

JOSEPH M. THOMPSON et al vs. THOMAS K. THOMPSON et al

Transcribed by Audrey J. & Michael H. Lambert, 2009

Esquire Looney Thompson Sr. is the ancestor of Audrey J. (Denny) Lambert

<http://www.ajlambert.com>

This court case gives the names of the children of Thomas K. Thompson Sr. & Priscilla Looney. A Deed was made by said Thomas Thompson in lieu of a Will for the purpose of partitioning & dividing his property among his children all of whom are represented in Said Deed.

Source: Index to Rhea County Loose Court Papers, compiled by Betty Broyles, Rhea County Historian, Chattanooga, Tennessee 1992.

Index to Chancery Court – Cases 1 to 1866 (1864-1920)... Section 2. These court papers were organized by the Rhea County Historical Society in 1976. They have been microfilmed by the Tennessee State Library & Archives and are available for research at that repository. Joseph M Thompson, Thomas K Thompson and others, #98.

Source: Rhea County Chancery Court Records, 1864-1920: Reel 183.

CHANCERY COURT #98

Rhea Co., TN

Filed July 31, 1875

JOSEPH M. THOMPSON et vs. THOMAS K. THOMPSON et al

Joseph M Thompson

We Joseph Thompson William Thompson Henry Thompson Barthenia Thompson & R C M Cunningham and S. J. A. Frazier acknowledge ourselves indebted to Thomas K Thompson Margaret A Thompson Priscilla L Thompson & of James W Thompson Wm A Thompson James McCary, in the sum of two hundred and fifty dollars but to be void if the above bound Joseph M Thompson Joseph Thompson William Thompson Henry Thompson and Barthenia Thompson shall prosecute with effect – an Original bill this filed by them against – Thomas K Thompson Margaret A Thompson Priscilla Thompson A S Thompson the heirs of **Esquire L Thompson** & of James W Thompson Wm A Thompson James McCary & wife Jane McCary in the Chancery Court – of Rhea Co Tenn vs in case of failure therein shall pay and satisfy all such costs and damages as may at any time be adjudged against them on account of such failure. This 31st July 1875.

Joseph W. Thompson

Joseph Thompson

William Thompson

Henry Thompson

Barthenia Thompson

by R. C. M. Cunningham atty.

R. C. M. Cunningham

S. J. A. Frazier
by R. C. M. Cunningham

NOTICE:
To take deposition

Feb 12th 1877

Executed by leaving a copy of the within notice in the hands of The defendant Thomas K Thompson This 16th 1877

J M Caldwell

Joseph M. Thompson and others vs Thomas K. Thompson and others

In the Chancery Court Rhea County Tennessee

Deposition of Joseph M. Thompson witness for Plaintiff in the above case, taken upon notice on the 8th day of March 1877, at the office of W. C. Rowland Notary Public in Warrensburg Missouri In the presents of W. C. Rowland a Notary Public within & for the County of Johnson State of Missouri residing in Warrensburg in Sd Co. The witness Joseph M. Thompson aged 52 years being duly sworn deposed as follows

Question 1st By Plaintiffs counsel

Wm Thompson please state whether or not you are a party to this suit also are you related to Deft T. K. Thompson.

Answer I am a party to this suit – I am one of the Plaintiffs. The Defendant T. K. Thompson is my brother.

Question 2nd By same

Does Defendants owe you for an interest in the Estate of Thos. Thompson decd – If so how much do they or any of them, owe you & how long have they owed said amount.

Ans” My Father Thomas Thompson made a will and willed me \$200. Two Hundred Dollars This was to be paid to me by Thos K Thompson and John L Thompson. I have never received anything from My Fathers Estate. It has been 19 or 20 years this last October since distribution was to be made. The money was to be paid about a year after my fathers death and has never been paid though I have often asked for it. Thomas K Thompson & other defts owe me said above named sum-

Question 3 By same

How long since Defendants or any of them acknowledged indebtedness or promised to pay, who of them promised to pay & when

Answer In 1869 Thomas K Thompson wrote me a letter in reply of a letter from me to him asking him to pay me. That if I would move to Tennessee he would give me the land laying on the west side of Muddy Creek in full of my claim. The land referred to is a portion of my Fathers Estate.

Question 4th By same

How long since you received a letter from Defendant T. K. Thompson

Ans' I got a letter from him in 1869 as I now remember –

Question 5th By same

Where is said letter, Have you got it in your possession. If not what did you do with it & what has become of it.

Ans' I have not the letter now. I gave it to Mr. David Nation a lawyer living in Holden Johnson Co Mo. He afterwards moved his office to Warrensburg in said County. I asked for the letter but Nation told me he lost it in moving the office. Nation now lives in Texas.

Question 6th By same

Did T. K. Thompson promise to pay in said letter – If so please state the contents as much as you can remember.

Ans' I had frequently written to T K Thompson asking for my money – and he said in the letter that if I would move back he would give me the land on the West side of Muddy Creek in full of my claim.

I thought once of going back, but did not. The letter was dated at Sulphur Springs and not a friendly letter and made the promise as above. He also sent me his picture in the section letter. I do not think of anything more.

J. M. Thompson

Question 7th Subscribed and sworn before me on the day and at this place by Joseph Thompson as stated in the caption of this Deposition.

Qualified as Notary Dec 16 1874

Coms. Expires Dec 12 1878

Witness my hand & notarized seal at office in Warrensburg County of Johnson State of Missouri this 8th day of March AD 1877.

W. C. Rowland, Notary Public, Johnson Co. MO

Costs paid by Plff. \$2.50

No 149 Copy of Costs
Joseph M Thompson Estate
vs
Thos K Thompson Estate

James M Thompson Estate
vs
Thos K Thompson Estate
Recorded

Thompson
The Sum of two hundred & fifty dollars & fifty cents

Joseph M Thompson Sr & Joseph M Thompson Jr., Wm Thompson Frank Thompson,
Henry Thompson Barthenia Thompson

Vs
Thomas K Thompson, Margaret A. Thompson & Priscilla L. Thompson A. S. Thompson
– **The Heirs of Esquire L Thompson**, & The Heirs of James W Thompson, William A.
Thompson, James McCary & wife Jane McCary.

This cause coming on to be heard on this the 16th of March 1877, before W M Bradford presiding upon the bill Answers Proof and Exhibits in this cause and because it appears to the Court that A. S. Thompson, **the heirs of Esquire L Thompson**, whose given names are unknown, The Heirs of James W. Thompson, whose given names are unknown, William A. Thompson & James McCary & Wife Jane McCary, have been regularly brought before this court more than five days, before the last Term of this court, A. S. Thompson by service of process, & the other above named Parties by publication, and they having failed to make defence to complaints bill by plea answer or demurrer, a judgment pro confesso is hereby entered against.

And because it appears to the Court that on said 18th of October 1857, Said Thomas Thompson conveyed by regular deed the land heretofore described to three of his children – to wit, Thomas K Thompson, Margaret A. Thompson & Priscilla L Thompson and charged them in Said Deed with the payment of certain Sums of money to his other children to be due three years from the date of said Deed – That among other sums he indicated in said deed he said Son Thomas K Thompson & his two sisters aforesaid, to pay to Complainant Joseph M Thompson the Sum of two hundred dollars and to Stephen Thompson the Father of the other Complainants the sum of one hundred & fifty dollars – And because it appears that Said Thomas K Thompson & his two sisters aforesaid took possession of said land & have enjoyed the use & benefit of the same ever since but have never paid Complainants any portion of the amount due them this cause set for hearing exparture as to them – And this cause coming on to be further heard upon Judgment pro confesso bill, Answer & proof -

And because it appears to the Court that Thomas Thompson on the 18th day of October 1857 was seized & possessed of the following described tract of land, to wit – one tract of

land situated in the 2nd civil district of Rhea County Tennessee Beginning on a post oak corner to Said 210 acre tract, thence North 15 (degrees) East 200 poles to a stake – thence South 40 (degrees) East to a large poplar on Muddy creek, and the Same course continued to the Washington road, - thence with Said road, South West, to where the line of Said tract and E. Pyotts line crosses said road – thence North 53 (degrees) West crossing Muddy creek to the beginning – adjoining lands of Edward Pyott & others, and supposed to contain three hundred acres more or less –

And if further appearing to the court, that upon the whole case, the defendants are not relieved from the payment of the amounts secured to complts in said deed, by operation of the Stature of limitations.

Under said Deed, executed by the Father in the nature of a Settlement for all his children, And because it appears that 200, is the amount given Joseph M Thompson in said deed – and that the interest on the same from the time it was due exclusive of the time of the war would amount to the Sun of \$142.00 – It is Therefore ordered adjudged & decreed by the Court that Complt Joseph M Thompson recover of said Thomas K Thompson & Margaret A Thompson & Priscilla L. Thompson the Sun of \$342.00 & all costs -

And because it appears that Stephen Thompson, the Father of the other Complainants was entitled to the Sum of \$150.00 under said Deed & that the Same has never been paid – and that the interest on the same from the time due exclusive of the period of the war would amount to the Sum of \$166.30. It is Therefore ordered adjudged & decreed by the Court, that Complaints Joseph Thompson Jr, William, Frank, Henry & Barthenia Thompson, heirs at law of Stephen Thompson recover of Said Thomas K Thompson Margaret A Thompson & Priscilla L Thompson.

It is further ordered by the Count that Said Thomas K Thompson Margaret A Thompson & Priscilla L Thompson Shall have two months from this date in which to pay said amounts aforesaid unto Court - & showed they fail to pay Said amounts by that time – then the Clerk after advertising & giving the notice required by law shall sell at publics sale on a credit of twelve months the lands heretofore described to the highest bidder & take notes with approved Security drawing interest from dates for the purchase money, and the Clerk shall apply the proceeds of said sale when collected to the satisfaction of Complaints Judgment & all costs, & the Surplus pay to those entitled to the same.

From which decree of the Court Respondents pray an appeal to the next Term of the Supreme Court at Knoxville, Tenn, upon their giving an appeal bond, which is done.

Notice
Joseph M Thompson & others...
Thos K Thompson & others

Executed by leaving a copy of this notice with Respondents (Thompsons) on the 6th day of July 1876.

R. L. Garrison Sheriff

We Thomas K Thompson Margaret A. Thompson & Priscilla L. Thompson acknowledge ourselves indebted to Joseph N. Thompson Joseph Thompson Jr. William, Frank, Henry and Barthenia Thompson in the sums of Two Hundred and fifty dollars to be void if the said Thomas K Thompson Margaret & Priscilla L. Thompson shall prosecute with effect an appeal to the next term of the Superior Court of Tennessee at Knoxville by then payed from a decree rendering against them in favor of Joseph M. Thompson, Joseph Thompson, William, Frank, Henry and Barthenia in the Chancery Court at Washington Rhea Co., Tenn. on the 16th day of April (April marked out) March 1877 and the cost of suit or in case of failure shall pay and satisfy the cost of said damages of this case which may be adjudged against them in the premises by the Supreme Court, This March 16th 1877.

By John E. Pyott Atty.
Thomas K Thompson
Margaret A. Thompson
Priscilla L. Thompson
Joel I Pyott

Appeal Bond
Jos M Thompson et al.
vs
Thos K Thompson et al.
Filed March 16th 1877
R _____

Joseph M Thompson et al
vs
Thomas K Thompson et al

In the Chancery Court at Washington for Rhea County Tenn.

The Deposition of Thomas K Thompson taken by consul in this cause before ____ at Sulfur Springs in Rhea County in the presence of Complaints and _____ money will

Thomas K Thompson owes _____

Question 1st by ____ Are you the Thomas K Thompson that is named as _____?

Answer – I am.

Question 2nd by ____ If ____ had any conversation or conversations with S. J. A. Frazier in regard to the claim of Joseph M. Thompson referred to in complainants Bill

Answer – Samuel Frazier Called to see me as attorney for Joseph M Thompson and he said to collect for him what was coming to him from his Fathers estate. I asked him if he had a letter from Joseph M Thompson or a power of attorney and he said not that Mission & Allen was corresponding with him as attorneys for Joseph M Thompson in Missouri and wanted him to attend to the business here for them and said it would be best for all the parties to fix it up without any lawsuit about it, and proposed a note for Joseph M Thompsons claim made safe at some stated time. He (x) said he thought they would likely accept it. He would write to the attorneys and see if something of that kind would suit them. I told him he could write to them and we would study on the matter until he could hear from them. I think this conversation was in the fall of 1872 in October I think. Mr. Frazier called again in the spring of 1873 I think, and said he called to see if we could fix up that Joseph Thompson business. I asked him if he had got any news from the parties in Missouri. I understood him to say he had not, but he had concluded it would be best for all parties to fix it up without litigation or a lawsuit and he had concluded he would take my note and the two girls and fix it up with a deed of trust from us all note one award two years after date with interest, he thought with the prospects of land going up and the railroad excitement land would go up and we could sell some of the land and pay the note and he thought it would be best for both parties to do so without law. I told him I did not think he could collect interest on the claim but I would give my

note (x) two years after date with a deed of trust on my part of the land to stop a law suit and (x) I thought that would secure the two hundred dollars. The girls did not want to give a deed of trust but to stop the thing I would do it on my part of the land. He said he did not think the parties would accept the proposition without interest on the claim. I told him he would write to them and see whether they would or not, that is to Joseph M Thompson that is the substance of all the conversation we had at that time, this conversation in the old field on my place sometime in the summer of the same year we met in the road before abernathys store door and he asked me what we had concluded to do that he must do something or quit it. It had been on hand long enough he said he reckoned the parties was expecting him to do something with it. I asked him which proposition he alluded to the two hundred or the two hundred with interest. He said the two hundred with interest. I told him if we concluded to do it I would come down and let him know. The foregoing are all the conversations and the substance of them that I have ever had with Mr. Frazier in regard to the Joseph M Thompson claim. I never had any conversation with him in regard to any other claim growing out of the subject matter of this suit. Further this despondent saith not.

Thompson K Thompson

State of Tennessee Rhea County:

The foregoing depositions was taken before me on the 17th day of July 1876 as stated in the caption and reduced to writing by me And I certify that I am not interested in the cause nor of Kin or counsel to either of the parties and that I sealed them up and delivered them to the Clk. & Master without being out of my possession or altered after they were taken. Given under my hand and Seal this July 17 1876

Edward Pyott J. P.
Rhea County Tenn

Joseph M Thompson and others
vs
Thomas K Thompson and others

In the Chancery Court of Rhea County Tennessee

The joint and separate answer of Thomas K Thompson Margaret A Priscilla L Thompson the three defendants in the above named case to the Bill of Complaint filed in this cause.

These respondents reasoning to themselves the benefit of all exceptions to said Bill on account of the errors and insufficiencies therein for answer to so much thereof as they are advised it is material for them to answer say.

It is ____ that about the year 1857 their father Thomas Thompson made and executed to them a deed for the land described in complainants Bill. In deletion to the consideration expressed in said deed and alleged by complainants to be the only consideration for said land respondents state that they had taken care of their father who had been in feeble health and who was almost helpless for several years before his death had looked after his wants for a long time before said deed was made and on until his death ____ ____ not expressed in the deed entered largely and primarily into the consideration as was well understood at the time said deed was made.

Respondents will here state that about the same time the deed mentioned in complainants Bill was executed their father Thomas Thompson executed a similar deed to John L Thompson for a piece of land adjoining that conveyed to respondents, ____ Both pieces, that is, the land conveyed to respondents and that conveyed to John L Thompson constituting all the land owned by said Thomas Thompson the considerations for the conveyance to John L. Thompson and so expressed in the deed was that the said John L. Thompson should pay one fourth of the amount mentioned to be paid by respondents in their deed and that if said land should be valued by James I Cash and Edward Pyott and should they value said piece to exceed in value one fourth of the whole tract the said John L Thompson was to pay the excess or amount over one fourth to the amount stated before to be paid and then one one fourth of the remainder.

The said Case and Pyott did so value it and adjudged that the said John L. Thompson should pay an additional one hundred dollars making one third of the whole amount to be paid and the said John L. Thompson, if anybody, is liable to pay said amount as there respondents claim that they have long since paid all that they are bound in Law or Equity-to-pay. Said deed from Thomas Thompson to J. L. Thompson or a certified copy thereof will be filed before the hearing of this cause.

These respondents claim that complainants action for their supposed demand accrued more than six years before the bringing of this suit and respondents Thomas K Thompson here denies that he has repeatedly promised the said Joseph M. Thompson ____ within the last six years or that he has once or at any time promised to pay said Joseph M Thompson ____ his supposed demand within the last six years And these respondents

here ____ on the stature of limitations as a complete bar to the amounts claimed by complainants in their Bill.

These respondents like wise _____ whether or not complainants can come into a court of Equity-to assert claims stale with eighteen years long after all of said business out-of which they ____ has been or ought to – have been settled up without assigning some good reason for such Leaches and attempted to compel respondents to pay that which as they believe they ought not to pay.

Respondents here deny that they are insolvent or ever have been but-they are advised that it is not necessary for them to give a schedule or inventory of their effects to complainants.

And having fully answered they pray to be hence dismissed with their reasonable Costs

J. E. Pyott

Thos K Thompson
Margaret A Thompson
Priscilla L Thompson

State of Tennessee Rhea County:

Thomas K Thompson, Margaret Thompson and Priscilla L. Thompson make oath that their statements in the foregoing answer made as their own knowledge are true and those made as on information and belief they believe to be true.

Thos K Thompson
Margaret A Thompson
Priscilla L Thompson

Subscribed and Sworn to before me this the 12th day of Sept. 1875.
Edward Pyott J. P.

Joseph M Thompson and others
vs
Thomas K Thompson and others

Answer of Thos K Margaret A & Priscilla L Thompson

Filed in Office Nov 18th 1876
R _____
Conveyed in Book No 2

Joseph M Thompson and others
vs
Thomas K Thompson and others

Chancery Court Rhea County Tennessee

Deposition of S. J. A. Frazier witness for the Complainants in the above stated cause taken at the office of the Clk. & Master on notice on the 13th day of July 1876 in presence of Complainants Counsel and J R Neal Defendants Consel and N L Allen Guardian ____

The said Witness S. J. A. Frazier aged 36 years being duly sworn disposes as follows.

Ques 1st By Complaints Counsel

Are you acquainted with the parties in this suit.

Answer – I am acquainted with Thos K Thompson & have seen his Sisters Defendants in this cause, but do not think I am acquainted with the other parties to this suit.

Question 2nd By same

Have you had any conversations with the Dependents or any one of them about the land described in this cause – If so please state what and when it was – State all you know about it.

Answer – I was Solicitor for Joseph Thompson Sr. I understood he lived in Missouri – I went to see Defendant Thomas K Thompson in order to collect or secure the money due Joseph Thompson, _____ the Deed of his Father from Defendant Thompson & his sisters. I had several conversations with him about the matter in some of which he gave but little satisfaction & in others he talked more freely – In course of those conversations he told me that the farm he lived on was the one described in his Fathers deed, that he & his sisters lived on the farm since his Fathers death. He claimed that he had paid some of the Heirs their part – But did not claim that he had paid my Client Joseph Thompson Sr anything. He said he was willing that all the Heirs come in & take a childs part in the Real Estate. I Said I was willing if it could be done legally there being _____ among the Heirs – I told him that it was bad for Brothers to be lawing each other & putting cost on

each other & that I did not suppose he wished to defraud his Brother out of his first rights or take any advantage of his indulgence to him. He Said he was willing to pay the principle of the amount due his Brother but did not think he ought to pay any interest – I told him that land was becoming very valuable about Sulphur Springs & that he could sell a small portion & pay off the debts on it Said land that I thought I knew a man that would buy a part of the land – We finally agreed on the Sum of four hundred dollars as a sum that would about cover the principle & interest due Joseph Thompson – He was willing to give me his note for that amount. I was unwilling to take his note without it being Secured – We finally agreed on the following proposition – That I would take a note for four hundred dollars due in twelve months if his two sisters would sign it with him & if they would all join in a Deed of Trust on said land to Secure Said note – I lived some 12 miles from where Thomas K Thompson lives & did not see him for some time afterwards – when I did see him he told me his sisters would sign nothing & that he would do nothing further about it. The above occurred in several different conversations & during a period of more than a year – The conversations above referred to took place in last three years.

Cross Examination by ____ Thomas K Thompson.

Question – 1st Did you not understand from Thompson that _____

Answer – I understood it was to some cost of a bill & to give time to sell a portion of the land to advantage so as to pay his Brother Joseph what he owed him –

Question 2nd Please state if you can when and where the conversation occurred in which you stated that Thompson agreed to give his brother four hundred dollars to settle ____?

Answer – I think it was in old field on the home tract described in the pleadings in this cause. I went there to see him about the business. I believe he had been plowing. I think no one was present but me & him – I think the conversation took place in Spring or Summer of 1873, although I am not positive about the date. I know we had had the matter pending & under consideration some time before that.

Question 3rd Why was it not understood at that time whether the girls would sign or not the Deed of Trust?

Answer – Because I thought he would want time to talk to his sisters & explain the matter to them. We were not at the house when I supposed his sisters were but some quarter and half a mile off in the field – I was very anxious to close the matter up without litigation.

Question 4th – Are you not mistaken in memory to the sum four hundred dollars and was it not two hundred dollars that he agreed to secure if that would settle the matter?

Answer – I don't think I am mistaken – I think I remember making a calculation in my mind that four hundred dollars would about cover principle & interest – We made no

calculation on paper, but I Supposed four hundred would about cover both principle & interest and further this deponent sworn to & subscribed before this 13th July 1876.

S. J. A. Frazier

R _____

Joseph M Thompson et al
vs
Thomas K Thompson et al

Deposition of S. J. A. Frazier
Witness for Complainants

Joseph M Thompson and others
vs
Thomas K Thompson and others

In the Chancery Court of Rhea County Tennessee The joint and separate demurrer of Thomas K. Thompson, Margaret A. Thompson & Priscilla L. Thompson, three of the Respds to the Bill of Complaint filed in this cause.

These Respds by protestation, not confessing any of the matters and things in said Bill to be true severally demur to said Bill and for cause of demurrer, say: 1st that Complainants said Bill in case the same were true contains no matter of Equity – whereas this court can ground any decree or give Complainants any relief as against these Respds.

2nd If Complainants have any cause of action against these Respds the remedy is complete-at-law.

3rd Complainant Joseph M. Thompson right of action occurred more than six years before suit brought.

4th Complainants the heirs of Stephen Thompson right of action occurred more than six years before this suit was brought.

5th Complainant assign no reason why they have permitted more than fourtime elapse since their cause of action occurred without attempting to assert their supposed demands.

6th Complainants – the – heirs of Stephen Thompson do not state the amount of their support demand.

7th There is a missander of parties in this that complainants have no right to bring a joint suit for the money sought to be recovered.

8th This claim of complainants – Joseph M Thompson and the-claim of the heirs of Stephen Thompson of heirs have any at all against these _____ are separate, _____ and independent and cannot be sued one suit.

For these and other errors in said Bill contained _____ defendants _____ judgment of this _____ whether they shall be compelled to make any other or further

answer to said Bill and they-pray-to be hereby dismissed with _____ reasonable cost in this _____ sustained.

J. E. Pyott

J. R. Neal

An agreement to set apart a specific fund for the payment of a particular condition, raise a trust and create a ___ upon the fund in favor of such _____.

J M Thompson and others

vs

Thos K Thompson and others

Demurrer

Filed in Office 16th Sept. 1875

R_____

To the Honorable D. M. Key, presiding in Chancery at Washington Tenn

Your Petitioners, Joseph M Thompson a citizen of Missouri & Joseph M Thompson Jr., William, Frank, Henry & Barthenia Thompson all citizens of Missouri, humbly complaining & would represent & show unto your honor that Thomas Thompson then a citizen of Rhea County & the Father of complainant Joseph Thompson & Grand Father of the other Complainants, whose Father Stephen Thompson is dead about the year 1857 was Seized & processed & owned the following described tract of land situated in the 2nd civil District of Rhea County Tennessee to wit – Beginning on a Post oak, corner to Said 210 acre tract thence South 40 (degrees) East to a large popular on Muddy Creek & the Same course continued to the Washington road, thence with said road South West to where the line of said tract & E Pyotts line crosses said road, Thence North 53 (degrees) West crossing Muddy Creek to the Beginning – adjoining lands of Edward Pyott & others & Supposed to contain 300 acres more or less. That Said Thomas Thompson Sr. executed a Deed of Conveyance of the above described lands on the 18th day of October 1857 to Thomas K Thompson, his Son & to Margaret A. Thompson & Priscilla L Thompson his Daughters. The only consideration for said conveyance of land was as expressed in said Deed that Said Thomas K Thompson, Margaret A. Thompson and Priscilla L Thompson was to pay the following amounts to the following persons – To wit – **One hundred & fifty dollars to Esquire L Thompson**, one hundred & fifty dollars to the Heirs of James W Thompson deceased, one hundred & fifty dollars to William A. Thompson, one hundred & fifty dollars to Stephen H Thompson, Two hundred dollars to James McCary, Two hundred dollars to Joseph M Thompson, Two hundred dollars to Absolum S. Thompson – of said last amount a sufficiency was to be to R. N. Gillespie on a note of hand executed by Said A. S. Thompson to said Gillespie with Thomas Thompson Sr. as Security & the balance paid to A. S. Thompson. Said payments above specified were to be made in three years from the date of Said Deed – a copy of said **Deed is hereto annexed marked Exhibit A** & prayed to be taken as a part of this Bill – Said Deed was duly proven & registered in Registers office of Rhea County in 1857, and said Thomas K Thompson & his two Sisters, all of whom are unmarried, took possession of said land & have enjoyed the use, rents & profits of the same ever Since. Complainants are informed that some of the amounts above set-out have been paid to some of the heirs, But no part of the \$200 is & accruing interest has been paid to Joseph M Thompson, although Thomas K Thompson has repeatedly promised to pay the same within the last six years. Neither has any part of the amount due Stephen H Thompson or

to Complainants his Children been paid. Thomas Thompson Sr. died soon after the execution of said Deed of Convey and as complainants are informed – Said Deed was made by said Thompson in lieu of a Will for the purpose of partitioning & dividing his property among his children all of whom are represented in Said Deed as complainants are informed.

Complainants are informed that the debt due R. N. Gillespie has been paid - **Esquire L Thompson is dead, and his Heirs names are unknown** – The Heirs of James W Thompson are Non-Residents & their names unknown to complainants – William A. Thompsons residence unknown – James McCary is a Non-Resident, & citizen of Missouri & A. S. Thompson a Resident of Rhea County – Jane McCary is the Daughter of Thomas Thompson Sr. & wife of James McCary & Resident in Missouri. Complainants would represent that there is no property in hands of Thomas K Thompson or his Sisters Margaret or Priscilla, and of which to make their indebtedness.

The promises considered Complainants pray that Thomas K Thompson, Margaret A Thompson & Priscilla L Thompson A. S. Thompson – The Heirs of **Esquire L Thompson** & of James W. Thompson, William A. Thompson, James McCary & Wife Jane McCary, all be made Parties Respondents to this Bill & required to answer the Same fully that all proper-process issues return able to proper term, that publication be made as to all Non-Residents & those whose residences are unknown **That said land on a sufficiency of the same be sold, to satisfy complainants debt & accruing interest, or if consistent with equity & law, that a child's part of said land be partitioned & set apart to each heir of Thomas Thompson deceased** – And if mistaken in their special Prayer for relief Complainants pray for such other further & general relief as the nature of their cause may demand.

Joseph M Thompson
Cunningham & Frazier

State of Tennessee Rhea County

Personally appeared before me the _____ Authority, S. J. A. Frazier as Attorney & Agent and made oath in due form of law that the facts stated in foregoing Bill are true according to the best of his knowledge, information, & belief.

Sworn to & Subscribed before me this the 31st of July 1875
S. J. A. Frazier

R. M. _____

EXHIBIT A,

Deed of Conveyance
Thomas Thompson
To

Thomas K Thompson

This Indenture made & entered into this 18th day of October 1857 by & between Thos Thompson of the one part & Thos K Thompson, Margaret A. Thompson & Priscilla L Thompson of the other part all of the County of Rhea & State of Tennessee Witnessed that the said Thos Thompson for & in consideration and _____ by the said Thos K Thompson, Margaret A Thompson & Priscilla L Thompson to be made to wit – **One Hundred & fifty dollars to Esquire Thompson**, One Hundred & fifty dollars to the Hiers of James W. Thompson, deceased, One Hundred and fifty dollars to William A Thompson, One Hundred and fifty dollars to Stephen H. Thompson, Two Hundred dollars to James McCary, Two Hundred dollars to Joseph M Thompson and Two Hundred dollars to A. S. Thompson to be used in setting a tract of land executed by him to R. N. Gillespie & endorsed by _____ as security and the balance paid to the said A S Thompson, both and by those presents doth grant, bargain, sell, alien and confirm unto the said Thomas K Thompson, Margaret A Thompson & Priscilla L Thompson their heirs & assignees forever a certain tract or parcel of land-lying & being in the County of Rhea & State of Tennessee – Beginning on a Post oak corners to said two hundred and ten acres tract – Thence South East 200 poles to a Stake – Thence South 40 (degrees) West to a large Popular on Muddy Creek and the same course continued to the Washington Road – thence with said Road South west to where the line of said tract & E Pyotts line crosses said Road – Thence 53 (degrees) West Crossing Muddy Creek to the Beginning with all and _____ the woods, _____ profits, commodities, hereditaments and appurtenances whatsoever to the said tract of land belonging on _____ and Revision & Revisions _____ and Issues thereof and all the estate Right, Title, property, claim and demand of him, the interest said Thomas Thompson his heirs and assignees forever of in and to the same and every part or _____ either in law on Equity to have and to hold the same with the appurtenances unto the said Thos K Thompson, Margaret Thompson & Priscilla L Thompson their heirs & assignees forever against the lawful title, claim & demand of all and any person or persons whatsoever, we will warrant and forever _____ by these pursuits the said payment as above stated to be made within three years from this date – in witness whereof the said Thomas Thompson both hereunto set his hand & seal the day & year above written.

Signed and Sealed & Acknowledge

Thos Thompson (seal)

William Case

Jessie P. Thompson

No. 149 #98

Original Bill

Jos M Thompson & others

vs

Thomas K Thompson

Filed in Office July 31st 1875

R. _____ #98

1 Subp to answer & copy of bill