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Barnes, her husband which occurred in 1859 and since then Peter
Barnes has been in possession - he (Peter Barnes)
lived on a portion of said tract while his stepmother was living on
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Re Examined

1 When you say the valley land is worth 40 or 50 \$ an acre do
you mean that alone without any mountain land?

Ans I reason the valley land alone is worth 40 or 50 \$ an acre

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the death of his father besides his stepmother, that is upon the
"Milam tract"?

Ans Wm Greer & Jo Pack lived there. My recollection is they lived
there after she moved away.

James Sargent

Sworn & subscribed to before me

Jany 17th 1873 T. H. Finch C&M Witness 1 Day for Complt \$1.00

Henry Garner next witness being Sworn states:

1. Are you acquainted with the parties to the suit and are you
acquainted with the "Milam tract" of land on Crow Creek?

Ans I know parties and I am acquainted with the "Milam tract", have
been about 40 years.

2 What was the "Milam tract" worth an acre in the year 1867?

Ans There is not much difference in the worth of it then & now.

I would not give more than 40\$ an acre for the valley land with the
mountain part of the tract thrown in

3 State whether or not that would be fair price for this land?

Ans I think it would be a fair price. I don't think it is worth
any more.

4 How many acres of valley land is there in the "Milam tract"?

Ans There are 50 or 60 acres of the tract, valley land.

5 Are you acquainted with what is known as the "Anderson tract"
of the Dennis Barnes land?

Ans I am.

6 How far does it lie from the "Milam tract"?

Ans The creek just divides it, that is from the "Milam tract."

7 State whether or not it is of the same character of soil the
"Milam tract?"

Ans It is. I think the Creek overflows on both sides that is a
portion of both the "Milaim" and "Anderson tracts".

8 State whether or not the Anderson tract is worth as much an acre,
as the Milam tract?

Ans Taking both tracts all even I don't think there is much diff-
erence in them as to value per acre.

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How often did you ever see the Milam tract overflown

Ans I couldn't say how often but several times

\$2000.00 of which has been paid to him by Wells as Respondent is informed, it follows that Complt has received \$5000.00 for 8/15 of said land and his inconsiderable dower claim on a fraction of one of the tracts, while the whole premises at a liberal estimate are worth not more than \$5000.00 which would leave this Respdt but \$1000.00 for his 7/15 of said land and now having fully answered all the allegations of Complt's Cross bill, Respdt prays to be hence dismissed.

Tobe Turney
Marks, Fitzpatrick & Gregory
for Respt.

State of Tennessee
Franklin County,

Personally appeared Peter Barnes and made oath in due form of law that the foregoing answer is true to the best of his knowledge information & belief.

Sworn to & Subscribed
before me June 20 1871
T. H. Finch C&M

his
Peter X Barnes
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Same Case, Depositions of Jas. Sargent, Henry Garner, & Sanders Faris taken by consent on the 17th day of January 1873 to be read as evidence on the trial of the above case on behalf of Complt.

James Sargent being sworn states:

1 Question Are you acquainted with the parties?

Ans Yes Sir

2 Are you acquainted with a tract of land known as the "Milam tract" which is in controversy in this suit?

Ans Yes Sir I have known it for 40 or 50 years.

3 State whether or not you ever help survey the "Milam tract" and if so how many acres are there in said tract?

(objected to for competency)

Ans I helped survey it. There is about 260 acres in it.

4 How much of said tract is valley or bottom land & how much mountain land.

Ans I don't remember how much valley land there is. I don't think there is more than 50 or 60 acres valley land.

5 How much was said land worth an acre in 1867?

Ans I don't know that there is any material difference in the value of the land then and now. It is worth \$22.50 an acre - estimating valley and mountain land all together.

X Examined

When was it you helped survey said land and who was the surveyor.

Ans I don't recollect the year but Frank Estill was the Surveyor.

2nd By Same. Did you see the deed to said tract of land when it was surveyed

Ans I don't recollect as I did.

3rd Then, how do you know there was but about 260 acres in the tract.

Ans I got that from Mr. Barnes, he says there is 250 or 60 acres

4th By Same What is the valley or bottom land worth per acre

Ans I suppose it is worth \$40 or \$50 per acre.

5th By Same What is the mountain land worth.

ballance in the East side of the Creek, except that part sold by John Barnes to David Wells, nor is it true, Respondent was to pay Complt about \$2700.00 in boot, the whole charge is without foundation in truth.

The facts are Simply these: Complt claimed to own Eight Share in the two tracts of land of which Dennis Barnes died Seized & possessed, and Respdt on the 4th day of February 1867 offered to pay Complt \$3000.00 for his Eight interests in the Milam tract of land of which Dennis Barnes died Seized & possessed, which offer Complt agreed to take and therefor Respondant paid Complt \$1000.00 in Cash and gave his two notes for \$1000.00 each due 1st ___ 1867 & 1st March 1868 with interest from date and thereupon Complt Executed to Respdt (blot) conveyance to said Milam tract which conveyance will be filed at the hearing. Nothing was Said about Said 145 acre tract in Said transaction, and the Same was left in common between Complt and Respdts and every Allegation in Compls Cross bill to the contrary is untrue in point of fact.

It is true Complt agreed to indemnify Respdt against the claim of the Said Tennessee and at the Same time Complt stated to this Respdt that he was the lawful and legal owner of the Eight interest he claimed to own and agreed to make them good to this Respdt and Respdt Supposes that Compls titles to Said interests are good as stated by him, but Respdt ____, nor knew or knows anything of the facts, and there and now wholly relies upon the Statement of the Said Complt. It is not true that Respdt agreed to indemnify Complt against the claim of the children of George Barnes or any one else to any part of said land, and the charge in Compls bill to that effect is without truth, and the facts are as before stated that Respdt posted forth no part of his interest in said 145 acre tract to Complainant or any one else, nor did he agree to part with his interest in any part thereof by parole or in writing or in any other way. Respondent knows nothing as to the charge that complt title to some of the interest Sold to Respdt was imperfect at the time of said sale and was subsequently perfected by Complt, but Respdt supposes it to be true, Since Complt agreed that his Respdt should have valid title to the interest of his co-heirs...

To show the Court the absurdity of the case made by Complt. Respdt states to the Court that the Milan tract of land is worth about \$4000.00 at most. Respdt believes that it could be sold for that much money, but the tax assesor who knows the land well in conjunction with another tract of 300 acres put both tracts together at \$3000.00 only. Now Respdt owns 7/15 of said tract and Complt. 8/15 of said tract and Respdt paid Complt \$3000.00 for Complt 8/15 in said Milam tract the whole of the \$3000.00 has been paid to Complt by Respdt, and the payment was equal to a cash payment, as 1/3 was paid in cash and the other on short time with interest from date. It is true Complt owned the dower interest of the widow of Dennis Barnes in said tract, but said dower embraced only 1/3 of said tract and said widow was quite advanced in years at the time of said sale and consequently her dower interest was estimated as of but little value in said trade. Respdt has been informed that complt sold the 145 acre tract to Wells for \$2000.00. Now as Complt has collected from Respdt \$3000.00 for one tract and sold the other for

FRANKLIN COUNTY, TENN. LOOSE COURT RECORDS--Project Preservation
Transcribed by Judy (Henley) Phillips 1984

John F. Anderson v Peter Barnes Answer to Bill
Filed 20 June 1871

The Separate answer of Peter Barnes to the Cross Bill of John F. Anderson filed against the Respondent and others in the case of Peter Barnes v John F. Anderson et als pending in the Chancery Court at Winchester.

This Respondent Saving and reserving to himself the usual benefit of exceptions, answering Says: It is true that Shade Barnes was not one of the children of Dennis Barnes but is a Son of George Barnes who, was a Son of the said Dennis, and the Said George died leaving Surviving him his two Sons, the Said Shade and Dennis Barnes. All the parties in interest are correctly set out in Complainants Bill. It is true that Dennis Barnes died Seized & possessed of the 145 acres tract and also of the Milam tract containing about 252 acres. Respondent admits that complainant did buy the interests of Several of the heirs at law of Said Dennis Barnes deceased, in Said real Estate, and the numbers of Shares bought by Complainants deed to this Respondent, bearing date Feby 4th 1867 which Deed will be filed at the hearing. Respondent admits that complainant bought the Share of Patsy Barnes who is now dead, also the share of Elizabeth Barnes, and also the Share of the heirs at law of Barny Barnes, the said Elizabeth & Barny being Grand children with out one interest, also the interest of Larkin Smith & wife Eliza, also William Greer & wife Franky Ann, and also the interest of Dennis Barnes and also the Dower interest of Delila Barnes widow of Dennis Barnes.

Respondent admits that Complainant is the Guardian of Tennessee Barnes, but Respondent has been informed by Complainant that she is now of age.

Respondent admits it to be true that he purchased all the interests charged by Complainant in his cross bill to have been bought by this Respondent--but it is not true that he did not purchase & is not the owner of the interest of John and George Barnes, but on the contrary Respondent purchased the shares of both the Said John & George and took their conveyances therefor, which will be filed at the hearing of this cause, both of which having been duly registered. It is not true that John Barnes Sold his interest in Said land to David Wells, nor did he Sell his interest to the Said Wells in any part thereof, but the land Sold by the Said John to the Said Wells, was a 25 acre tract bought by the Said John from Dennis Barnes in his life time, and which tract of 25 acres was conveyed by Dennis Barnes in two parcels to the Said John, the first containing 15 acres & the Second 10 acres, and the Said David Wells had no interest whatever in the 145 acre tract as charged by Complainant. It is not true that under the condition expressed in Complainants cross bill, Complainant and Respondent undertook to settle between themselves, their interest and divide the lands, nor is it true that it was agreed between them that Respondent Should take the Milam tract, and all that part of the Anderson tract in the West Side of Crow Creek and the Mill & Mill Seat in the East Side, and that Complainant was to take all the

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5th By Same What is the mountain land worth.

2nd By Same. Does the overflow ever prevent the cultivation of the tillable land.

Ans No Sir, not that I know of.

3rd By Same. State if you know how much of the Anderson tract is valley or bottom land.

Ans. I expect there is 25 acres as nigh as I can recollect about it. I mean on the hill side not the bottom.

4th. By Same. State upon which Side of Crow Creek is the grist mill Situated and who claims it and has control of it.

Ans. It is on the east side of Crow Creek. Peter Barnes claims it and has control of it.

5th. By Same State whether or not Dave Wells bought 24 acres of the Anderson tract before the death of Dennis Barnes.

Ans. Yes. I think it was 25 acres he bought of said tract before Barne's death.

6th. By Same. How much of the 25 acres which Wells bought was bottom land

Ans. I reckon ther was about may be 15 acres.

7th How much of the Anderson tract outside of the 25 acres Wells bought is bottom land.

Ans. There can't be more that ten acres there may be that much...

8th Is all the rest of the tract mountain land.

Ans. I would consider it mountain part of it is cleared on teh hill side.

Sworn & subscribed

to before me Jany 17 1873

T. H. Finch C&M

Henrey Garner

Sanders Faris next called states that he has heard the deposition of Jas Sarjent read and adopts the same as his own, except as to the number of acres in the tract. He dont know how many acres and as to those who lived upon the land he don't remember who was in possession of the land

Upon being asked deponent says he lives and has lived for about 33 years about 18 miles from the land in controversy and James Sargent, whose dposition was taken today has lived during that time 12 or 15 miles from said land .

Re Examined.

Have been on Crow Creek lots of times for the last forty years and know the land & helped Survey it the same time Esqr James Sergeant did.

Anders Faris

Sworn & subscribed to before me. January 17th 1873

T. H. Finch C&M

Sanders Faris claims 1 Day attendance \$1.00.

This case is huge.