2.25	"	Good	1.00
Wet	9.00	8.50	Doub		
Wet	11.25	11.25	Des		
Wet	.50	7.25	Doub	Good	.50
Wet	9.88	44.50	"	D. R. 015	Wet
Wet	4.00	4.00	"		
Wet	.50	.50	"		
Wet	2.00	2.00	"		
Wet	7.43	6.50	Des	Good	6.50
Wet	3.25	3.25	Doub		
Wet	12.50	2.50	Good	Good	2.50
Wet	14.50	24.00	Des	Good	14.50
Wet	1.60	1.62 1/2	"	"	
Wet	7.49	10.49	Doub	Good	7.49
Wet	18.50	18.50	"		
Wet	1.90	5.00	"	Good	1.90
Wet	3.31	4.12	"	"	3.31
Wet	16.00	39.50			
Wet	11.50	3.00			
Wet	87 1/2	87 1/2	Good		

45.63	6.12 1/2
281.74	47.00
123.93	12.61
125.74	1.50
577.04.	87.23 1/2
	577.04
	654.27

State of Illinois, Gallatin county set

Original
Bill.

To the Hon Walter B. Scates Associate Justice of
the Supreme Court of the State of Illinois and
Presiding in the Gallatin Circuit

Humblly
Complaining your Orator Alexander Kirkpatrick
and your Oratrixes Eliza Jane Kirkpatrick
wife of said Alexander, an Rebecca Reid
by her Guardian Alexander Kirkpatrick
would shew unto your honor, That James
Reid late of said County was in his lifetime
and at the time of his death possessed of and
entitled to considerable personal estate amounting
to in and about \$7000- And your Orator and
Oratrixes further shew that the said James
Reid in and about the month of ~~the~~
departed this life intestate leaving your
Oratrixes Eliza Jane his widow who has
since intermarried with the said Alexander
Kirkpatrick and Rebecca Reid his only
heir at Law. And your Orator and Or
further shew that since the death
James Reid. On Alexander Reid. obt
Letters of Administration and letters of
Guardianship over said Rebecca out
Gallatin Probate Court and by virtue thereof
possessed himself of the whole of the
real estate of said Intestate as
by the records now remaining in the
Probate Court. That in the course of his
administration he converted large

Original
Bill.

amounts of goods and chattel, into me
and collected large amounts of money
the estate of said Intestate much more
was necessary to pay the debts of said
Intestate as well as rent, & profit, of the
real estate

And your Oratrixes further shew unto your
honour that being entitled to a certain
distribution ~~Shower~~ of the said personal
of said intestate they frequently applied
the said Alexander and requested
to make a final settlement of said estate
and pay them their respective shares
with which reasonable requests it was
thought he would ^{have} complied But now so
it is may it please your honor the said
Alexander Reid departed this life on
day of without having made a final
settlement as aforesaid or making any
distribution to your Oratrixes - and your
Orator & Oratrixes further shew unto your
honor that one Stephen K. Rowan obtained
letters of Administration from the Gallatin
Probate court upon the estate of the said
Intestate Alexander Reid and under and
by virtue thereof became administrator
de bonis non of the ~~intestate~~ of James Reid
aforesaid and possessed of the rights, credits,
moneys and effects, which were of James
Reid in the hands of Alexander Reid and
became chargeable with the same as
Administrator de bonis non and your

3
Orator & Oratrixes further shew that they frequently applied to the said Stephen R Rowan as such Administrator de bonis non for a final settlement of the estate of the said James Reid and for the distribution thereof to your Oratrixes as heirs, but that the said Rowan hath wholly refused to comply with this reasonable request under the pretence that the personal estate of the said James Reid was exhausted by the said Alexander Reid and himself as Administrator in the payments of debts and other charges - Whereas your Orator & Oratrixes charge the contrary thereof to be the truth and so it would appear if the said Stephen R Rowan would set forth as he ought to do a full and true account of all and every the personal estate moneys and effects which have been received and possessed by the said Alexander in his life time or by his order or to his use and which have been received or possessed by the said S^r R Rowan or by his order or to his use as Administrator de bonis non a^d or as an individual

Charge that the said Alexander Reid in his life time used for his personal purposes large sums of money belonging to the estate of James Reid deceased

Charge that at the time of the death of the said Alexander Reid there was a large balance in money remaining

Chargeable to him as such Administrator
and distributable to your Creditors
Charge that by negligence and carelessness
a large number of Debts due said ~~intestate~~ estate of
James Reid have been wholly lost by the said
Alexander Reid in his life time and by the
said S K Rowan since he became Administra-
tor de bonis non

Charge that the said Stephen K Rowan before
he became Administrator de bonis non as
aforesaid. came into the possession of certain
monies and effects of said estate of the said
James Reid and has never accounted therefor
but applied the same to his own use.

Charge that the said S K Rowan by his refusal
to render an account of such monies as
were due has imposed a grievous loss
upon your Creditors and should pay interest
on the sum so due and unpaid to your
Creditors

Charge that the personal estate of said
Alexander Reid will be insufficient to pay
the amount due from him to your Creditors
and that he died seized of certain lands in
his own right and others in common with
said Rowan leaving James Alexander
Reid his son and heir at law and Mary
Ann Reid his widow. Which lands remain
unconveyed by the said Rowan to the said
Alexander in his life time or his heirs
since his death

All which actings and doings are contrary to

Original
Bill.

5- Equity and good conscience and tend to the
manifest wrong and injury of your Creditor &
Creditors to the end therefore that the said
Stephen R Rowan may upon his corporal oath
to the best and utmost of his knowledge and
remembrance information and belief, full
true direct and perfect answer make to all
and singular the matters aforesaid and that
as fully and particularly as if the same were
then repeated and more especially set forth
a full true and just account of all and singu-
lar the goods and chattles rights and credits and
effects whatsoever which the said James Reid
Intestate as aforesaid was possessed of or entitled
to at the time of his decease and which came
into the hands of the said Alexander Reid
or of him the said Rowan or any other
person and all the particulars whereof
the same consisted and the quantities
quantities, and true values of each and every
particular specifically setting forth an
Inventory of the personal goods and chattles
with a particular description thereof and
how and in ^{what} manner the same were disposed
of - and also a particular account of all
and every the debts whatsoever choses in
action and other claims whatsoever which
were due to and claimed by the said James
Reid at the time of his death specifically
enumerating what sums of money have
been paid in thereon either to the said
Alexander Reid or him the said

Original
Bills.

6

S^r R. Rowan and on what debt, by whom
and to whom and for what, and what debts
and claims of whatsoever kind remain
unpaid or uncollected specifically stating
the names kind quality present condition
And also a particular and full account of
all monies paid out in discharge of demands
upon said estate by whom paid to whom paid
for what paid the vouchers therefor & all other
matters connected with the application thereof,
And also a particular and full account
of all monies received by the said Alexander
Reid in his life time or the said Rowan by
way of ^{the} rents and profits of the real estate of
said James Reid. Also a full and complete
account of his administration of the estate
of Alexander Reid and that the said Stephen
R. Rowan and his confederates when discovered
may answer make, your Orator and Oratrix
pray the said Stephen R. Rowan Administrator
of Alexander Reid deceased and by virtue thereof
Administrator de bonis non of the estate of
James Reid deceased be made defendant
to this bill and that upon his answer and
proof being heard that an account be taken of
the personal estate of said James Reid deceased
which was and is chargeable to the said
Alexander Reid as Administrator and the said
Rowan as Administrator de bonis non of the
said estate of James Reid deceased and
that a distribution thereof be made and
upon such distribution that your Honor

Decree the payment of the share of your
 Oratrix Rebecca Reid as daughter and heir
 of the said James, and the share of your
 Oratrix Elizer Tarr widow of said
 deceased and that the same be paid
 out of the estate of said Alexander Reid
 and the said Rowan as they may be
 respectively chargeable and that your
 honor will grant such other and further
 relief as to your honor may seem meet
 and proper - so may it please your
 honor to grant unto your Orator and Oratrix
 the people's most gracious summons in
 Chancery directed to said Stephen K Rowan
 returnable &c in conformity with the Law.
 as they will ever pray &c

A. G. Caldwell
 for complainants

S. R. Rowan sal

ads

Alex Kirkpatrick sal

These depts by protestation
 not confessing or acknowledging all or any of the
 matters and things in the sd complainant's bill
 to be true in such manner & form as the same
 are therein set forth & alleged. do Demur thereto
 and for cause of demurrer shew that the said
 complainants in their said bill pray a decree
 to sell the lands of the sd Alex Reid decd or so much
 thereof as will be sufficient to make up the
 insufficiency of the personal estate of the said

Demurres
 to Bill.

Alex Reid dec^d whereas by the law of this land
such sale can only be made by the circuit court
acting as a court of law acting on the application
of the Administrator by petition in writing.

And for further cause of demurrer these depts,
show that it appears by the said bill that it
is sought to make the sd Rowan responsible for
the supposed deficiency & neglect of the said
Alex Reid dec^d as Guardian of Rebecca Reid
whereas the said Rowan altho Admin^r of the sd Reid
has nothing to do with the Guardianship of sd
Rebecca and is no wise bound to answer
in respect thereto. Wherefore these depts demand the
judgments of the honorable court whether they
shall be compelled to make further or other answer
to the sd bill or any of the matters & things therein
contained & pray to be never discharged with
their reasonable cost in this behalf sustained

Eddy & Posey

Thursday Alexander Kirkpatrick & Eliza Ann his wife

13th June & Rebecca Reid

1844

VS

complainants

bill in chancery

Stephen R Rowan James A Reid &

Mary A Reid

Defendants

Order of
Court:

Came the parties by their counsel and Henry
W. Moore, Esq. was appointed Guardian ad litem
who takes upon himself to act as such.

And the defendants demurred to the complainant,
bill filed herein which being submitted to the
court is overruled and a motion of complainant
a rule is granted against the defendant, to
file their answer by the first day of September

9 next and this cause is continued untill the next term of this court

1st Answer
of deft. Rowan.

The answer of Stephen K. Rowan Administrator of Alexander Reid deceased and Administrator de bonis non of James Reid deceased to the bill of complaint of Alexander Kirkpatrick Eliza Jane Reid his wife and Rebecca Reid heir at law of the said James Reid deceased & her Guardian the said Alexander Kirkpatrick.

This defendant saving and reserving to himself now and at all times hereafter all and all manner of benefits and advantage of exception that can ~~be~~ may be had or taken to the many errors uncertainties and insufficiencies in the said bill of complaint contained for answer thereto or unto so much thereof as the defendant is advised it is in any wise material or necessary for him to make answer unto. Answering says that true it is, this defendant is the administrator of Alexander Reid deceased who was administrator of the said James Reid deceased and Guardian of the said Rebecca Reid sole heir at law of the said James Reid decd and by virtue of the 6th Sec of the act of the Local Assembly of this State entitled "Supplementary to an act entitled an act relative to wills and Testaments, Executors and Administrators, and the settlement of Estates," this defendant became Admin^r de bonis non of the said James Reid deceased so far as the same was undistributed by the said Alexander Reid in his life time

1st answer
of deft. Rowan.

This defendant further answering says that he knows nothing of the condition of said James Reid's Estate further than appears from the file, and books ~~and papers~~ of the Probate officer of Gallatin County, and the books and papers, of the said Alexander Reid deceased, which have come to the hands of this defendant. That he finds, from the Probate books and files that the said Alexander Reid returned an inventory of debts, notes and accounts due to his intestate James Reid as follows to wit good \$73,37½ doubtful \$2572,57½ and desperate \$2517,47½ and that he collected and made returns to said officer at three different ~~times~~ settlements all of the good debts say \$73,37 and \$1372,88½ of the doubtful debts thus ^{un} leaving collected on the 7th day of October 1833. the date of his last settlement, of the doubtful debts \$1199,49 and all of the desperate. Besides the above collections the above Alexander Reid appears to be chargeable with the amount of the sale bill of the effects of said James Reid deceased amounting to \$977,70½ thus making the total of every thing ^{collected} by the said Alexander Reid of the effects of the said James Reid deceased of whatever nature so far as settled with Probate officer the sum of \$2363,96¾.

The defendant further answering says that since he became administrator of the said Alexander Reid he has made a return to the Probate court of other collections made by his intestate as administrator of said James Reid

11
1st answer
of deft.
Rowan.

taken from a small square book of this
defendants intestate amounting to \$ 205¹¹/₉₃¹/₂
and taken a credit for vouchers filed to the
amount of \$ 77¹¹/₇₅¹/₂ thus leaving the further sum
of \$ to be added to the said sum of \$ 2363¹/₉₆
for which this defendants intestate would appear
chargeable as administrator of the said James
Reid deceased

Against this aggregate sum of \$ which
came to the hands of this defendants intestate as
Administrator of James Reid deceased this
defendants claim a credit for \$ paid
out in course of Administration and allowed
him by the Judge of Probate and for the further
sum of \$ 70¹²/₁₂¹/₂ paid over to this defendants
intestate as Guardian for Rebecca Reid as
per exhibit marked A prayed to be taken
as a part of this answer This defendant
further answering says that beside the sum
of \$ 70¹²/₁₂¹/₂ which came to this defendants
intestate as Guardian as aforesaid there
also came to his hands as such Guardian
the sum of \$ 313⁵⁰ being the said Rebecca
Reids share of the rents of the house and lot
in Shannontown of which the said James
Reid died seized from the time of his death
up to the time when the widow took exclusive
possession of said premises thus making in
all the sum of \$ 383⁶²/₁₂¹/₂ against which aggre-
gate sum this defendants claim a credit of
\$ 32⁷⁰ paid out as Guardian of R^d Rebecca
by this deft^r intestate as will more fully

1st Answer
of deft.
Rowan.

appearing exhibits herewith filed & marked B thus leaving a balance of \$350.92½ which this defendant, intestate was accountable for as guardian at the time of his death exclusive of interest on the same if this Honorable court should decree interest to be accounted for. This defendant further states that the sum of \$156.75 collected for rents, and being one third of the whole amount of rents collected was received by or paid over to the said complainant Eliza Sam being her third part of said rents, as widow of said James Reid deceased during the time aforesaid.

This defendant further answering says that the exhibit "C" contains a full and true list so far as this defendant knows or has been able to learn of the real estate of this defendant, intestate Alexander Reid as well such as he held in his own right as in partnership with others. The annexed exhibit marked "D" contains a list of the uncollected debts, due to the estate of James Reid dec'd and which were returned doubtful or desperate of this defendant, intestate Alexander Reid and which so remain in the opinion of this deft.

This defendant further answering says that no money or property belonging to the estate of said James Reid deceased has come to the hands of this defendant before or since he became Administrator de bonis non of said estate but that he paid over to the said complainant, Eliza Sam and

The guardian of said complainant Rebecca
 the sum of \$90⁰⁰20¢ out of the assets of the estate
 of this defendant, intestate Alexander Reid
 To wit To Eliza Jane Kirkpatrick \$65⁰⁰20¢ and
 to Alexander Kirkpatrick guardian for for Rebecca
 Reid \$25⁰⁰.

And this defendant denies all & all manner
 of unlawfull actings & doings in the said complain-
 ant, bill charged against him without that
 there is any other matter or thing in the complain-
 ant, said bill of complaint contained material
 or effectual for this defendant to make answer
 unto confessed or avowed traversed or denied
 is true to the knowledge or belief of this defend-
 ant All which matters & things this defendant
 is ready to aver maintain and prove, as this
 honorable Court shall award, and humbly
 prays to be never dismissed with his reasonable
 costs & charges on this behalf wrongfully sustained

Sworn to before me this 8th

day of November 1844

Leod White clk

Alexander Kirkpatrick ~~and~~ Eliza
 his wife & Rebecca Reid

by

Stephen R Rowan James A Reid
 & Mary A Reid

In Chancery

On this day came the parties
 & their attorneys and on motion leave is given to
 amend the answer in one month and ordered that
 the decree be ^{renewed} ~~renewed~~ &c

Order of
continuance.
June 1846

Friday June 5th 1846

A Kirkpatrick wife &c

vs

Stephen R Rowan Jas. A.

Reid Alex Reid

Ordered that the foregoing
cause be continued until the next term of
this court.

Saturday October 31st 1846

Order of
continuance.
Oct. 1846.

A Kirkpatrick & Wife

& Rebecca Reid

vs

SR Rowan James Reid

& A Reid

Ordered that this cause be continued
until the next term of this court

State of Illinois, Gallatin County

In the Gallatin Cir co 1847

Affidavit
of Caldwell.

A Kirkpatrick & wife &c

vs

Stephen R Rowan and others

Personally appeared

15-
in open court A.G. Caldwell for and in behalf
of complainants, who being first duly sworn
deposes and says that upon inquiry at the
clerk's office he finds that the papers in the
above entitled cause have been withdrawn
from the files of said court and this affiant
would further state that the clerk informs
him that the said papers have not been in
the clerk's office for near two years, and this
affiant is induced to believe that the said
papers were withdrawn by the said Rowan
or his attorney for the purpose of making out
further answer to the bill filed in said
cause. This affiant further states, that at
the October term 1845 of said court by the
order thereof a further answer to said
bill was required which as yet has not
been filed and this affiant would state
that said Rowan and his attorney L.S. Posey
were as this affiant believes, aware of such
order but have not complied with

Now this affiant would further add that
the complainants have long been hindered
and delayed in the prosecution of said cause
by such negligence wherefore he prays that
the court grant an attachment against the
said Rowan to bring into court the said
papers, and file a further answer to
said bill and further this affiant saith
not

Sworn and subscribed A.G. Caldwell
this 27 Octr 1847

A.P. Wilbark, clk

Alexander Kirkpatrick &
Wife & Rebecca Reid

V

Stephen R Rowan
Esq., & A Reid

Order of
Court:

On motion of complain-
ant & Caldwell their solicitor, Ordered
That Andrew McAllen be appointed
Guardian ad litem for Alexander Reid
a minor and the complainant suggest
the marriage of Mary Ann Reid with
Andrew McAllen. On affidavit it is further
ordered That an attachment issue against
Stephen R Rowan one of the defendants,
requiring him to produce the papers of this
suit and answer the bill filed herein or
show cause to the contrary

+

Saturday October 30th 1847
Alexander Kirkpatrick &
Wife & Rebecca Reid

V

Stephen R Rowan, James
A. Reid Alexander Reid

On motion of compl-
aintant, solicitor the defendants, are ruled

Rule to
file answer.

to file their answers to the bill herein within
sixty days.

Saturday 4th Nov 1848

A Kirkpatrick & wife & R Reid

VS

SR Rowan Esq., & A Reid

Ordered That the

Order of
Continuance
Nov. 1848.

17
cause be continued to the next term of
this court

Saturday 23rd June 1849

A Kirkpatrick & wife & R Reid

v

SR Rowan James A. & A Reid

Order for re-
newing at-
tachment vs.
deft.

On this day

Came the plaintiff & their attorney and
moved court to renew the attachment
ordered at a former term of this court
against SR Rowan which was by the
court allowed

Saturday 9th February 1850

A Kirkpatrick & wife

& Rebecca Reid

v

Stephen R Rowan

James Reid & A Reid

Marriage of
Rebecca Reid
sup. and cont'd.

On this came the atty for the

complainants and suggest to the court the
intermarriage of Rebecca Reid with Joseph
Bowles ordered that this cause be continued

Thursday 27th June 1850

A Kirkpatrick & wife

Joseph Bowles, & wife

v

SR Rowan James A.

Reid & Mary A Reid

Order of
continuance
June 1850.

Ordered that the foregoing
cause be continued until the next term
of the court

2nd answer
of deft.
Rowan.

The answer of Stephen H Rowan as administrator of the estate of James Reid deceased so far as the same was left unadministered of Alexander Reid see to the bill of complaint of Alexander Kirkpatrick Eliza Jane his wife and Joseph Bowles and Rebecca his wife

The defendant saving and reserving &c for answer to the said bill answering says that true it is ~~in this said bill~~ defendant is the Administrator of the Alexander Reid dec^d and who was Administrator of the estate of James Reid dec^d and Guardian of the said Rebecca Role heir at law of the said James Reid dec^d and that the defendant became Administrator de bonis non of the estate of James Reid dec^d

That he knows nothing of the condition of said James Reid's estate further than appears from the files and books of the Probate Office of Gallatin County and the books and papers of the said James Reid deceased and the books and papers of the said Alexander Reid dec^d which have come to the hands of this defendant.

That he finds from the probate books and files that the said Alexander Reid returned an inventory of debts, notes and accounts due to his intestate James Reid as follows to wit. reported good \$73.37½ - doubtful \$2572.37½ - and desperate \$2517.47¾ - and that he returned to said office a sale bill of the personal goods of the said James Reid amounting to \$917.70 -

also this defendant finds among the papers of Alexander Reid dec^d evidence of notes due to John Reid and James Reid under the designation of John Reid and son having come to the hands of the said Alexander Reid dec^d as Administrator of the estate of the said James Reid dec^d to the amount of \$217. on half of which it appears were due to the said James Reid also the said Alexander Reid returned to the Probate office of Gallatin County an inventory of the personal goods of the said James Reid deceased amounting to \$882.70 - also for debts not reported to Probate office and which appear from the books of James Reid dec^d to be due \$158.98. making in all with which the said Alexander Reid as administrator of the said James Reid appears to be chargeable including doubtful and desperate debts as above mentioned \$7,231.13 $\frac{3}{4}$.

This defendant finds among the papers of the said Alexander Reid dec^d notes due to James Reid's estate yet uncollected \$701.72. also notes due to John Reid and son yet uncollected \$116.50, on half of which 58.25. also amount of uncollected accounts 1825.99 also for vouchers filed in the Probate office and for which the said Alexander Reid needs a credit on the Probate Books \$1845.28, also the inventory of personal property charged to as above \$882.70. Making in all of credits to which the estate of Alexander Reid is entitled

2nd answer
of deft:
Nowan.

\$5513.97 leaving due to the estate of James Reid from the estate of Alexander Reid as Administrator \$1917.16³/₄

This defendant finds from the books and papers of the said Alexander Reid dec^d that he the said Alexander received as guardian of the said Rebecca for rent, and claims due \$383.62. For a more particular and specific explanation of the above mentioned actings and doings see Exhibit A & B. This defendant also states that of the debts above mentioned as being yet uncollected from the information he has on the subject he thinks that \$146.92. could have been collected as to the remainder he cannot say and he has not endeavoured to collect the said accounts since they came to his hands as he knew of no means of proving them and also that they were if ^{and more} ten years standing and he has not endeavoured to collect the notes due to said James Reid's estate as he did not know that they were in his possession until recently with the exception of three or four.

As to the condition of the estate of ^{the} said Alexander Reid dec^d and the manner in which the same has ^{been} administered by this defendant he answers that the amount of the salaries is \$678.27² amount of debts collected and reported to Probate office \$466.41 - amount collected but not reported \$ debts due
the estate doubtful \$683. accounts, notes, \$185.62.

desperate accounts, \$4442⁰⁰ 47 notes \$35⁰⁰ 25
 For list and account of lands belonging to
 said estate see Exhibit C as to the application
 of the funds of the said Rebecca & the said
 Alexander Reid Administrator and Guardian
 as aforesaid to his own individual uses
 and benefit this defendant knows nothing
 of his own personal knowledge all the
 information he has on that subject was
 told him by the said Alexander Reid during
 his last illness and which in substance
 is, that the said Alexander had used
 the money of the said Rebecca and that he
 could not have gotten along without using
 it and also requested this defendant to
 borrow money and mortgage real estate
 of the said Alexander to secure the repay-
 ment of the same, and with the money
 so borrowed to pay the said Rebecca, and
 that the amount would be \$1800 before
 this defendant would be able to pay the
 same. This defendant now believing
 that he has answered every material
 allegation of the said bill as fully and
 correctly as he knows how to do respectfully
 submits the same to the consideration
 of this honorable court and humbly prays
 to be hence dismissed with his reasonable
 costs and charges in this behalf sustained
 subscribed & sworn to S. B. Keweenaw
 before me this 6th day of August 1850
 J. E. Hall Clerk

Exhibit AAlexander Reid Adm^rTo the estate of James Reid deceased &c^r

1832	For amount of debts uninvoyced	\$	158	98							
Feb 6	" amount of Sale Bill		917	70							
"	Debts due <table><tr><td>Good</td><td>doubtfull</td><td>disparate</td></tr><tr><td>\$ 73.37 1/2</td><td>\$ 2572.37 1/2</td><td>\$ 2517.47 3/4</td></tr></table>	Good	doubtfull	disparate	\$ 73.37 1/2	\$ 2572.37 1/2	\$ 2517.47 3/4	5163	22 3/4		
Good	doubtfull	disparate									
\$ 73.37 1/2	\$ 2572.37 1/2	\$ 2517.47 3/4									
"	notes due to Jno Reid & son \$ 217. 1/2 of which belated to John Reid		108	50							
"	personal Property		382	73	7231	13 3/4					
Or											
	By notes on hand (see exhibit B)	\$	701.72								
"	notes of Reid & son \$ 116.50 1/2 of		58.25	759	97						
"	accounts now unsettled (see exhibit B)		2064.64								
Deduct for accounts not included in the above charge of 5163.22 3/4 but is included in the credits of \$ 2064.64 = 158.98 also for accounts of the above \$ 2064.64 for which notes have been taken and accounts not credited 79.67											
			238.65								
"	Amount of unsettled acc ^s which were inventoried	\$ 1825.99	1825	99							
"	Vouchers filed in the Probate court		1845	28							
"	Personal property as charged as above		382	73	5313	97					
					1917	16 3/4					
Or So Cash rec ^d of Dr Alex Rowan & Son Rowan					70	00					
Balances in favor of the estate of James Reid dec ^d					1917	16 3/4					
1833	Alex Reid Guardian for Rebecca Reid & for monies in his										
Oct 22	Am ^t of Judgment on Vouch ^r s this date Henry Gill	20.12									
Feb 28	" " note on John Reid this date C 10/18 c ^t	25.00									
Aug 27	" " " " John Reid " " " 10 " "	28.00									
Amount of rent monies rec ^d from the 20 th March											
1831	15 th November 1839	470.25	540	37							
Or 1/3 of the above amount \$ 470.37 paid to Wm & J Reid			156	75	383	62					
					(2306.75 3/4)	2300 75 3/4					

Exhibit 13

A list of accounts that appear unsettled upon the books
of James Reid deceased

Allack - Alex Powell, Mother	10 00
Alney Mrs	15 50
Ayreheart Franklin	6 50
Bailez as James, Cairns	4 50
Barker Mr " do	3 50
Brounshall Sarah	6 75
Brounshall Stephen	6 62
Brown John sign of the Buck	13 75
Baldwin Baker as woods	8 25
Boyers Mrs Mrs	13 70
Belt Henry	2 -
Beasley Mrs	6 75
Beasley Black Smith	12 -
Baldwin Cooper, House & town	4 75
Brown John	1 75
Berry Wm as Woods	3 50
Bruce Rev Esqr	5 31
Beasley Parker @ Ribben	1 -
Bradley	3 19
Blazier Moses	1 -
Barker	2 25
Bounston 1/2	3 00
Burns John	33
Beaumont	36
Brown Thos. C. Lodge	12 25
Amount carried over	2 10 32

Amount Brought forward	\$ 210 82
Bran lives at north lick Ky	24 50
Baldwell James	1 00
Black Alex	5 50
Chapman Rejnor	10 00
Cobb Mrs	11 75
Crawford	5 50
Constable John	1 00
Cobbreth (Union) W Haren	14 00
Cary Elizabeth	7 50
Copeland Ab	04 00
Carter Henry	13 50
Curtis Mr (Stabash)	2 00
Castle, Mr Sen	3 00
Castle Robert	2 00
Cooper W Haren	3 30
Carter (cooper as Wools work)	6 50
Crisp (as Wools)	3 75
Crenshaw Abraham	2 50
Coop Mr	11 75
Cochran Rejnor	33 50
Codd Geo	2 25
Caulley (Solomon ferryman) Mr	6 37
Carr (from E. J. as tailor)	10 75
Crenshaw John	10 74
Caldwell (Samuel of John negro as Frazier)	3 25
Chandler Matilda	5 00
Davis Francis	7 50
Davis (Woods tavern)	19 25
Deming Asaiah	2 00
Denson Geo (as Frazier)	2 00
Lillard James	2 25

Dutton James F		6 50	
Dohs Reynor		2 50	
Dohs Lodway		2 00	
Davenport Alex lived in Ky		<u>7 50</u>	
Amount carried over		\$466 98	
Amount Brought Over		\$466 98	
Drewyer Chas	4.50		
Dohs Horace	1.00		
Dotsen Tho	3.50		
Davenport James	31.25		
By Davenport Adrian	2.75		
Dodson James	4.75		
Douvan Jacob	3.00		
Dodson Mr	6.25		
Dodson (Reynor)	37.00		
Davenport Tho lived in Ky	<u>3 25</u>	97 25	
Ellis William	50		
Edwards Geo (next to John)	2.87		
Ellis Mr	1.00		
Ellis Mr near Doyley	1.00		
Ellis John	15.00		
Edwards John	1.00		
Edminston Mr	21.12		
Ezell Tho	10.00		
Eddy Henry	23.50		
Ellis Mrs (married Mr Baker's daughter)	18.50		
Edwards Robert	<u>3.00</u>	97 49	
Floyd (Union)	1.00		
Fields James	2.87		
Ferris Mr	1.50		
Findley Benjamin	1.50		
Flemmons	7.00		
Field, Stephen	1.56		
Ferrell William	<u>8 62</u>	25 55	
Amount carried over		\$686 27	

Amount Brought over	\$685 27
Farrister Nathaniel	17 75
Farrister John	133 13
Frazier John	4 25
Fell John sent & June 4 Ed	5 25
Goodnight (Junior)	2 00
Grant A F (Saw mill)	1 75
Gatewood Jefferson	7 00
Gilbert Samuel	11 75
Gordon John Sandy Ridge	8 50
Grady (works with marsh)	1 75
Grady Mrs as 24 Eds	2 62
Grant Roswell N Haven	1 00
Grant Robert	75
Guard Timothy	562
Gray	475
Gosset David	250
Greenbauer Mrs (near burned manie)	3 00
Gos	50
Grindle (as Sexton roabash)	1 50
Hagerd	75
Harding Sophia	2 00
Hains	1 00
Hearlston (near New Haven	1 00
Head Mabery	3 62
Holly (on McGleams farm)	6 62
Hughston Norman	5 75
Hinson Junior	250
Hayl (Fraziers school house)	3 75
Hefford J. T.	2 14
Amount carried forward	\$937 52

Amount brought forward	\$ 937 52
Hutchcraft Hiram	50
Hutchcraft Hiram	12 1/2
Hamilton John	23 75
Hopper	42 47
Heddy	2 25
Hubbard E Phrain	16 00
Hunter Inc (Kend Settlement)	50
Hirman Philip	2 75
Hier Samuel	11 87
Ingraham	1 25
Jones Tho	7 75
Jacobs Page	7 50
Jones Richard T	1 50
Johnston John or Zachariah	7 00
Kinner Mrs Carmel	7 50
Kinner Mrs	75
Kennedy Moses	2 50
Kirkendall Lewis	2 87
Kibber (Sandy ridge)	7 25
Kissinger Joseph	2 00
Kitcham wagon maker at Mrs M D	22 12

Amount carried forward \$ 1107 72

Amount brought forward \$ 1107 72

Logan John	6 75
Lain John Esq	7 50
Logan James Sen	4 50
Logsdon Peggy	2 00
Lowe (Pond settlement)	6 00
Lippitt	4 15
Ledbetter fords ferry	8 00
Lin Samuel	38 75

Lacy Jeremiah	10 00
Little Mrs (beyond the lick)	1 75
Lunenburg & Bayler	8 00
McClanahan	2 00
McLeare John	1 25
McGhee	11 75
McLevy Mrs	8 25
Moreham King (at Darlton)	1 37
Moreham J. F.	2 12
Morris Joshua Ky	1 00
Martin Mrs	47 62
McGoy John & Big creek	1 00
McCool wagoner	30
McLelland Mrs F	10 62
Morgan A & M Muds	43 00
McCool Abraham	1 50
Malony	10 00
Mulkey	6 75
Murry Richard (near mouth big roabark)	2 00
Mackenton Richard	2 50
Amount carried forward	\$1558 33
Amount brought forward	\$1558 33
McLean	10 50
McDaniel (wagon maker)	1 75
McGoy John B	6 00
Marshall Mrs Sarah	1 50
Milner (cabin road)	3 75
McGoy Mrs	9 75
McGoy James (forks roabark)	1 25
Morgan	75
Milner John	30 00
Mixer or Cooper	1 25

Newman John	3 93
Noodle Tho	2 00
Nizony	2 75
North (Wagon Co.)	1 00
Orr Mrs (Hagan Plant)	3 25
Oldenberg Frederick	7 00
Powell Alex	75
Parish	14 50
Pracken Peter	1 00
Powell (Lumber)	4 12
Peeples Widow (Mrs)	1 50
Amount carried forward	\$1466 60
Amount brought forward	\$1466 60
Peeples Robert	54 84
Pool Oval	14 50
Perkins Stephen	7 25
Robinson Michael	9 50
Rogers Theuben	9 00
Rogers Mrs	75
Richardson Coleman	4 50
Russell Richard	17 00
Robinson Laban	4 25
Reynolds Mr (foster kid)	1 25
Robinson George	4 75
Rawlings Moses	17 00
Riche Clinton	2 25
Ruddick Tho	20 00
Reed James W. Haver	2 68
Ragsdall or black	62
Standly (married ex Smith daughter)	1 50
Sprinkle Michael	1 25
Sharts Junior	10 00

Newman John	3 93
Noodle Tho	2 00
Nizony	2 75
North (Wagon Co.)	1 00
Orr Mrs (Hagan Plant)	3 25
Oldenberg Frederick	7 00
Powell Alex	75
Parish	14 50
Pracken Peter	1 00
Powell (Lumber)	4 12
Peeples Widow (Mrs)	1 50
Amount carried forward	\$1466 60
8 Amount brought forward	\$1466 60
Peeples Robert	54 34
Pool Oval	14 50
Perkins Stephen	7 25
Robinson Michael	9 50
Rogers Theuben	9 00
Rogers Mrs	75
Richardson Coleman	4 50
Russell Richard	17 00
Robinson Laban	4 25
Reynolds Mr (for hire)	1 25
Robinson George	4 75
Rawlings Moses	17 00
Riche Clinton	2 25
Ruddick Tho	20 00
Reed James Waver	2 68
Ragsdall or black	62
Standly (married exp Smith's daughter)	1 50
Sprinkle Michael	1 25
Sharts Junior	10 00

Shipley	wabark	1.87		
Sprigg	Ry Ferryman	2.75		
Slater	Peter	1.87		
Sprague	John Ry	6.25		
Sloo	Thos (Regnum)	3.00		
Seaton	Peter	44.25		
Scantland	Johnston	50		
Smith	(son of Ege Smith Peddlers)	1.00		
Stokes	Edmund	1.25		
Smother	(Barker)	6.25		
Strong	at Woods	8.75		
Smith	Frederick (lock road on Ridge)	4.25		
Scovers	(marriage black daughter)	1.50	96	24
Amount carried forward		\$17.37	48	
9	Amount brought forward	\$17.37	48	
Epilman	Rev B.F.	10.37		
Scantland	Johnston	62		
Spencer	Christopher	2.50		
Sharp		4.75		
Scranton		7.25		
Sharp		4.00		
Steel	Howard	3.00		
Smith	Frazier, work,	2.87		
Smith	Ege (this side new Haven)	25.25		
Stinson	Laird	29.25	89	86
Taliford	Ege John		3	00
Trousdale	Albert		1	00
Trousdale	(wabark)		2	31 1/4
Tally	near saline		1	00
Tally	on John Farrester's place		3	50
Thomas	Doer		1	00
Thompson	Moses		3	75

Thompson James	1 70
Tarleton Robert	6 00
Tainstall Wm	4 50
Tompson (Saddler)	25
Tompson (Pard Settlement)	3 50
Tompson Matthew	3 37
Thomas (weeds, woods)	6 25
Thompson Wm (at field)	14 00
Tins (again Brother)	3 00
Tins near weeds	10 00
Tominson	0 75
Tucker Saml	4 50
Turner Robert (a weeds)	3 25
Vineyard David	6 50
Vaughn T. F.	29 00
Amount carried forward	\$1945 47
10 Amount Brought forward	\$1945 47
Westfield Peter	1 50
Woods (scatter beyond the lick)	3 00
Woods Bedah	8 50
Woofard	75
Warmack Green (Mrs Wallers brother in law)	3 75
Willson Mrs (Laura)	17 25
Wilson Widow	1 25
Woods John (Panther)	1 75
Wilson Harrison	1 25
White Annellen	16 00
Willson Beaufort	10 87
Williams William	3 00
Willaby Andrew	1 25
Walter Hiram	1 76
Webb William	2

Wilson Mrs. Tabitha	By	25	
Willis John		1	25
Wilcox Garrison		7	25
Wells Joel		2	75
Waggoner Edmund	By	6	50
Weed A.M.			71
Young Washington		1	75
		\$206 4 64	

Notes unpaid

Names	date	when due	Amount
Austin Samuel	May 30 1828	1 day	11 62 1/2
Akers George pay ^{ee} A.R.	" 10 1834	1 "	25 50
Botten Francis	Nov 27 1829	1 "	7 75
Brown Jonathan	Aug 5 1830	1 "	30 00
Do Do	" " do	1 "	15 00
Beaumont D.F.	April 2 1829	1 "	21 75
Beasley James	Nov 27 1829	1 "	19 75
Blankinship Henry	Dec 4 1830	1 "	35 00
Chadwick Almon	Sept 14 1830	due	3 40
Cain James	Nov 15 "	1 day	43 25
Christian Robert (pay ^{ee} A.R.)	Sept 8 1832	Nov 25, 1832	2 00
Darr Elijah	Feb 11 1829	1 day	4 50
Edwards John	Oct 29 1829	1 "	1 57
Grace Doct	Jun 24 "	1 "	4 75
Guthrie Harvey	Dec 19 1828	1 "	4 75
Hosford William	" 12 1829	1 "	7 75
Hudson Thomas	Nov 25 1828	1 "	1 50
Hutcherap Giram pay ^{ee} A.R.	April 16 1831	1 "	5 25
Hill Charles " A.R.	Sept 13 "	1 "	10 75
Jones John G.	March 29 1828	1 "	7 00
Kinsey Francis	Nov 3 1828	1 "	8 00
Jones Cawley A.R.	Jun 14 1831	1 "	37 37 1/2

Ribba Henry	Nov 25, 1829	1 "	37 50
Marsh L. J.	Dec 29 "	1 "	38 37
McCord R. G.	Nov 2 "	1 "	24 75
McCadden	March 20 1831	1 "	23 50
Meriman John (Wenderson & g)	Oct 24 1827	1 "	8 50
Powell Chad	April 17 1830	1 "	4 37
Peck Andrew	Nov 3 1828	1 "	8 00
Palmer Thomas	June 14, 1831	1 "	29 50
Reynolds Sherrod	Dec 24 1832	1 "	39 50
Rid Thos A	" 3 1829	1 "	24 00
Richardson Arnold	" 4 1830	1 "	30 00
Ross Nathaniel	March 11, 1831	1 "	2 25
Sutherland John	Dec 30 1829	1 "	10 00
Strong Wm	" 15 "	1 "	8 75
Stanley Geo	Oct 2 1830	1 "	7 75
Stewart Lewis	March 1 1831	1 "	2 37
Sherwood Hugh B & John	Aug 1 1834	9 mo	8 37
Thompson Geo pay ^{ble} to A R	Dec 25 1830	1 day	24 00
Tarlton John " " A R	" 2 "	1 "	14 75
Theall James	Nov 14 1828	dur	5 00
Tarlton Robert " " A R	Aug 30 1831	1 day	6 00
Thearwood Jn ^r A " A R	Feb 23 "	1 "	38
Williams B. A.	" 25 1830	dur	2 30
Wison William	Nov 13 1830	1 day	8 00
Williams B. A.	Aug 6 "	dur	2 75
Woodall Samuel	Nov 14 1829	1 day	3 00
Willis Archibald A R	April 1 1830	1 "	75
Wm McNeil Edmund Wagoner and Wm Bockerel A R.	March 7 "		1 75
Winn Samuel / J. Ballard,	" 15 1828		17 05
			\$ 701 72
2064.64			

Exhibit C

100

Account of monies in the hands of Alex Reid dec^d
as Guardian for Rebecca Reid

1838 Oct 22 An^y of Judgement on Vaughts docket of this date 20,12
against Henry Gill

Feb 28 An^y of note on John Reid of this date a 10 p^{er} 25,00

Jan 29 " " " " " " " " 25,00

10,12

Rent Money

Cash from Alex R Howan for rent from 20th March 1831

to 4 Feb 1833. @ 75[¢] per annum 140,00

Cash from same as same rate from Feb

1833 to 4 March 1834. 81,25

Cash from John Caldwell for rent from 22nd
May 1834 to 22nd May 1835. 66,00

Cash from Sarah Caldwell for rent from
22nd May to 1st Dec 1835 @ 18[¢] 18,00

Cash from J R Howan & A Reid for rent from
11 Dec 1835 to April 11 1837. 1 year & 4 mo @ 66[¢] 88,00

Cash from Alex Reid for rent from 11th April
1837 to 11 Apr 1839 2 year, & 7 mo @ 75[¢] per annum 77,50

470,75

Cr

B^y 2/3 above an^d p^{er} over to Eliza Reid
widow of Rebecca J^r Reid dec^d as per
receipts

156,75 = 314 00

384,12

Friday 29th November 1850

Alexander Kirkpatrick &
Eliza Sam his wife & Rebecca

This exhibit is embodied in exhibit A page 22

Bowles & Joseph Bowles

5

Order of
Court
Nov. 1850

Stephen K Rowan James &c

Reid. Andrew McCallen &

Mary A McCallen his wife

vs Mary A Reid

On this day came the complainant of Caldwell their solicitor and the defendant Stephen K Rowan of Posey his solicitor and the complainants moved the court to set aside the decree heretofore made in this cause the same never having been entered of record as also all orders made by this court herein making the said A McCallen a party to this suit & the order appointing a guardian ad litem herein which said motion is sustained and the said decree and order set aside annulled and for nothing esteemed and the said complainants moved the court for leave to amend their bill herein by striking out the names of James A Reid and Mary A Reid now wife of said Andrew McCallen and also all that portion of said bill which relates to or names the said James A Reid and Mary A Reid which portion of said bill in separate clauses thereof is in the words and figures following that is to say "1st and the real estate whereof he died the nature condition and title thereof 2^d And that in the event the personal estate of the said Alexander Reid should prove insufficient to pay the said shares that your Honor will decree the sale of the land of said Alexander

Reid or so much thereof as will be sufficient to pay the same and make James Alexander Reid who an infant and Mary Ann Reid co-defendants to this bill and that your Honor will appoint Guardian ad litem for said infant

3^d James Alexander Reid and Mary Ann Reid And it appearing to the court that the summons issued in this suit is lost that no answer of the Guardian ad litem is filed or appearance entered and that the demurrer filed herein was filed by Stephen R Rowan alone and it further appearing that the said Andrew ^{for himself and his wife Mary A McCallen} McCallen and his ward James A Reid in open court refuse to enter his appearance or that of his said wife & ward. It is considered It is considered of the court then that the said motion be sustained and leave is granted to said Complainants to amend their said bill by striking ^{out} of the same the names of James A Reid and Mary A Reid now Mary A McCallen and those portions of the bill above recited and the same is accordingly so ordered And the Complainants moved the court to set aside the decree heretofore made in this cause the same never having been entered of record as also all orders made of this court herein making the said Andrew McCallen a party to this suit and the order appointing a Guardian ad litem herein which said motion is sustained and the said decree and order set aside annulled

and for nothing esteemed

And now again on this day came the said complainants of Caldwell their Solicitor and the defendants Stephen R Rowan in person and of his Solicitor L. J. Posey and the complainants moved the court for a rule against defendants of 2 o'clock P.M. and the defendants ask for further time to answer. It is ordered of the court that the defendant file his answer to the bill of complaint within twenty days and in default thereof that the said bill be taken for confessed and a decree entered accordingly at the next term of this court.

ST Rowan

vs

Alexander Kirkpatrick & others

Demurrer
to Amended
Bill -

This defendant of protestation not confessing or acknowledging all or any of the matters and things in the said complainants amended bill herein to be true in such manner and form as the same are therein set forth & alleged does demur thereto & for causes of demurrer say that ^{the} said complainants in their 2^d bill shew other persons to wit James Alexander Reid son & C. & Mary Ann Reid widow & C. now ~~proving~~ Mary Ann McAllen to be necessary parties ~~parties~~ without proving they may be made so and who of said bill are not made parties thereto. 2^d That complainants in their said bill improperly conformed distinct subjects of suit or that is

saught to make sd Rowan responsible for the
 supposed deficiency & neglect of the said Alex-
 ander Reid dec'd as administrator of James
 Reid dec'd & guardian of Rebecca Reid whereas
 the sd Rowan altho administrator of Alexander
 has nothing to do with the Guardianship
 of Rebecca & is not bound by the law of the land
 to answer thereto & also that sd bill asks, or
 double decre in favor of complainants
~~both as administrators~~, having distinct interest
 & against this defendant both as Administrator
 & as an individual

3^d That the complainants have no right
 to obtain more than one decree by the same
 bill - wherefore for their causes & others appears
 & manifests this defendant demands the Judg-
 ment of this ^{court} whether he shall make further
 or other answer to sd ~~demanded~~ bill or any
 of the matters & things therein contained & prays
 to be hence discharged with his reasonable
 costs in this behalf &c

Posey for Depr

Saturday October 4th 1851
 Alexander Kirkpatrick &
 Wife Joseph Bowles, vs
 U S

Stephen R Rowan admr of
 Alexander Reid & adm^r de
 bonis now of James Reid

On this day came the
 defendant by his attorney and moved the
 Court for leave to withdraw his answer on

file in this cause as also the plaintiffs & their attorney. Marshall, McClelland and Montgomery and Bangh. who moved the court to strike the defendants demurres from the files of this cause. and matters of Law being argued the defendants motion is overruled and the demurres to the bill is stricken from the files thereof and it was further ordered that defendants be ruled to answer the amended Bill by nine o'clock on Monday morning next.

8th answer
of deft.
Rowan.

In Chancery & allatin Circuit Court Sep Term 1850

The answer of Stephen R Rowan administrator of the estate of Alexander Reid deceased and administrator de bonis non of James Reid deceased to the amended bill of complaint of Alexander Kirkpatrick Eljer Darn his wife and Joseph Bowles and Rebecca Bowles his wife heirs at law of the said James Reid deceased,

The defendant reserving &c for answer to the said bill of complaint says true it is that he is administrator of the estate of the said Alexander Reid deceased who was Administrator of the said James Reid deceased and Guardian of the said Rebecca who was heir at law of the said James ~~Reid~~. And that this defendant is administrator de bonis non of the said James & reason of administering on the estate of the said Alexander - That he knows nothing of the condition of the said James' estate further than appears from the books of the

3rd answer
of deft.

Probate officer of Gallatin County Illinois
 and the books and papers of the said James
 and Alexander which have come to the
 hands of this defendant as administrator
 of said Alexander I have said Alexander returned
 to Probate officer inventory of notes and accounts
 due said James \$5163.22 $\frac{3}{4}$ also inventory of Goods
 & Chattles \$882.73. to which add \$34.97 for exps of
 sale bill over said appraisement bill make total so
 far as Probate books & files show chargeable to this
 defendant's said intestate Alexander as Administrator of
 said James deed 6080.92 $\frac{3}{4}$ also this defendant
 finds among the papers of said Alexander notes
 due John Reid & said James Reid deed under the style
 of John Reid & son which said notes appear to be
 listed in a small square book of said Alexander
 deceased. This defendant does not know why they
 were not inventoried with the other notes and
 evidences of debt unless because said John Reid
 survived the said James ~~Reid~~ and as survivor
 was entitled to collect the same to settle partner-
 ship debt, &c. & he therefore prays this honorable
 court to investigate the matter fully before it
 charges his said decedent's estate an account
 of said notes. This defendant also finds among the
 papers of the said Alexander deceased notes
 and accounts due said James' estate uncollect-
 ed \$2766.36. vouchers filed and allowed in said
 Probate office \$1845.28 which two last named
 sums with \$87.71 $\frac{1}{2}$ which seems to have been
 paid out (from said square book) of said Alex-
 ander in the course of administration but not

41
reported or allowed as also commission not
heretofore allowed \$12.35 amount to \$4711.70/-
as credits to be taken from the aforesaid debits
of \$6080.92 $\frac{3}{4}$ leaves a balance against this
defendants said intestate Alexander as
Administrator of sd James decd of \$1269.23 $\frac{3}{4}$ to
which should be added the further sum of
\$205.73 $\frac{3}{4}$ not reported but which seems to
have been collected as appears in said
Regran books thus making total balance against
the defendants intestate of \$1475.13 $\frac{1}{2}$ without that
there are other charges and credits as set forth in
a previous answer based upon estimate and
calculations made by sd Joseph Bowles one of
Complainants herein as of reference to exhibit so
called & marked "A" will appear and which respondent
believes now to be incorrect. And the said defr
further answering says that his answer filed in
this cause August 6th 1850 was and is predicated
upon estimates & calculations made by the said
Joseph Bowles as before herein stated that said
answer he believes wholly omitted the sum of
\$87.71 cents which was paid out of defendants
intestate in course of administration but not
allowed to said intestate in any settlement made
by him with the Probate Court of Gallatin County
or otherwise although said intestate was and
is entitled to have the same allowed. To said
answer filed at the time aforesaid also
omitted to claim a credit in favor of defend-
ants intestate the further sum of \$12.35cts
due to said intestate for and as commissions

3rd answer
of deft.

upon monies &c disbursed & collected by s^d intestate
as administrator of the estate of the s^d James dec^d
Defendant further answering says the said
James dec^d actually collected in his life time
& shortly before his death large sums of money
which remained at the time of his death but
which never came to the hands of this defend-
ant or of his s^d intestate Alexander dec^d but
on the contrary thereof as this defendant is
informed & verily believes remained in the
hands of the said Eliza Kirkpatrick now
wife of the Alexander Kirkpatrick & formerly
widow of the said James Reid dec^d - And the
s^d defendant further says that since the
filing of the answer of the 6th Aug^r 1850 afores^d he
has been informed & verily believes that some of
the accounts returned by his s^d intestate as due &
uncollected were collected by the said James
Reid deceased a short time before the death
of the said James that s^d answer of the
6th August 1850 was got up in haste and
made at the request of the s^d Joseph Bowles
with the assurance that all errors there
should be corrected, but said defendant
charges that from the conduct of the said
Joseph Bowles toward, defendant since
the filing of the said answer of the 6th
August 1850 it must have been the purpose
of the said Joseph to overreach and take
under advantage of defendant for the s^d
Joseph made his traps (after getting said
deft. to make his s^d answer) that he had

When effecting his object & from that time to
 the present he has treated respondents with great
 coolness - This respondent answering states upon
 a more thorough examination of the papers books &
 accounts of the said Alexander & James dec'd he has
 been ^{now} satisfied & believes since the said answer of
 the 6th August 1850 was filed that the sum of \$1977.16
 in said answer admitted to be due from the estate
 of the said Alexander to the estate of the said James
 is more (from what he can ascertain from the 2d
 books papers & accounts the only means respondents
 has to determine the actual amount due) than was
 actually due as will appear now by this answer
 This Defendant further answering states that
 since filing said answer of the 6th August 1850 he
 has now learned some of the items which he intended
 to make up the aggregate sum of \$146.92 cts which
 he in said answer admitted to have been collectable
 was collected and received by the said James Reid
 dec'd a short time before his death & he hopes may
 make it appear that nearly if not all of ^{the} last
 mentioned amount was collected in the same
 way This defendant finds from books and papers
 that said Alexander received as guardian of said
 Rebecca \$383.62 and paid out there of \$32.70 cts
 thus leaving said Alexander's estate at the time
 of his death indebted to said Rebecca \$350.92
 as guardian exclusion of interest should
 this honorable court deem interest thereon
 This deffr states that \$156.75 being one third of
 the whole amount of moneys collected by deffr
 intestate was paid over to Elizer James

3^d answer
of deft.

Kirkpatrick as widow of said James Thar
as administrator of the estate of ^{2d} Alexander
defendant has paid to Eliza Kirkpatrick, then
Eliza Reid \$18.75 also to her as natural
Guardian for said Rebecca \$24.00 and to
said Alexander Kirkpatrick as Guardian
for said Rebecca \$17.57, and to said Rebecca
herself \$69.00 thus making \$274.32 so paid
by this defendant for and on account of the above
amount supposed and stated to be due said
estate of James Reid dec'd from the estate of
said Alexander and has also paid the
further sum of twenty two dollar balance
for repairing and plastering house then
in the possession of the said Eliza Jane Widow
of ^{2d} James dec'd This defendant further answer-
ing says that no money or property belonging
to the estate of said James deceased has come
to the hands of this defendant before or since
he became administrator de bonis non of
^{2d} estate saving the sum of \$ paid to Alexander
Kirkpatrick to defendant on account of purchases
at sale of ^{2d} James Reid dec'd and included
in the amount already charged to his said
intestate Alexander dec'd. This defendant
further states that it is possible some of the
Money reported as collected & charged to his ^{2d}
intestate Alexander dec'd may be found to be
a part of the sale bill & if so that the same
are charged twice & he therefore prays this
honorable court to investigate the same fully
before rendering decree herein against him

2^d intestate Alexander. Defendant further states
 that his said intestate Alexander Reid died on
 or about the day of October 1841 and administra-
 tion was had of the defendant upon the estate the
 day of 1841 and that complainant's bill
 in this cause was not filed until the 3^d day
 of May 1844, being more than two years after the
 granting of letters as aforesaid, and this defend-
 ant would submit to this honorable court
 whether the 2^d supposed claim of 2^d complainant,
 is not forever barred not having been exhibited
 within the time required by law. This defendant
 denies all & all manner of unlawful actings &
 doings in the said Complainant's bill charged
 against him or his said intestate Alexander
 having fully answered the process to be hence
 dismissed with his costs &c
 Subscribed and sworn to S R Rowan
 before me this 13th day of
 October 1851 J. E. Hall clerk

In chancery State of Illinois Gallatin circuit
 Court September Term 1851

Replication
 to answer.

The replication of Alexander Kirkpatrick
 Eliza Ann Kirkpatrick his wife and Joseph
 Bowler and Rebecca Bowler his wife. complai-
 nants to the answer of Stephen R Rowan
 administrator of the estate of Alexander Reid
 deceased and Administrator de bonis, non of
 the estate of James Reid deceased defendant to the
 said complainant's amended bill.
 These repliants saving to themselves all and

all manner of advantage of exception to the manifold
 insufficiencies of the said answer for replication
 thereunto. *sc.* That they will aver and prove
 their said bill to true certain and sufficient
 in the law to be answered unto and that the
 said answer of the said defendant is uncertain
 untrue and insufficient to be replied thereto
 of these replicants, without this, that any other
 matter or thing whatsoever in the said answer
 contained material or effectual in the law
 to be replied unto confessed and avowed or
 denied is true. All which matters and things these
 replicants are and will be ready to ~~aver~~ and
 prove as this Hon court shall direct and humbly
 pray as in and by their said bill they have
 already prayed

Alexander Kirkpatrick
 Elizer Jane Kirkpatrick
 Joseph Bowles &
 Rebecca Bowles

complainants

Order of
 Court.
 Oct. 1851

Tuesday Oct 14th 1851

A Kirkpatrick & Elizer Jane Kirkpatrick
 Joseph Bowles & Rebecca Bowles

VS

Stephen R Rowan adm^r of A Reid &
 Adm^r de bonis mori of James Reid decd

Bill in
 Chancery

On this day again came the parties &
 their solicitors and the answer to the amended
 bill being filed as a replication thereto this
 cause is set down for hearing on Friday morn-
 ing next

A Kirkpatrick & wife
 & Joseph Bowles
 vs
 Stephen R Rowan

In chancery in the Gallatin
 circuit court September
 Term 1851

Affidavit of
 deft. for
 Continuance

The defendant Stephen R
 Rowan states after being duly sworn that he
 cannot safely go into the trial of the above
 entitled cause at the present term of this court
 for the following reasons to wit,

1st Because he has ascertained from the deposition,
 informally taken herein by the complainant, that
 the complainant Bowles, will attempt to make
 the defendants intestate liable for claims pre-
 tended to be due James Reid's estate but which were
 returned by this defendant's intestate to the Probate
 court of Gallatin County as not collectable, and
 he expects to be able to show proof that the
 persons against whom some of said claims
 were held were insolvent & not able to pay their
 debts, and that the persons against whom
 others of said claims were held paid the same to
 James Reid in his life time & that others of said
 claims have been sued upon & remain uncollected
 by reason of the insolvency of those against whom
 they are held which facts he believes if he can have
 sufficient time he can fully establish by satisfactory
 proof but the proof of which he cannot procure in
 time for a trial of this cause at the present term.

2^d This affiant states further that he is entirely
 surprised from the fact that the court set this
 cause down for hearing at this time when this
 affiant believed from the law that it could not

he set for hearing until the term of court
 succeeding the term at which the issue was formed
 & was so advised by his counsel and that in conse-
 quence thereof this affiant is entirely unprepared
 with the proofs which he believes he will be able
 as aforesaid to procure & that he has not even caused
 subpoenas to be issued for his witnesses & cannot so
 issue subpoenas as to procure the attendance of his
 witnesses at the trial should the cause be heard
 at the present term. And he states that this application
 for a continuance is not for the mere purpose
 of delay but that justice may be done.

Sworn to before me

SK Rowan

This 17th Oct 1851

J. C. Hale clk

Amendment
 to affidavit.

& that this affiant did not know that
 complainant would rely upon and attempt to prove
 as aforesaid the accounts referred to in 2d depositions
 until the said depositions were opened in this cause
 at the present term of this court and he expected to
 be able to prove from the Justice dockets in differ-
 ent parts of this county and by various persons
 that many of those claims pretended to be
 proven in 2d depositions to be good & collectable
 were prosecuted by his intestate to insolvent
 and from the nature of the proof which he expects
 to be compelled to procure for his Just defence
 herein he has not been able to procure the same
 so as to be enabled to proceed to the trial of
 this cause at this time this affiant further
 states that he believes he will be able to prove
 J. D. Alexander Rowan of Ohio county.

Kentucky that many of the claims represented in said depositions to be good & collectable were attempted to be collected by this affiant, intestate and that after much diligence he failed so to do in consequence of the insolvency of those against whom they were held and that said intestate failed in the collection of many others of said claims in said depositions mentioned as aforesaid as good in consequence of his not being able to establish them by proof and that this affiant did not remember that he could prove as aforesaid J. Reid O'Rowan until last night that he could not have procured his testimony for this term of this court

I sworn to as amended

This 17th Oct 1851 J. E. Hall cler

Friday Oct 17th 1851

Alexander Kirkpatrick &
Elijah James Kirkpatrick
Joseph Bowles & Rebecca
Bowles

Bill to account

v

Stephen R. Rowan Admr
of James & Alexander Reid

Order of
continuance

On this day again came

the defendant and files his affidavit praying a continuance of this cause and moves the court for leave to take depositions which motions were by the court allowed and it is further ordered that this cause be set for hearing at the next term of this court and that complainants recover of defendant their cost on this continuance & have execution &c

Wednesday 18 February 1852

Alexander Kirkpatrick &

Eliza Ann Kirkpatrick

Joseph Bowles & Rebecca Bowles

v Stephen K Rowan adm^r

f Alexander Reid & adm^r de

bonis non of James Reid dec^d

Bills to account

Order of
Court.

On this day came the
defendants of Benjamin Freeman, Posey, Pliny and
Wingate his solicitors and moved the court for
leave to file an amended answer to the complain-
ants bill and also came the complainants of
McClernand, Marshall, Montgomery and
Baugh their solicitors and resist the motion
and the questions of law arising thereon being
argued the motion is disallowed and the amended
answer refused and now came the parties of
their solicitors and submit this cause to the
court upon bills answers and proof and
arguments being heard pro and con and the
court not being sufficiently advised in the
premises takes the same under advisement
until the next term of this court.

A Kirkpatrick & Eliza Kirkpatrick his wife &

Joseph Bowles & Rebecca Bowles his wife

VS

S. K. Rowan ad^r of estate of Alex^r Reid dec^d &

adm^r de bonis non of the estate James Reid

Be it

Spivey's
evidence.

remembered that on the trial of this cause the
complainants introduced Spivey a witness

for complainants, who testified that certain docket
introduced were the docket, of Thomas F Vaughn
formerly & for several years, a Justice of the Peace for
Gallatin county Illinois, and that said docket, had
come to his said witness' possession as one of the
successors of said Vaughn that the ~~witness~~ entries
and judgments on said docket, were in the hand
writing of said Vaughn that witness was well acquaint-
ed with his hand writing and that said Vaughn had
for several years acted as a Justice of the Peace
of said county - Samuel Seaton - a witness
for complainants testified that he knew Thos F Vaughn
he was a ^{Justice of} the Peace of Gallatin County for many years
he knew Vaughn's hand writing well had acted
as constable under him for year, & had seen him
write ~~often~~ the docket introduced were in his
hand writing - Complainants then introduced an
Judgment on Esqr Vaughn's docket in favor of
Alexander Reid administrator of James Reid deceased
against Arnold B Baker John E Watkins and John
Lam, entered December 13th 1832. for \$54.43 & costs
\$38⁰⁰/₁₀₀ of which was receipted by Alexander Reid on
the 7th day of March 1833. on said docket in his hand
writing as proved and an entry thereon in said
Vaughn's hand writing of \$5⁰⁰/₁₀₀ in the hands of the
constable

Seaton's
Evidence.

Judgment
on Vaughn's
docket.

1832
Dec

6 636	Alexander Reid Adm ^r of	constables	1.50
O Kiley	James Reid dec ^d	Judgments	.25
3 ^d Expt ^o .	VS	Execution	.25
Seaton	Arnold B Baker, Joseph C.	constables	1.00
4th to	Watkins & John Lam	2 ^d Execution	.25
by Codd	Not ^r \$49.22 1/2 due 8 March 1831	Constables	.50
	Rec'd my com 81 1/4 V	3 ^d Ex ^{ec}	.25
		4 " "	.25
		5 Codd's cost	1.20
		Execution	.25
		6 Codd	1.20
		Execution	.25

Exp 16th 3d Aug 1833.
" 19 Aug 1834
" 10 Oct 1835
" 3 Oct 1835
" 17 Oct 1835
" 18 Oct 1835
" 19 Oct 1835

not serv^d on Sam

13 The defendants not appearing Judgments
is given them; default for fifty
four dollars and 43 cents, and costs,
of suit
Total \$49.22 1/2
Cost 5.21
\$54.43

18th Dec^r 7 March 1833 \$35
Constable rec^d 13 " " 5
4th & returned no property found
etc

Complainant, then introduced a Judgment on said
Vaughts docket in favor of Alexander Reid adm^r of
James Reid deceased against Aaron Hedy for
\$ entered 24th Aug 1832, \$3.22 1/2 of which was
received on said docket of said Alexander Reid.
Complainant, then introduced a Judgment on
said Vaughts docket in favor of Alexander Reid,
adm^r of James Reid against Tony Hubbard for
\$1.77 entered October 31, 1833, with an entry in said
Vaughts hand writing "Money in the constable's hands
Complainant, then introduced a Judgment on
said Vaughts docket in favor Alexander Reid Guar-
dian of Rebecca Reid against Henry Gill for \$20.12,
+ cost, entered Nov 4th 1833, with an entry in said
Vaughts hand writing. Execution returned with
Plaintiffs receipt thereon - Complainant then
introduced a Judgment on said Vaughts docket in
favor of Alexander Reid, administrator of James Reid
deceased against Benet Bile for \$5.43 + cost entered
4th August 1833 with an entry thereon in said
Vaughts hand writing. Execution returned with
Plaintiffs receipt thereon. Complainant then
introduced a judgment on said Vaughts docket
in favor of Alexander Reid adm^r of James Reid dec^d
against Bearden for \$5.37 1/2 entered August 4th

1833 with an entry thereon "second execution returned receipted of the plaintiff" Complainant then introduced a Judgment on said Vaughts docket in favor of Alexander Reid admr of James Reid against

Langhlin and Limerick for \$26.50 & costs, entered August 20th 1832, with an entry thereon in said Vaughts hand writing "Execution returned with plaintiffs receipt thereon. Complainant then introduced a Judgment on said Vaughts docket in favor of Alexander Reid admr of James Reid against John Milne and Jas Beaumont for \$6.84, entered Nov 12th 1833, -

Complainant then introduced a Judgment on said Vaughts docket in favor of Alexander Reid admr of James Reid against Robert Thompson for \$ & costs, entered Nov 16th 1831 with a receipt thereon in said Alexander's hand writing for \$2.56 1/4

Complainant then introduced a Judgment on said Vaughts docket in favor of Alexander Reid admr of James Reid against James S. Kenwick for \$1.09 and costs, with a receipt thereon for the amount in said Alexander's hand writing

1832					
Nov					
26	606	Alexander Reid Admr of James Reid Decd N	Dec	5 10 3 1/4	
			Constables		25
			Judgments		25
		James S Kenwick	Dec 5. The defendants not		
		Not \$1.00	appearing Judgment is given		
			vs him by default for One		
			dollar and nine cent, & costs,		
			Janis		
		Dec 10 May 1831	Recd the amount of this		
		Recd all costs N	Judgment in full		
			Alex Reid		

Complainants offered to introduce in evidence an inventory of the claims and debts due the estate of James Reid dec'd as returned to the probate court which was objected to. ~~John & Hall~~ John & Hall a witness for complainants testified that he was county clerk of Gallatin County and had been for two or three years that as such he had received the papers offered in evidence with the other records of the Probate Office of said county - that the papers belonging to the estate of James Reid deceased were all in a bundle to themselves and that said paper was among them as one of the papers - he did not recollect when he first noticed it but he must have seen within two weeks of the time the records of the office came into his possession. said inventory was thereupon admitted in evidence.

~~Accounts~~

Allcock Mrs	\$		\$	Acct \$ 10
Akers William			Acct	12 25
Albin James 27002-1830			Note	5 50
Austin Samuel b. 3 rd May 1828			"	16 62 1/2
Samuel			Acct	4
Akers George (Worthley)			"	25 50
Archeart Franklin (ditto) 14 th Dec 1829			Note	26 50
Archeart David	Acct	27 75		
Alney Mrs			"	15 50
Alney Nathan			"	14
Allen Samuel			"	1 18 1/4
Brook Thomas	Note	15		
Burns Mrs (dead & widow gone off)			Acct	33
Barry W (Kearney)			"	4 50

Bonour James 2 April 1829	\$	Note	\$	21	75	\$	
Sam		Acv		36	70		
Bradford James		"		38	75		
Brown Thos (Lodge)		"		12	25		
Bruffington	Acv			2	50		
Baker Mrs						"	3 50
Brown Adonijah		"		36	75		
Brunstall Sarah						"	6 75
Boyers Inc 9th Novem 1829		Note		11	75		
Boyer Henry (at the lead mines)						"	13 75
Bayer Jacob the amount cannot be ascertained as presents on account of some can be received from Matt & Salt from James Reid							
Brown Mrs						Acv	19 25
Brown Inc						"	1 75
Baldwin Caleb 9th Novem 1830		Note					60
Baldwin Baker						Acv	8 25
Bolton William 9th Novem 1829		Note					7 75
Belt Henry (deceased)						Acv	2 -
Beasley (Beyon the Lick)						"	12
Bish George						"	20
Bran Mrs						"	24 50
Bruce Benjamin (meacher)						"	5 31 1/4
Blandhard (runaway)						"	39 50
Berry William						"	3 50
Burrep	Acv			1	75		
Braunston (Ky)						"	3 50
Beasley						"	1
Barker						"	2 25
Blazier Moses		Acv		1			
Boyet Stephen 25 Aug 1830		Note		3			
Brown Jonathan 5 Januay 1830		"		30			
Sam	"	"	"	15			

Baker Hiram	22 Oct 1830	\$		"	\$	10 50	\$	
Blankenship Henry	22 Oct 1830				Note		35	
Beasley James	4 Dec 1830				"		19 75	
Bullon Thomas					Acct		50	
Blanford Lewis					"		1	
Bradley Nath					"		2 50	
Brown Mrs					"		1 75	
Boone "					"		1 25	
Bradley "					"		3 18 ³ / ₄	
Clark Alex ^r					"		5 50	
Cain James (Michael; Aidcamp)	15 Nov 1830				Note		43 25	
Cummins Alexander			Acct	16				
Crawford Mrs					Acct		5 50	
Cockrell William					"		37 50	
Caldwell Isaac (African)					"		3 25	
Constable John					"		1	
Colbath					"		14	
Copeland John					"		4	
Carter Henry					"		13 50	
Caton Jno	2 Decem 1828			Note	6 75			
Samm			Acct	4 75				
Curtis Mr					"		2	
Chandler					"		5	
Cox Joseph (Kearney)	20 March 1831				Note		18	
Crabtree					Acct		7 50	
Cooper					"		3 50	
Caldwell James (Capt) (Eynsford)			1					
Crisp					"		3 50	
Carter					"		6 50	
Cockran					"		4 25	
Cristan Robert					"		2	
Cooper William					"	11 75		

Cooper Isaac	\$	Oct	\$	12	25	\$	
Cockram (segr)						Oct	33 50
Carroll Bailey		"		5	75		
Codd George (Bex)		"		14	37 1/2		
Casner George				13			
Carr - Equaliz Tuler							10 50
Castles William		"		3			
Castles Robert		"		2			
Crenshaw Abraham		"		2	50		
Carter John		"			87 1/2		
Samr		Note		24	40		
Crenshaw John		Oct		10	75		
Cobb Mrs						"	11 75
Chapman signr						"	10
Clark Emily						"	20
Carey Elizabeth							7 50
Chadwick Almon 14 Sept 1830							3 41 2/3
Cawley William						"	6 37 1/2
Casner (segr)						"	37 1/2
Catt Mr						"	37 1/2
Clemens Mr						"	1 37 1/2
Clinch Thomas						"	1
Dillard James						"	2 25
Davenport M.S. 1 December 1830		Note		31			
Duval Volz						"	26 50
Dutton James						"	6 50
Duval Wm		"		6			
Samr 1 April 1830		Note		6	25		
Dyckus						"	6
Davis Patrick 16 Oct 1828		"		17	50		
Davis William 4 Dec 1830		"		14	75		
Samr		Oct			50		

Suwall Inc 16 Oct 1830		Notes	13	
Dobs Inc		ac		2 50
Dobs Horner		"		1
Dotson Tho				3 50
Dobs Lodwcy		"		2
Davenport Alexander		"		7 50
Davenport James		ac	31 25	
Dattin		"		5 25
Dotson Wm 15 february 1830		Notes	10 25	
Davis Francis		"		7 50
Dotson (Sam)				37
Donovon Jacob 9 march 1829		Notes		7 50
Donovon William		ac		3
Denson		"		2
Dar Elyah (Munawry)		"		1 25
Sam do 11 Feb 1829		Notes		4 50
Drewry Charles		ac		4 25
Docker W A		ac	2 37 1/2	
Docker Tho	ac		1 87 1/2	
Dakin + Watkins A.B. 26		"	56 28	
Denning Josiah			2	
Davis Mrs				19 25
Davenport Altho		"	3 25	
Dever		"	6 87 1/2	
Doherty John		"	10	
Dotson James		"	4 75	
Doleen Joseph 17 Nov 1830		Notes		7 75
Driskill James		"	1 50	
Haason		"	1	
Davis Robert		ac		50
Ellis William				18 50
Edmonson William				21 12 1/2

Eddy Henry	Acct	23 50	
Ellis Mrs			1
Ellis John		39 50	
Edwards Robert			3
Ellis Colep			15 25
Ellis M ^m			1
Edwards Ino		1	
Same 29 Oct 1829	Acct	7 50	
Edward George	Acct	2 87 1/2	
Ellis Abner		34 50	
Ezell Thomas			Acct 7
Eyster Nicholas		10 75	
Edwards			2
Frazer Ino (Rumsey)			4 25
Foliant Ino (hump back)			3
Fell Ino 8 th Ino 11 th & Edward			5 25
Fields James		2 87 1/2	
Farister Ino			133 12 1/2
Fields Stephen		1 43 3/4	
Forrister Nathaniel		1 43 3/4	17 75
Farmer Isaac 4 th Va 1830			Acct 7 25
Farris William			Acct 1 50
Finely Benjamin			1
Forrell W ^m			8 62 1/2
Forehand David			2 50
Fleming W ^m			7
Floyd John		1	
Farmer Joseph			1
Green Harvey		12 50	
Gatewood Jefferson		8 50	
Gilbert Henry	Acct	7	
Gilbert Samuel	Acct	11 75	

Gordon Inc		\$		\$	Acct \$	8
Gold Leavin	Acct	8	87 1/2			
Graham Resolv 16 Dec 1828		Note	6	50		
Sam 8 Feb 1830			5	37 1/2	Acct	7 50
Gatewood Ephraim 30 Oct 1829		Note	26			
Grant Robert		Acct	15			
Guard Timothy	Acct	3	62 1/2			
Grant Roswell			1			
Grady Mr & Mrs						3
Graham Mr						2 75
Gray						4 75
Gill David 21 April 1830		Note	3			
Grant A T		Acct	1	75		
Griiffin Inc						1
Goodnight 182						5
Granvauld Mrs						3
Goodnight Jr						2
Grinder						1 50
Goodnight C	Acct	1	25			
Gibbsen Mr				3	50	
Goffet Mr 13 Nov 1830		Note	7			
Goffet David						2 50
Grace Doctor 24 Dec 1829					Note	4 37 1/2
Gatinis Hard 19 Dec 1828					"	4 75
Goffet Jr					Acct	75
Guard C		Acct	1	50		
Gosford William						8 75
Hubbard Adolphus						4 75
Hardin Replithat			2			
Hinson Philip			2	75		
Sam 17 Nov 1827		Note	22	25		
Hill Charles						10 75

Hasford William 12 Dec 1829				Note	7 75
Hamilton Inc 22 Jan 1830		Note	35		
Sam		Acc	23 75		
Hubbard Ephraim				Acc	16
Hans				"	1
Haralston					1
Hooker Norman					15 75
Hunter Inc					50
Hogden Isaac			9 50		
Head Mary					3 62 1/2
Hatfield Buckner			8 7 1/2		
Sam 1800-1828		Note	5 75		
Hill G. (Wabash)					1
Hooker Joseph		Acc	18 75		
Holly Henry			6 62 1/2		
Hopper Joseph			142 4 7 1/2		
Hinson Ind					2 50
Hughston					5 75
Hays Mr					3 75
Hughston C 2 Dec 1830		Note	5 75		
Hudson Thomas 25 Nov 1828		"	1 50		
Howard Robert		Acc	5 75		
Hutchcraft Abram					5 25
Jefford J. T.			7 75		
Harrison					5
Hancock Wm Runaway Tailor (Jankycaper)					39 75
Hodge					50
Huett			1		
Hargraves L			50		
Hodge Wm			1 25		
Jones Mr	Acc	62 1/2			
Jones James M 3 Nov 1829		Note	10		
Sam 22 Dec 1830		"	30		

Reut Thomas					Act	7 75
Jones Conolly		Act	60 37	37 1/2		
Ingram Tho ^s		"	10	62 1/2		
Jones Jn ^o A	29 March 1828				Note	7
Jackson Tho ^s	3 Nov 1828	Note		75		
Johnson Zachariah					Act	24
Jones R. J. (Little dike)	25 Nov 1828				Note	3 75
John (Somebody)					Act	2 50
Iler Samuel					"	11 87 1/2
Jones Peter					"	6 25
Jacobs Page					"	7 50
Jones Edward						37 1/2
Kadr Simon					"	29 75
Kazed M ^{rs}						75
Kerkendall Lewis						2 87 1/2
Kirkham M ^r						21 22 1/2
Kirkham Daniel	23 Oct 1827	Note	14			
Kirkpatrick Alexander		Act	20	25		
Kennedy M ^{rs}			2			
Kinsey Francis	3 Nov 1828	Note	8			
Kibbey Henry	25 Nov 1829		37	50		
Sam		Act	7	25		
Kirner M ^r						7 50
Lojan Jn ^o						6 75
Sam	21 Nov 1828					11 50
Leinrock Jn ^o			86	31 1/4		
Linn Sam Samuel		Note	47	50		
Sam		Act	38	75		
Lann Jn ^o		"	7	50		
Sam	10 Dec 1829	Note	13	37 1/2		
Lojan James					Act	4 50
Lojan George						37 1/2

Little N^m

Logsdon Joseph

Lacey Jeremiah

Lipsett

Low Absalom (runaway jockey)

Ledbetter 1 molder

Lacey

Level Cal

Melinus Inc

McGoy James

McGoy Mrs B. 25 Nov 1830

Marsh Loan & Runaway Jockey 29 Dec 1829

Melvin

McDaniel

Moodle Thomas

Mayhew Philip

McClernand Fatima

Marshall Samuel

Marshall Sarah

Mills Charles

Mills George

McClean Mrs

Mayhew James

Martin Joshua

Moreland Angel

Murphy Inc

McLeroy Mrs

McCool W.D.T. (N.O.P.L. Z. A. Y. D.S.) 7 April 1830

Maclin

Moyan

Moreham Henry

Matison James

Acr 1 75

20

10

4 12 1/2

8

1 75

62 1/2

30

1 25

Not 13 12 1/2

38 37 1/2

Acr 3 75

1 75

2

2

10 62 1/2

63 50

1 50

50

21 25

2

11 75

12 75

6 75

15 87 1/2

8 25

Not 15

Acr 12 1/2

75

1 37 1/2

26 50

Marshall Inc		74 25		
McCool & Green 2 Nov 1829			Note	24 75
McCoys Inc			Acct	1
Morris Thomas		16		
McCool Abraham				1 50
Morgan January				43
McGarden Robert				23 50
McCoys Wm 7 March 1830	Note	12		
Same	Acct	9 75		
Morris Joshua	Note	1		
Mulkey				6 50
McClenthen				19 25
McClaur Inc (January)				12 50
McEntire Richard				2 50
Morris Stephen		1 25		
Neil Wm		2 25		
Norman Inc & 22 Dec 1830			Note	14 50
Niver Wm				1 25
Norman Inc				7 93
Oldenbury Fred		7		
Orr				3 25
Owens Simeon 24 Nov 1829	Note	16 25		
Oxberry Inc	Acct	62 1/2		
Peoples Robert		57 50		
Perkins Stephen				12 25
Peck Andrew 3 Nov 1828			Note	8
Proctor William		22 50		
Pracher Peter			Acct	1
Pantier David		4 62 1/2		
Same 29 Dec 1828	Note	6 75		
Powell Charles 17 April 1830			Note	4 37 1/2
Palmer Tho			Acct	29 50

Posey Tho L	ac	1 50	
Peoples Mrs			1 50
Pierce Jos	ac	25	
Pool Oval	ac	8 25	
Reid Tho F (son) 3 Dec 1829			24
Robinson Tho M 12 Dec 1828	Ac	18 25	
Same 20 Oct 1830		11 50	
Same	ac	7	
Richie Simpson	Ac	14	
Same	ac	4 50	
Robinson W ^m			ac 9
Redman Permenas		6 62 1/2	
Rodgers Reuben			9
Russell Richard			17
Ryan Jas M			77 12
Richardson Salomon			74 ac
Rudick Tho		20	4 50
Rogers W ^m			ac 75
Robinson Laban deceased			4 25
Rorer Jas R		29 50	
Robinson William			6 50
Redman Allen		12 25	
Rollins Moseff (Rijdtz, cousin)			17
Rynolds, Sherod 24 Dec 1830			39 50
Richardson Arnold 4 Dec 1830			30
Rorer William		4	
Richie			ac 2 25
Rynolds W ^m			1 25
Robinson Michael			2 50
Ross Nathan			2 25
Rudd James			1 50
Reid Jas		21	

66	Stinson James				75		
	Reebolt Jr				40 25		
	Sharp Thomas	4 Dec 1830	Note		7		
	Seaton Peter		acr		44 25		
	Starley						1 50
	Sergius Barton	4 Aug 1829				Note	12 87 1/2
	Seaman				5 75		
	Slack Andrew		acr	50			
	Sprinkle Michael				1 25		
	Sherwood A.B.				8 37 1/2		
	Skidmore James	"		2 75			
	Seaton Samuel		Note		18 84		
	Sam		acr		16 50		
	Dear D.B.		"		6 37 1/2		
	Sam	12 Aug 1830			35 12		
	Sherwood M ^o A				2 25		
	Sprigg				2 75		
	Shipley						1 87 1/2
	Skilton Reuben					acr	2 25
	Shearer M ^o						2 87 1/2
	Stinson Atinson				29 75		
	Sloo Tho ^s						3
	Smith						2 87 1/2
	Stewart Charles				3 37 1/2		
	Stokes Edwin						2 25
	Sprigg Les						6 25
	Smith						1
	Sherwood M ^o		Note		8 50		
	Smith Ezekiel						25 25
	Strong W ^m	15 Dec 1829				Note	8 75
	Sloo M ^o R					acr	11 25
	Smuthers M ^o		acr		6 25		

Smith Frederick	Ac	6 25	Ac	4.25
Leaves		6		4.50
Spilman B. T.				10 95%
Sutherland Mrs 30 December 1829			Note	10 95%
Scantland John				50
Sharp				10
Soranta	"	7 25		
Reay Mr				44.50
Slater Peter				1.87%
Sharp E		4		
Stanley George 2 Dec 1830			Note	7.75
Steel Howard			Ac	3
Spencer Christopher				2.50
Sexton Joshua	Ac	5.0		
Stewart				50
Scantland Milton				1
Stroudal Albert				1
Sally Mr				3.50
Thomas Doct				1
Tarleton Inc (Runaway) 2 Dec 1830			Note	14.75
Thompson Mr (noted)			Ac	14
Tods Mr		2		
Thomison Inc 25 May 1830	Note	1.75		
Sam	Ac	1.75		
Thompson James				1.75
Thompson Inc 22 Nov 1829			Note	13.25
Sindler Inc 3 Dec			"	6.50
Thompson (Saddler)				25
Thompson Nat				1.50
Thompson Matthew				3.87%
Turnstall Mr				4.50
Tarleton Robert (runaway)				6

Theall Dr	11, Nov 1828			Note	5
Thomason James				ac	5 68
Thomas					6 25
Tung					3
Tung					16
Thompson George	25 Dec 1830			Note	24
Thompson W				ac	3 50
Tuckee Samuel				"	4 50
Thompson Mrs					75
Tite Mr		ac	3 25		
Turner Robert					3 25
Thompson Robert		Note	2 50		
Turner Samuel	25 Nov 1828			Note	24
Shaker				ac	1
Tung					1 62 1/2
Tomison Richard					25
Vaughn S. T.			29		
Vineyard Daniel					6 50
Vanlandingham O. C.			10 49		
Vaughn Simon			18 50		
Venters Arch					50
Wilson Mr 13	" 1830			Note	8
Widcap Harrison				ac	7 25
Watten Hiram			52 87 1/2		
Wells Joel					2 75
Woods Beder			8 50		
Welch					5
Wannack Green					3 25
Wilson Mrs Lawson					17 25
Wagoner Edmund			6 50		
Wilson Mr					1 25
Warthen Joseph		Note	44		

Willis Archibald	Acct	5 75	
Woods Inc (Mr Panther)		1 75	
Wilson Harrison		5	
Weed & High M		4 12 1/2	
Weeks Peyton 2 Jan 1830	Note	6 25	
Wright Nathaniel 28 Jan 1830	"	39 50	
White Marilla			16 50
Woodall Lemuel			75
Warrum 4 Nov 1829	Note	3	
Williams M			3
White G W L	Acct	7 50	
Wolford			75
Wiley Andrew			1 25
Wilson Lawson			10 8 1/2
Wilson Tabitha			25
Woods (the latter beyond the lake)			3
Willis Inc		1 25	
Wetden Mrs			4 75
Williams A A 6 Aug 1830	Note	2 75	
Warrum 28 February 1830	"	2 80	
Willis Jacob Acct 8 1/2			
Woods Inc		50	
Young Washington	Acct	1 75	
York Henry 2 March	Note	2 50	
\$73 3 1/2		\$2572 5 1/2	\$2517 4 1/2

\$5163.22 1/2

Notes Payable to Dr Reid & Son

Reid Thomas T	Note	26	3 December 1829
Marsh Lean of Rumney Junty	"	20 25	29 " "
Bain James / nobetter	"	47 50	15 November 1830
Strawmar Brook (ditto)		22	4 March 1830
Robinson Thomas M		6 50	12 Dec 1829
Sharp Holmes		29	4 " 1830
Scaton Samuel		3 25	9 Feb 1829
Davenport M S		40	1 Dec 1830
Wells Arch		75	23 May 1828
McCool Wm		4 75	25 Nov 1828
Norman Mo		17	24 Oct 1827
		217	

Out of the Our half of the amount of the above notes belong to Dr James Reid & the other to Dr Mo Reid

and

which is ordered to be made a part of the record in this cause. John Greenhaw a witness for complainant testified that the item in said inventory charged against Robert Greenhaw of \$2.50 and the item charged against himself of \$10.75 he witness paid to Alexander Reid in 1834 that he paid him said amount in salt

Greenhaw's
evidence.

sale bill
offered.

Hall's
evidence.

Complainant then offered to introduce in evidence the sale bill of the personalty of the estate of James Reid decd as returned to the probate court which was objected to by depts John E Hall for complainant testified that he was the clerk of the county court of Gallatin County and had been for 2 or 3 years that as such he had received the papers offered in evidence with the records of the Probate Office of

Gallatin County - that the papers, belonging to the estate of James Reid deceased were when he received them all folded up to themselves, and had been kept so ever since - that said paper was then and had ever since been among them as one of the papers of said estate as far as witness knew he did not remember when he first noticed it but must have seen it within two weeks of the time when the records of said office came to his possession said sale bill was then admitted in evidence

Sale Bill.

Acct of sales of the goods & chattles and personal effects of Doctor James Reid Decd sold according to law on the 7th day of March 1831

John Milner

1 Grid Iron	56 1/4
1 Tin Pan	12 1/2
1 Large ditto	12 1/2
1 Tea Pot & Sugar Bowl	68 3/4
1 Vinegar Key	81 1/4
1 Key and 36 lbs. ar 4 cts	1 4/4
1 Set dental Instruments & Lances	87 1/2
1 Lry 3 Galons a 11 1/4 cts	33 3/4
1 " " 10 1/4	10 1/4
1 Book Flowers of War Johnson	1 06 1/2
Rasala, Robins Journal	
	7 6 13

2 Sauer pans	87 1/2
1 p Shovel & Tong	2 25
1 Frying pan	93 1/4
1 stew pot	62 1/2
1 Lanthorn	37 1/2

John Reid

1/1 Liverpool soup plates		30	
1 large dish	1		
1/2 doz plates		15	
1 Britania Tea Pot	2		
1 1/2 worn Saddle	4	50	
	13	81 1/4	

Amounts brought over \$ 19 94 1/4

2 Smoothing Irons	15		
1 1/2 doz Irons	7 1/2		
1 a Hooks	3 7/2		
1 Large wooden bowl	3 7/2		
1 Liverpool Tea Pot sugar & br	1		
1 Paper Tray & 2 Canisters	1		
1/2 doz Britania Spoon	75		
1 1/2 carpeting	1 62 1/2		
1 Water Barrel	75		
1 Large Kitchen table	43 7/2		
50 1/2 bushels of Indian corn 25	12 62 1/2		
8 lb. Tallow a set	64		
1 Female Rysing	2		
1 1/2 m Pulicars 1 1/2 m for ropes	50		
1 Silver casket	1		
1 set amputating instrument	20 50		
6 doz plates iron	3 7/2		
1 Trip	12 1/2		
1 Electric Machine & apparatus	19		
Stock of Medicines & Farn	300		
100 lb. Saiter beef a 3 1/2 ct	3 50	3 68	20 1/4

D Alex R Rowan

1 Italian Iron	68 1/4		
1 1/2 garden hoe & Water	1 12 1/2		
1 Watering Pot	43 1/4		
1 1/2 doz sugar bowl & cover	3 7/2		

J. J. Stefford

	1 Salt & Pepper		17 $\frac{1}{2}$		
	1 Silverpool Veg ^e dishes		50		
	1 " " " ditto		15		
	1 White Cover		43 $\frac{3}{4}$	1	43 $\frac{3}{4}$
	Amount Brought Over			392	58 $\frac{1}{4}$
M M Nicholson	1 In dog Irons		87 $\frac{1}{2}$		87 $\frac{1}{2}$
Troy Bird	1 Hammer 3 Gunblades 1 File		31 $\frac{1}{4}$		31 $\frac{1}{4}$
	1 In brought dog Irons		37 $\frac{1}{2}$		
	3 Crewets 6 $\frac{1}{4}$		18 $\frac{3}{4}$		
Wm E. I McCool	6 $\frac{1}{2}$ deep dinner plates		43 $\frac{3}{4}$	1	
	1 Hand Saw		81 $\frac{1}{4}$		
	1 PA & Hook		68 $\frac{3}{4}$		
H Wilson	1 Large Kettle		1 15		
	Folding Table	11	31 $\frac{1}{4}$	14	56 $\frac{1}{4}$
	1 Spade & Hoe		56 $\frac{1}{4}$		
James Bradford	1 Corral Bolt	12		12	56 $\frac{1}{4}$
	1 Chopping Ax		75		
St R Howan	1 Large Mahogany Looking Glass		4 75		
	1 Cherry Book press	21	12 $\frac{1}{2}$		
	1 Horse	75		101	62 $\frac{1}{2}$
	1 Stone Hammer, & 1 pc Comp		56 $\frac{1}{4}$		
	1 Tea Kettle		6 $\frac{1}{4}$		
	1 Small Wooden Bowl		12 $\frac{1}{2}$		
A Langdon	1 Coffee Mill		50		
	1 Milk strainer		12 $\frac{1}{2}$		
	1 Lots of Pamphlets	1	75		
	10 plate stone	23	31 $\frac{1}{4}$	26	43 $\frac{3}{4}$
	Amount Brought Over			549	95 $\frac{3}{4}$
	1 3 gallon freezer Pan		37 $\frac{1}{2}$		
	1 " " " ditto ditto		37 $\frac{1}{2}$		

Jacob Berger	2 Tall Pans 1 Gridiron	75	8 1/2	
	1 Small Wooden bowl		15 3/4	
	1 Cullender		3 1/2	
	1 pr Brass candlesticks		1 15 3/4	
	Snuffer & Sops	1		
	1 Tappan Tray & cake cutter		4 3/4	
	1 Soup Ladle		4 3/4	
	2 crown Lancets		3 1/4	
	1 set trapping instruments	12		
	1 set medical Books	61		
	18 lb Beef 3 1/2	6 30		83 86 1/4
Edmund Nicholson	1 Red bow & calf	6 50		6 50
James S. Bonmont	1 Tall Jar		18 3/4	
	2 Milk pans		18 3/4	37 1/2
Joseph Brown	1 Win. riv		62 1/2	62 1/2
Andrew Slack	1 Brass candlestick		8 1/4	
	9 wine glasses, 3 decanters & Water	1 7 3/4		
	1 Liver Pitcher 1 Tea tray		8 1/4	
	1 Mahogany looking glass	2 62 1/2		
	1 Barrel Horse	62		68 18 3/4
	Annours brought over		\$ 709	50 3/4
Mrs E. Esten	1 Lagn oven shid	1 06 1/2		1 06 1/2
Thos Docker	2 Glass Salts		18 3/4	
	1 set china tea cups & saucers	2 06 1/2		
	1. Short Gun	3 56 1/4		5 8 1/4
	2 day window chairs	5 62 1/2		
Dr A B Baker & Dr J. E. Watkins	2 Injection pipes Alral & crook	15		
	1. 2. 2 ^d ditto	1 81 1/2		
	1. set procters instruments	1 75		
	1 pr crooked forceps bon	50		
	1 Lancer case	37 1/2		
	1 ditto	59 3/4		

	1 Set Obstetrical Instruments	11 87 1/2	
	1 Wooden elastic Pezang	15	
	1 Bathing tub	11 80	
	5 Laps Sars at 50c	2 50	
	4 " Tinct " 60c	2 40	
	4 1/2 lb Linseed oil &oline	4	
	1 Kg of Brown 14 lb a 3 1/2 c	1 19	
	1 Large Basket & 60 c	1	
	5 lb Blk lead a 3 1/2 c	16 1/4	149 22 1/2
	Amount Brought over		7 65 60 3/4
Solomon Brown	1 Rifle Gun	17 25	17 25
James C Sloe	1535 lb Pork at 4 1/2 c	69 07 1/2	69 07 1/2
Wm. Neil	1 Horn horse 3 years old	36 50	36 50
R. Pool	1 Stone Jar & Lid	2 06 1/4	2 06 1/4
	1 Injection pipe	25	
	1 Stomach pump & tube	5 50	
Dr Alex Posey	2 Crown lancets & case	1	
	4 Electric catheters & case	1 37 1/2	
	4 Bougies		
	7 Laps Sars at 30 c	2 10	
	3 Tincture bottles at 60c	1 80	
	1 1/4 ditto	1 25	13 27 1/2
J L Kelly	1 Scarificator	2	
	1 Set small scales & weights	1 75	3 75
	1 Set scales & weights	1 68 3/4	
Alex. Kirkpatrick	1 Keg gum shalac 12 1/2 lb a 38c	4 75	6 43 3/4
H. L. McClintock	1 Book pipe of Jackson	1 06 1/4	
	1 Revind code of 20c	50	1 56 1/4
	Amount Brought over		\$915 52
Mrs Caldwell	1 Keg yellow ochre 27 a 6 1/4 c	1 68 3/4	
	1 demijon	50	2 18 3/4
			\$917 70 3/4

We Thomas Docker and Horatio L. McClintock Clerk
and clerk of sale do certify the foregoing to be a true
and correct account sale of the personal estate of
the late Doctor James Reid of Shawm town Ill.
Horatio L. McClintock cl^r
Thomas Docker act^r

And which ordered to be filed and made a part of
the record in this cause. Complainant then gave in
evidence the receipt of Alexander Reid showing a
settlement with John Forrester & amount recd from him
dated Dec 1836 hand writing proved of James C. Sloe
who testified that he was well acquainted with
Alexander Reid & had often seen him write.

Capt John Forrester Sr

To James Reid

1835 Deduction made of A Reid for the purpose	\$133.12 1/2
of making Settlements ^{1000 dollars 1792} his ^{for}	33.12 1/2
By our barrel prony horse	1 00

and our hundred bushels of corn payable 25th Dec^r
1836 in full for the balance of the above account

Alex Reid

December

Admstr of

19th 1835

James Reid dec^r

The Horse and corn were received of and
paid of William Forrester for his Father M^r Forrester
Alex Reid

And which is ordered to be filed and made a part
of the record herein.

Docker's
Evidence.

William A Docker, a witness for complainant
testified that he was acquainted with William Aker
in lived on the Huff place he was good for \$12.25
or more was in solvent circumstances. dovr.

Wm Aker.

remember any other of the name that was in the
 county about 1831. Don't know that he is the man
 charged in the inventory. Has some recollection of
 James Albion. James Albion but nothing very definite. Thinks
 a small sum might have been made of him
 of law - witness has resided in Sheverson town 31
 years is a merchant is now so well acquainted
 with the people as some others don't know exactly
 what property he had he occupied a farm thinks
 a debt might have been made of him. He had
 a son of the same name son was grown 12 or 15
 years or more ago think, from the knowledge he had
 of Albion \$50 - could have been made of him.
 was not acquainted with his property can't say
 positively what property he had or that he had
 property - thinks from his general dealing that the
 amount could have been made. Don't know that
 he is the man charged in the inventory. Didn't
 know any other person of the name. Knew
 George Akers. He was not very good thinks him doubtful -
 knew Francis Airhart. He was not good for his contracts - also knew
 David Airhart. He was good the amount charged in inventory could have
 been made. Mrs. Olney's circumstances were not
 Nathan Olney. very flattering. Nathan Olney was good for \$14
 could have been collected of law without difficulty
 Saml. Allen. Daniel Allen was not very good - John Burns
 John Burns. was a bad character. amount charged could not have
 been collected. He thinks. He knew James Beaumont
 J. S. Beaumont. He was a bad character. James Bradford was
 J. S. Bradford. very good had abundance of property. Thomas Brown
 Thos. B. Brown. was good for the amount charged against him in
 the inventory. Knew some men by the name of

Docker's
Evidence.

Buffington the old man was good - was understood
to be in solvents circumstances. Don't remember much
about
Sarah Brunstall's circumstances. She occupied a house
and lot in Shannontown it was called her - don't know
that she owed it - can't say whether money could have
been made of her by law - house not much
account it was swept away with her in it about
1832. Knew John Boyer he was good for the amount
charged against him in the inventory think it
could have been made collected by law - think
that he is good to this day - didn't know much
about Henry Boyer's circumstances never saw
him occupy any real estate as his own had seen
him ride a horse - he was once sheriff of the
county he left the county long ago - don't remember
what year he left - Jacob Barger was perfectly
good he is now dead. Knew two widows about 1831
of the name of Brown the amount charged in the
inventory against Mrs Brown could have been made
of John Brown's widow if she owed it - there was
another Mrs Brown don't remember what her
circumstances were. Knew John Brown don't recollect
when the old man died. He had a son named John
\$175 could have been made of either of them he thinks
don't remember the year that either died. Knew Galt
Baldwin he lived near Shannontown don't think
the debt could have been collected of him. Knew
Wm Bolton don't think he was good - Knew Henry
Belt he was dead before '31 he was good while alive.
Don't know what became of the estate - George
Bish lived near Shannontown he was not good
he was at least doubtful -

Benjamin Brucer lives in county he was then and still
 is good James Caldwell was good for his debts. Knew
 Curtin - Daniel Curtin lived once in Wabash bottom
^{He knew no other man by the name of Curtin in the county}
 afterwards in Equality. He was good for \$2.00 he had
 town property in Equality in 1867/37 he didn't live
 in Equality till after James Reed's death the lot in
 Equality might have been better, can say as
 to that he was always punctual & was in business
 he kept a grocery in Equality. W^m Castle was good
 Robert Castle, lives in Shawnee town and was
 good for \$2.00 it could have been collected by law
 William Coop still lives in Shawnee town he has
 always been good for his contracts. W^m Corly lived
 in the county was acquainted with his circumstances,
 money could not have been collected of him by law
 lived on rented land and didn't raise. He never
 knew two men by the name of James Dillard in
 the county either of them was good for \$2.25. James Daven-
 port was a merchant in Shawnee town, was mer-
 chandizing here after James Reed's death he was
 in partnership with W^m Slee. He was good for
 his debts - good for the amount charged against him
 on the inventory don't know that he had anything
 besides the partnership effects. Judge Davenport's
 name is also James he is also good for his contracts.
 John Ellis was and still is good - Henry Eddy lives
 here and was good & solvent money could easily have
 been made of him. Knew James Fields, don't know
 his circumstances he was poor man he was honest
 Stephen Fields was perfectly good for the amount
 charged on the inventory against him his son
 Stephen was not 7 yrs in 1831. John Frazer never

Doeh's
evidence.

lived but one of the main in the county known
lived for a number of years and was solvent
then there were several Trayers, across the Sabine
don't know all their Christian names Jones
Bor John Trayer, farm not certain that he
was alive & owned property after 31 Jefferson
Gatewood lived in the county & the money charged
on the inventory could have been collected Samuel
Gilbert lived in town & near it he was good
the money could have been collected of him Roswell
Grant was good for \$100 Robert Lysons, circumst
ances were only tolerable good thinks 75 cents
might have been collected can't say with any
certainty that is could but thinks it might
Timothy Gerard was perfectly good and so
was Deftah Hardin. Ed. Hefford was worth \$7.15
could have been collected at any time while in the
state he left in the fall of 1832. Knew John Hamdton
thinks the money charged on the inventory could
have been made of him he had property and was
a very correct man Ephraim Hubbard was
good while living & money could have been
collected of him by law, don't know what time
he died whether before or after 31 it could have
been made if he was not dead. thinks died
before Jefferson Gatewood married. Knew something
of Thomas Ingram's circumstances have seen him
have property in his possession thinks \$10.62
could have been collected off him thinks he knew
him in 1831 can only state from the best of his
belief that the money could have been made
from Ingram's general course of dealing. Knew

Richard T. Jones - the money might possibly have been made of him. cant say what property he had he has ^{been} Sheriff and representation of the county years ago - dont know whether he left before /31 or after knew Lewis Keykendall. the amount charged could have been made of him easily he owned land & other property - John Lane was perfectly good - knew John McLean he was a lawyer and United States Senator money could have been made of him he had a farm and a large practice as a lawyer Mrs Mc Leonard was good \$10.62 could have been made at any time - Mrs Sarah Marshall was good for \$1.50 it could have been collected of her - knew Mrs Peoples doubt whether any thing could have been made of her - Robert Peoples was good & solvent \$57.50 could have been made at any time of procees of law. Orval Pod - was and always has been good for \$8.75 it could have been collected at any time no other person of the name in the county - Michael Sprinkle was always good for \$1.25 - knew 2 men by the name of Thomas Sloo - old man was dead long before /31 either was good for \$3.00 knew Frederick Smith thinks \$4.25 could have been made of him by procees of law. but he would not have paid otherwise he had land, and other property. knew no other Frederick Smith in the county. cant say that he was the one charged. money could have been made between /31 and 1844. knew B. T. Spilman well thinks \$10.25 might have been collected of him very easily. he was a preacher - only knew one man of the name in the county - dont know that he is the one charged - he owned a house and lot in Shawmutown -

Docket
Evidence.

Knew a man of the name of Scranton his name was
 Rimeon. L. Scranton thinks the sum of \$7.25 could have
 been made of him of law he was the only person of the
 name of Scranton he ever knew in the country he
 owned land near Shawmutown not certain what
 time he died - he had a considerable amount of person-
 al property - Knew S. F. Vaughn he was a merchant
 in Shawmutown there was no other S. F. Vaughn
 in the country that witness ever knew the amount
 charged on the inventory could have been collected of him
 it could have been made from 1831 up to his death
 Witness knew John Wood, (the Panther) but know
 what his circumstances were. Knew Harrison Wilson
 he was good for \$5.00 was acquainted with Hyram
 Walters don't remember what time he died he
 was in good and solvent circumstances while
 living. John Willis was good \$1.25 could have been
 collected very easily - don't ^{know} whether he is the one
 charged then was but one John Willis in the country that
 he ever knew. A. M. Weed was good for \$4.25 - there was
 but one A. M. Weed to his knowledge - Knew Thomas
 Hudson \$1.50 could have been collected of him easily at
 any time - thinks \$6.50 could have been made of Archib-
 ald Willis between 1831 and 1844 can't fix any partic-
 ular period that it might have been collected. but
 thinks it might have been within that period he
 owned land before 1841. - Witness knew James Reid
 in his lifetime - don't know whether he was diligent
 in collecting debts, or not, ^{he was an attention man to his business} Knew Alexander Reid he
 was an industrious diligent man and attention
 to his business

Orvil Sexton a witness for complainant was introduced and testified that he was born in Gallatin County in 1811, and had lived here ever since. He was acquainted with William Akers & knew his circumstances, he died in 1835 and was good at any time up to the time of his death. There was no other William Akers in the county except his son William who in 1831 was a child. I don't know of his own knowledge that he is the man charged. He was acquainted with James Albion and somewhat with his circumstances, thinks that \$5.50 could have been collected of him, but was not so well acquainted with him as some others. He had the reputation of being the best farmer in the county. I don't know what time he died or left the country whether before or after 1835.

I knew George Akers and was acquainted with his circumstances. He had horses and cattle. He cultivated Jones' farm and lived near witness. He had at different times from 1831 up to two or three hundred dollars worth of property in his possession. I don't know that it was his, but he claimed and exercised acts of ownership over it. He was considered a poor man. I don't know that he is the man charged on the inventory. There was no other George Akers in the county that I knew. He was a farmer and had considerable quantities of corn in his possession at different times. Franklin Airhart lived in Shawan town never saw any property in his possession except a dog and a flock of sheep. Saw him have four hundred dollars in his possession in 1833 or 1834. Don't think he was much account.

David Airhart was good for \$27.75, it could have been collected of him at any time. I knew no other person in the county of the same name could say that he is the person

charged - Nathan Olney was good for \$14 - it could have been made of him by law from '30 up to '36 he was merchandizing in Shawmutown in 1834 and 1835. I don't know that he was the one charged - never knew any other - Samuel Allen was good for \$1.18 it could have been collected easily - knew Thomas Buck was raised with him - \$15 could have been collected of him - was acquainted with his property he had land and other valuable property he was one of the best men for his debts that ever was in the county. - Didn't know much about James Beaumonts - don't think he was of much force recollect something about a transfer of lots and his connection with a grocery in 1833 or 1834 - Knew James Bradford well he was perfectly good - he died in 1840 & left 80 or 9 hundred acres of ^{his} lands in the county unincumbered - Thomas B Brown was perfectly good never knew but one man of the name - Adonijah Brown was perfectly good for \$36.75 - knew him well and lived with him in 1831. His lands were somewhat encumbered but his personal was not. He built a house for Dr James Reid - Knew John Bgers - he was good and solvent - lived here till 1836 he lives in Whit County now and is good yet - Knew Henry Boyer's very well - there was no other person of the name in the county that he went from here to the lead mines I don't know that the charge against him could have been made think he was good before the death of James Reid - Jacob Barger was entirely solvent and was good for any reasonable sum - Knew the widow of John Brown. There was also another Mr Brown in the county - Knew John Brown & his son John. The old man died in '28 or '29. Young John kept a grocery the amount charged on the inventory could have

been very easily made of him don't know which of them
the account is against. Young John was a boy in 1831. —
Henry Bell's circumstances were limited thinks he died
before the year 1831. — Can't say positively what George
Bish's circumstances were have seen him have a wagon
& team &c in his possession don't know that they were his —
Knew Boy Bomer he was a preacher he was good and always
has been — Knew Blanchard he was not good. Knew Wm
Berry never knew but one of the name don't know what
his circumstances were — have seen him have a horse
or so in his possession thinks he was good for \$3.50 have
seen him have property and a considerable amount of
money he was a working man. — don't know that he
is the one charged knew several Beasleys they were not
much account — Knew a man by the name of Barker
James Barker knew of no other man of the name in
the county — he was good — he lived beyond Mills he had
a contract for carrying the mail — there was some
Barkers or Barkers Ferry but didn't know them. — Messrs
Blazer was good for the amount charged against him on the
inventory it could have been collected at any time he
was called Blazger generally knew no other man of
similar name — 50 cents could have been made of James
Beasley between 1840 and 1844 don't think he had much
property before '40 after '40 he had some property but not
a great deal — small amount could have been made
of him he raised considerable crops of corn — Lewis
Blanford was not good — James Cain was a black
smith can't say that he was good. — Alexander Cunnings
was good \$16 could have been collected lived in Shawnee
town no other Alexander Cunnings in the county
Knew Mrs Crawford Sarah she was not good —

Sexton's
Evidence

Knew Mr Backerell well he lived in Kentucky opposite
Shawm town - was in Shawm town nearly every day run
a ferry from here to the Kentucky shore had ample means
and money on this side of the river \$37.50 could have been
made of him at any time - Knew Robert Christian
thinks \$2.00 could have been made of him was nor well
acquainted with his circumstances he lived on a
farm and owned land and other property don't know
that he is the man charged - Knew no other - Knew John and
Lain Caldwell - they were negro men John was no account
Lain had property in the bottom he had horses and cattle in his
possession & thinks that \$3.25 could have been made of him - Will
iam Coop - was and always has been good \$11.75 could have
been made at any time - Isaac Cooper was good - Knew Bailey
Carroll Knew of him out of the name he was a young man
never have seen him riding a horse that he claimed as his
own - but know very little about his circumstances -
Knew George Cole well before and after /31 thinks that \$14.37 $\frac{1}{2}$
could have been made of him by law he had a keel boat
and freight often at the landing here he lived on a little
farm - Knew no other person of the name in the country - nor
position about his having keel boat after /31 - Knew George
Casper don't know much about what his circumstances
were - he was not of much force - there were two William Cas-
tles in the country Father & son \$3 could have been collected at
any time don't remember when either died Robert Castles was
good at any time - thinks that \$20 could have been easily collected
off of Emaly Clark - nor certain what time he died he had a
farm and stock - Knew Chadwick - he was a bad character
- \$6.37 $\frac{1}{2}$ could have been collected of Mr Bailey he had a
waggon, team and horses he was embarrassed after
1837 don't know that he is the man charged - but knew no

Other John bar was very good never knew but one of the name. Knew Mrs Davenport never knew but one of the name he was once Sheriff of the county. he was good if he was here after the death of James Reid don't know what year he left here and can't say that he was in the country in 1831 or after it. Knew two men of the name of James Dillard they were both perfectly good never knew any others of the name in the county - was acquainted with Volley Duval - can't say that money could have been made of him he was one of old Mike's tarapins think is very doubtful about making debt. thinks a debt on Wm Duval ~~deceitful~~ - he was a great corn raiser and also one of old Mike's Tarapins can't say that any thing could have been collected of him. the property in his possession was always claimed by old Mike. Knew but little about Wm Davis - can't say that a debt on him would have been collectable. John Duval was good the Dobbys were hard cases. Thomas Dotson was good \$350 could have been ~~made~~ collected of him at any time he had horses cattle and other property in '31/32 and up - don't know that he is the man charged knew no other of the name. Knew Alexander Davenport don't think he lived here after 1831. he lived in Kentucky thinks he (witness) paid the money for him to Alexander Reid never knew any other Alexander Davenport. can't say the precise amount he paid. It was five or six or seven dollars.

James Davenport was here in 1831 Engaged in merchandizing \$51.25 could have been collected of him he was in partnership with James C Sloo can't say positively what time he went away - Knew William Dotson for 30 years the amount charged in the inventory was collectable from 1831 to 1836 at any time Knew but one of the name since 1836 he has been in embarrassed circumstances. can't say much about Francis

Stexton's
Evidence

Davis can't say that money could have been. could have been collected of him can't say much about Dutton I knew William Donaphton well he was nor good - Knew three men of the name of Denson. George was good - the other men nor good - did not know much about Elijah Darr - he was nor much account - A debt could not have been collected of Charles Drewry. William A Docker was good - Dake and Watkins men good at that time and up, \$56,28 could have been collected of them was nor acquainted with the partnership effect, Watkins was always good Josiah Denning left them in 1830 or 31 think, \$2 might have been made of him ^{was} backward, & forward, then after he left Linerick and he were merchandizing in Jackson county for some time they got goods there of Gen Rawling boxed them up here and took them away that, his recollection about it - was never out when they did business,

Knew Otho Davenport - don't know when he went away
from her. Think he drove down from her in 1830 or 1831
not certain as to time - Knew John Dougherty doubtless
thief being made of him - Knew James Dolson - can't
say ^{now} anything could have been collected of him. On Wm Ellis
summary before 1831, Wm^m Edmonson was always doubtful

Henry Eddy was good - John Ellis was always good at any time from 1831 up to this time - Knew John Edwards - think the amount charged in the inventory could have been ~~made~~ ^{paid} as far as it could have been made in 1831 or 32 in 1833 or 1834, he was generally ~~hand~~ ^{hand} ~~man~~ ^{man} - had a little stuff about him but not much - should think the amount could have been made of him - he was considered a very poor man but generally had a house and some other property - George Edwards was good at any time from 31 to 1843 Knew him well from a boy Knew his son of the name & knew that he got medicine

of Dr James Reid - knew but little about Abner Ellis, can't
say whether a debt could have been collected of him or
not - knew Nicholas Egbert he was good at any time
knew but not of the name - can't say that he is the one
charged - he always had money and property - don't know
whether he was punctual in paying his debts - witnesses always
found him punctual - knew John Talbot don't know anything
about his ability to pay thinks that he went away before
1831 What tells he knew were no account - knew James
Fields thinks that he was good for the amount charged on the
inventory against him thinks it might have been collected
during the administration of Alexander Reid - don't know
that he was ever a county charge - Stephen Fields was
good - knew but not of the name who was of age in 1831
knew Nathaniel Forister but knew nothing of his circumstances,
he went to Missouri but not till after /31 thinks he was
there in 1833 or 1834 - don't think he was much account
knew Benjamin Finley don't think he had any property
- knew William Ferrell he was not much account - knew a
family of Flemings the old man died before 1831 John Floyer
was good don't know that he is the man charged never
knew any other of the name - knew him well he was very
good he moved away in 1836 - Harvey Green was good at any
time Samuel Gilberts run away in 1831 or 32 can't say
whether any thing was collectable of him or not thinks he
had a house & lot don't remember what time he kept on growing
thinks it was before /31 thinks he sold the house and lot after
/31 but not certain of it - knew John Gordon did not get
acquainted with him till 1834, he was not good - Resolved
Graham was very good at any time till his death which
occurred in the winter of 1836. The amount charged could
have been collected of Robert Grant at any time from 31st.

1834 did not know any other of the name, - Timothy Grant

St Louis was good as any time - Roswell Grant was always good don't
 Evidence know exactly what time he left he was here till 1835 or 36

I knew David Hill \$3.00 could have been collected as any time
 in 1831/32 or 33 he had horses cattle &c he died in 38 or 39
 or soon when along then knew no other of the name
 knew him from infancy - A F Grant was a single man
 of limited means have seen him have a horse in his
 possession he was a lawyer think a dollar could have
 been made off of him he was afterwards judge of the
 circuit court he kept house with his sister, he was
 an honorable man, don't know that the house was his -
 along about ~~the~~ 1834 or 35, a small debt might probably
~~have been~~ collected of Goodnight he was now a good
 farmer he had some horses knew has the one our
 old man Goodnight - Goodnight Jr had no property
 that the law would reach - Grinnell was no account
 Charles Goodnight was good Chalon Grant was
 good as any time - Leptah Grant was always good - knew
 Charles Hill of the Wabash bottom he means any before 1831
 he came back in 1834 he had plenty of property he was good -
 John Hamilton was good the amount charged against
 him could have been collected - left a solvent estate - Ephraim
 Hubbard died in 29 or 30, or 31, don't know that he left any
 estate - knew a James Haynes he was good knew no man
 by the name of Hans - knew but one Harrelson that had
 a family in 1831, he was good as any time knew no
 Harrelson, but that family he had some sons he lived
 in the direction of New Haven - knew John Hunter
 a long time doubtful about his solvency - Isaac Hagan
 was very good a farmer in the lower bottom he was there
 for many years, always solvent Mayberry Head was

not much account he was a single man had a
 horse in his possession - I knew Joseph Stupper can
 say that the amount charged could have been collected
 he followed draying till after /31 the old man occupied a
 house and lot in town he died in 1828 or 29 or 30 I had
 dug and open saw him in possession of goods at
 Ogden's don't know whether they were his - Evan Huston
 was good he thinks - Thomas Hudson was always good
 - I knew but one of the name can't say that he is the man charged
 - Vivian Hutchcraft was doubtfull he belonged to old sister
 J. T. Hefford left in 30 or 31. Lee Boygraves was good from
 31 to 34. he was a merchant then runaway some years
 afterwards he was embarrassed when he went away but
 good before. Leonard Boygraves was not of age in /31 -
 - Bouly Jones went away in 1833. or 1834 he had a tract of
 land which he sold to John Caldwell he had a house and
 lot which he sold to cooper in Shawneetown he had a farm
 4 miles from Shawneetown which he lived on it was called
 his don't know any thing about his person or property.
 can't say whether his property was subject to execution or not
 knew no other person of the name he was a printer & trader
 - knew a John Jones on the Wabash don't know but
 what he was dead before /31 he owned land but don't
 know what was the condition of his estate thinks he
 sold his farm before he died know that he was there in 1829
 Peter Jones lived in Kentucky and was good then Page
 Jacobs was worthless - he stole all the copper of his (is not sure)
 engine and ran away I knew Edward Jones (conley's son) he
 was good for 37 1/2 cents till he went away in 1834. or 35. he
 drayed about town had dray and team can't say that he
 is the man charged don't know Edward Jones the lawyer
 until 1833. or 34. Lewis Hy Kendall was good from 31 up to

1837 Henry Kelly was a drayman here from 31 to 35 or 6. He had a dog and oxen they were worth from 60 to 70 he had no other property that he knew of it would have been hard work to make or off of him he had a family John Lane was forever good at all times - knew but one John Lane - James Logan was good at all times - Joseph Logsdon was a farmer and found of whiskey have seen him have a horse in his possession thinks that \$20 could have been made of him but can say positively there was no other person of the name in the county about 1830 or 31 he was a horse racer and had horses never heard of him being arrested he was generally understood to be solvent & knew some people of the name of Lacey but they were no account - Col. Leavell was good - John Miller died after 1833 can say as to his circumstances - Patience McLernand was good the debt was collectable - the amount charged could have been collected of Sarah Marshall of process of law - Charles Mills was good the amount charged against him could have been collected at that time - John McLean was good he was United States Senator the money could have been collected - don't know that he is the man charged - knew no other of the name - knew Hazel Moreland he was a farmer he kept a tavern over in town here - he had property waggon & team I think \$6.75 could have been collected of him he left a farm when he died was good till 36 know no other of the name - don't know that he is the one charged - knew W.D.T. McCool 15¢ could have been made of him between 31 and 1834, he had a house a lot in Guality or Tavern stand he occupied it and it was known as his never heard of any other person of the same name - knew William McCoy (Old Billy) he was good in 31 and up

- Did not know nor any Bill in Equality how he had of such a man - Joshua Morris lived in Kentucky but he had property here after he had a boat load of Bacon it could have been made in 30, 31, 32, or 33. - Knew McClinton he was a good workman had a good set of tools carpenter and mill wright tools, don't know whether he had any other property. - Don't know know so well about collecting the debt of him. He was a fine workman think it might have been collected by Garrison's process witness in 1836 owed him over 100\$ for work he did a great deal of work for others. He worked publicly at and near Shawm town when Dr Alexander Reid lived. Melvin was good at any time up to 1840 he lived in the neighborhood of New-Haven & had a farm and other property. - Knew no other Melvin in the county in 31. - Knew a man by the name of McDaniel he was good from 31 to 37 his name was William he lived in Shawm town & was a wagon maker Knew no other of the name. Robert Pepler was perfectly good from 1831 up to the time of his death. - Knew a man by the name of Perkins but don't know his christian name. He and his son were the only persons of the name he knew either of them was good the amount charged could have been made of either. - Charles Powell was a doubtful case it would have been hard to collect a debt of him Knew a Widow Pepler she was a poor woman the money could not have been collected at law. Oival Pool was good. - Knew Simpson Richey Hunter he was good have known him always and ~~think~~ he was good seen him in possession of property. There were two Widows Robinson they were both good. - Richard Russell was no account. - John W Ryan was a tailor in Shawm town he bought lumber of witness and built a small house

Dixtons
Evidence

in Shawmutown on a lot he had leased the house was
built in 1834 thinks a debt of \$20 might have been made
of him the dealer would have sold for more. Thomas
Puddick was amply good - Laban Robinson was dead
before 1831 nothing could have been made of him -
Knew William Robinson had property is certain that
the money could have been made out of him between
1831 and 1844 have seen him have wagon horses and
other property. it could have been collected at any time
did not know any other of the name don't know that
he is the person charged on the inventory. - Allen Redman
was principal clerk in the Bank at Shawmutown for
some years at a salary of from \$1500 to 1800\$ a year
He built a house in Shawmutown the house and lot
sold for 700\$ or 800\$ not very long ago thinks that the
money could have been made of him - Knew Moses
Rawlings (big belly, cousin) he was good and left a solvent
estate he died after 1834 or '35 Old Moses M. Rawlings was
also good Michael Robinson was good he had horses, cattle
&c don't think he was gone when James Reid died but
he was doing business for himself he moved to Indiana
in 1836 don't know that he is the person charged but knew
no other of the name he was about 18 years of age when Dr
Reid died - thinks that Nathan Pop was gone before
1831, didn't know any thing about him after that -
Then were two more by the name of John Reid they were
both perfectly good didn't know any thing of or hear of
that name about New Haven - Knew A B Sherwood thinks
that \$837^{1/2} might have been made at any time from 1831
to '36 after that time he was in embarrassed circumstances,
don't know whether he is the person charged, never
knew any other of the name Samuel Seaton was,

good and solvent at any time up to the present there
 was no other person of the name in the county 1831.
 John A Sherwood was always good & his estate is good yet
 thinks he died after 1833 but not certain as to the time
 knew ~~Ed~~ John Sprigg he lived just across the river in
 Kentucky he owned land in this county 2 or three hundred
 dollars could have been collected of him at any time
 then - his son young John Sprigg was then a boy - never
 knew any Shipley except those that lived in White County
 they were all good for their contracts, Laird Stinson was
 worthless. Knew Thomas Sloo father & son of same name
 & thinks the old man died before James Reid commenced his
 practice they were both good & knew no others of the name
 thinks that young Thomas Sloo moved away before 1831
 he had land in Hamilton County which he owns yet -
 knew Edmund Stokes he was good from 1831 to /44 he
 was an old man & died but don't think it was before
 1831. - John Smother's had a flock of oxen & horses and
 other property about him and in his possession along
 in 1832 '33 and '34 - Frederick Smith was good knew him
 well never heard of him being embarrassed don't think
 he owned land in 1831. he was a renter then raised crops &c
 B F Spilman was good in 1833. he bought 24 acres of Geo
 Marshall near Shawmutown & built on it he also built
 a house in Shawmutown he was good knew Johnson
 Scantland doubtful about collecting any thing of him
 of law knew Thomas Sharps the only person of the name
 of Sharps who was in the county in 1831 \$10 could have
 been collected of him at any time from /31 to /40 knew
 Simeon Seranton the only Seranton he ever knew he
 was good he had the finest team in the county -
 Peter Slater was perfectly good knew but none of the name

96
Statements
Evidence

knew Christopher Spencer he was good then was but one
of the name. his son christopher was a small boy in 1831
- knew Sally on the Saline. thinks he was good then were other
persons of the name. William Thompson was in good circum-
stances up to the time of his death died since 1840. he
had horses cattle &c knew but one Wm Thompson. John
Thompson was not of much force. John Tindall was
good he lived five miles from Shawmutown he had
stock and land &c in 1831. and up knew but one of the
name William Tinsell was good but he moved away
before 1831. Robert Tarkenton was gone before '31. - George
Thompson was a miller and lived with witnesses thinks
that he (witness) paid the debt to Alexander Reid or
at least a portion of it - knew a nigger by the name of
Toney. a small debt might have been made of him
J. F. Vaughn was good \$29. could have been collected of him
- A. C. Varlandingham was good Archibald Vinters was
very bad - Hiram Walters was very good in 1831 &
up he died after 1836. the only one of the name he ever
knew - knew a man by the name of Welsh he lived out
of John Buck, he left in 33 or 34. he was good he was the
only person of the name he knew. - knew a Mrs. Wilson
John Wilsons widow in the poor settlement her husband
left property but know any thing further about her -
John Woods (the Panther) was a hard case Harrison Wilson
was good owned a ferry at Shawmutown land stock &c
a debt of \$5 could have been made of him. A. W. Wood
died in 1834, or 1835. he was good for a small amount he
was a tavern keeper had a house or 2 & some other
property knew Peter Weeks thinks \$625 could have been
collected of him by process of law he was never incumber-
ed by debt he had property - Lawson Wilson was a hard

case John Willis was good he died about a year ago he had plenty of property - knew John Woods, merchant in New Haven he was good.

Coop's Evidence Mr. Coop a witness for complainant being duly sworn testified that he was acquainted with James Reid he was a Physician he died in January 1831. Knew George Allen debt desperate he was a hard case could not have been collected - Knew a tailor of the name of Bailey nothing could have been made of him - was acquainted with James Beaumont a debt on him was very doubtful - Sarah Brunstall occupied a house and lot & some little personal property she lived in Shawmutown in what is called Nigger flat - thinks probably that a debt of \$6.75 might have been made - Knew Henry Boyer \$13.75 might have been made he thinks while he was there. He probably left before January 1831. - John Brown was good his Father John Brown died in 1828, or 29 he was also good he left plenty of property it was young John who owed the money. he died in 1834, or 35 Mr. Bolton was worthless Knew Brand he lived in Kentucky had a nigger hired hired in this state for some time about 1831 or 32, he came over here several times & collected wages thinks \$4.50 could have been collected in this state Knew no other of the man thinks \$1. might have been made of Parker Beasley there were several other Beasleys that were or of must have Parker had horses & tools don't know that he is the one charged Knew Bullens of Mississippi he owned and still owns property here don't know but what he came here after James Reid died don't know what his given name was - Willis Blanford's circumstances were very bad Knew Ken Brawdy - don't think a debt

could have been made was four before 31. any how. - I knew
 two Mrs Brown, John & Sam's widows think the amount
 charged could have been made of either both owned real
 estate one in Shawmut town & the other in Equality. I knew
 James Cain don't know but what he died before 1831. If living he
 he was good - Old man Chandler was an honest hard
 working man that is about all he knew about him. - I knew
 Cockram should judge that he could pay the amount
 charged against him on the inventory. became acquainted
 with him in 1833. or 34, he was then good never knew but
 one of the name. I knew nothing of his circumstances
 except that witness used to buy waggons timber of him
 he had a wagon and team he lived about 3 miles
 from Shawmut town he moved off in 1837 or 38 don't
 know that he is the man charged I knew no other of
 the name. - was acquainted with Carr he was a
 tailor & was in poor circumstances. Then were
 two men of the name of William Castle, both were
 good - was very well acquainted with William Davis
 he was very good in 1831 and up he had an excellent
 farm on the river in this county Francis Davis was
 good he lived 4 or 5 miles from Shawmut town he had
 land and his heirs own it yet, he owned it in 31/32 and 33
 up to his death he died in the fall of 32 or 33. can't say that
 he is the person charged but knew no other of the name
 - Charles Drewry was in poor circumstances don't think
 anything could have been made of him - Otho Davenport
 was good and the money could have been collected of
 him from 31. to 35. he had several horses farming intervals,
 &c he lived in this county or sented land not certain
 whether he lived one or two years in the county he still
 resides in the state I knew no other of the same name

George's
Evidence

any when Jos Driskell was a trifling fellow don't think
any thing could have been made of him at law - Knew
two men here of the name of Wm Ellis the old man was
good for all such debts he died before 1831. can't say so
well as to the other circumstances he used to have some
fine horses think \$18.50 could have been collected of him if
the horses & his propertie were his own - Knew another of the
name in Hamilton county. he was good think the money
could have been made of either or of their estates -
Knew one Wm Ellis. old Wm's widow any reasonable
amount could have been collected of her & law. was
acquainted with her property she had a good farm & owned
it for life at least she has recently sold it I know she
had plenty of money besides. there was another widow
Ellis Abner's widow she was just as good as the bank
- Knew John Falcus was an industrious man and
had a reputation for honesty I know nothing about his
property don't think he was debt much if any, and
if asked for the amount of those dollars that he owed
no doubt he would have paid it not certain that
he's been here since /31 he left the state when he went
away from here - Knew two men of the name of Wm
Farris Father & son they moved to Statches but don't know
whether before or after /31. - Knew Nathaniel Farris
but can't say that money could have been made out
of him he was tricky have seen horses and waggons in
his propertie if the property in his propertie was his
and unencumbered the amount of \$17.75 could have been
collected of him by legal process Knew no other person of
the name. Ephraim Hubbard left down lots in Shaw
minton that he had occupied for years can't say that
they were his he owned some horses &c worth 500\$ or 600\$

(The records of the Probate court of Gallatin county were
 then read in evidence. showing a settlement of the
 estate in 1829. and that the estate was solvent) Witness
 knew Jonathan and Evan Brewster thinks either was
 good in /31 and along there was acquainted with
 Jonathan's property he was always able to pay the amounts
 charged on the inventory he always owned horses and
 other property he afterwards lived in Egnatiz and
 Repre Tavern then dont know that he is the person
 charged - knew Lee Haysrover, many could have
 been collected of him of property of law in /31. /32 /33
 and along there he was merchandizing in Egnatiz
 Leonard Haysrover was not of age and must have
 been a small boy in /32 - knew a man by the name
 of William Hodge dont think any thing could have
 been collected of him. Was acquainted with Thomas
 Ingram, thinks he was good for \$20. Have seen him
 have waggon & a team 3 yoke of oxen driving them
 after Henry Ribby was not much account cause
 say that any thing could have been made out of
 him - Samuel Lynde always had down 2 or 3
 good horses thinks \$60 might have been collected
 of him he was a farmer but witness never saw his
 crops. He had the horses up to the time of his death
 he died in 1855. dont know that the horses were his
 he had them in possession and exercised acts of
 ownership over them - Joseph Logsdon was very
 good for 20\$ he died in the fall of /32 dont know that
 he is the person charged. He had a stepson of the
 same name but he was not of age in /31 then
 were no others of the name at that time in the
 country - John Milne died 34 or /35, thinks 30\$ might

have been made of him by process of law had
 several lots in Shawmutown and 80 acres of land
 Coops Never knew but our man of the name - I knew
 Evidence James McCoy of Pipe county he was good also knew
 a man by the name of McCoy in Gallatin County, but
 don't know what his Christian name was, Loan D. Marsh
 was a cooper and carried on a shop in Shawmutown
 he was a decent steady man don't know anything
 about his circumstances or ability to pay Mr McCoy
 was good in /31/ 32 and up to his death he died some
 time after /31. don't know that he is the person charged
 also knew a man as Equality of the name of McCoy
 he was also good. Knew Mayan don't think anything
 could have been collected of him by law - Green McCool
 left here before 1831. Abraham McCool had wagon & team
 & other property suppose that any small amount could
 have been of him in /31 or thereabouts, not certain but
 he had moved to Jefferson county before 1831, always took the
 wagon and team to be his from the same evidence that
 he judges of the ownership of other personal property it was
 in his possession and witness never heard of any other
 person claiming it. Knew McClintock thinks it
 would have been a dub chance about collecting any
 thing from him. - Knew a man of the name of Melvin
 saw him have property in his possession but don't know
 much about his property thinks he was good. Don't
 know that he is the man charged thinks that \$793.
 could have been collected from John Norman knew but
 our man of that name. Know he had property and
 lived on his own place & died in 1835 or 1836 - don't think
 that any thing could have been made out of Frederick
 Eldenburg. Knew two men of the name of Orr.

William and John, neither of them was worth much doubt
 Coorps know much about them. Think that a debt could
 Evidence have been collected from Peter Prachman. He had
 a good waggon and team and turners tools. He was
 good in 1831. He moved away but witness doubt know
 where gone - Charles Powell never had any thing in
 his life - Doubt know thing about ~~this~~ circumstances
 of Thomas Parmer. He was a printer here and it was
 the general understanding that he was a partner in
 the printing office. Doubt know about making \$29 ⁵⁰/₁₀₀ of
 him of law. Think, probably it might have been made
 if he really had an interest in the printing office.
 Only knew he was a partner from general represen-
 tation outside of the office. Doubt know of anything
 that the law could reach. It was young Parmer that
 he speaks of having an interest in the office. The old
 man's name was Thomas also. - Mrs Peoples was
 not good. Joseph Pearce was good \$25 could have
 been collected of him at any time. John Robson owned
 a house and lot. He was punctual & a good man.
 I knew a Suther, a Sutherland not certain as to
 name. He was a young man rode fine horse and
 had plenty of every thing. His character for solvency
 was good. Doubt know of any other person of either name.
 He lived about 4 miles from Shawtown. Knew
 Howard Steel in '31 and '32. He was a single man
 and dropped within an inch of his life. He had
 a good horse in '32 that he \$3 could have been
 made of him in '32. John Partten owned stock &
 team but that was probably before '31 - John
 had a little waggon and 2 or 3 horses in 1834 or 1835
 Thomas, he was a farmer and raised crops.
 He was a very imprudent man and a drinker.

fellow witness considers any man doubtful that
 drink, and gets drunk - Knew Thompson & Sadler
 don't know whether his given name was James
 or not he never had much stock think, the debt doubtful.
 - thinks that \$4.50 could have been made out of Samuel
 Tucker he had several head of horses and cattle in '33
 and '34, knew but not man of the name but don't know
 whether he is the one charged or not. - Robert Thompson
 was good for a small amount in 1831, 32, 33, or 34,
 Abram Walters was always good up to the time of his
 death he died in or about 1835, he left a large estate
 800 acres of land and personal property, knew
 John Woods (Mr Panther) but don't know what his
 circumstances were he had a little grocery in Eggleston
 but don't remember what year Samuel Woodall was,
 not good. - Jacob Woolford owned some good horses &
 was the only woolford witness ever knew think, he was
 good - Washington Jones was not of much force
 don't think that any thing could have been made of him
 knew a jack don't ^{know} ~~know~~ that his name was Henry. he had
 some ~~good~~ horses - knew Dr John Reid he was wealthy
 and died since 1840 he had a son John Living as his
 father don't know that he had property in 1831.
 Witness was well acquainted with Alexander Reid
 he was a tolerably good business man don't know
 whether he was a good collector or not he died about
 the year 1841 or there abouts, don't remember the exact
 time

Samuel Seaton, a witness for complainants being sworn
 Seaton's testifies that he has resided in the county 38 or 39 years
 Evidence, that he was a constable for several years and had
 a good deal of enter course & a pretty general

acquaintance with the people of the county. He was acquainted
 with James Beaumont for several years. He died
 after 1834. Think that part of the debt on him might
 have been collected. He had some out lots, 1 or 2 in
 Shawmutown & he owned a horse and for a month or
 two don't know the condition of the lots he claimed them
 borrowed a balance on them when he died he bought
 them from the corporation. The lots were then worth 50 or
 \$100 a piece. Beaumont was rather a poor man.
 Don't know that he had any regular business after
 1831. - Knew a beastly beyond the lick think that \$12.
 might have been collected from him in 33 or 34. witness
 became acquainted with him about that time.
 He had a wagon & horses and cattle don't know what
 became of him. He was a sealer. Don't know that he
 is the man charged. There might have been other
 beasts beyond the lick, but witness knew no
 other. Knew one Cooper at New Haven a blacksmith.
 He was a good workman and had a set of tools. Don't
 know whether it was before or after 1831 that he lived there.
 Think a debt could have been collected of him while
 he remained there. Crisp was in bad circumstances,
 can't say that any think could have been collected of him
 after 1831. Bailey Carroll was a single man he used to
 have a horse in his possession, suppose it was his, think
 \$5.75 might have been collected from him. He was here
 after 1831. Knew old man Casner think it was since
 1831. He lived 4 miles from Shawmutown. Think he was
 good for a small amount. Don't know that he is the person
 charged. He had 4 or 5 sons, one of them probably of age
 in '31. Knew old man Dutton he was good while alive.
 Don't know ^{when} he died. Don't know his given name. He

Seasons

Evidence

had one or 2 sons of age in /31. Robert Edwards was then after /31, \$3 could have been collected from him. He had cattle horses & waggon. I knew no other person of the name — Samuel Tucker was then after /31. he had horses cattle &c. he was a man of family, thinks \$450 could have been made out of him by law — Tucker was a poor man and trifling at that, never saw him have possession of but one horse and a cow or two. He was a notorious liar. thinks the debt a bad one — I knew an old man by the name of Joel Wells, but thinks he was gone from here before 1831 — thinks that John Woods (the Panther) was then after /31. He owned a Panther card say certainly that he owned any thing else. he kept a grocery in Eggleston. Don't know whether it was his. If it was, thinks a small debt might have been made out of him. Don't know that William Walden was then after January /31 or not have seen him ride ~~to~~ from horses to town. thinks the debt might have been made Francis King is lived about as hired hand. thinks probably he was then since /31. have seen him in possession of a horse from all appearance he was a poor man. Don't know that he has seen Andrew Peck since /31.

John Ellis a witness on the part of complainants being introduced testified that he had lived in this county 41 years and had a good deal of dealings with the people of the county — was acquainted with two Widows, Ellis his mother & sister in law either was good his father died in 1830 his Brother in /32 leaving said widows then was another widow Ellis living beyond the Saline she was not very good can't say who owed the item charged

Ellis'
Evidence

Dr James Reid was the physician of his mother & sister in law he practiced a good deal over the saline also don't know that he ever attended that widow's family - knew a coloured man by the name of James Rudd over Cyprus in 1839, he gave in some more property than the law allowed him exempt from execution witness was appraising property for taxation that's all he knows about him never knew him before or since thinks from the property he gave in a small debt could have been made of him saw several horses and cattle in his lot, and stable which he represented as his and gave in Taxation don't know whether he was in the country as early as '31 or not. Howard Steel always rode good horses he was married in 29. or 30 saw him once or twice in Eggleston after 1831 thinks his character for solvency was good causing positively that he saw him after 1831 but thinks he did was then acquainted with his reputation for solvency have heard is canvassed of his negotiators - Washington Young lived on the saline couldn't have made any thing out of him knew Sherrod Reynolds he was here in '31 had in his possession pretty good horses he was an old man and rented ground horses were worth \$30 or \$40 each if property had brought a fair price thinks probably the debt might have been made he had the appearance of a poor man witness sold him some corn it was in the spring of '31 he knew him didn't know much about him after that time & don't know that he's Mr Reynolds charged witness don't remember what amount he owed the Estate of James Reid at the time of his death

107
He had no settlement with him but had paid
him \$15 on his account during his life time 5th of it had
Ellis been credited but the 10th was not credited but was
Evidence. allowed him of Alexander Reid on their settlements
don't remember the exact amount paid Alexander
Reid think the account presented of him was for
\$39 and some cents don't know whether that
embraced the whole account or was the remainder
after deducting the \$5 that was credited on the book.
He paid the balance due to Alexander Reid -
Knew Alexander Reid well and always thought
him a prudent diligent man in business.

James B. Stoo a witness on the part of complainant being
duly sworn according to testifies that he knew James Albin
Stoo's he was good for \$5.50 could have been made of him without
Evidence. any doubt he was a farmer in the neighborhood of New Haven
can't say when he died or moved away - along in 28, 29, 30,
and 31. witness thinks Albin was ^{born} good - Knew Samuel C
Austin he resided on this side of the river a year or
two and afterwards moved to Kentucky he lived there in
27, 8, or 9, afterwards saw him in Kentucky He was a
young man - don't know of his having any property
when here - George Akers was not good. he had
property in his possession but it belonged to Jones
such was the understanding. He raised small crops and
his operations were limited. If he was the owner of the
property in his possession the debt might have been
made but it was generally understood to belong to
Mike Jones Akers was a very poor man don't know
that he ever heard Jones claim the property. Knew
John Burns he died in the county don't think he was
worth anything don't know what year he died

James Beaman in the latter part of his life was doubtful
 character about collecting any thing when he first came
 to the county he had property he had some 60 or 70 lots
 adjoining Shawmutown lots were worth a hundred
 or two dollars don't know any thing about title the
 were called Beaman's property think he died after /31
 but not certain didn't know any thing lots till after
 his death have since heard dispute about ownership
 under a tax ~~title~~ sale can't tell whether the debt
 charged could have been made or not. - In 33 or 34
 small debt could have been collected of Parker Beasly
 then were several others of the name of Beasly who
 were not of much force - knew Alexander Clark
 think \$5.50 could have been made of him at any time. can't
 say whether he moved away before or after /31. has never seen him
 here since often with property and have sold him goods
 here since 31. He was punctual and his reputation
 for solvency was good. can't say that he is the man charged
 but know no other of the name. James Cain was a black
 smith in Shawmutown He left Shawmutown about /31 and
 went out to a farm in the bottom He was hard run to get
 along Did not know of his having any property out of which
 money could have been made Witness states that he has
 been in the county 35 years and had a general acquaint-
 ance with the people he knew Colbreth who lived near
 New Haven don't know his given name He was good
 for a farmer can't say whether he was living in /31 know no
 other of the name He might have had sons but don't
 remember any it was sometime between 1820 and 1830
 that he lived there knew Chandler Wm Chandler - knew
 no other of the name don't think he was solvent - knew
 Cooper who lived near New Haven He died there can't

Slois

Evidence.

fix date should think the money could have been made of him but don't know that he; the one charged - Isaac Cooper in Shawm town was good. then were a family of Blacks near here called Cooper can't fix date that they were here then two men of the name of William Castle, both were good don't recollect the year that the old man died think it was since /31. the other died since both resided here till death - another William Castle from Philadelphia was here about that time he was sick while here don't know who attended on him he had no property here, can't say the year he was here think it must have been later than /31. but might be mistaken - thinks the amount charged could have been ^{made} of Mr S Davenport. he was a straitened circumstances part of the time but think the money could have been made. He had a good deal of property can't say that he was here after /31. James Davenport left here in /30 or 31. I knew Charles Drew up to the time of his death never knew him to have any property he lived on fish and fishing - James Dotson was ^{always} good can't say that he was here in /31 or after don't remember dates well after he was here he was good - Jos Driskel lived 1/2 town & died in the neighborhood knew nothing of his property Robert Edwards lived near New Haven can't say he was here after /31. he was good when here he was a farmer. Didn't know much about his property he moved some where north old William Ellis was good don't know whether he died before or after /31. his son was in Wayne county was always good another William Ellis was here ^{afterwards} moved to Indiana he was good then was another William Ellis across the saline don't know whether he was good or not Thomas Ezell lived in White County

Slovis witness was at his house in 28 & 29. Indicted in White
 Evidence was good up to his death don't think he died for several
 years after he saw him. Never knew any other of the name
 - Knew William Ferris in Franklin County he left the
 County in 1833 or 1834. He never lived in Gallatin but
 was at Shawmstown after knew no other of the
 name. While in Franklin any small debt could
 have been made of him & I saw He dealt in horses
 & other property not certain what year he left but
 thinks it was 32, 33 or 34. His credit was good
 while here He died. Patches a great many lost by
 him Witness lost several thousand dollars of him
 - John Hunter was good when he knew him but
 can't say that was since 1831. - Mayberry Head had
 property was good for any small sum while here He
 moved to Kentucky - don't remember what time -
 Hefford left here in 32, - 3 or 4, was always good
 when here knew an old man named Gant he was
 honest had horses & he reputation for solvency was
 good can't say that the debt could have been made
 of him after 1830. - Gary Jones owned 10 or 20 acres lots
 a job of oxen &c should think the lots were worth as
 much as \$87. don't know what he left or that he
 was here after 1830. can't remember date, Peter Jones
 lived and died in Kentucky died since 1840. Own
 a house on this side of the river between 31, & 1844
 Don't know that his being here was ever known to
 Reid or Kovan He used to come over on this side
 - George Logan is good farmer & in good circumstances
 he lives in White County know no other person of the name
 knew some men of the name of Ledbetter the old man
 had a farm don't know when he died while living or

111.
Shaw's
Evidence

small sum could have been collected from him He
died after /31. He had several sons, dont know any thing
about their circumstances, was acquainted with Loan
Marsh he was a cooper think he was here after /31
dont think any thing could have been made of him
Mrs McElroy moved to Madison county since 1831
she was paid for \$8.35 she lived on a farm & had horses
& other property in her possession, witness never was on
her farm the debt could have been made while while
she was here. Dont know any other person of the name
her character for solvency was good. speaks now from
his own dealings with her and from the circumstances
of Dr McElroy before his death than from any other
positive knowledge - dont think any thing could have
been made of Fred Aldenburg he had no property.
Old man Rudd was good dont remember his Christian
name dont think his sons were of age in /31 thinks the
old man was then living dont know that he is the man charged
Wilson Scantland lived in Kentucky knew nothing of his
having property on this side. Ezekiel Smith has been dead
a good many years, while living he was good and the money
could have been made out of him the last time witness
was at his house was in /28. or /29. thinks he was good
in 1831. - David Stinson was county surveyor He moved
out of the county state dont know where to. Dont
know any thing about his circumstances. - Tho Sloo Linn
left the state he died in 1828, and did not leave any property
Tho Sloo Linn left the state the same year - knew
John Smother think that he was good His boys were not
grown in 1831. he had a house and a pen He was a poor
man but think the debt could have been made
Daniel Vineyard was good \$6. could have been made

at any time previous to his death he has been dead
 some 5 or 6 years don't know very much about
 Evidence John Woods (the Panther) - Lawson Wilson was dead
 before 1831. Knew Dr Thomas & think he was good
 he lived about Ford's Ferry witness was Register of the
 Land office at Shawmutown and Thomas entered land
 about 1/34 or 1/35 he might have lived in Kentucky (Witness
 not certain) - Matthew Thompson was a poor man
 has had horses &c think \$3.87 could have been made
 of him & law he was always considered a poor man
 but always had property he was a great whiskey
 drinker in the latter portion of his life - Richard
 Thomas moved to Kentucky after 1831. He was good
 and twenty five cents could have been made of
 of him at any time. He was a poor man but property
 and was punctual think he would have paid it if
 called on - Knew Edmund Waggoner don't know that
 he ever saw him have any property. He with his Brothers
 and Sisters owned some lots in Shawmutown
 which had belonged to John Waggoner their Father they
 took by inheritance know nothing about it except
 from general knowledge - was acquainted with Dr
 Alexander Reid. He was a diligent man and a good
 collector all that witness has said was good or adverse
 he if administrator would have ~~acted~~ acted or tried to collect.

Seven (7) Pages of a cash book kept by Dr Alexander Reid
 proved by ^{bel} James B. Stoo to be in said Alexander
 Reid's hand writing in which he charged himself
 with cash received as administrator of James Reid
 were offered in evidence of complaints and
 received by the court the left hand or Dr Reid's ^{only} were
 offered in evidence of the complaints.

Cash
 book.

Defendants insisted that the right hand a credit side of said book also in the hand writing of Alex Reid as proved by Col Stoo should accompany it as evidence and be considered by the court when said pages of said cash book both the D and C sides are as follows

Cash Book

Page 1 Dr Alex

1831

Amount of cash received in account of debt due the estate of Dr James Reid deceased

Reid

1831

6th

Amount paid out

Feb 20	Received of Morgan Williams	11 50
30	Thos Ranch	15 00
an 18	John Sherwood	9 00
"	Calvin Gold	8 87 1/2
"	Isaac Jones	62 1/2
25	Charles Goodnight	1 25
29	Philip Buffington	2 50
"	Van Tite	3 25
april 2	William Skidmore	2 75
7	James B. Burrop	1 75
16	Robert Thompson	2 56 1/4
"	Jacob Wells	87 1/2
19	David Airhart	27 75
"	Ans Oylery	62 1/2
"	James Mattison	26 50
"	Administrators of Genl Marshall	63 48
"	Henry Gilbert	7 00

Page 2
1831

May 4	Received of Norman Hooker	15 00
	Joshua Sexton	50
	Volgan Hamulter	50

6 Golds Ldr	8 56 1/4
Ben Hubbard nec	5 50
ditto	37 1/2
7 McSwearingin	1 75
G Given	62 1/2
ditto	50
ditto	4 50
Leonard White's bill	2 87 1/2
do	4 18 3/4
J & J Docker	1 00
J Docker	3 50
Chas Boutwell	26 00
Avian Hooker	7 00
Norman Hooker	14 00
Joseph Hooker	24 00
Widow Col Reid	13 68 3/4
Dr Wison	3 28
Doer & Baker	109 83
John Rohrer	1 00

Aug 8	Elegraph Hooker	18 75	Lowm Tery	7 00
cash	" Nicholas Cybert	10 75	M M Rawlings	74 74
Book. (✓)	15 J Hewitt	1 00	J. T. Befford insurance	12 00
	27 Abner Ellis	13 12 1/2	Jacob Boyer	191 68
	" Robert Howard	5 75	John Limerick	203 22
Aug 8	James Stinson	75	A Brown \$73.30	199 05
	20 Penckner Hatfield	6 12 1/2	Wm Proctor	24 43 3/4
	" E Weston	21 31 1/4	E Nicholson	50
	" Saul Kirkham		Wm Gibbons	1 25
	John R Stew	11 25	James Davis	1 27
	Dereenah Seaman	5 75	Adm'r J. Saul Marshall	17 05 3/4
Oct 8	Amos E Sharp	4 00	John Cook	50
	" Wm Edwards	2 00	Moz. Handshaw	11 00
	" Wm Loton \$4, \$2, \$20 2		James Dillard	10 45
	" John Edwards, \$6, 50		John A. Gayton	62 1/2
	Wm Kennedy 12 5			

Page 3.

Dr. Alexander Reid to	
amount received	
Joseph Carr 11 man. Saddle	19 00
Zachariah Johnson 1 clock	24 00
Wm Hopsett	7 37 1/2
A B Sears 637 1/2 + 5.00	
Savin \$14 + \$12 5	42 00
Stephen Boyer	3 00
E Elizabeth Tools	2 00
John Shearer	2 87 1/2
Isaac Farmer	8
Coxtan \$10 35, 16 25	10 97
Cookman Junior	4 25
Jacob Boyer	78 78
Geor. Casner	13 00

A Reid of amount paid to	
Sundry persons	
Andy Laughlin	12 1/2
Molly Duval	1 87 1/2

Cash
Book.

John Limerick	89 31/4
Wm Proctor	22 50
Harvey Green	12 50
Adonijah Brown	36 75
William Libberson	3 50
Thomas Doorn	1 87 1/2

Page 4.

Received of M Ryan \$67.90. #7		Ans paid M. Ryan as per recd	67 90
Thos L. Proctor	1 50	Paid P Redman Exp of I. Seabrook	43 79 1/2
Georg Mills 20 25. 1	21 25	Ed. Reid as per receipt	8 31 1/2
Joseph C. Pierce	25 00	James B. Sloo 2.39. 4.45	6 84
P Redman Exp of I. Seabrook	45 25	Wm Davis	8 00
Received of Reid \$7.93 3/4		P Redman as per Receipt	11 92 1/2
9 March Rec'd Samuel Allen	1 18 3/4		
Admr. of Saml Linn	10.45		
Rec'd of James Dillard	20		
Wm P Davis \$10. #8. 175 #16.	35 75		
Calsep Ellis in full	15 25		
Nathaniel Wyatt in full	16 02		
Thomas Sharp #8 }			
Allen Redman in full	12 25		
Samuel Turner #10			
ditt. w Liza #4.50	24		
James Bradford in full	38 75		
Isaac Hogan	10 00		
Rimpron Pitche	17 75		

Page 5.

1852

Received of Aaron Weddy in full	5 22 1/2	Oct 25 ans of A. Kirkpatrick, acc	53 70
ans 20 Received of John Duvall #14	14 00	Nov 3 " I Caldwell	2 37 1/2
Oct 25 ditto of A. Kirkpatrick in full	20 25	" 15 John Groves	8 00
" ditto for sale	39 50	1853 Jan 22 John Marshall's bill	33 46 1/4
		" E Deming's bill Med Journal	4 00

1832

Cash	Nov 13	of Stephen Perkins	5 00	" 26	W A Rockers bill	3 72 1/2
Book	" 26	Isaac Crabtree 4			Thos Morris Bill	23 37 1/2
	Dec 11	Isaac Cooper Cap	5 25		E J Reid	70 06 1/2
	" 14	James Albin \$1.85. 386.	5 66			11 91 1/4
	" 20	Wm McCoy	12 50			

X

1833

	Jan 17	Received of Mr Brownish	5 50			
		Bailey Carroll \$5-				
	" 22	Wm Marshall	74 25			
	" 22	David Forehand	2 50			
	" 24	Edmund Stokes son \$1				
	" 26	Received of W A Rocker	2 37 1/2			
	" 28	Stephen Morris	1 25			
	" "	Thos Morris	32 25			
	" 28	P Redman in full	6 62 1/2			

Page 6

1833

	1833	Ans brought over	\$			
	Jan 28	Beavers in full	6 87 1/2	Feb 4	Alex Reid Bill	43 50
X	" 29	Nathan Almy	14 00		Probate fees	2 00
		Eph A Gatewood	29 50		ditto Guardian bill	2 00
		Resolved Graham \$14.46	20 00		B Wilsons bill of cost	10 58
	"	Ans Received of the Court settlement			B C Vanlandingham's	
		with the Judge of Probate			bill for house rent	12 00
	"	Received of David Pantier	12 95	Aug 23	Thomas Ingraham's bill	9 37 1/2
		B Wilson \$1.90				
		John Firdale	7 45			
		John Carter	25 75			
		Hugh Bradley	3 18 3/4			
		B C Vanlandingham	7 49			
		John Dutton Jr R Skelton	5 00			
		John Doherty in full	10 00			
		James M Jones \$20	20 00			

117 ✓	13 April \$5	5 00
	Thos Ingram 9.37 1/2	
Page 7	A Reid Dr	
	William Atkins in full	12 25
	William Vell in full paid	2 25
	Geo Bisk 15.25 ditto 5	20 25
	Las Leay 9.88	
1834	Recd Thos Robinson in full	18 75
	Amos Vanghn in full	18.50
	John Boyer in full	14.75
	Dusky Black in full	20.00
	Barly Carroll in full	75 ^{cts}
	Crabtree 1 dollar in full	
	Dallam 7.75	
my 12	1832 Joshua Martin 10	

Alex Reid Credit

Cash
Book.

Leger of
A. Reid.

Judgt in
Cir. Court.

Judgt in
Cir. Court.

Complainant then gave in evidence an account on the ledger of James Reid (moved to his arch) against John Ellis showing charges against him to the amount of \$44.50 on the credit side of which was the following entry to wit: "1837, Jan 21 By cash \$24.00 proved by James G. Sloo to be in the hand writing of Alexander Reid Complainant then gave in evidence a Judgment on the records of the Circuit Court of Gallatin County in favor of Alexander Reid Administrator of James Reid against against William Duvall entered September 6th 1832. for \$1256 1/4 with interest at Six per cent from the 15th of April 1831. (Execution No 2426.) on which was the following entry admitted to be in the hand writing of Alexander Reid. "Recd of John Lane Atty Shurlee Dollars the principal and interest in the execution this 27th day of Jan'y 1832. in full Alex Reid" Complainant then gave in evidence a Judgment on the same record (order Book of the circuit court) in favor of John Reid surviving partner

Ex' on from
Rock Island.

Judgt in
Cir. Court.

Ex' on from
Rock Island.

Entries in
Day book.

Judgt on
Vaughn's
docket.

of John Reid & son against Marmaduke Davenport entered
Sept 18th 1833 for \$46. Execution to issue for only half - Execution
No 2779, issued on said judgment to the sheriff of Rock
Island county also gave in evidence the execution on
which was the following return. "The within ex' is satisfied
April 17th 1834. Benj & Peter Shiff R Isld" Complainant
then gave in evidence a judgment on the same record
in favor of Alexander Reid administrator of James
Reid against Marmaduke Davenport entered
March 15th 1833 for \$34.10 with 6 per cent interest
from 14th August 1832 and also the execution No 2778
issued then on to the sheriff of Rock Island
county, on which was the following return "The
within Execution is satisfied April 17th 1834 Benj &
Peter Shiff R Is Co" - Complainant then gave in
evidence certain entries on a Back Pay in Dr
James Reid, by Book headed July 23rd 1833 debts
collected Dr The entries proved to be in Alexander
Reid, hand writing under said heading is as follows

" Simon Vaughn in full	\$ 1.8	50
W Jefferson Gatewood pr S.S.R	8	50
H M Weed	3	31 1/2
Jno Hamilton	46	31 1/2
Jos Logan	10	

Complainant then gave in evidence a judgment on
Esqr Thomas F Vaughn's docket in favor of Alexander
Reid administrator of James Reid against John H Newman
Judgment entered April 8th 1831. for \$14.75 & costs on
which is the following entry "Received the amount of
this judgment in full ^{writing of Alex Reid} Alex Reid proved to be in the hand
also a judgment on Esqr Vaughn's docket in favor
of Alexander Reid administrator of James Reid against

Indgt on
Vaughts
Docket.

Simcon Owens entered dty of 1833. for \$3.71 which
was receipted by AKNowan as agent for Alex Reid
Also a Judgment on Esqr Vaughts Docket in favor
of Alexander Reid administrator of James Reid
against John Thompson entered Sept 22-1832 for \$15.50
+ costs with entries of the Justice executions first &
second returned no property found 3^d execution returned by
order of 1st

Indgt on
Same-

Also a Judgment on Esqr Vaughts Docket in favor
of Alexander Reid administrator of James Reid against
Joseph Wether entered August 4th 1832. for 55.98 + costs
Execution issued & the following entry is on the docket
by the Justice "Executed with p^{ts} rec^d thereon
in full with costs,

Indgt on
Same.

Also a Judgment on Esqr Vaughts Docket in favor
of the same against Peyton Weeks entered August 2nd
1832. for \$7.31 1/4. Also a Judgment on Esqr Vaughts
Docket in favor of the same against Isaac Dolson
entered Aug 2nd 1832. for \$1.08 + costs in which was the
following entry proved to be in the hand writing of
Alexander Reid to wit Received the amount of this
Judgment \$1.31 1/4 in full Alexander Reid adm^r of James
Reid decd - also a Judgment on same docket in
favor of the same against Caleb Benson Apr 25/31 for
\$8.22 1/2 + costs with the following entries of Justice
Execution returned no property found rec^d by St Wilson
Constable #1- Also a Judgment on the same docket
in favor of the same against Thos M Robinson entered
Nov 16th 1832. for \$42.47. + costs with the following entries
first execution returned no property found Received
the amount of this Judgment in full by \$44.85 "

Indgt on
Same.

"Received of the above \$30.00 AKNowan" Recd the above

Indgt on
Same

balance of \$14.85 cents in full Alex Reid" The last signature was admitted to be the hand writing of Alexander Reid - also a Judgment on the same docket in favor of the same against J. E. Watkins and Arnold B. Baker entered December 13th 1832 for \$60.20 & costs on which plaintiff received money 7th 1833. for \$15.00 Received of constable \$5 Entry by Justice Received of George God constable \$19.62 1/2 due

30th 1836. also a Judgment on the same docket in favor of the same against Arthur Bices entered December 2nd 1831. for \$6. & costs execution issued

but not returned - also a Judgment on same Esq's docket in favor of same against Joshua Martin entered Nov 11th 1833. for \$13.42 1/2 & costs on which is the following entry by the Justice "Ex returned with

plt. receipts thereon - also a Judgment on same Esq's docket in favor of the same against John Murphy entered Nov 11th 1833 for \$16.62 1/2 & costs on which is the following entry by the Justice "Ex returned with the

plt. receipts thereon" also a Judgment on the same Esq's docket in favor of the same against Wm L. Robinson entered Nov 8th 1833. for \$7.00 & costs on which is the following entry admitted to be in Alexander Reid's hand writing "Received the amount of the Judgment & costs

Alex Reid - also a Judgment on said Varys docket in favor of Alexander Reid administrator of James Reid against Benham Skelton entered October 28th 1833. for \$2.72 & costs on which is the following entry by the Justice "Ex returned money made

also on said Varys docket a Judgment in favor of same against John Robner and William Robner entered December 18th 1833. for \$36.91 1/2 & costs on which

Judgt on
Varys
Docket.

Judgt on
same.

Judgt on
same.

Judgt on
same.

Judgt on
same.

Judgt on
same.

Judgt on
same.

121
and the following receipts admitted ^{by defendant} to be in Alexander Reid hand writing "Received an Indigment \$19.50 1st Feb 1836. \$15.44 3rd Dec 1837. \$8.00 in full Alex Reid also a Indigment on said Vauhts docket in favor of the same against Joseph Deay entered Nov 13. 1832 \$48.81 & costs, 1st Ex returned no property found 2nd Execution returned \$16 made deducting costs "Recd \$9.89 on June 1st 1833, a Reid" hand writing admitted entry by Justice "Ex returned 2nd Aug 1834. for \$29.25 recd by plrs." also a Indigment on said Vauhts docket in favor of the same against John Galbreth - Hiram Walter, and Frederick Smith entered Oct 18th 1834. for \$67.46 1/2 & costs, on which is the following receipt admitted to be in the hand writing of Alexander Reid "Recd the amount Indigment & interest \$68.13. in full Alex Reid"

Indgt on same.

Indgt on same.

Indgt on same.

Indgt on same.

Also a Indigment on said Vauhts docket in favor of John Reid surviving partner of John Reid & son against William McCoy entered Nov 9th 1833. for \$6.30. & costs Receipts in full of Alex Reid - hand writing admitted - also a Indigment on said Vauhts docket in favor of John Reid surviving partner of John Reid & son against entered August 3rd 1832. for \$23.80 & costs, with the following entries by the Justice Ex returned no property found "settled with a Reid"

Sexton's Evidence.

Oral Sexton being recalled by complainant states, that he built a brick house for Alexander Reid in 1836 his work amounted to \$500 ~~was~~ went to said Reid once for a payment ~~He~~ said he had no money of his own, but he had some belonging to the

Septin's
evidence

estate of his brother James & he would pay him
& would have to replace it & he then paid witnesses
200\$ he thinks it might have been only 100\$ - from
/30 to 1836, was the best time witness ever knew
in the country for the collection of debts. Alexander
Reid was he thinks a good collector & he was barely of
age when his brother James died before that time he
had not engaged in any business to make money & he
practised medicine some but his income must have
been slight up to 1834. He was reading and probably
attended the lectures after 1831. Don't know of his
engaging in speculation till /35 or /36 or /36 he built
a house from 1833. to /36. He had a pretty extensive
practice as a physician don't know about his
speculating in land before then but he might have
done so & think may be he did His practice continued
to be good up to the time of his death which was in
1841.

The Defendant then gave in evidence the
following described Judgments on said Thomas & Knight
Docker for the purpose of establishing the insolvent of
the defendants therein and that Alexander Reid used
diligence to collect same

Alexander Reid administrator of James Reid against
George Smith entered April 2nd 1832. for \$21.25 - \$15.25 of
which is receipted for on the Docker by said Alexander
Reid Execution issued 27th November 1832, and no return
entered on the Docker

Same against John Duval entered Aug 20, 1832, for
\$14.36. Execution issued 20th Aug 1832, returned with full
receipt thereon.

Same Isaac Hagan for \$10, entered Aug 26,

Deft's Ex.
judgments on
Docker's
debt

1832 Recaptured in full on the docket by A Reid his signature being admitted,

Same vs Erasmus Bearden for \$5.37 $\frac{1}{2}$ entered august 4th 1832. 1st Execution issued 25th august 1832 returned no property found. 2nd Execution issued Nov 2 1832. "returned with plaintiffs receipt thereon"

Same vs Joseph Driskell for \$1.62 $\frac{1}{2}$ entered Aug 2, 1832 Execution issued august 22nd 1832. "returned no property found"

Same vs John Logan for \$20.80 entered Aug 2, 1832. Execution, returned no property found

Same vs John B. McCoy for \$15.81 $\frac{1}{4}$ entered Aug 4th 1832. Execution issued 25th august 1832. Returned no property found.

Same vs Caleb Baldwin for \$66. & costs entered Aug 2 1832. Execution issued august 22, 1832. Returned no property found.

Same vs Christopher Collops for \$7.40 entered Aug 3, 1832, Execution issued august 24th 1832 Returned no property found "additional entry by the Justice "selled by the parties"

Same vs Andy Laughlin for \$12.10 entered Aug 20, 1832 Execution issued 22nd Sept 1832 Returned no property found

Same vs John Thompson for \$15.50 entered Sept 22, 1832. 3 Executions issued at different times all "returned by order of plaintiff"

Same vs Jacob Doan for \$9.15 entered 22 Nov 1832. Execution issued 13th December 1832. returned no property found.

Same vs Henry Volly for \$7.17, entered 21 November 1832, "Execution issued Dec 12th 1832

Lefts &c.
judgments on
Vaughn's
docket.

Returned no property found.

Same vs David Gill for \$3.46, entered
Nov 16th 1832. Execution issued 7th Dec 1832. Returned
no property found.

Same vs Hiram Baker for \$10.87 $\frac{1}{2}$ entered
May 7th 1831. Execution issued 30th May 1831. Returned
no property found.

Same vs Barton Derogier, for \$14.25 entered
April 16, 1831. Execution issued May 7th 1831.
Returned no property found.

Same vs Franklin Aikens for \$28.22 $\frac{1}{2}$
entered April 16, 1831. Execution issued 7th May
1831. Returned no property found. When other executions
issued no return of them entered on the docket.

Same vs Philip Aikens for \$8.22 $\frac{1}{2}$ entered
April 23, 1831. Execution issued 20th May 1831.
Returned no property found. Received by Wilson Constable \$.

Same vs James L Thompson \$5.93 $\frac{3}{4}$ entered
Nov 4th 1833. Execution issued 30th Nov 1833. Returned
no property found.

Same William Dotson for \$37 & costs
entered May, 17, 1834. Execution issued 7th Jun 1834.
Returned no property found.

Same vs Wm D. McCool for \$18.71 $\frac{1}{2}$
entered Jun 7th 1834. Execution issued 28 Jun
1834, returned made \$2. applied to constable's costs,
no property found.

Same vs Abner Ellis, sued Jun 27, 1831
for \$34.50 Jury trial & verdict and Judgment for \$13.12 $\frac{1}{2}$
Receipted in full by Alley & Reid.

Also defendants gave in evidence the following
described Judgment & on said Vaughn's docket

for the purpose of establishing the insolvency of the
defendants therein they being persons charged on the
inventory the dates and amounts of the judgments
are given with the justices' entries of the issuing and
returning of executions to wit.

Henry Eddy vs George Atkins for \$3.33 entered March
11th. 1830, 1st Execution 21st April 1830, 2nd 1st April 1831,
both returned "no property found."

John T. Rogers vs George Bat and George Atkins
for \$40 & costs, entered Dec 6th 1836. 1st Execution issued 6th
Dec 1836, 2nd & Execution 4th March 1837, 3rd 26th May
1837, all returned no property found. Case issued 26th Aug
1837.

John Forrester vs George Atkins \$8.93 $\frac{3}{4}$, entered
March 18th 1833, Execution issued April 8th 1833, returned
no property found, Case issued August 5th 1833, "Returned
with plaintiffs receipt thereon."

Calvin Gold vs Champion Bailey for \$33.87 $\frac{1}{2}$
entered Feb 14th. 1835, Execution issued day of \$9.12 $\frac{1}{2}$
made and returned no property found.

John Thomason vs Sarah Brewster for \$2.00
entered Dec 31st 1829, Execution issued day of
Returned no property found, Case issued & money made.

William A. Docker, vs Baker Baldwin for \$6.50.
entered 29 Aug 1831, Execution 19th Feb 1831, returned
no property found.

James A. Jones vs William Bolton for \$8.13
entered April 10th. 1830 Execution issued 1st May 1830
2nd Exp, day of both returned no property found.

William A. Docker vs Hiram Baker for \$2.07
entered Aug 15. 1831, execution issued Feb 1, 1831.
Returned no property found.

Defts. ex.
Inclyt. on
Brought
duel.

James Boutman vs Henry Blankenship for \$5.00
entered Aug 5th 1830, Execution issued 10th Sept 1830.
Returned no property found.

Calvin Golds vs Henry Blankenship for
14.31. entered 4th Dec 1830, Execution returned no property
found. Bazar this body in custody

James C. Sloo vs James King for \$907 $\frac{1}{2}$ entered
Dec 6th 1828 Execution issued 27th Dec 1828, Returned
order of pmt. 2nd Execution 11th Dec 1831, returned
no property found.

Allen Redman vs James King for \$5,88 $\frac{3}{4}$
entered 24th Dec 1828, Execution issued 14th Aug 1829.
Returned no property found. Bazar issued no return

C. Gold vs James King \$92.67 $\frac{3}{4}$, entered May 22
1832. Execution issued Jan 12th 1832 returned no
property found.

Alexander Posey. vs Samuel Caldwell for \$2.70
entered Aug 29th. 1833. Execution issued 19th August 1833
Returned no property found. \$2. received.

Charles Hill vs John Caldwell for \$13. entered
March 31. 1831, Execution issued 21st April 1831, returned
no property found.

Peoples & Kirkpatrick vs John A. Gayton for \$13.46
entered 12 Nov 1831. Execution issued Dec 3rd 1831,
Returned no property found.

Nathan Olney. vs Isaac Brattin for \$2.00
entered March 9th 1835. Execution issued March 31st
1838. Returned no property found.

Roswell H. L. Sant. vs John L. Cooper for \$15.20.
entered 14th Aug 1830. Execution issued 13th Aug 1831
returned no property found.

George White assignee &c vs James Crisup

for \$7.35. entered 13th march 1829. Execution issued April 4th. 1829. 2nd Ex. 26th Nov 1833. both returned no property found. — Geor^g Winder for us & C^o vs James Crisup. for \$8.18 entered 24 april 1830, execution issued 15th may 1830. Returned no property found.

H. A. Weed vs Geor^g Cook for \$4.60 entered Feb 2. 1833, "Execution issued Feb 23rd. 1833. Returned no property found.

John Marshall et al Emly Clark for \$12.26 entered april 16, 1832 Execution issued 7th may 1832 returned no property found. afterwards receipted in full

A Kirkpatrick vs Wm Bailey for \$22.50 entered Feb 5 1833, Execution issued 26th Feb 1833 Returned no property found.

Wm L. Hay vs Wm Bailey. for \$29.40 entered Feb 24th 1836. Execution issued March 23rd 1836 returned no property found. Receipted in full afterwards.

A. K. Rowan vs Henry Casner for \$13.81. entered Jan 4th 1835, Execution issued 26th Jan 1836 returned no property found. Rowan Receipted for \$1

A. K. Rowan, vs Nolly Duvall for \$7.50 entered Dec 7. 1833, Execution issued Dec 28th 1833. Returned no property found. afterwards receipted by Rowan.

A Kirkpatrick vs William Duvall for \$4.50 entered 28th. Sept 1834. Execution issued Oct 11th 1834. Returned no property found.

Wm Fowler, et al vs Wm Duvall for \$1.75 entered April 4th 1834. execution issued 30 may. 1834. Returned no property found.

A K Rowan vs Wm Duvall for \$18.71 entered 14th Jan 1834. Execution 28th Jan 1834. made \$2. applied to constables cost. Returned no property found

128
Defts 20.
judgments
on
accounts
doctd.

John A Mc Clelland vs John D Compton & Arthur
Dicus for \$5.18 $\frac{3}{4}$, entered Aug. 7th 1833, execution
issued 8th Feby 1834. Returned no property found

John Reid vs Patrick Davis for \$17.56 & costs,
entered Feby 15. 1834. Execution March 8th. 1834.
Returned no property found. (settled by writ N^o 225)

Benjamin Jolly vs Oliver Dalton for \$5.00
entered Dec 18th 1832. Execution issued 20th Dec 1832
Returned no property found.

Isaac Cooper vs Francis Davis for
\$23.25 entered March 12th 1829. Execution issued
April 10th 1829. Returned ^{20p/39} no property found.

John Willis vs Francis Davis (Circuit Court
Docket) for \$18. & costs. Execution N^o 3012. issued Aug
22d 1835. Returned no property found.

Hampton Weed vs Wm Durson for \$2.81 $\frac{1}{4}$,
entered Dec 19th 1835 Execution Aug 11th 1836.
returned no property found.

P Redman vs Shadrack Davis for \$12.25
entered Aug 4th 1834 Execution 25th Aug 1834. Returned
no property found. 5 $\frac{1}{2}$ Receipts for by Redman or Docket

Jonathan Veach v James Davis & Mrs Davis
and Elias Davis for \$30. (on Circuit Court Docket) execution
N^o 2375. issued 15th Dec 1831. Returned no property found.

John Milner vs Leroy Davis for \$11.43 $\frac{3}{4}$, entered
8th Feby 1835 Execution 10th Nov/35 returned no property
found.

Wm Gibberson vs Leroy Davis for \$2.50
entered Aug 8th 1835. Execution issued 29th Aug 1835
Returned no property found. Ca ser 17th Apr/35 money made

George Edwards vs Leroy Davis for \$10
entered Aug 26th 1835. Execution issued 17th Feb 1835.

Returned no property found.

129

A Kirkpatrick vs Edward R. Lewis for \$37.49
entered Feb 5th 1833, Execution issued 26th Feb 1833.
returned no property found. Pls received for the money afterwards.

Thomas Stewart vs Joseph Driskell for \$5.56 1/4
entered April 2, 1832, Execution April 23rd 1832.
Returned no property found.

P. Redman vs John R. Ellis & Wm Ellis for \$4.87 1/2
entered Aug 4, 1834, Execution issued Aug 25th 1834
Returned no property found.

Joseph Logsdon vs Wm Edmonson for \$14.46
entered March 31st 1832, execution issued March
31st 1832, Returned no property found.

R. McLean surviving partner & Wm Edmonson
for \$63.75 entered April 20, 1838, Execution May 11/38
Returned no property found. 2nd Ex 16 Nov 39 same return.

Sarah Caldwell admx & c vs Wm Ellis for
\$4.90 entered 23d Aug 1836. Execution Aug 16th 1836.
2nd Ex 22d Nov 1836, both returned no property found.

A. R. Rowan vs John Edwards for \$4.62 1/2
entered Nov 18th 1833, Execution Nov 20th 1833. Returned
no property found. Ca sa issued & returned with pls recd.

Thomas L. Pory vs John Edwards for \$10.80
entered 23 Dec 1833, Execution issued 13th January 1834
Returned no property found.

A. R. Rowan vs John Edwards, James Kelly
& George Edwards for \$27.06 entered April 29th 1835
execution issued May 19th 1835. Returned no property
found. afterwards Receipts for by atty for Rowan.

Sarah Caldwell admx & c vs John Edwards
for \$7.23 entered Aug 18th 1836, execution issued
Aug 8th 1836, & others afterwards, all returned no property found.

Defts' Ex.
judget on
Daughter
duchess.

Civil Pool vs George Edwards for \$7.61, entered
October 14th 1833. Execution issued Nov 18th 1834, Returned
no property found, afterwards Receipted by Pool.

James Reid vs John Frazier for \$20.78
entered Aug 30th 1829, Execution issued Aug 31st 1829
Returned no property found.

Alexander Powell vs John Tell for \$5.25, entered
Feb. 16th 1838, Execution issued 16th March 1838,
returned no property found.

Alexander Powel vs John Forrister for \$10.27 1/2
entered Aug 6th 1835, Execution January 27th 1836,
Returned no property found. 2nd Ex same return.

Wm Edwards vs Isaac Farmer for \$3. & costs, entered
Apr 16th 1830, Execution issued 7th May, 1831, Returned
no property found.

A Rickpatrick vs Samr for \$5, or ex execution
24th Sept 1832, Returned no property found.

Geo Marshall vs David Forehand for
\$10.46, entered Feb. 2nd 1833, Execution issued 23rd
Feb. 1833, Returned no property found.

Thomas Stewart vs David Forehand for \$1.25
entered March 2nd, 1833, Execution issued 10th April 1833
returned no property found.

Thos Morris vs Forger Morrow Lewis Esq.
& Wm Bradshaw for \$5.00 Executed Aug 5th 1837,
Execution 26th May 1838, Returned no property found.

Robert B. McLean vs Alexander H. Grant for
\$100, Jan 30th 1832, Execution issued 20th Feb. 1832
Returned no property found, Entry settled by compromise.

Robert B. McLean vs Alexander H. Grant for
\$28.87 1/2 entered Jan 31, 1832, Execution 23rd Feb. 1832,
Returned no property found.

Jessie Hardin vs Benjamin L. Sumner for \$15.00 entered Aug 2. 1837. Execution issued Aug 7th 1837. Returned no property found.

William Wing vs Wm Gopett for \$3.50. entered Dec 26th 1832. Execution issued 17th Jan 1833. Returned no property found. Ca sa issued 10th Jun 1833. Returned settled.

Baldwell & Seebolt vs Charles Hill for \$4.31. entered March 5th 1831. Execution issued 26th March 1831. Returned no property found.

Orval Pool vs Charles Hill for \$13.80 entered Aug 8th 1831. Execution issued 11th Aug 1831. Returned no property found \$1.87 made.

Henry Eddy vs Henry Holly for \$5.43. entered Feb 16th 1830. Execution issued 9th March 1830. returned no property found. 2^d Ex ordered in full.

Calvin Gold vs Henry Holly for \$4.17. entered Aug 8th 1834. Execution 29th Aug. 1834. Returned no property found. 2^d Ex Returned with full receipt.

Jef Gatewood vs Samuel Houston for \$9.18. entered Aug 30. 1838. Execution issued 21st Feb 1838. Returned no property found. 2^d Ex returned with rec in full.

Nathan Alney. as Evan Houston for \$8.03. entered Nov 12th. 1834. Execution 3^d Dec 1834. returned no property found.

Thos L. Posey vs Evan Houston for \$34.68. entered Aug 5th. 1834. Execution issued 26th Aug 1835. Returned no property found afterwards recd in full.

A M Weed vs Evan Houston for \$6.70 entered March 29th 1833. Execution issued 19th April 1833. Returned no property found.

Bank & Co vs Saml E B W Jones & Rich J. Jones for \$90. Entered 27th Jun 1828. Execution 18th Aug 1828. Returned no property found.

Defts Ex.
judgt
on
duchets

Harrison Wilson adm^r &c vs Rich^d J. Jones for \$4.64 entered 25th Sept 1828. Execution issued 16th Oct 1828. Returned no property found.

Isaac Cooper. vs Rich^d J. Jones for \$33.66. entered Dec 26 1832 Execution issued 13 Jan 1835. Returned no property found.

John Marshall et al. vs Page Jacobs for \$13. & costs entered May 18th 1832. Execution issued Jan 1832. Returned no property found.

E Gold vs Page Jacobs for \$6. entered & Oct 2nd 1833. Execution issued 23^d Feb 1833. returned no property found

Isaac Cooper vs James Kirkham for \$5.06 1/2 entered Sept 18th 1834. Execution issued 9th October 1834. returned no property found

George W. Moore for use &c vs Francis Kingin & John B. Richey for \$14.23. Execution Sept 28th 1829. Returned no property found.

Preston W. Davis vs Francis Kingin for \$8.00 Entered 29th May 1828, execution issued 19th Sept 1828. Returned no property found

Isaac Cooper. vs John Logan for \$3. Entered 16th Oct 1830. Execution issued 6th Nov 1830. Returned no property found

L Boutwell vs John Logan for \$7.25. (in civil court) Execution No 2444. issued Sept 22nd 1832. Returned no property found.

P. W. Davis vs John McCoy for \$14.57 1/2 entered Nov 29th 1828 execution issued 20th Dec 1828. Returned no property found.

James Caldwell vs Charles Mills for \$2.50 entered March 18th. 1831. Execution issued April 8th. 1831. Returned no property found

O. Pool. vs Charles Mills for \$16.16 entered March 2nd 1833 execution 23rd March 1833. Returned no property found

Isaac Cooper vs John McCoy for \$7.73 1/2 entered May 18th 1834 execution issued Aug 2nd 1834. Returned no property found

John & Ann Campbell vs Austin Maltby & John Burton for \$7.81 1/2 entered April 7th 1829. Execution issued 28th April 1829. Returned no property found.

Robt Tarlton vs John A Newman for \$4.31. entered April 2nd 1831. Execution issued 23rd April 1831 returned no property found.

John Marshall et al vs John A Newman for \$9.85, entered June 14th 1831. Execution issued Aug 18th 1831. Returned no property found afterwards, recd in full by Jno Marshall.

Francis Grace vs David River for \$2.50 entered May 11th 1830. Execution issued May 11th 1830. Returned no property found.

John Scholt vs John Newman for \$3.70. entered March 7th 1831. Execution issued 28th March 1831. Returned no property found.

Joseph T. Hefford vs Fred Oldenberg, for \$19. entered Aug 20th 1833. Execution issued 10th Sept 1833. Returned no property found 2nd Ex examined.

AK Rowan vs Fred Oldenberg for \$3.75. entered Aug 11th 1834. execution issued Feb 1st 1834. 2nd Execution 9th June 1834 both returned no property found.

E. A. Gatewood vs Whitney & Co Oxberry for \$8.92 entered Aug 15th 1834. Execution issued Aug 15th 1834. Returned no property found.

Gilbert & Huntington & Co vs Tho T Reid for \$7.31. entered April 15th 1828. execution issued May 6th 1828. Returned no property found.

Wm J Gatewood vs Thomas M Robinson for \$0.74. entered 22nd Aug 1831. Execution issued 16th April 1831. returned no property found.

Isaac Cooper vs Tho M Robinson for \$5.51 entered Aug 16th 1832. Execution issued August 7th 1832 returned no property found.

John Marshall et al. vs Thos M Robinson for \$5.61. entered Nov 2nd 1832. Execution issued Nov 23rd 1832 afterwards Recd 1/2 of the plaintiff.

James Kelly assignee &c vs Thos M Robinson for \$50.26 entered Aug 11th 1832. Execution issued Feb 1833. Returned no property found.

Vanlandingham father & co vs Thos M Robinson for \$18.35 1/4. execution issued April 5th 1831. 3rd Ex 31st May all returned no

Property found

Defts ex.
Exors etc
res prop.

J. C. Sloss vs Sarah Robinson for \$7.18. entered Aug 24th 1835. Execution issued 14th Feby. 1835. Returned nulla bona plr afterwards Recd \$4.87 1/2

W H Gatewood vs Mrs Robinson for \$3.50 entered Jan 22nd 1836. Execution issued Feby 19th 1836. Returned no property found.

Bery Vainher vs Reuben Skelton for \$18.27 1/2 entered march 21st 1835. Execution issued april 11th 1835. returned no property found.

Thos Stuart vs Lard Stinson for \$2.12 1/2 entered may 10th 1830. Execution issued may 31st 1830. Returned no property found circa March 1834. settled

Robert Bradford vs Thos Rawson & John Smith for 6.75 entered april 23rd 1838. Execution May 17th 1838 returned no property found.

Trustees of Shawmutown vs Dennis Smith for \$5.00. entered 20th Aug 1839. Execution issued august 10th 1839. Returned no property found.

Solomon Blue vs Benjamin Smith for \$29.46 entered march 9th 1835. Execution issued apr 1835. Returned no property found

A. C. Vanlandingham vs Fred Smith for \$4.77 1/2 entered april 7th 1831. Execution issued aug 19th 1831. Returned no property found. 3rd Execution ordered in by plaintiff

Thos Riddick vs Fred Smith for \$13.96 entered 22nd Nov 1831. Execution issued 14th Dec 1831. Returned no property found.

Caldwell & Debol vs John M Beantlin for \$2.90 entered March 3rd 1831. execution issued March 23rd 1831. Returned no property found

A M Weed vs Thos Sharp for \$13.25 entered April 6th

1833. Returned no property found

135-
Mikpatrick vs Joshua Sexton for \$28.96 entered
Nov 15th 1831. Execution issued Dec 6th 1831 Returned no
property found

T Walston for use &c vs Joshua Sexton for \$36.48.
entered Nov 24th 1832. execution issued Dec 5th 1832.
Returned no property found.

Isaac Harrison for use &c vs Mr Tally for \$12.74 entered
May 30th 1838. Execution issued 21st July 1838. 2nd Ex
24th May. 1838 both returned no property found.

A. M. Weed vs Amos Tally. for \$5. entered 1st July. 21st
1829. Execution issued 16th July 1829 Returned no property found

A. M. Weed vs Grief Tally. for \$15. April 19th 1830 Execution
issued Aug 28th 1830. Returned no property found.

Robert Bradford vs Amos Tally for \$5.25. Execution
issued Feb 18th 1839. Returned no property found. Cor Dea
afterwards issued but no return.

Labina Young vs John Tarlton for \$7. entered 7th July 23
1829 Execution issued March 16th 1829. Returned no property
found.

T L Posey & Co vs John Thomason for \$5.43 entered
April 2nd 1834. Execution issued 26th Aug 1834. returned no
property found.

Henry Hill vs John Thomason for \$5.21 entered May
3rd 1834. Execution issued May 24th 1834 Returned no property
found 2nd Ex ordered in by bill.

Thomas McCounell vs James B Thompson for \$13.71
entered 20th April 1837. Execution issued May 16th 1837.
Returned no property found.

A R Rowan. vs James B Thompson for \$8.122 entered
Nov 18th 1833. execution issued 10th Dec 1833 Return no
property found

Lefts in:
 Livers ret'd
 no prop.

John Milner vs James P Thompson for \$310 entered May 8th 1834. Execution issued May 29th 1834. Returned no property found.

Thos Stewart vs John Thompson for \$200. entered May 3rd 1830, Execution issued May 24th 1830. Returned no property found.

John Marshall ex ad vs John Thompson ex al for \$13.65. entered May 17th 1832, Execution issued June 8th 1832 returned no property found.

James Hepburn vs John Thompson for \$16.00. entered March 9th 1838, Execution issued March 31st 1838. returned no property found

Joshua Martin vs John Findle for \$5.31 entered Aug 1st 1829. execution issued 22nd Aug 1829. Returned no property found.

Same vs Same (in cir Court) Execution No 2532 issued May 8th 1833. Returned no property found.

J. C. Sloo assign vs Matthew Thompson for \$50.62 entered Feb 15. 1834, execution March 8th 1834, Returned no property found 2nd Execution 16th Aug 34, 3rd Ex 16th Dec 1834. all returned nulla bona.

P. Redman vs Matthew Thompson for \$14.56 1/2 entered May 9th 1832. execution issued Nov 6th 1832. Returned no property found 3rd Ex returned with plea Recv thereon

C. Gold. vs Matthew Thompson for \$16. Entered Nov 3rd 1832. Execution issued Nov 24th. Returned no property found

W A Docker vs Robert T. Carlton for \$3.37 1/2 entered Aug 22d 1831 execution issued 14th Feb 1831 returned no property found

Andy Langblin vs Robert Carlton for \$3.37 1/2 entered Dec 21st 1830 Execution issued 11th Aug 1831. Returned no property found

Peeples vs George Thompson for \$5.00 entered Aug 26th 1831 execution issued Aug 26th 1831. returned no property found

Isaac Cooper vs Homer Thompson for \$10.86 entered
march 1. 1834. execution issued 22 march 1834. 2nd Ex 3121
aug 1834. both returned no property found.

Hampden Weed vs Randel Thacker for \$15.48. entered
march 1839. Execution issued May 30th 1835 returned no
property found 2nd Ex issued & same return

Nathaniel Fournier vs Harrison Nelson et al for
\$28. entered Nov 22. 1831. Execution issued 13th Dec 1832
returned no property found

Sheaton vs Henry Holly & Harrison Nelson for
\$30.72 entered Aug 12th 1833. Execution issued 9th July 1833
returned no property found.

Defendants also gave in evidence the following recited
Judgments and executions, being records of the Circuit
Court of Gallatin County with the entries of the returns
on said executions for the purpose of establishing the
insolvency of the defendants therein.

Joseph E Watkins vs Coler Baldwin for \$ execution
no 2879. Returned the day of no property found
Lorio & Cannon vs John W. Barker, Execution no 3655 &
3656. one for \$75.40. the other for \$27. both returned March
3rd 1841. no property found

Wm L. D. Coving vs James Caldwell \$186.75 Execution No 2547
issued 19th March 1833. Returned no property found

Joseph Copman vs James Caldwell for \$458.87 Execution
No 2549. issued 19th March 1833. Returned no property found

John Reid vs James Caldwell for \$61.95 Execution No 2677 issued
28th September 1833. Returned no property found

Bank & C vs M. S. Davenport M. M. Rawlings & Eph Hubbard
for \$108.25. Execution May 22nd 1838. issued to Rock
Island County. Returned no property found.

Raul Woods vs Joseph Eynold, & A. B. Dater for

Left in
Excess and
no prop.

\$38.50 execution N^o 2674. issued 28th Sept 1833 Returned

No property found

Daniel Woods vs Arnold B. Duke for \$83.65 entered
4th Sept 1833. Returned no property found

Same vs Same for \$38.50 Execution N^o 2737 issued
30th December 1833. Returned no property found.

Alexander Kirkpatrick vs W^m M. Deyers for \$204.64
execution N^o issued Nov 21st 1843. returned no
property found

Peple vs Ellis for \$13.68. Execution N^o 2732 issued
28th March 1834. Returned no property found 24th June 1834

Joshua B. Bowler vs John Frazier for \$522.14 Execution N^o
2574. issued March 24th 1833. returned no property found

Bank vs John Frazier for \$100 Execution N^o 2388
issued 20th May 1832. Returned no property found.

Joseph T. Hefford vs Robert Grant for \$3.20 execution N^o 2640
issued 14th Sept 1833. Ex N^o 2748. issued 7th Aug 1834. Ex N^o
3402. issued 12th March 1839. all returned no property found

W^m Brewster vs Nicholas L. Roy for \$25. Execution N^o
3127. issued 9th Aug 1836 Returned no property found.

Austin Dillard vs W^m L. O'Connell for \$65 Execution N^o 2571
issued Sept 19 1833. Returned no property found

Alexander McClure vs W^m L. O'Connell for \$0.01 & costs execution
N^o 2667 issued 23rd Dec 1833. Returned no property found.

Elias Thornton for use &c vs M. B. Haynes for \$38.34.
execution N^o 3810. issued Dec 22nd 1841 Returned
no property found.

Abram T. McCool vs Henry Dolly for \$ execution
N^o 3037. issued 29th Sept 1835 returned no property found

A Kirkpatrick vs Hefford & Deyers for \$5.68 1/4
Execution N^o 3749 issued May 4th 1841 Returned no
property found.

Joseph Haynes vs Leonard Haygraves for \$116.08 execution
3586. issued Oct 16th 1840. returned Aug 16th 1841 no
property found.

Elizabeth Haygraves vs Ler Haygraves for \$100 execution
N^o 3526. issued Jun 29th 1840. returned no property found.

Saml Kirkham for the use of Robt & Lezar Kirkham for
\$639.75. Execution N^o 3588. issued Oct 16th 1840. returned no property found

James & Emory Low vs Pleg Blakely & Bayin & Alexander
Kenedy for \$221.14. execution N^o 3170. issued Aug 3rd 1837.
Returned no property found.

James M^o Farlan vs John Morgan for \$166 2/3 Execution
N^o 2504 issued May 31st 1833. Returned no property found.

A. E. McArthur vs Wm Robinson for \$7.00 execution N^o
2579 issued Aug 16th 1833. Returned no property found

Tho Akers Exr vs Alex Harris & Jas Stinson for
\$128.38. execution N^o 4027. issued September 7th 1843.
returned no property found.

Joshua Bradley vs Barton Seagins for \$50.37
execution N^o 3755. issued Sept 27th 1841. Returned no
property found

William Thompson vs Bryan Smith for \$5.00
Execution N^o 3515. issued April 23th 1840. Returned
no property found

People vs Polly Dainewood & S. L. Seranton for
\$10.50. Execution N^o 2776. issued March 29th 1834. Returned
no property found.

James Moor vs Amos Jolly for \$42.50 Execution N^o
3403. issued 12th March 1837. Returned no property found.

John Frazier vs John Farlton for \$50 Execution N^o
2417. issued 12th Repr 1832. Returned no property found.

Tho McConnell vs Matthew Thompson for \$37.74.
execution N^o 3139. issued Aug 16th 1837. Returned no property
found

+ Joseph Atges vs Harrison Wilson for
\$31.62 execution 20th. issued 14th Aug 1833 returned
no property found

Bounty Bonds for the use of Gold vs Matthew & Robert
Thompson & Joel Walcott for \$34.50 execution N^o 3474
issued Aug 4th 1840 Returned \$39.62 1/2 made & no more
property found

James Mc Jones vs Edmund Wagoner for \$9.81
execution N^o 2351. issued Sept 23rd 1831. Returned no property
found

Campbell, Ains, vs Harrison Wilson & Moreland
for \$17.25 Execution N^o 2554. issued Feby 5th 1833.
Returned no property found

* The records of the probate office of Gallatin
county were then offered & received in evidence
to show the condition of Alexander Reid's estate
showing as follows

Dr Stephen K Rowan adm^r of Alexander Reid 6^r

Left hand or Dr Page account Docten 13

1843						
Sept	12	To amount of Sal ^y bill			706	33 1/2
		deduct for medicine improperly sold				
		that belonged to Dr Alexander Posey			28	06 1/4
					\$678	27 1/2
		Amount of Debt ^s collected			350	79
Aug	15 th	Amount collected since last settlement			115	62 1/2
Sept	24	Amount collected since last settlement			323	63
					790	09
		Debt ^s due Estate Doubtful				
		Accounts	683.			
		Notes	185.62			
			868.62			
		Disparate Accounts	4442.47			
		Notes	357.25			

1843
Sept

141

Right hand side or Cr Pay account Decker B

12	By cash paid Lewis Boyer acct	1	3 10	3 00
	" " " A. G. Pory	2	1 38	1 38
	James McLones Crger 2 dgs	4		4 00
	John Alvey clerk " "	#2/4		6 00
	George V Werner acct	5	7 25	7 25
	John G. Stewart	6	26 62 1/2	26 62 1/2
	Robert Fairman Not. & Solr	7	49 37	49 37 1/2
	Alex ^r Kirkpatrick acct	8	32 16 2/3	32 16 2/3
	Fred Archer " "	9	5 12 1/2	5 12 1/2
	Thos Kiddick " "	10	22 64	22 64
	A. S. D. Kromer " "	11	25 35	25 35
	Thos Morris " "	12	6 62 1/2	6 62 1/2
	J. B. Kelly " "	13	4 75	4 75
	Wm Edwards " "	14	4 20	4 20
	Mar Scudder " "	15	3 62 1/2	3 62 1/2
	William Cookerel Bal on Not	16	245	245 00
	John G. Stewart acct	17	20 87 1/2	20 87 1/2
	Jacob Cassell " "	18	3 00	3 00
	Taxes for 1841 " "	19	17 16	17 16
	W. A. G. Pory " "	20	52 93	52 93
	Peter McMurdy " "	21	6 75	6 75
	Saml N Docket " "	22	11 50	11 50
	E. J. Nicholson " "	23	10 60	10 60
	W. A. Docket " "	24	14 50	14 50
	E. A. Gatewood " "	25	35 00	35 00
	McGuire for traveling & riding	26	187 56 2/3	187 56 2/3
	John Reid acct	27	30 00	30 00
	Wm Castle, adm ^r " "	28	108 00	108 00
	Probate fees including this settlement		6 37 1/2	6 37 1/2
	Daniel Golden acct	29	5 10	5 00
	Rupers & Anderbryer	30	38 08	38 08
	Eddy & Pory acct	31	50 00	50 00
	Carried to account Decker D		\$1044 44 2/3	\$1044 44 2/3

Plain of account
book

Wm. Wright Hand side of account book

142

Dr Stephen R Rogivan Adm^r of Alexander Reid 6²
To amount of sale Bill \$678 21²
To amount collected 190 04
Amount bro^t from Book 13 page 159 \$ 1468 31²

1850								
Oct	17	By amount bro ^t from Book 13 page 159	\$1044 44 ³	\$1044 44 ³				
		To wit						
		Taxes for the year 1842. 1843 & 1844. (32)	18 84	18 84				
		Taxes for 1843. (N ^o 33)	6 30	6 30				
		Taxes for 1843 (34)	6 48	6 48				
		Taxes for 1844. (N ^o 35)	12 90	12 90				
		Taxes for 1845 (N ^o 36)	7 56	7 56				
		Taxes for 1845 (N ^o 37)	11 20	11 20				
		Taxes for 1845 (N ^o 38)	7 50	7 50				
		Taxes for 1846 (N ^o 39)	14 25	14 25				
		Taxes for 1846 (N ^o 40)	10 26	10 26				
		Taxes for 1847 (N ^o 41)	9 24	9 24				
		Taxes for 1847 (N ^o 42)	8 31	8 31				
		Taxes for 1848 (N ^o 43)	8 94	8 94				
		Taxes for 1848 (N ^o 44)	8 34	8 34				
		Taxes for 1849 (N ^o 45)	13 05	13 05				
		Taxes for 1849 (N ^o 46)	4 87	4 87				
		J. Kirkham's acc ^t (N ^o 47)	4 62 ¹ / ₂					
		D. W. Woods acc ^t (N ^o 48)	3 25	3 25				
Oct 1850		J. E. Hall clk fees (N ^o 49)	3 70	3 70				
		May Ann McCallen Widow (N ^o 50)	197 50	197 50				
1850. Aprl	6	Taxes for 1850 (N ^o 50)	17 70	17 70				
	"	Taxes for 1851 (N ^o 51)	4 21	4 21				
1851 Feb	3	J. E. Hall clerk fees (N ^o 52)	1 75	1 75				

Defendants then offered and gave in evidence vouchers numbered from 1 to 15 inclusive

- Vouchers offered in evidence by defendant
- Voucher No. 1. Eliza J. Reid's receipt in full of 13 of house rent up to 22^d May 1834, given to Alex^r. Reid Guardian of Rebecca Reid, Oct 11. 1834 for \$ 27.25⁰⁰
- " No. 2. Receipt to Alexander Reid Guardian of Rebecca, for work done on the building of estate of Jas. Reid dec^d dated May 25. 1834 = \$ 9.00
- " No. 3. Receipt of Alex^r. Kirkpatrick Guardian to Stephen R. Rowan dated Jan^y 21. 1846 = \$ 55.21⁰⁰
- " No. 4. Receipt of Eliza J. Reid Guardian of Rebecca to S. R. Rowan of Feb^y 9. 1842 on account of Estate of Alex^r. R = \$ 4.00
- " No. 5. Receipt of Eliza J. Reid to Alex^r. Reid Guardian for Rebecca R. in full of 13 of house rent up to 22^d May 1835. dated May 22^d. 1835 = \$ 22.00
- " No. 6. Tax receipt to W. Reid for Tax on lot No 1149 for years 1833 & 1834 = \$ 3.75⁰⁰
- " No. 7. Tax receipt to Alex^r. Reid Guardian for Corporation tax for the years 1832 & 1833 dated June 17. 1834 \$ 7.00⁰⁰
- " No. 8. Receipt of W. Kirkpatrick, Guardian to S. R. Rowan dated Oct 1. 1845 \$ 76.30⁰⁰
- " No. 9. Receipt of W. Kirkpatrick, Guardian to S. R. Rowan Nov. 30. 1843 \$ 25.00⁰⁰
- " No. 10. Alex^r. Kirkpatrick, Guardian to Stephen R. Rowan dated 14. Nov. 1846 = \$ 10.00
- " No. 11. Receipt of Eliza J. Reid Guardian to S. R. Rowan Admr. of W. Reid dated 19 dec. 1842 \$ 13.50⁰⁰
- " No. 12. Receipt of Eliza J. Reid, Natural Guardian of R. to S. R. Rowan, on account of Rebecca Reid dated Oct. 4. 1842 for = \$ 20.00
- " No. 13. Receipt of Rebecca Reid to S. R. Rowan Admr. of Dr. W. Reid, dated June 9th. 1847 for \$ 60.00

Voucher No 14 - Certificate that James Gillard Jr.
delivered some work to Dr. James Reid
" No 15. J. S. Dockers account paid
agt James Reids Estate, received of Alex.
Reid

\$ 100
\$ 29,47

Voucher Shawmut 21st of Oct 1841 Received of S. an
N^o 1 four Dollars for digging the grave of Dr Alexander Reid
143 & in four shild Lewis Boyer & wife
Rawling his mother
Indy^{new} Rawlings
mark

14th Sept 1841

Doct A Reid

Voucher Bor of W. A. L. Posey
N^o 2 1/2 yds cambric \$1.13
1 " footing " 12
1/8 " book Muslin " 13
\$1.38

Recd paid W. A. L. Posey by Lee.

Voucher Shawmuttown Ill 18th Dec 1843. Received S. R. Rowan
N^o 3 Admin^r of the estate of Dr A Reid Decd four Dollars
the amount of my bill as auctioneer cryer sale 2 days
James McDoner act

Shawmuttown Decr 27th 1841
Mr S R Rowan

Voucher To John Olney D
N^o 4 writing 1/2 day as clerk of the sale
of the personal property effects of Dr Alexander Reid Decd
and making out sale bills 2.00
Received by John Olney

Mr Reid Doctr Dr to

Geor N Weimer

Voucher Our pair Boots \$6.50
N^o 5 our pair shoes repaired 75

Received payments in full this 16th day of Sept 1841 \$7.25
Geor N Weimer

Shawmutown Me 1st Dec 1842

Voucher The estate of Dr A Reid Decd 15
 No 6 To single coating 60 yds + 8 feet at thirty one cent, per yard \$18.75
 To plank furnished for stopping 2.50
 3 lbs Sarge nails at 1 bit per lb 37 1/2
 To stopping 207 feet at 25 cents per yard 5.00
 Received of S N Nowan administration \$26.62 1/2
 of the Estate of Dr A Reid Decd in full of the above account
 M. L. Stewart

Voucher Due Robert Larman Forty one dollar for value
 No 7. received under my hand & seal this 13th of December 1838
 Alexr Reid

Decr Alexr Reid decd

Voucher 1839 In account with A Kirkpatrick
 No 8 April 10 To 37 S. super Wall paper 50 18.50
 1840 12 " 1 " Ditto " 50
 Oct 21 " 3 lbs coffee 20 " 60
 1841
 Mar 22 " 8 1/2 yds calico 2/3 318.
 " 2 " Hanky silk 12 1/2 331.
 " 25 " 17 yds calico 37 1/2
 " 31 " 3 - Ribbon 25 75
 April 3 " 2 1/2 yds Brodine 50 1.25
 " " 4 " do do 50 1.25
 " " 1 Trilum star 75
 " " Thread 25 350
 May 14 1 lb Boys shoes 1.25
 Jun 20 3 yds Bath cord 50 1.50
 " " Thread & Buttons 25
 " " 1/2 yds Cambric 1.5 57 1/2 212
 Aug 14 1 Chamber 37 1/2
 Sept 25 1 lb Blk winter shoe 37 1/2

Shaw - 19th Nov. 1842

E. & A. B.

Rec^d Receipt in full of above p L.T. Porey

Alex^r Burkpatrick

Med^l & L^l for R. H. Marron

28.50

Bo

3.66

The Estate of A Reid dec

Voucher

To Frederick Archer

12

N^o 4

To 217 Shaves

4.75

" 2 loads of freight

3.75

Rec^d Payment for L.T. Porey atty for

\$5.12 1/2

S.R. Rowan ad^r Dec 24, 1842

Frederickth Archer

Test Lloyd L. Porey.

By Jefferyth Archer

Voucher Rec^d of S.R. Rowan ad^r of the estate of A Reid dec

N^o 10

Twenty two dollars and 64 cents of the hands of L.T. Porey, in full of all debts and demands against A^d Estate this 3d June 1843

Thos Ruddick

Estate of Alex Reid dec

Voucher

In ac^t with A. & C. D. Richeson

N^o 11

1841
March 29th

To 8 yds calico

3 1/4

2.50

" " " 2 1/2 yds Rinsy

50

1.25

" " " 1 pr Shaws

1.50

" " " 1 Scoop

75

April 19 " 1 pair Blk cotton shaw

50

" " " 1 " shaws for Boy

1.50

July 20 " 13 yds calico 20 cts

2.60

" " " 10 " Domestic 12 1/2 c

1.25

" 22 " 5 " Bleach^d Domestic 3

" " " Miss Rebecca Reid 20

1.00

" 28 " 1 paper trim for Eliza

12 1/2

31	"	coffee	4.00
"	"	candles of Elizer	25
Aug 9	"	5 lbs white flour for Miss Mary Ann Carter 62 1/2	3 12 1/2
"	"	1 1/2 lbs fine linen 125	1 87 1/2
Oct 1842	"	1 pair Small Boots for S R Rowan	1.50
Feb 10	"	1 Redding comb	25
"	66	1 pair Small Boots	1.75
March 11	"	1 pair fine shoes	1.50
May 5	"	1 ball candle wick	12 1/2
			24.35
1841	April 19	1 pair low shoes, now sh 2	1

Received payment February 27, 1843,

25.35

of S R Rowan admr for L. T. Post

State of Illinois

Jno D Richeson

Gallatin County

Before me the undersigned an acting Justice of the Peace in and for said county this day appeared William A Redman and made oath that the within acc of A W D Richeson is correct to the best of his knowledge & belief, that he was acting then as clerk for said Richeson, and that same is charged as shown on their Book

W A Redman

Subscribed & sworn to this 8 Sept 1843

James M. Jones (JP)

Doctor Alexander Reid decd

Voucher

To Tho Morris

D

No 12

To 1 Porter Bottle

12 1/2

July 8. 1/2 Bl. flour

2.50

Aug 1 lb candles

62 1/2

" 31 1 Canister mustard

31 1/4

Sept 10 1 pint brandy & wine &

62 1/2

Copy

Dr. Alexander Bird Adm. of James Bird Dec 2

Dr.

1832	Sept 6 th	To Amount of the bill	917.77 1/2	Cyler & Co. Rochester	1	✓	4.50
		Cash collected from debtors	749.97 1/2	Amos W. Newker	2	✓	14
			1667.68 1/4	Joseph Newker	3	✓	24
		Debits due estate of James Bird	73.37 1/2	Ezra Baker	4	✓	109
		of which there has been collected	73.37 1/2	Yves Proctor	5	✓	24 43 1/2
		Debits yet to collect	1895.77 1/2	Mr. W. Bowlings	6	✓	74.74
1833	July 4 th	Debt collected	571.28	Wm. Handshaw	7	✓	11
			1897.49	Eddy & Muschall & Co	8	✓	17.05 1/2
1833	Oct 7	Debt collected	105.00	Coat. Whitson	9	✓	3.28
		Yet to collect	199.49	James Dillard	10	✓	10.45
				Wm. Gibson	11	✓	1.25
				John Fox	12	✓	7.00
				B. Laughlin	13	✓	12 1/2
				A. Crook	14	✓	50
				Judge Roberts	15	✓	287 1/2
				E. J. Dickinson	16	✓	50
				James Davis	17	✓	127
				H. Newker	18	✓	7.00
				Calvin Gold	19	✓	8.56 1/2
				J. W. Ryan	20	✓	67.90
				Cargill & Linnick	21	✓	338.61
				Jacob Cargill	22	✓	22.37 1/2
				J. Linnick	23	✓	35.91 1/2
				A. R. Boutwell	24	✓	26.00
				John Barker	25	✓	1.00
				John Peabody	26	✓	43.79 1/2
				Rev. Hubbard	27	✓	5.87 1/2
				A. Prins	28	✓	5.62 1/2
				J. F. Coffey	29	✓	12.00
				J. Cook	30		50
				J. V. Sweetman	31	✓	1.75
				Probate fee this settlement	32	✓	4.18 1/2
				Balance in hands of adm	33		885.09 3/4
							782.60 1/2
							1667.68 1/4
1832	Oct 6	To Balance in hands of Admin	782.60 1/2				

Copy -

Mr. Alexander Reid Adm of James Reid Dec^r

62

1833 Feb. 4	Dr. balance in your hands as last settlement	782.60					
	cash collected since	571.28					
				back paid	oucher		
				Eliz J. Reid	35	70.06 $\frac{1}{4}$	
				A. Kirkpatrick	36	53.70	
				D. Bidman	37	11.92 $\frac{1}{2}$	
				J. Green	38	8.00	
				John Windhall	39	33.46	
				J. G. Moo	40	6.84	
				W. Davis	41	8.00	
				E. Deming	42	4.00	
				Adam Brown	43	109.05	
				John Sealand	44	2.37 $\frac{1}{2}$	
				Thomas Morris	45	23.37	330.75 $\frac{1}{2}$
				W. A. Doolen	46	372 $\frac{1}{2}$	
				John R. Cayton	47	62 $\frac{1}{2}$	
				A. Duval	48	187 $\frac{1}{2}$	
				Alex. Reid. ad. allow ^t	49	48.50	
				Estate fees this settlement	50	2.00	57.72
							302.51
				Balance in Administrators hands			971.37
							1353.88
							1353.88

1833 Oct. 7	Dr. Balance in hands of Admin ^r	971.37	✓	1833-1833 Paid to Eddy	oucher 51	20.92 $\frac{1}{2}$	
	Dr. cash collected since last settlement	125.00		Daniel Parist	52	12.75	
				Thos. Orgerham	53	8.87 $\frac{1}{2}$	
				Hamison Willson	54	8.68	
				O. G. Vanlangingham	55	12.00	63.23
				Eliza J. Reid	56	57	370.45 $\frac{1}{2}$
				Probate for this settlement & copy of act ^s			1.18 $\frac{1}{4}$
				Adm ^r . Commis ⁿ @ 6 per cent on 236396 =			141.53
							578.70 $\frac{1}{4}$
				Balance in hands			519.66 $\frac{3}{4}$
		1096.37	✓				1096.37

1833
Oct. 7. Dr. balance in hands of Administrators

518.66 $\frac{3}{4}$

A true copy from the records
Geo. White, Judge of
Probate of Sullivan County
Copy

The following entries appear without
any date affixed to them - to wit =

Alexander Cummings tax receipt	58 = 2.50
Eliz J. Reid (widow) receipt	59 = 75.00
John Ridgway receipt	" 60 = 3.50
S. R. Rowan "	" 61 = 5.00
John Reid "	" 62 = 3.25
Oswal Pool Bill	" 63 = 8.50
	<u>97.75</u>

State of Illinois 3
Vallatin County 3

I Jno E. Hall Clerk of the County
Court and for said County & State do hereby
Certify ^{by the entries} the foregoing copies of Debits &
Credits of James Reid deceased are
true & complete as appear to me of
Record.

In testimony whereof I have hereunto
set my hand & Seal of office
at Shavonne town this 4th Feby 1851
J. E. Hall Clerk.

Copy of Probate of estate
of James Reid. doc 2

147

14	2 sacks, Choclatate	25
15	50 lb Flour	5
"	1 pint molasses	.25
22	2 Bottles Porter	25
By Cash		6,62 1/2
Due T. Marris		3.12 1/2

Rec'd Payment of L. T. Posy.

March 23^d 1843,

Thos Marris

Doct Alex Reid's Estate

Voucher	1841	To J. B. Kelly	25
No 13	April 4 th	repairing & prepping over coat	2.30
	May 15 th	cutting 2 round Bouts for gateman	1.00
	July 22 nd	cutting pants & vest with trimming	1.25
Rec'd Payment of S. K. Rowan admin April 18, 1843.			4.75
In L. T. Posy.			J. B. Kelly.

S. K. Rowan admint of Alex Reid dec'd

Voucher	1841	In acc't with Wm Edwards	
No 14	Sept 19 th	To 45 ft cherry lumber for coffin & Co	2.70
	"	querrying for material before sale	1.50
Received payment May 1843 of S. K. Rowan			4.20
Admin in L. T. Posy, May 6 th 1843 William Edwards,			

Doctor Alexander Reid Estate

Voucher		In account with Mat Scudder	W
No 15	1838	June 13 To cutting 2 Roundabouts	75
	"	22 " 1 vest pads & lining	2.50
	"	" cutting the same	37 1/2
			3,62 1/2

State of Illinois
 Gallatin county } before me the undersigned a Justice
 of the Peace in and for said county John W. Anderson
 and made oath that the above account is true and
 correct to the best of his knowledge and belief
 subscribed and sworn to before J. W. Anderson
 on this 4th day of April 1843.

James M. Jones JP

Rec'd payment of \$100.00 from Adm'r of L. T. Post,
 April 17, 1843. M. Scudder

William A. Docker being recalled by Dep't testified
 that he knew Mr. Berry & should think it doubtful full
 about making any thing out of him of law, knew a
 man by the name of Brunston in Kentucky - but
 can't say that he ever had any property on this side
 of the river don't think the amount of 138 could
 have been made of him. Henry Carter never knew
 him to have any property. Knew a man by the name
 of Ansap for several years don't think any thing could
 have been made of him of law. There was a man
 about the saloon a short time by the name of
 Cockran don't think any thing could have been
 made of him don't think he had much property
 and his reputation for solvency was bad. Geo.
 God was good for nothing & never was while he
 knew him - knew him from the time he came
 here till he died. The Boat he used belonged to Wetzel.
 The Horse he had belonged to Nathan Olney. The land
 he lived on belonged to Wetzel. He was embarrassed
 when he came & owed wetzel 8 or nine hundred
 Dollars when he died don't know much about the

property of Robert Christian. He bought land but never
 paid for it and never had any title Henry has had
 personal property - Knew John & Sam Caldwell coloured
 men John was very trifling & his brother Sam was still
 worse think he was the one charged. Ald Sam Caldwell
 had property & was good John & young Sam were of age
 in 1830. George Benson was a bad chancer, he was bad
 boy and it was always considered that he had nothing
 Jacob Donopha was about in the same condition
 Don't think money could have been made of W^m Edmonson
 Don't know about his owning horses have seen him
 have horses in his possession & know of him making a
 race. His general reputation for solvency was bad have
 known of a good many trying to collect from him & they
 did not get anything - Knew a coloured barber by the
 name of Finley think his name was but never knew
 but one of the name he lived at Shawmutown he
 had no property. John & Edward Fell were both bad
 don't think any thing could have been made of them
 Don't think any thing could have been ^{collected} ~~made~~ from
 David Gossett - Knew Harry Holly but was not much
 acquainted with his circumstances, should not think
 any thing could have been made of him - think his
 reputation for solvency was bad have seen him
 have a horse in his possession - Don't know much about
 Abram McCoal's circumstances but think a debt ought
 to have been made of him, have seen him have a
 wagon and team & he was bad boy. He occupied a
 farm and drove a wagon with 6 horses can't say
 whether that was after 31 or not he went to Eggen
 & still drove a team - think there were two men of the
 name of Morgan in Shawmutown in 30, 31, 31 or

Doche's
evidence as
for debt

herabouts, was not particularly acquainted with their
property never knew of their having any property and
don't think they had any. Knew a man of the name of
Niver he was in here long don't think any thing could
have been made of him. There was an John Norman
lived on Cypress Did not know much about him but
thinks the money might have been made of him.
Thomas Palmer lived in Shawmut several years don't
remember that he ever had any property he might
have been found in 1831. Don't know the old man's
Christian name neither of them had any property.
The young man was somewhat interested in the
printing press but don't know in what way. Know
Howard Steel very well don't think he had any property.
Dr Thomas lived in Kentucky about Ford's ferry
Arnold Rich staid here but a short time he was
a transient person. It would have been hard to
make any thing ^{out} of him. Recollect something of Mr
Strong he was a work hand about Weeds work, should
suppose that nothing could have been made. Don't remember
what time John Carlton went any. Thinks he was here
in 1831. he left without paying all his debts he was
pretty hard ~~rough~~ Thinks the amounts might probably
have been made at some time can't say whether
before or after 1831.

I McRee Peoples a witness for debts deposed that
certain books shown to witness belonged to his
Father's estate Defendants then read in evidence the
letters of administration granted to Stephen R
Rowan on the estate of Alexander Reid decd
John E Hall examined & dep't & proved the exhibits
to 2d answer of Rowan on both in the hand writing

157
of Joseph Bowles

James C. Sloo also moved that the inventory filed in the probate court and exhibited in this cause is in the hand writing of John Caldwell dead. does not know for whom made the entry on the back of same is in the hand writing of Leuel Whit who was probate Justice of Gallatin County at the time.

June 2^d 1832, Alexander Reid adm^r of James Reid dec^d preferred a claim against the estate of John Hamilton estate which was allowed for \$46.35.

Complainant then introduced the docket of Esqr. Vaughn for the purpose of proving the solvency of various persons upon which appeared the following judgments and entries viz.

John Forrester vs Geo. Aker, \$8.93 $\frac{1}{4}$ March 11/33 ^{no} ex^{ecution} no property found, 2nd do returned with plaintiff's receipt for the money.

Isaac Cooper vs Robert Christian \$5.51, 12 Aug/31 Received.

William Wing vs James Caldwell \$9.08 Jan 6/31 execution with plaintiff's receipt thereon.

Christian Spencer vs Wm Crawford \$27.62 ^{March 24/33} ~~Execution returned with plaintiff's receipt thereon~~ ^{by Plaintiff}

Thomas Willis Hughes vs Wm Crawford \$28.88 April 24th 33 execution returned with plaintiff's receipt thereon.

Thomas Willis vs George Casner \$0.12 Oct 6/32 receipt by Plaintiff.

Hugh M. Weed vs George Casner \$13.91 Oct 13/32 execution returned with plaintiff's receipt thereon.

William Ellis & John Ellis vs William Bantz & David Forehand \$3.00 May 2/32 execution receipted by James C. Sloo money made.

Complete set
docket of
Vaughn.

Benjamin Tolly vs George & Mrs J. Coddle \$7.00 Feb 9/33

Compt'd to: money made

Brought
debet:

Charles Weed vs James Bain \$4.20 Aug 22/28

Execution returned with plaintiffs receipt

J B Sloo vs James Bain \$10.85 6 Dec/28. 1st Execution returned by order of Pls. 3^d with A Coddys receipt

Robert McLean vs Elijah Dorr \$39 3/4 Dec 6/30
received in full of agent.

Book E) A F L. Hunt vs Amos B. Baker \$10.66 May 16/31

Execution returned receipted in full

Elizabeth Word vs Joseph E. Watkins \$4.87 1/2 Apr 27/32 receipted in full

John Wood vs Nelly Duval \$10.37, 19th March/32
execution returned with plaintiffs receipt thereon

Samuel Philips vs Alex. Havensport \$48.56 Apr 28th /32 receipted for about \$55.00

Isaac Cooper vs Lodowig Dobbs \$4.62, Oct 27/32
"Satisfied"

William Gatewood Adm^r &c vs James Dillard \$3.00 Feb 5th /31 Paid by Wilson to Jeff Gatewood

John Marshall et al vs James Dillard \$ Feb 7/31
summon returned with Marshalls receipt thereon

Laird Sturson vs Wm Miles Dever \$2.25 Oct 8/31
received in full of A. P.

Alexander Posey vs Francis Davis \$8.25. Nov 11/33
execution returned with plaintiffs receipt thereon

John Rebolt vs Orison Dobbs \$056 1/4 Nov 8th /28
execution returned with plaintiffs receipt

Benjamin Kinsell vs John Edwards \$8.12. March 20/32
Receipted by castles for \$7.42.

Pool apner &c vs Wm Ellis \$5.07, 22nd Dec/32 execution
returned money made & paid to plaintiff

18-3
Alex R Rowan vs Franklin Airhart \$8.00 29th May/33
Execution returned no property Ca Sa money made

Thomas Stewart vs John Forrester \$30.65 Oct 11/31 execution
returned with plaintiffs receipts thereon

T Redman vs David Forehand \$8.12 Aug 18/31 execution
returned with plaintiffs receipts thereon

C Gold vs David Forehand \$4.00 April 16/32 execution
returned with plaintiffs receipts thereon

John & William Ellis Adm^{rs} vs John Forrester &
G. L. Seranta \$2.25 Sept 11/33 execution returned with plaintiffs receipts

C Gold vs Simon L. Seranta \$20.18 10th April/34
execution returned with plaintiffs receipts thereon

Thomas M Robinson vs John Fall \$1.37 March 11/35
execution returned with plaintiffs acknowledgements of payment
Lina Wager Adm^{rs} vs James Field, \$3.62 March 21/35
received in full

Martin Vaughn vs James ^{Field} \$3.72 March 25/35 execution
returned stopped by plaintiffs receipts in full.

John Caldwell vs Stephen Field, \$19.20 Jan 26/35
received in full

John Stroger for use vs Wm Gossett \$3.75 Aug 11/31
execution returned money made

John Reid & Beaumont Adm^{rs} vs Nicholas G. G. \$43
Aug 30/32 received amount

Henry Gill vs George Bisk \$19.00 Aug 17/31 satisfied

John Wischart vs William G. G. \$6.75 March 9/30
execution returned with plaintiffs receipts thereon

Isaac Cooper vs Dor Goodnight \$1.25 Sept 11/35
execution returned satisfied

Michael Jones vs David Gossett \$5.50 Sept 6/31
Execution returned satisfied

Charles F. W. Goodnight vs Peter Goodnight \$12.17

March 21/31 execution returned satisfied

Compt. & Co.
Deputies
Docket.

John Marshall vs Eddy vs James Beaumont and Andy Laughlin
\$7.94. April 27/32 execution returned receipted

Andy Laughlin vs Adonijah Brown \$16.68, 10th day/31
execution returned with plaintiffs receipt

Calvin Gold vs Adonijah Brown \$5.93, 28th day/32
execution returned satisfied

(Aaron Thraill vs James Bradford \$4.50 March
5/31, execution returned with plaintiffs receipt thereon

William Gill vs George Bick \$19.50 12 day/33 satisfied

Bank vs James Haynes, Harrison Wilson & M^{rs} Proctor \$34.50
20 day/32 execution returned with receipt thereon.

B Gold vs Evan Weston \$5.67, Feb 3/31, execution
returned with plaintiffs receipt thereon

E B Bygoneswood vs James Haynes \$31.30 Dec 5/33
execution returned with plaintiffs receipt thereon

John Marshall vs James Haynes \$17.48, Apr 25/31
Execution returned with plaintiffs receipt thereon

Laird Stinson vs Buckner Hatfield \$0.98 Aug 16/31
received by Justice of the Peace

John Marshall vs Buckner Hatfield \$2.50 summons
returned with Marshalls receipt thereon

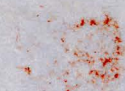
B Gold vs Tony Hubbard \$ March 12/31, received
amount of same

Ed Mey vs Tony Hubbard \$3.00 Aug 26/31 Rec^d
Judgment Ed Mey,

Laird Stinson vs Henry Holly \$4.00 Dec 10/31
received on same \$1.62

Aaron Thraill vs Thomas Ingram \$13.15, March 8/31
execution returned and money made

AT Rowan vs Conly Jones \$12.00 May 27/33 execution
returned with receipt thereon



Wm. H. Ball vs John Logan \$6.87, Jan 17/28 execution
received on judgments in full

John Marshall vs James Logan \$6.87, Dec 26/32 execution
returned satisfied

John Marshall vs James Logan \$36.32, Dec 26/32
execution returned satisfied

Robert Peoples vs John Lin \$8.24, April 29/29
received for full amount.

John Reid et al vs Abraham McCool \$10.32, Jan 29/32
Received amount by Reid

Isaac Cooper vs John Morgan \$5.00 Jan 29/31
execution returned with plaintiff's receipt thereon

J. T. Hefford vs John Morgan \$52.75, Sept 2/31
execution returned with plaintiff's receipt thereon

Calvin Gold vs W. D. T. McCool \$2.37, July 16/31, execution
returned satisfied

Hugh M. Weed vs Hagle Moreland \$11.50, 18 ~~Oct~~ Oct/32
execution returned with plaintiff's receipt thereon

Beverly Smith vs Wm McDaniel \$4.26, March 6/35
execution returned money made

A. R. Rowan vs Wm McCoy \$8.56, 30 March/35 money paid

John Marshall vs David Niver \$11.57, Aug 5/37 execution
returned with P. Redman's receipt

Michael Jones vs John Norman & Son for Logston
\$5.00 July 5/31, Execution returned with plaintiff's receipt

John Milner vs Fred Aldenberg \$7.17, March 1/34
Execution returned on claims & judgments in full

Laird Stinson vs Thomas Robinson \$8.00, May 28/31
all paid in full J. P.

Thomas J. Stewart & Co vs Moses Rawling \$1.50, March 18/33
Execution returned with T. F. Vaughn's receipt

William Mason for use of David B. Leons &

Robert McCadden \$50.59 July 10/31 execution returned

Compl'd to: received of plaintiff

Daughter's
dues:

W. A. G. Posey vs Christopher Spencer \$8.37 March 20/33
all paid receipts of Posey,

Joseph C. Chilam vs Joshua Sexton \$ sum 28/32

John Ellis vs John Smothers \$150 July 2/32 Judgment
received of JP

Alexr. Cummings for use vs Fred Smith \$9.25 March
2/31 received by Gold

J. F. Jones vs Laird Stinson \$44.18. 30 Aug/36 execution
returned with plaintiffs receipts thereon

H. Pollard vs Laird Stinson \$4.94. 12 Feb/36
execution returned satisfied

Gold vs Laird Stinson \$6.95 May 19/35 execution
returned receipts of Gold

Martin Vaughn et al vs John Tindal \$3.95
Aug 13/31 execution returned with plaintiffs receipts

A. K. Kovan vs John Tindal \$3.60 May 7/34 execution
returned money made Receipts of plaintiff

James Caldwell vs Robert & Richard Tarrant \$7.18
Dec 31/31 execution returned satisfied Co. Sec & prov made

Calvin Gold vs John Thomason \$12.87 Apr 8/32
recd \$6.60 & execution returned costs & plaintiff, receipts

S. Coo & Davenport vs John Tarrant \$17.52. Day 6/31 execution
returned with plaintiff receipts thereon

Adam Johnson vs Anna Tally & Harrison Wilson
\$4.50 Nov 18/33 recd with interest

A. Pool vs Nathaniel Wyatt & John Cookman \$12.56
execution returned with plaintiff Receipts thereon

John Ellis vs Jacob Miller & Harrison Wilson \$40.
23 March/33 execution returned money made and
paid to plaintiff



157 W E Weir vs Joseph E Watkins \$22,25 Oct 17/33 execution
received for full amount

Clayton vs A B Dake \$39,50 Sept 14, 35 execution
returned with Plaintiff's receipts

The defendants then introduced the following statements
which was admitted by defendants to be true as

That Alexander Reid departed this life September
1841, and on the 8th day of October of the same year
letters of administration was granted upon his estate
to Stephen R. Kovan. Alexander Reid left Mary
Ann Reid his Widow and James A Reid his heir at
law. The widow on the day of 1845, intermarried
with Andrew McCallen. The same James A Reid
departed this life in May 1851, leaving his mother
the said Mary Ann and Andrew, Josephine & Mary
McCallen his half Brother & sister, him surviving.
That the said James A Reid left no children or descend
ants of child or children and no widow.

To the introduction of all and each portion of complainant's
evidence at the time of the introduction thereof by defendants
by his Counsel objected except when the contrary
is above shown which objections were overruled &
the evidence admitted to which opinion of the
Court in overruling the objections & admitting said
evidence to introduction of all & each portion of
defendants evidence at the time of the introduction
thereof (except when the contrary is above shown)
complainant by their counsel objected which said
objections were overruled and the evidence admitted
to which opinion of the Court in overruling said
objections and admitting the evidence Complainant
by their counsel excepted

18-8
all of which is ordered to be filed & made a part
of the record in this cause

S. S. Marshall

Alexander Kirkpatrick &
Eliza Ann Kirkpatrick his wife
and Joseph Bowles &
Rebecca Bowles his wife

N.S.

Stephen K Rowan admr of
Alexander Reid decd

Admr De Bonis Son of
James Reid deceased

Decree.

At this day came the said
parties & their respective counsel and this cause
coming on now to be heard upon Bill answer
exhibits and proof of witnesses sworn in open
court, and the court finds from the evidence in
the cause that the said Alexander Reid as admr
trustee of the estate of James Reid ^{actually} collected
upon debts due ~~the~~ said James Reid at the time
of his death the sum of \$2414.81

That he is chargeable in addition thereto
with the amount of the sale Bill returned
by him to the probate court which is 917.70

That he also collected in rents on the real
estate of James Reid deceased the sum of 470.25
making total of monies belonging to the
estate of James Reid actually shewn to
have been collected by said Alexander 3802.76

Out of which the probate Court allowed said
Alexander admr as aforesaid credits which are

now sanctioned and allowed by this
 court amounting in all to the sum of \$19,42, 00
 In addition to which this court
 now makes an additional allowance
 upon evidence presented to the court being of \$339, 47

Making total of Credits 2281, 10
 which Deducted from the monies collected
 as aforesaid leaves a balance of \$1521, 66
 And the court finds, from the evidence that
 said monies were converted by said Alexander
 Reid to his own use and mixed up with his own
 estate and after allowing said Administrator
 three years, from the date of his letter of administra-
 tion in which to have made his settlement of
 said estate and in addition thereto one year and
 five months gratuitous use of said monies, in lieu
 of his commission, for collecting &c the court allows
 interest on said sum of \$1521, 66 against the estate
 of said Alexander Reid for the residue of the time
 up to the hearing of this cause being fifteen years,
 and seven months at the rate of six per cent
 per annum compound interest, allowing annual
 rests. Which upon such basis, makes, in all
 now due from the said estate of Alexander Reid
 decd to the complainants, or monies actually collected
 of the estate of James Reid decd but never paid
 out or accounted for by said Alexander or his
 Representative \$4000-84. In addition to which
 last named sum, the court finds, from the
 evidence that of the debts reported by Alexander
 Reid to the Probate Court of Gallatin County as
 due to James Reid at the time of his death

There was actually collectable but not shown to
have been collected and which is not allowed in
the foregoing computation the sum of \$976⁰⁰ 60
with which the estate of Alexander Reid is charged
making in all \$4977⁴⁴ now due from the
estate of Alexander Reid to the said Complainants,
Out of which last named sum the court also
finds from the evidence after considering the
amounts heretofore paid to each of them
as shown by the evidence in this cause that
the said Eliza Jane Kirkpatrick as widow of
of the said James Reid deceased is now entitled
to receive the sum of \$652⁷² - and that the
said Rebecca Bowles as distributee and sole
heir of the said James Reid decd is now entitled
to receive the sum of \$4324⁷²

It is therefore ordered adjudged and decreed
by the court here that the said Stephen K. Howan
Administrator of the estate of Alexander
Reid decd out of the assets of said estate now
in and hereafter to come into his hands, pay unto
the said Alexander Kirkpatrick and Eliza Jane
Kirkpatrick his wife the said sum of Six
hundred and fifty two dollars & seventy two cents
And unto the said Joseph Bowles and Rebecca
Bowles his wife the said sum of Four thousand
three hundred and twenty four dollars and
seventy two cents together with the costs of this
suit & the clerk to be taxed &c. This decree
entered at the pro term as of February term 1852 by
order of the court.

State of Illinois
Gallatin County Dec

The People of the State of Illinois, to all to
whom these presents shall come Greet
Know ye that Alexander Reid
entered into bond and security in con-
formity to law he is this day appointed by
for Rebecca Reid a minor un-
der of fourteen years And he is
and empowered to execute all
duties of that office according

In testimony whereof
of the Court of Probate
L & S hereunto set my hand
and seal of said Court
this day of February 18

Received a Receipt of Th
Reid to Tho Buddick
upto the 2nd

that the for
contain a full
record of the
The before enter
Same appears
and files of in
the records & files
Court of said Court
the same retotes in
Given me
and the
of said Court
-notion this
of October 18
J. B. A.

Bowles vs Roman, D. B. Coughlin

First as to the errors assigned
on the ruling of the Court.

11 See the bill originally filed
If the bill was bad, plaintiffs
afterwards amended by striking
out all in relation to the
nullity.

12 See Barnes Ch. Pr. 1 Val. 168
Lamb " " 2 " 918-19

13 See Payer R. 2 Val. 231

14 See Lamb Ch. Pr. 2 Val. 911 to 18

~~6 Statute of limitations
See that part of the last amendment
of the Amendment, they rely on the
115 See Revised Statute in relation
to it. Angel on Limitations
163-4, 1 John Ch. R. 314~~

no. 3rd do 190. 2 Yeats (Pinn) 268

1, 2 These all are based upon the
* 8 presumption that the facts do not
10, 11) show the plt below entitled to
recover, but especially not so
much. See the proofs exhibits
answer H.

5 See 142 Meade R 162. 11 Wind, R
top page 363

344 See 1 John Ch R side page 620
and authorities there cited.

6 Statute of limitations of

They plead the 115 Rec Revised Statute
of Wells.

does that provision include the
interest an trustee may have
in an estate?

But the defendant was a direct
trustee

"The most common ~~method~~ mode
of creating direct trusts not
recognizable ~~by~~ law is by the ap-
pointment & qualification of executors
& administrators" Du Angel on
limitations 163-4

"Administrators being simply and
technically trustees, there is no
principle of equity which upon
that single consideration can
admit of their holding to the exclu-
sion of persons beneficially entitled"

- 1 Johns Ch R 314
- 3 do " " 190
- 2 Heats (Tm) 268
- 2 Blatts " " 161
- 4 Washington C.C. 134
- 7 Grunleaf 467

Had complainants a remedy at
law for account against A
Reed. R. Stat. 2 age 46. Sec 4

But see the 1st Answer of Newton
he expressly recognizes R Rad
as an agent.

But what was the object
of the Legislation, clearly
to affirm the administration
of the existence of the claim
See Revised St. page 111 112

When a sole Ex. or surviving
Ex. dies intestate no interest
is transmissible to his own
administrator, but administra-
tion of an other sort becomes
necessary, which is called
administration de bonis non
that is of the goods of the
original testator left in adminis-
tration by the former Ex.

William on Ex. Vol side
page 388

This adminr. de bonis non will
when appointed be the only
representation of the party
originally deceased

Same Book side
page 389. (just above)

The Act below (S R Rowan) by
virtue of his appointment
as administrator of Alex.
Rud. became by ~~virtue~~ ^{force} of
the Statute, adminr. of James
Rud. decd.

This Suit is not brought against
Rowan as administrator of Alex
Rud, but as administrator
of James Rud by his heirs
for their distributive shares of

his estate.

What was his duty as
administrator of James Reed.
Clearly to adjust this claim
with the estate of Alex Reed.
Close up the estate of James
Reed, make a final settlement
of the same, & pay over to
Comptroller what remained.

He neglects to do so
and when a bill for an account
is filed he pleads the statute
of limitations!! - Dull to
take advantage of his own
wrong.

Errors These ~~supposed~~ errors impose upon
1. 2. in an investigation of the whole
8. evidence defendants answers
& exhibits.

The general rule is that all debts
in the inventory not designated
as disparate, shall be accounted
assets in the hands of the executor
or administrator. And in order
to escape such accounting
he must show that they are
disparate, or at least must
show a demand and refusal
Schutt's or Pulver 11 Wendell
366.

The administrator is not only
responsible for the debts, but
he is responsible for simple
interest on the amt from a
reasonable time after administering
into accounting

~~102 added 142~~

11 Wendell 363

Enor
5th

In allowing the sum of 976.60 of
uncollected accounts of

"If debts are not collected within
a reasonable time after the granting
of letters testamentary or of administration
an executor or administrator is
personally responsible for the amount
of such debts to the creditors, or to
those entitled to the proceeds of the
estate, in the order of distribution,
'although the debts have not been
lost by the delay,' and no improper
motives are imputable to the executor
or administrator", See

11 Wendell R 363.

142 Mass. " 162.

2 Wendell " 608

Revised Statutes of 1833, page 639
Sec. 87. & 88

3 Munford, R 198

7th ~~In allowing improper testimony,~~
error ~~on the evidence of~~

15 In admitting in evidence the paper
claimed to be the inventory of debts
due the estate of James Reid decd

John E Hall the Clerk of the County
Court testifies that it was with the
paper a file of James Reid, estate
on file when he took possession
of the office.

In each of Rowans answers
he refers to it, and the amount
of good, doubtful, and
disputed debts admitted in
his answer correspond precisely
with the items as shown by this
paper. Again the exhibit
filed with his answer showing
the amount of uncollected debts
corresponds in names of persons
and amount of indebtedness
with said paper.

Again Ezra Voughts Asset
Shows Suits brought by Alexander
Reid Admors of James Reid ^{of persons}
corresponding in names & amount
with said paper.

And ~~lastly~~ ^{again} the Cash Book of
Alex Reid Admors & proves the same
thing.

And lastly it is identified
by a copy of entry of the Judge of
Probate corresponding precisely in
amounts & classification with the
paper. See R Statute 1833 pag 638. Sec 1)

Error
3.

In allowing and compounding interest
on the amount from 1830 until
the date of the decree.

~~"When an administrator employed the
moneys belonging to the estate in trade,
for his own benefit, of the profits of
which he refused to give any account
the Master, on stating an account
after allowing a reasonable time
for the settlement of the estate, charged
Compound interest, making annual
rests in the accounts, for that purpose
which was confirmed by the Court"~~
1 John Ch R. 620.

There are two grounds on which an
Executor or administrator may be
charged with interest

1st That he has been guilty
of negligence in omitting to lay out
the money for the benefit of the estate

2^d That he himself has made
use of the money to his own profit
and advantage, or has com-
mitted some other misfeasance
Williams on Executors

2 Val side page 1567 to 1570
11 Sergt & Rawl R 16

Trustees of every description, neglecting
to appraise those interested in the fund,
of the amount due them, and to
offer payment in a reasonable time

are chargeable with interest, and there
is no difference in this respect between
Executors, administrators and other
Trustees. Williams on Ex. 15118
2 Val note (d)

When an administrator employed the
money belonging to his intestate's
estate in trade for his own benefit
of the profits of which he refused
to give any account. The Court
in stating an account after
allowing a reasonable time for
the settlement of the estate, charged
compounded interest. Making annual
rests in the accounts for that
purpose, which was confirmed
by the Court.

1 Johns. Ch R 620 and
authorities there cited.

In this case it is admitted by the
answerer that Alex Rul Auditor
of James Rul used the money of
his intestate in his own trading
"I could not have got a long without it"
it is also proven by 2 doctors,
and ^{and it is proved} by the dect of Ege Vought
that he he and some of the money
of R Rul his ward at 25 per
Cent. See 11 Pick. 77

The statute makes it the duty of
a Guardian to compound the
interest.

Error Who should be parties

9

The exclusion of legatus or next of kin on a bill for a debt or legacy against the personal representative, originates in the assumption that such legatus or next of kin have in reality no interest in the object of the suit.

For although they are in some sense concerned in it, yet it is only in the same sense in which every creditor is concerned in the management of his debtor's estate of
Law Library Vol 43 Chap 316

In ordinary cases Executors represent the whole personal estate & therefore a legatus is not a necessary party Equity Digest 1 Vol 549

When personally sought to be recovered or charged, Residuary legatus unnecessary parties
1 Daniels Ch Pl H 301

In a bill against the Executor by one legatus, the Executor pleaded that the other legatus should have been made parties, the plea was overruled
Daniels Ch Pl 1 Vol 302

Under the the provisions of the revised
Statutes of New York which are some
what similar to ours a creditor of
the decedent cannot file a bill
against his heirs and personal
representatives jointly to obtain
satisfaction of a debt out of the
real and personal estate, and
such a judgment of defendants
will under the Complainants bill
be null and void. Butts vs Gering
5 Page R 254.

The Executor must be called
on to account, before legacies
can be called on to pay
Deceased's & R. 3rd 29

D J B augh

1	The Sale Bill	917.00
2	" Cash Book	1638.74
3	Vouche's docket	524.15
4	James Reed's Ledger	
5	Circuit Court Docket	= 336.10
6	Executions from Rich Island	
7	Money rec'd for rents	470.25
8	Debts repaid good	73.00
9	Some of the ^{debts} more debts to have been paid in —	

On which we charge compound
interest, making annual rents
for that purpose - about - \$1521

Then we charge for all debts
which are proven to have been
good & collectable, and which
were not collected say \$1200,

On which we charge simple
interest -

Stephen R. Rowan Admin
of Alex. Reid & Admin de
bonis mon of James Reid dec'd

vs.

Alex. Kirkpatrick & wife and
Joseph Bowler & Rebecca, his
wife

To the Nov. Term
1852 - Supreme Court
at Mt. Vernon - Ill

Error to Gallatin

Alex. Kirkpatrick & wife and Rebecca Reid by her
Guardian, said Kirkpatrick, filed their Bill in
Chancery in the Gallatin Circuit Court, setting
forth that James Reid deceased in his life time
and at the time of his death was possessed of con-
siderable personal estate amounting to about
\$7000, that said J^r Reid died in the month
of 183- intestate, leaving Eliza Jane his
widow, who afterwards intermarried with said
Kirkpatrick, and the said Rebecca, his only heirs
at law.

That Alex. Reid dec'd obtained letters
of Administration on said James' estate and
letters of Guardianship over said Rebecca, and pos-
sessed himself of the whole of the personal & real
estate of the said intestate James.

That said Alex. Reid, in the course of his
administration converted large amounts of goods &
chattel into money - also collected large amounts
of money due the estate of said intestate James,
much more than was necessary to pay the
debts of said James dec'd; also rents & profits
of the real estate.

That said Eliza Jane & Rebecca frequent-
ly applied to the said Alex. Reid and requested
him to make final settlement of said estate &
to pay them their respective shares; but that sd
Alex. Reid departed this life, on the day of
18- without having made such final settlement
or distribution.

That Stephen R. Rowan administered on the estate of said Alex. Reid dec'd, and thereby became admir de bonis non of the estate of said James dec'd, and possessed himself of the rights, credits, monies and effects which were of said Reid, in the hands of said Alex. dec'd,

That sd. Kirkpatrick's wife & sd. Rebecca frequently applied to sd. Rowan for a final settlement of the estate of sd. James Reid, & for a distribution thereof, and that sd. Rowan wholly failed and refused under the pretence that the personal estate of said Jas. was exhausted by the said Alex. Reid and himself in the payment of debts & charges - the contrary of which they charge to be true; and they further charge that sd. Alex. dec'd, in his life time used for his own purposes large sums of money belonging to the estate of said Jas. dec'd; and that at the time of the decease of said Alex. there was a large balance of money chargeable to him as such adm'r, and distributable to sd. Eliza Jane & Rebecca; and that by negligence and carelessness a large number of debts due the estate of said James was lost by sd. Alex. dec'd in his life time, and by sd. Rowan since he became such admir de bonis non.

And that sd. Rowan before he became such admir de bonis non became possessed of monies, & effects of the estate of sd. James dec'd, & failed to account therefor & converted the same to his own use.

That sd. Rowan by his refusal to account for such monies as were due imposed a grievous loss upon the sd. Eliza Jane & Rebecca, and should pay interest.

That the personal estate of sd. Alex. Reid dec'd would be insufficient to pay the amt. due to sd. Eliza Jane & Rebecca from him as such adm'r.

3.

The sd. Comptts pray that sd. Rowan may give a just and true account of the goods, & chattels, rights and credits and effects of which sd. James was possessed and to which he was entitled at his sd. decease - and came to the hands of sd. Alex. Reid or of sd. Rowan, or any other person - and all the particulars whereof the same consisted - setting forth an inventory of the personal goods & chattels with the manner in which the same were disposed of - and also an account of the debts, choses in action & other claims which were due to & claimed by sd. James dec'd at the time of his death, enumerating what sums of money have been paid thereon, either to sd. Alex. or sd. Rowan, by whom, or what debts & to whom. - what debts & claims and of what amt. remain uncollected, setting forth the names, quality & present conditions, a particular and full account of all moneys paid out in discharge of demands upon said estate by whom paid to whom paid for what paid. The vouchers therefore also what moneys received by the said Alexander in his life time and by the said Rowan by way of rents & profits of the real estate of said James deceased. That an account be taken of the estate of the said James deceased which was and is cho. pte to the said Alexander, as admr & the said Rowan as admr & borne now of the estate of the said James deceased, and that a distribution thereof be made, and that upon such distribution, a decree according to the rights of the parties, and that the same be paid out of the estate of the said Alexander dec'd and the said Rowan as they may be respectively charged - also a prayer for general relief and for Bill in Chancery

4C. On the 13th of June 1864, Henry W. Moore being appointed
~~in addition to the~~ ^{dependent thereon}
 to ~~take~~ ^{see} the said ~~law~~ ^{law} filed his

4
There several answers. The first of which ^{the defendant} ~~to said bill~~ ^{filed a}
Demur, which demur was overruled by the Court, and
the defendants therein ruled to answer by the first
day of Sept then next following.

On the 8th day of Nov 1844 the said Norwen filed his
first Answer to the said debts bill. in which the
said Norwen admits, that he is administrator of the
Estate of Alexander Macdonald deceased. who was administrator
of said James deceased ~~and~~ guardian of the said
Rebecca, and that he thereby became administrator
de bonis non of the said James deceased so far as
as his estate was unadministered by the said
Alexander deceased in his life time. Said Norwen
further states in his answer, that he receives nothing
of the Con actions of said James deceased Estate
further than appears from the files and books
of the Probate Office of Gallatin County, and
the books and papers of the said Alexander deceased
which had come to the hands of said Norwen,
that he found from the Probate books and files
that the said Alexander deceased returned
an Inventory of debts notes and accounts due
to his Intestate James, as follows to wit

Good	\$73.37 1/2
Doubtful	\$2572.37 1/2
Desperate	\$2517.47 1/2

and that said Alexander collected and made
returns to said Office at three different Settlements
all of the good debts, say

Of the doubtful debts	\$73.37 1/2
	\$1372.88 1/2

leaving uncollected of the doubtful debts \$1199.49.

And all of the desperate debts \$2517.47 1/2

That said Alexander appeared to be chargeable with
the amount of the sale bill of the effects of the
said James deceased amounting to \$917.70 3/4

thus ~~making~~ the Total of every thing collected by the
said Alexander deceased of the effects of the said James
deceased of whatever nature so far as settled with the
Probate Office the sum of \$2363.96 3/4

against which aggregate sum of \$ which
came to the hands of said Alexander deceased as such
administrator said Rowen claimed a credit of
\$ paid out in course of administration
and allowed him by the judge of Probate. & also
for the sum of \$70.18 $\frac{1}{2}$ paid to the said Alexander
deceased as guardian for said Rebecca, also
the sum of \$313.50, which came to his hands as such
guardian of said Rebecca his share of the rents of
the house and lot in Shawanutoon, ^{of which the said James died seized} which was all
the rents accruing on the same from the death of the
said James up to the time that his widow Eliza
took exclusive possession of the same, against which
sum of rents Rowen claims a credit of \$32.70
paid out as guardian of said Rebecca by his intestate
leaving a balance of \$350.92 $\frac{1}{2}$ for which said Alex-
ander deceased was accountable as guardian as
guardian of said Rebecca. That the sum of \$156.75
collected for rents was paid over to the said Eliza
Jane as widow of said James deceased, being, her
third part of said rents. That Alexander died seized
of the

That Exhibit D" contains a list of the uncollected debts
due to the estate of James Reed deceased, and which
were returned doubtful or desperate by the said
Alexander deceased, and that they so remained
That no money or property belonging to the estate
of said James Reed, came to the hands of
said Rowen before or since he became
administrator, de bonis novis of said estate
and that he paid over to the Eliza Jane and to the
guardian of said Rebecca the sum of \$90.20 out
of the ^{appts} debts of the estate of the said Alexander
to wit to Eliza Jane \$65.20. and to the guardian for said
Rebecca \$25.00

Rowen denies all manner of unlawful actings & things in the said Bill - which answer the said Rowen obtained leave to amend -

At the February Term 1850. the intermarriage of David Peicea with Joseph Rowen was registered to the Court below, & Cause was continued

The second answer of Rowen, after stating in substance as in his first answer states, ^{that} he found among the papers of Alexander Peicea dec'd evidence of notes due to John Peicea and said James Peicea dec'd under the designation of John Peicea & son, having come to the hands of the said Alexander dec'd as such and amounting to \$317, one half of which is appraised belonged to the estate of the said James dec'd, also that the said Alexander returned an inventory of the personal goods of the said James dec'd, amounting to \$882.73. also for debts not reported to Probate office & which appeared from the books of James Peicea dec'd to be due \$158.98. Making in all with which the said Alexander dec'd as such adm'r appears to be charged including doubtful and desperate debts \$7,231.13 $\frac{3}{4}$. That he finds among the papers of the said Alexander dec'd notes due to James Peicea dec'd estate uncollected \$701.72. also notes ~~notes~~ due to John Peicea & son uncollected \$116.58. One half of which \$58.25. also amount of uncollected accounts \$1825.55. also for vouchers filed in the Probate Office for which the said Alexander dec'd received a credit of \$1845.28. also. also a credit of the Inventory amounting to \$882.73 Making in all of Credits to which the estate of the said Alexander dec'd was entitled to \$5513.97. leaving due to the estate of the said James dec'd from the estate of the said Alexander dec'd as such adm'r \$1917.16 $\frac{3}{4}$. also that he thinks

of the debts mentioned as being uncollectible from the information he has on the subject the sum of \$466.92 could have been collected. as to the rest - could not pay and that he has not endeavored to collect said accounts since they came to his hands, as he knew of no means of proving them & also that they were of ^{more} few years standing, and that he did not endeavor to collect the notes due to said James deceased estate, as he did not know they were in his possession. until about the time of filing this answer & kept three or four of them,

As to the estate of the said Alexander Russell deceased states, that the amount of the liabilities was \$678.17² Amount of debts collected & reported to Probate Court \$466.41.

Amount collected but not reported

doubtful debts due the estate of Alexander \$683.

accounts notes \$185.62

Desperate Accounts \$4642.47

Notes Desperate \$357.25

Refers to exhibit C for a list of lands of which the said Alexander did seized

As to the said Alexander died, as adulter and granted appropriating, the monies of the said Eliza Jane & Rebecca to his own use, Rowen knows nothing of his own knowledge, all he knew about this fact was what said Alexander deceased during his last illness told him "That he the said Alexander had used the money ~~the money~~ of the said Rebecca & that he could not have got along without it & requested Rowen to borrow money & mortgage real estate to witness the repayment of the same and pay the said Rebecca, and that the amount would be some eighteen hundred dollars before Rowen would be able to pay the same

8 At the November term of the court below
the Compts below on this motion obtained an
order of Court setting aside, a decree
which had been made at a previous term but
which decree had not been written out
also all orders in said cause making
Andrew McCallen a party to said suit
& the order appointing a guardian ad litem
also obtained leave to amend his bill by
striking out the names of James A Reid
and Mary A Reid ^{their} wife of said McCallen
and also all that portion of said bill which
relates to the names of James A Reid & Mary A
Reid, which portion of said bill in separate
Charges therewith in the words & figures following
that is to say "1st And the real estate whereof he
did the nature Condition and title therop
2nd And that in the event the personal estate of the
said Alexander Reid should prove insufficient
to pay the said charges, that your Honor will
decree the sale of the land of said Alexander
Reid or so much thereof as will be sufficient
to pay the same, and make James Alexander
Reid who are infant and Mary Ann Reid
Co defendant to this bill. And that your
Honor will appoint Guardian ad litem
for said infant.

3rd James Alexander Reid and Mary Ann Reid
At which term the defendant below Rowen
was ruled to answer in 30 days - to which
amended bill ~~Rowen~~ filed his demurrer
and asked leave to withdraw his answer before
that time filed, which motion to withdraw
answers was over ruled and on motion
of Compts below the demurrer was struck
from the files, and that Rowen answer
the amended bill by nine o'clock on Monday
following

Rowen's Answer to Alexander's bill. States in addition, ^{and explanatory} to what is set forth in his previous Answers

That said Alexander deceased as ~~admr~~ ^{admr} of James Reid deceased returned into the Probate Office of Gallatin County, an Inventory of Notes and accounts due to James \$5163.28 $\frac{1}{4}$ also inventory of goods & Chattels \$882.73. to which add \$3457 for exps of sale bill over said appearance bill. Make total to for for a Probate books & files & how charged to the said Alexander deceased as such admr \$6080.92 $\frac{3}{4}$, also the said Rowen found among the papers of said Alexander deceased Notes due John Reid & said James Reid ~~James~~ under the style of John Reid and Son, which notes appeared to have been listed in a small square book of said Alexander and that Rowen does not know why said notes were not inventoried with the other notes and other evidences of debt unless said John Reid survived the said James deceased and as survivor was entitled to collect the same to settle Partnership debtore, said Rowen also found among the papers of the said Alexander deceased notes and accounts due said James deceased Estate, uncollected \$3766.23 $\frac{1}{2}$, also Vouchers filed and allowed in said Probate Court \$1845.28. which two last mentioned sums with \$87.71 $\frac{1}{2}$. which sums to have been paid out. (from said square book) by Alexander deceased in the course of administration, but not reported or allowed, as also Commission not heretofore allowed \$12.35 amounting to \$4711.70 $\frac{1}{2}$. as credits to be taken from the aforesaid debts of \$6.080.92 $\frac{3}{4}$ leaves a balance against his intestate of \$13692.33 $\frac{1}{2}$

to which I am about to add the further sum of \$105.93 1/4, not reported but which seems to have been collected as appears in said Equary book. Thus making total balance against said Rowens intestate of \$1,475.13 1/2. Without out that there are other charges and credits as set forth in a previous answer based upon estimates and calculations made by said Joseph Rowls, as by reference to exhibits. & called & morten A, which exhibit they believe to be incorrect. also that his answer filed in said Cause August the 6th 1850, was predicated upon estimates & calculations made by the said Rowls, and that said answer as said Rowens believe wholly omitted the sum of \$87.71 which was paid out by said Alexander deceased in course of his administration, but not allowed to said Alexander in any settlement made by him with the said Probate Court, or otherwise, although said Alexander ~~deceased~~ should have had the same allowed to him, also omitted in said answer to claim a credit in favor of the said Alexander deceased as such admit the further sum of \$12.35 due him for his commission upon sums of money disbursed &c, also that said James deceased in his life time actually collected, a short time before his death large sums of money, which remained at the time of his death, but which never came to the hands of said respondent or of his intestate Alexander deceased, but remained in the hands of said Eliza, now wife of said Alexander Norpatrick, and formerly widow of said James deceased, also that he

has been informed and verily believes, since
filing his answer of the 6th of August 1850
that some of the accounts returned by the
said Alexander dec'd as due and
uncollected were collected by the said
James dec'd a short time before his
death. That said answer of the 6th of August
1850 was got up in haste and made
at the request of the said Joseph H Rowen
with the assurance that all errors should
be corrected, also charges from the conduct
of the said Joseph since the answer of
6th of August 1850. it was his object
of the said Joseph to over reach said
Rowen, for the said Joseph made his
brags after that time, that he had effected
his object. & from that time had treated
said Rowen with great coolness
also that said Rowen had become satisfied
since filing the answer of the 6th of August
1850. that the sum of \$1717.16 in said
answer admitted to be due from the estate
of the said Alexander dec'd to the
estate of the said James dec'd
is more, from what he could ascertain
from the 1st books papers & accounts, the
only means which said Rowen had
to ascertain the amount actually due
as would appear from this answer
also that since filing said answer of
the 6th of August 1850, he has learned
some of the items which he intended to
make up the aggregate sum of \$146.92
which he in said answer admitted to
have been collectable, were collected &
received by the said James dec'd a short
time before his death & that he hoped to be able

To make it appear, that nearly if not all of said
 last mentioned amount, was collected by
 said James in his life time, also that he finds
 from Books papers that said Alexander did
 receive as such guardian of said Rebecca
 \$383.60 and paid out thereof \$31.70, thus leaving
 said Alexander's estate at the time of his
 death indebted to said Rebecca \$350.90 as
 her guardian exclusive of interest. Also
 that \$156.75 being one third of the whole
 amount of rent collected by his intestate
 Alexander was paid over to said Eliza
 Jane, as widow of said James deceased
~~as such agent of~~ That the said Rowen as
 agent of said Alexander deceased had paid
 to said Eliza \$18.75. also to her as natural
 guardian of said Rebecca \$24. and to
 said Alexander Propatrick as Guardian
 of said Rebecca \$171.57 and to said
 Rebecca herself \$60, so thus making \$374.32
 so paid by him on account of the amount
 supposed to be due said estate of James
 Reid died from the estate of said Alexander
 deceased. also he paid the further sum
 of \$20.00. balance for repairing & plastering
 house then in the possession of ^{estate of} said Eliza
 and that no money or property belonging
 to the estate of the said James deceased ever
 came to his hands before he became
 a cur de bonis non of said estate having
 the sum of \$ paid Alexander Rowen
 to him on account of purchases by him
 at said James Reid's deceased sale, which
 is included in the amount already
 & that is charged on the sale bill & so it is charged when
 charged to his said intestate Alexander deceased
 also states that it is possible, that some
 of the money reported to have been collected by ^{the} Alexander
 deceased was a part of the sale money & so it is charged
 twice also

also admits the death of Alexander Reid, on or about
the day of October 1841, and that said Rawen died
on his estate on the day of 1841 setting up that afts
did not file their bill in said cause until the 3^d day of May 1844
being more than two years after the granting of letters to him submitting
whether the said supposed claims of said defendants was not
forever barred, it not being presented within the time required
by law To which which answer the afts filed their general
replication, at the September term 1851, and the cause was
set down for hearing on ~~at~~ that term, but on application
of ~~peff~~ the cause was continued to the next term

At the Special Term of said Court
said Rawen asked leave to file an amended answer
which being objected to, was denied by the Court, whereupon
the cause came on to be heard, the plffs below offered
the evidence as stated in the record, all of which
was objected to by afts below which objections were
~~overruled~~ ~~overruled~~ by the Court, to all of which rulings of the
Court the afts below & excepted which & exceptions were
allowed by the Court. And the afts below offered
his evidence as stated in the record, And the Court
not being sufficiently addressed took time to consider
And at the July term of said Gallatin Circuit Court
introduced the following decree, as of the ~~term~~
said Special term -

~~peff~~ At this day came the said parties by their
respective Councils, and this cause coming
on ^{now} to be heard upon bill answers exhibits
and proof by witness sworn in Court, and
the Court finds from the evidence in
the cause, that the said Alexander Reid as
adminr of the Estate of James Reid actually
collected upon afts and said James
Reid at the time of his death the sum
of - - - - - \$2414.81
That is chargeable in addition thereto

with the amount of the Note bill returned by him to the Probate Court which is - - - - - \$917.70

That he also collected in rents on the real estate of James Reid deceased the sum of \$ 470.25 Making total of monies belonging to the estate of James Reid actually shown to have been collected by said Alexander - - - - - \$3802.76

Out of which the Probate Court allowed said Alexander admt as aforesaid credits which are now sanctioned and allowed by this Court, amounting in all to the sum of - - - - - \$1942.02

In addition to which this Court now ~~allows~~ an additional allowance, upon evidence presented to the Court here, of - - - - - \$ 339.47

Making total of Credits - - - - - \$2381.10

which deducted from the monies collected as aforesaid leaves a balance of - - - - - \$1521.66

And the Court finds from the evidence that said monies were converted by said Alexander Reid to his own use, and mixed up with his own estate, and after allowing said administrator three years from the date of his letters of administration in which to have made his settlement of said estate, and in addition thereto one year & five months gratuitous use of sd monies, in fee of his Commissioners for collecting &c.

The Court allows interest on said sum of - - - - - \$1521.66

against the estate of said Alexander Reid for the residue of the time up to the hearing of this cause, being fifteen years and seven months, at the rate of six per cent per annum compound interest, allowing annual rests. Which upon

such basis makes in all now due from the
said estate of Alexander Reid deceased
to the Complainants on moneys actually
collected of the estate of James Reid dec
but never paid out or accounted for
by said Alexander or his representatives \$4000-84
In addition to which last named sum
the Court finds from the evidence that of
the debts reported by Alexander Reid
to the probate Court of Gallatin County
as due to James Reid at the time of his
death, the ones actually collectable but not chosen
to have been collected and which is not allowed
in the foregoing computation the sum of - - \$976. 60
with which the estate of Alexander Reid
is chargeable making in all - - - - \$4977. 44
now due from the estate of Alexander
Reid to the said Complainants, Out of
which last named sum the Court also
finds from the evidence after considering
the amounts heretofore paid to each of them
as shown by the evidence in this Cause that the
said Eliza Jane Kirkpatrick as widow
of the said James Reid deceased is now
entitled to receive the sum of - - - - \$652. 72
and that the said Rebecca Bowls as
distributrix and sole heir of the said James
Reid deceased is now entitled to receive the sum of \$4324. 72

It is therefore ordered adjudged and decreed
by the Court here that the said Stephen & Rowen
Administrators of the estate of Alexander Reid
doed out of the assets of said estate now in
and hereafter to come into hands pay unto the said
Alexander Kirkpatrick and Eliza Jane
Kirkpatrick his wife the said sum of six
hundred and fifty two Dollars & seventy two
Cents

And unto the said Joseph Bowls and Rebecca Bowls
his wife the sum of Four Thousand Three hundred
and twenty four Dollars and seventy two Cents \$4324.72
Together with the Costs of Suit &c and that this
Decree be entered *non est pro* much as of
for me term 1852

Of the November Term Supreme Court
4th 1852

Stephen R Rawen adm^r
of Alexander Reid deceased
am^r Dr^r bowls now of James
Reid deceased

Alexander Kirkpatrick and
Eliza Jane Kirkpatrick
his wife, and Joseph
Bowls and Rebecca
Bowls his wife

Error to Fallacies
"

The said Jeff by Freeman
Wrigate Olney & W^m H. Seale his Counsel, Come
and says that in the record and proceedings, and
in the rendition of the decree, in this Cause, manifest
Errors have been introduced to the manifest prejudice
of the Complainant, and for ascertaining Special
Causes he sets forth And sheweth.

First The Court Erred in rendering a decree against the Jeff
and in favor of the Defendants.

Second That the Court Erred in rendering a decree for debts
for more than was due upon a just & fair account

Third That the Court Erred in allowing and Compounding interest
on the Amount from 1834 until the date of the decree.

Fourth In Compounding interest after the death of said A Reid

- Fifth " In allowing the sum of \$976. 60 of uncollected accounts
 Sixth " In overruling and disallowing the Statute of Limitations
 " as set up and insisted on in the answer in this cause
 Seventh " In admitting improper testimony objected to by
 " defendant below.
 Eighth " In finding the facts in favor of Complainants
 " And decreeing an account when by the facts
 " the defendant below ought to have recovered
 Ninth " In not dismissing the debts bill on the hearing
 Tenth " In hearing, proofs of, and finding and allowing \$976. 60 on account
 of debts due said estate, which might and ought to have been
 collected by the administrators, which is a ~~conviction~~ ^{contradiction} of the adminis-
 trators as to a devastavit of said estate, and which should
 have been established only by an action at law for that purpose
 and before any decree or judgment could be rendered, fixing a
 liability therefor on either administrator and ^{his} ~~other~~ sureties - and which
 would become a personal charge on him & his heirs as well as sureties
 Eleventh " In overruling the Plff's Demurrer to ^{debts} ~~complainant's~~ bill
 " Page 7 of the record
 Twelfth " In overruling debts motion for leave ^{to} withdraw his
 " answer on file ~~previous~~ to his answer of 1850

Thirteenth " In striking debts Demure from the files, which will be
" found on Pages 38 & 9 of the record

Fourteenth " In overruling debt's motion for leave to file an amended
" answer - Page 50 of the record

Fifteenth " In admitting in evidence the papers claimed to be
" the Inventory of Claims & debts due the estate of
" James Reid decd. which will be found on pages
" 54 to 70. together with the list of notes payable
" to John Reid decd

Sixteenth " In receiving the Cash Book in evidence, which will
" be found on Pages 113 to 117 of the record, unless the
" Credit side thereof was received also. X

Scot's Friend and
Clerk for Plaintiff in Error

Seventeenth " In striking an account of sales and underselling
" decedent's actions & doings as guaranties of
" said Rebecca Pows.
Eighteenth " In making a decree against the estate of
" the estate of the said A. Reid decd.
" when his heirs at law, were not before
" the court, it appearing from the debt
" bill and the pleadings, and from the
" evidence on the hearing of the cause
" that such decree, necessarily affected
" the real estate of which the said A. Reid
" did die, and which decedent's heirs
" were heirs

Power adu.

v

Westport &
Boulder

Sup. Ct.

Nov. Term 1852

Stephen R. Rowen admr. &c.

vs

Alexander Kirkpatrick
et al

8422-

8422

(8422-102)

Bruf

In the Examination of the questions presented by the
Record in this case. We will insist upon the following
points

(11th) & (13th errors)

First The Demurs to the bill should have been sustained
and the 2nd Demurrer should have been considered
& allowed and not struck off

(12 & 14th errors)

Second On leave should have been given to withdraw
first and 2nd answers when ruled to file a 3rd and
also to file additional answer

(7 & 15th Errors)

Third The papers purporting to be an Inventory should not have been admitted in evidence without the signature of A Reed to it - or proof that he wrote it - or filed it there as & for an inventory, or had recognized, or admitted it as such.

Such is the doctrine laid down in *Leary v. Ector v. Anderson*. 2 Henning & Munford R 364

3 J. J. Marshall R 10

Tanner vs Hancock 22 Eng Com Law 326
Giles & Hedden vs Dixon & 2 do do 22
Ctarm vs Mills 4 Barn & Adolphus 657

Fourth The Credit side of the Cash book should have been received in evidence as well as the debit side.

The general rule requiring the whole of an admission to be taken together, equally applies to a man's book of accounts when offered in evidence, against him

~~Boggs vs. Jackson~~
Boggs vs. Jackson 2 Bal & B. R 382 & 384
Grisley vs. Evidence 4461 7

- 2th The allowances made in taking the account were for more than debts were entitled to receive in respect - viz
- 1st Of double allowances by mistake in the calculations
 - " and confusion of accounts of different individuals
 - " made from whom collections had been made and
 - " set upon the cash book which was taken -
 - " and again allowing some debts upon proofs that individuals were good
 - 2nd Of doubling allowances of debts returned as in-ventured - as if not reported
 - 3rd Of allowances of accounts not reported in inventured to a greater amount than was omitted
 - 4th Of allowances of uncollected debts
 - 5th Of allowances of compound interest
 - 6th Of allowances of more than was collected
 - " of rents of realty.

In relation to this 4th ground of mistake in taking the account, they will insist that the plaintiff cannot be charged as upon a Devastavit upon the uncollected accounts of the estate of James Reid decd. - because such recovery would be of his own estate, and act of assets belonging to the Creditors of A Reid & to his heirs, and that too upon the mere opinion of witnesses testifying to their recollections and belief of the solvency of the debtors for a period of 10 to 20 years ago, the periods between the death of James and Alexander Reid his adm^r. If there were any negligence in collecting on the part of Norwin since 1841 it is not chargeable to Reid's estate. It is incumbent upon those who allege that such Devastavit has been committed in not collecting these debts, to show when it was committed; That is in order to know it allowed in the accounts in this case against A Reid's estate, that it was committed by him prior

to his death in 1841- otherwise it cannot be allowed here-

If the Inventory is to be admitted in evidence in this case it shows primo facie for proof that all the uncollected debts were doubtful and desperate- and mere statements of witnesses upon recollection. that at some time during the period, the amount- could have been made of them is not sufficient- without showing that there was property liable to execution- and that administrator had ~~not~~ had or notice of that fact-

Grinnall & Chandler (11 U S D page 401 line 911) 5 A H 492
Farfax v Farfax 2 Con R 178

They acted as Trustees and as such are chargeable only with the money they received and with very gross negligence, amounting to a wilful default be shown.

Osgood v Franklin 3 John Ch R 1
 Palmer v Jones 1 Vernon 144
 1 Ves jr 193

11 U.S. & page 401 Dec 90

5 V & H R 492 1 Madd. Ch 578
 3 Law Library 32 Wells on Trustees 69

An ~~Trust~~ under an statute is only liable for ^{what} ~~the~~ ^{trustee} ~~trustee~~ ^{to his hands} after the exercise of due & proper diligence R. & page 516 Dec 92.

What is due & proper diligence, 1 S. & C. R. 19. 3 S. & C. 186 *

The 5th ground of objection to the account is an improper allowance of compound interest.

The general rule upon this subject seems to be to allow simple interest upon balances in the hands of the administrators, after a reasonable time allowed for the settlement of debts

2 Williams on Exrs 1567, 1574 & notes
 Tall. on Ex 480 1 Madd. 302, 719
 Munch's Estate 1 Ash. 305
 Duncaster vs Clackson 2 M. & C. 77
 Weyman vs Hubbard 13 Mass 232
 Lamb vs Lamb 11 Pick 371
 Jones vs Hopgood 10 " 77
 Sretton vs Chancery 6 " 1123
 2 Callaghan 295 3 Young & Am 481
 4 B. & C. 49 1 Russ. 151
 Evidence by classification of debts
 Shelly's Case 1 Salt 296
 2 Statutes evidence 1148

* 2 Story's Law of Trusts 1268 & 1269. 2 Trust Cases 571 to 703

And this rule is not varied by the simple facts that the adm^r used the balances himself and mixed it with his own estate.

2 Williams on Exors 1567 to 1574 & nates

An Exe or adm^r is not authorized to pay any demand against the estate of his intestate or testator - until the same has been probated.

11 U S D p 400, sec 887

Washburn on Hale 10 Pick. 430

There are circumstances, under which courts will enlarge the rate & give compound interest on such balance when the adm^r or Ex^r has been guilty of a breach of trust and been by it created and kept large balances in his own use.

Williams on Exors 1577 to 1574 & nates

Sixth The Statute of limitations is a bar to this recovery
Rev 5th 1833. p 148 Sec 10. Rev. L. p 110

Thorn v Watson adm^r 11 Ills R

Aug on Limitations pag 167 & 8 Sec 5 -
Lurer v De Myer 2 Pop N. J. Ch R 574 - Burditt v Gris 20
8 Pick 108. 3rd Mr 17. Portman v Osgood
Hodgson v White 11 N. Hamp 208 - 3rd N. H. R 492, Lookin
v Lamborn. 13 Mass. R 165 - 15 Mass R 61 & parts Allen
McBroom v The Governor & Port 33

Money received by an intestate as guardian must
be paid for against his adm^r, within the time prescribed
by the statute or it will be barred. Hooper v Bryant
3 Zeeq 1

And a plea of the Statute of limitations under the Statute limiting the time of filing claims against an estate, is good although the adm^r. does not aver that he gave notice as required by the statute. *Sherbrough v Hart* 3 Jerg 431.

State Bank v Vance 9 Jerg 471. *Trott v West* 9 Jerg 433. See 2 Ala 660 *Hiers of Bond v Smith* 11 Ill 213. 5 Gill 26. *Argel on Limitations*

167 & 8 sec 5 *Surra vs Almyer* 2 Page 574. 8 Pick. 108. 3 Mass

17 5 Miss 13 11 Vt 208

13 Mass 201 - 16 Mass 178. 429

544 Pick 140 6 Porter 32

15 Mass 61 - 3 Vt 492 - 3 (Jan. 1

4 C & H 382. 1 Ken & Ell, 255

Willis v Chaffin 2 Dev 333. A Creditor relying upon the promise of an Executor without assets to pay the debt of his testator neglects to prosecute his claim within the time required by statute - cannot recover against the estate of the testator.

See *Trott v West* 1 Mijs 163. *Rogers v Winton* 2 Humph 178

The decree in this case will effect the realty by exhausting the personal assets & making it necessary to resort to a sale of the land - wherefore the heirs of A Reid did should have been made parties in order to enable them to protect their inheritance. Alex Reid left James A Reid his heir. Widow intermarried with A McCallan, they have had children and James A Reid died in 1851, leaving the children of A McCallan wife his heirs, and now distributees of A Reids estate.

Statute of Wills Sec 46. Should the heirs of said James A Reid decree be made parties, and could possibly take advantage of a want of parties by demurrer or on the trial

Adams & 312 in 43 Law lib 246

43 " " 268 & 9

Mittf 173 Lloyd v Holmes 9 Mo 39, - 55
Gaskill v Gaskill 6 Min 648.

Mittf 168 Count v Jeffry 1885 105
Ledbetter v Long 4 My. & C 286 extra in
in Mittf 397 -

1 Johns Ch. R 437

King v Barrow 200 D. C. & C. R. 52, 53 & 44
also see notes at large in Mittf 398, 399

Does this doctrine apply to bills for an account

Story & R Sec 72 172-218 & 219

1st C. L. R 209

Alexander Kirkpatrick &
Eliza Jane, his wife
Joseph Bowles and
Rebecca, his wife
vs.

Stephen R. Rowan
Admir of Alex. Reid dec'd
and Admir de bonis non
of Id Reid deceased

In Chancery in the
Gallatin Circuit Court,
in the State of Illinois-

Whereas there was a
decree rendered in the above entitled cause
at the February term 1852 of said Court against
said defendant - and the said defendant is
desirous of taking the same to the Supreme
Court by writ of Error - now it is agreed between
the said parties that the said Complainants
shall waive service of process upon the said
writ of error, and agree that the record in
sd cause may be filed at any time before the
third day of the next term of the Supreme Court
to be holden at Mt. Vernon, Illinois in Nov.
next - and the sd defendant agrees that the
complainants may assign cross errors on the
record of the debt herein to be considered on the
trial of said writ of Error - And all the said
parties hereby waive any all objections as to
want of service of process as aforesaid, or as
to time or before limited in the filing of
the record herein in sd Supreme Court; in
order that said writ of error may be
tried at the sd Nov. term thereof - & sd parties
hereby agree that said cause shall be heard
& tried in sd Supreme Court as early in sd
Nov. term as the Court will consent to
hear the same - In witness whereof the

undersigned of counsel for said parties hereby
set their hands - this 22nd day of October 1852

N. L. Freeman one of the

attys for defendant

J. M. Marshall

one of the Attornies of
Complainants

Alexander Kirkpatrick,
Clerk

Stephen R. Rowan
Administrator &c

Filed Aug 12th Nov.

1852. F. D. Purton

Clerk

1852

8422