

SMITH Family, NC, Johnston - Wake

IN EQUITY ORIGINAL BILL

SAMUEL SMITH Administrator & c.
against
ANN BRYAN & others the Heirs and
Legal Representatives of **JOHN SMITH, Sr.**

To the Honorable the Judges of the Court of Equity for the District of Hamilton in the Territory of the United States of America south of the River Ohio - The Bill of **SAMUEL SMITH** Administrator and One of the Heirs of **JOHN SMITH, Senr.** Deceased - against - the Heirs or legal Representatives of **ANN BRYAN** late of Johnson County North Carolina, deceased, the Heirs & C of **ELIZABETH BRYAN** late of Johnson County North Carolina, deceased, the Heirs & C of **JOHN SMITH, Junr.** Late of the County of Hawkins North Carolina now the territory of the United States south of Ohio, deceased, the Heirs of **ALEXANDER SMITH** late of Cumberland County, deceased, **JOHN HINTON** and **PHERUBA HINTON** of Wake County and **JANE PHELPS** relict of **THOMAS PHELPS** Deceased of Rowan County Defendants.

Humbly Complaining sheweth to your Honors your Orator **SAMUEL SMITH** Admr. And One of the Heirs of **JOHN SMITH** Senr. Deceased that the said **JOHN SMITH** Senr. Departed this life about the Month of February 1793 not having made any Will or Testament as your Orator believes, that Orator being the only surviving son of the said **JOHN SMITH** obtained letters of Administration on the Estate of the said Deceased from the Court of Jefferson County, that the said **JOHN SMITH** Senr. At the time of his decease was possessed of personal Estate of considerable Value, which your Orator had taken into possession and by Order of said Court has exposed the same to public sale, tha thte amount of the said sales is ten thousand five hundred & forty two and One half Dollars, out of which sum all just claims against said Estate are to be discharged and the remainder to be distributed agreeably to Law among the several heirs of the said Intestate.

Your Orator further sheweth that the said **JOHN SMITH** Senr. Had six Children (Exclusive of your Orator) viz **ANNE [SMITH]**(who was married to **NEEDHAM BRYAN** now deceased) **ELIZABETH** (who was married to **WILLIAM BRYAN** now deceased) **JOHN [SMITH]**, **ALEXANDER [SMITH]**, **JANE [SMITH]**(intermarried to **THOMAS PHELPS** now Deceased) and **PHERUBA [SMITH]** married to **JOHN HINTON** that the said **ANNE, ELIZABETH, JOHN** and **ALEXANDER** died during the life of the said Intestate having each left children as legal Representatives to claim in the room of the deceased Parent; that your Orator, **JANE PHELPS** and **PHERUBA HINTON** are the only surviving children of the said Intestate - and your Orator further sheweth that each of the said children (your Orator included) during the life of said Intestate have been advanced with portions by him in a greater or less degree, and our orator doth not know to what sum each of said children or their legal Representative are entitled by Law until it can be ascertained what sum or sums have been advanced to each in the life time of said Intestate, which your Orator believes can only be done in this Honorable Court of Equity where the parties may be compelled to answer and Account on Oath - Your Orator admits that he hath received in advancement from the said Intestate in his life time cash, Negroes and Other property agreeable to the schedule annexed to this bill and further states that the said schedule with (he prays may be taken as part of this Bill) doth contain to the best of his knowledge information and belief an Account of the several sums of money, Negroes and other property advanced by said Intestate in his life to the parties in the Bill contained and also the amount of the purchases made by said parties at the sale of said Estate by your Orator as Administrator. o the end therefore that Justice may be done to the several heirs of

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the said Intestate, and that your Orator may know to whom and in what proportion he is to pay the surplus of the said Estate after deducting all Just charges and disbursements your Orator prays that the said **JANE PHELPS, JOHN HINTON** and **PHERUBA HINTON** his wife, and the heirs or legal representatives of the said **ANNE BRYAN, ELIZABETH BRYAN, JOHN SMITH** Junr., and **ALEXANDER SMITH** deceased may be made parties to the Bill, and that they and each of them may be compelled by process of this Honorable Court to make true full and perfect answer to all and singular the matters and facts in this Bill of Complaint contained not only as to their positive knowledge and remembrances but also as to the best of their information knowledge and belief as far forth as respects their Interest in said Estate, and more particularly whether they each of them or their deceased parent whom they represent have not received certain parts or portions in Advancement from the said Intestate in his life time - Did they not severally received the sums of money slaves or other property as in the annexed schedule mentioned Did they receive any other sums of money any other slaves or other property in like manner from said Intestate? Of what age and sex and what Estimated value were the slaves and what time where they so given? What the estimated value of the other property? Did the children of the said **ANN BRYAN, ELIZABETH BRYAN, JOHN SMITH** Junr. And **ALEXANDER SMITH** or either of them since the Decease of their parent through whom they claim received any slaves or other property from the said Intestate of what kinds and to what Amount estimated value? What parts or portions has the said **JOHN SMITH** Senr. Give to any of his Grand Children during the life of his her or their parent - That the surviving children and the legal Representatives of the deceased children of the said Intestate may fully and fairly account each for himself with your Orator respecting the premises; That your Orator may be a Decree of this Honorable court be directed to whom and in what proportion to distribute the surplus of the Estate of the said Intestate - And that those of the Heirs of the said Intestate (if any) who at the sale of said Estate have purchased more than they are entitled by Law to hold as their part or portion may be compelled by Decree of this Honorable Court to pay the same into the Hands of your Orator to the use of those who may be entitled to receive the same agreeable to law, may it please your Honors to Grant your Writs of Subpoena commanding the said **JOHN HINTON** and **PHERUBA HINTON**, and **JANE PHELPS** and the Heirs or legal Representatives of the said **ANNE BRYAN ELIZABETH BRYAN, JOHN SMITH** Junr. And **ALEXANDER SMITH** deceased at a certain day and under a certain penalty therein to be inserted to appear before this Honorable Court then and there to answer the premises and to stand to and abide such Order and Decree therein as to your Honors shall seem Agreeable to Equity and good conscience and your Orator shall ever pray

Roan Atto.

SAMUEL SMITH maketh Oath that the facts set forth in the Bill of Complaint that are of his own knowledge are true and those not of his own knowledge he Believes to be true - And that he hath not exhibited this Bill through fraud or collusion with all or either of the Defendants or any other person or persons, but only to be indemnified and to pay the monies of the Estate of **JOHN SMITH** Senr. Deceased in his hand to such persons as this Court shall order or adjudge the same to belong -

Sworn to this third day of June 1794 Before me **DAVID CAMPBELL** one of the Judges of the Territory of the United States South of the River Ohio

DAVID CAMPBELL

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Let Subpoena's issue agreeable to the prayer of the Bill

DAVID CAMPBELL

A Schedule of the money slaves and other property given in advancement to the Children and Grandchildren of **JOHN SMITH** Senr., deceased, By him in his life time agreeable to the Best information of **SAMUEL SMITH** Administrator.

SAMUEL SMITH

1775 2 Negroes a male and female about 50 years of age each

1782 2 Negroes a male and Female about 35 years of age each, 1 Negro Girl about 12 years of age, 4 Negro Children 3 Females and one male from the age of 8 to 2 years old belonging to the same family

1782 1 Horse, 1 Still, 1 Ditto, 1 Mare and Colt, 1 Small Woods Horse, Ditto, Cash 9.0.0, 5 Cows and calves, 2 Sows & Piggs, 1 Feather Bed & Ca., 2 Iron Pots, 3 Bushels Salt, 10 Barrels Corn

1778 2 Negro Girls about 8 years old each given to the Daughters of sd. **SAMUEL SMITH**

1780 A Negro Girl about 13 or 14 years old to a Daughter of sd. **SAMUEL SMITH**

THOMAS & JANE PHELPS

1780 6 Negroes, In Virginia Currency 300#, 2 Feather Beds & Furniture - & other Household furniture, 1 slave Girl given to the Daughter of **JANE PHELPS**

JOHN SMITH

1789 1 Negro Man, 1 Ditto, 1 Boy, Cash 66.12#, Ditto 150.0#, 40 Head Cattle, 10 Head Horses Different Kinds, 5 Feather Beds & furniture & other Household Furniture, 4 Negroes given to the children of **JOHN SMITH** Junr. Before his death, 3 Negroes since his death

JOHN & PHERUBA HINTON

1765 1 Negro Girl about 15 or 16 years of age -

1767 1 Negro Boy 7 or 8 years of age, 1 Small horse, 2 Cows & Yearlings, 1 Feather Bed & furniture, 2 Iron Pots, 1 Pewter Dish & Bason, 1 Small Chest

1770 1 Negro Girl 4 or 5 years of age given to the son of **PHERUBA HINTON**

ALEXANDER SMITH

1789 1 NegroMan, 1 Do Woman, 1 Do Boy, 40 Head Cattle, 11 Head horses, 1 Feather Bed & Furniture & other household furniture, 9 Negroes give to the children of **ALEXANDER SMITH** since his Decease

NEEDHAM & ANN BRYAN

1789 Cash 25.0.0#, 2 Negro Girles to the children of **ANN BRYAN** since her decease

WILLIAM & ELIZABETH BRYAN

1789 2 Tracts of Land, 1 Mare, 1 Negro Girl give to the Daughter of **E. BRYAN** previous to her decease

Amount of Purchases made by the Heirs of **JOHN SMITH** Sen. Deceased at the sale of said Decd. Estate

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SAMUEL SMITH 541-1/6 Spanish M Dollars

HARDY BRYAN son of **ELIZABETH BRYAN** 1336-1/6

BENJAMIN BRYAN agent for the Heirs of **ANN BRYAN** 717-1/3

GIDEON & WILLIAM SMITH sons of **JOHN SMITH** Junr. 2218-2/3

JANE PHELPS 176

JOHN HINTON 50

ISAAC WILLIAMS and **JOHN SMITH** Heirs of **ALEXANDER SMITH** - 1883

Whereupon Commissions were issued to take the answers of the several Defendants in the Bill of the Complainant mentioned; which answers are as follows to wit;

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State of North Carolina
Sampson County

August 13 1794

Pursuant to a Commission issued from the Territory of the United States South of the River Ohio Hamilton District and Court of equity, directing two of the Justices within the neighborhood where the Lawful Heirs or legal representatives of **ANN BRYAN** deceased lives, to take their Affidavit to answer a bill of Complaint filed in the said Court of Equity by **SAMUEL SMITH** Administrator of the Estate of **JOHN SMITH** Senr. Deceased against the Heirs of the said Deceased. **KEDAR BRYAN** esquire the only surviving Heir or legal Representative of the said **ANN BRYAN** Deceased - came before us two of the Justices for Sampson County & Declared on the Holy Evangelists of Almighty god, that he has often heard his father say that twenty five pounds was all he received from **JOHN SMITH** Senr. Deceased as given to the said **ANN BRYAN** - And further say that since the death of his mother have received One Negro Girl eleven years old delivered to him and is wife **ELIZABETH** & further sayeth not

Sworn to Before us this 13th of Aug. 1794

by **KEDAR BRYAN**
FLEET COOPER, J. P.
LABAN TAYLOR

SMITH Family, NC, Johnston - Wake

North Carolina
Johnston County

To the Honorable the Judges of the Superior Court of Law & Cc for the District of
Hamilton south of the River Ohio ---

In pursuance and answer to a Bill issued from said Court wherein **SAMUEL SMITH** Admr.
Of the Estate of **JOHN SMITH** Senr. (deceased) is Plaintiff against the Heirs of
ELIZABETH BRYAN, deceased, I have caused to come before me one of the Justices of
the County aforesaid **BLAKE BRYAN**, son to/the aforesaid **ELIZABETH BRYAN**, who being
sworn on the Holy Evangelists of Almighty God, saith that he knows as to his own
positive knowledge of no property of any kind or value being given at any time by
his Grandfather **JOHN SMITH** Sen. To his parents or to himself and further he said
not.

Sworn to the 24th day of Sept. 1794

by **BLAKE BRYAN**
ISAAC POWELL J. P.

SMITH Family, NC, Johnston - Wake

North Carolina
Johnson County

To the Honorable Judges of the Superior Court of Law & Ca for the District of
Hamilton south of the River Ohio ---

In pursuance and answer to a Bill issued from said Court wherein **SAMUEL SMITH** Admr.
Of the Estate of **JOHN SMITH** Sen., deceased, is Plaintiff against the Heirs of
ELIZABETH BRYAN, deceased, I have caused **JOHN** Brian Junr. To come Before me one of
the Justices of the Peace for the County aforesaid and being sworn on the Holy
Evangelists of Almighty God, saith that he knows of no property being given at any
time by the aforesaid **JOHN SMITH** to his parents or himself and further as to his
own positive knowledge, this Deponent further says that at the death of his father
he was very young and further saith not.

Sworn to the 24th Sept. 1794

by **JOHN BRYANT**
ISAAC POWELL J. P.

SMITH Family, NC, Johnston - Wake

North Carolina
Johnson County

To the Honorable Judges of the Superior Court of Law & equity for the District of Hamilton in the Territory of the United States of America south of the River Ohio

In pursuance and Answer to a Bill issued out of said Court at the Instance of **SAMUEL SMITH** Admr. Of the Estate of **JOHN SMITH** Senr., deceased, is Plaintiff against the Heirs of **ELIZABETH BRYAN**, deceased, I have caused to come before me **ELIZABETH BLACKMAN** one of the Heirs of the said **ELIZABETH BRYAN** and being sworn on the Holy Evangelists of Almighty God, saith that in the year 1764 her Grandfather **JOHN SMITH** Senr. Gave her one Negro Girl named MILEY about 10 years old at that time and did execute a Deed of Gift to this Deponent for said Girl and further saith that she never acknowledged the Gift of said Girl as a present from her parent and further this Deponent saith that some time after that year she understood that say certain Woods mare 4 years old was given by her grandfather to her Mother and further she said that she knows of no other property being given to her parents at any time.

Sworn to the 20 Sept. 1794

JOHN BRYANT J. P.

Continued

SMITH Family, NC, Johnston - Wake

North Carolina
Johnston County

To the Honorable the Judges of the Superior Court of Law & C for the District of Hamilton south of the River Ohio.

In pursuance and answer to a Bill issued from the said Court wherein **SAMUEL SMITH** Admr. Of the Estate of **JOHN SMITH** Senr., deceased, is Plaintiff against the Heirs of **ELIZABETH BRYAN** (deceased). I have caused to come before me one of the Justices of Peace for the County aforesaid **HARDY BRYAN** and being sworn in the Holy Evangelist of Almighty God saith that he heard his mother **ELIZABETH BRYAN** mention that about the time of her marriage with his father **WILLIAM BRYAN**, deceased, his Grandfather **JOHN SMITH** Senr. Offered a certain Tract of Land (the number of Acres he never knew) or a negro man by the name of Duke and as it was Optional with his mother she made choice and did take the said Land and settled thereon, this Deponent further saith that a small woods horse about 3 or 4 years old was given by his Grandfather to his father in his presence, and that his Grandfather told him to get the Horse out of the woods and give the same to this Deponent and further saith not.

HARDY BRYAN

Sworn to the 24th day of Sept. 1794

ISAAC POWELL J. P.

SMITH Family, NC, Johnston - Wake

State of Tennessee
Hamilton District

Superior Court of Equity, April Term 1797

The answer of **WILLIAM SMITH** Administrator of the Estate of **JOHN SMITH** Junr. Deceased in behalf of himself and the rest of the Heirs of the said **JOHN SMITH** Junr. Deceased to the Bill of Complaint of **SAMUEL SMITH** Administrator on the Estate of **JOHN SMITH** Senr. Deceased or unto so much thereof as he is advised is material for him to make answer Unto he answereth and saith that he has been informed and verily believes that **JOHN SMITH** Junr. before his death settled with **JOHN SMITH** Senr. And paid him for all the Demands he had against him except part of the price of one negro and particularly for all the Articles complained for in his Bill of Complaint & except the seven negroes said to be given to the Grandchildren of the said **JOHN SMITH** Senr. Deceased but your Respondent does not know what sum remained unpaid for the one negro above mentioned and as to the seven negroes mentioned to be given to the children of **JOHN SMITH** Junr. Deceased your respondent is advised that **JOHN SMITH** Junr. Heirs & Representatives is not liable or subject to pay & account for as such Gift was not according to the Line of decent or statute of Distributions and your Respondent saith that there is no other matter or thing contained in the Plaintiffs Bill that is material for him to make answer unto that is not herein and hereby confessed traversed or denied that is true - And your Respondent Humbly prays that the following part hereof be taken as a cross Bill and that the Administrator or legal Representatives of **JOHN SMITH** Senr. Deceased may by Decree of this Honorable Court be compelled to pay into the Hands of the Administrator of **JOHN SMITH** Junr. Deceased the value of six negroes which the aforesaid **JOHN SMITH** Senr. Unjustly and ----- took from the Estate of **JOHN SMITH** Junr., deceased, And for which your Respondent as Administrator on the Estate of **JOHN SMITH** Junr. Deceased brought a suit at Law and Judgment was given at Law in favor of the Heirs and Representatives of **JOHN SMITH** Senr. When in Equity and good conscience it ought to have been rendered in favor of the Heirs and Representatives of **JOHN SMITH** Jun. deceased and the Estate of **JOHN SMITH** Senr. made subject and liable to pay unto the Heirs and representatives of **JOHN SMITH** Jun. the value of the six negroes which was so unjustly taken by the aforesaid **JOHN SMITH** Senr. And which your respondent saith was reasonably worth two thousand Dollars. Now may I please your Honors to order and Decree that the Administrator of **JOHN SMITH** Senr. Deceased be decreed to pay unto the legal heirs of **JOHN SMITH** Junr. Their ratiabale part of the Estate of **JOHN SMITH** Senr. And moreover to pay unto the Estate of **JOHN SMITH** Junior the value of the six negroes which **JOHN SMITH** Senior unjustly took from the Estate and out of his possession and that the Judgment of Law respecting the said six negroes be set aside reversed and made void and that then by a Decree of you Honors your Respondent be discharged your Honorable Court together with this reasonable costs.

WILLIAM SMITH

WILLIAM SMITH maketh Oath that the matters and things set forth in the above Answer and Cross Bill that is set forth to be of his own knowledge is true & those that is not set forth to be of his own knowledge he believes to be true.

WILLIAM SMITH

Sworn to and subscribed this 22nd day of April 1797 Before **S. MITCHELL** C. & M.E.E.

SMITH Family, NC, Johnston - Wake

State of Tennessee
Hamilton District

Superior Court of Equity April Term 1797

The Answer of **GIDEON SMITH** to the Bill of Complaint of **SAMUEL SMITH** Administrator of the Estate of **JOHN SMITH** Deceased or unto so much thereof as he is advised is material for him to make answer unto he answereth and saith that he is not able to say with any degree of certainty what property or whether any was ever giving by **JOHN SMITH** Senr. To **JOHN SMITH** Junr. But knows that **JOHN SMITH** Junior deceased furnished **JOHN SMITH** Senr. Deceased with Large quantities of Grain at different times for his support and does not know or believe that **JOHN SMITH** Senr. Ever paid his father anything for the same, and as to the seven negroes complained for in the Plaintiffs bill your respondent believes them to have been the property of **JOHN SMITH** Junior as he knows he raised them and that they were in his possession at the time of his Death after which his grandfather **JOHN SMITH** Senr. Took the Negroes from the Estate of **JOHN SMITH** Junr. Deceased and gave them in the following matter to wit, One negro fellow named **BRESCO** to **WILLIAM SMITH**, One negro fellow named **LEMMON** to **BRETEAN SMITH**, One negro fellow to your respondent named **ORANGE**, and your Orator believes one negro girl name **TREASEY** to **FERRIBEE SMITH** and your Respondent believe one negro named **JERRY** to **WILLIAM SMITH**, two others the negroes named taken as aforesaid your respondent believes was sold by the Administrator of **JOHN SMITH** Senr. Deceased, as to the other matters and things charged in the Plaintiffs Bill of Complaint so far as is with the knowledge of your respondent is not true. Your respondent therefore prays that you will order & decree his ratiabale part of the Estate of **JOHN SMITH** Senr. Deceased which he is entitled to under the Statute of distributions and that then he be dismissed with his reasonable Costs.

WILLIAM COCKE Atto.

GIDEON SMITH maketh Oath that the matters and things set forth in this Answer to be of his own knowledge are true and those that are not said to be of his own knowledge he believes to be true.

GIDEON SMITH

Test. **G. MITCHELL**

SMITH Family, NC, Johnston - Wake

Hamilton District in the Territory of the United States
Of America South of the River Ohio.

In the Court of Equity

The answer of **FARQUARD CAMPBELL** and **ELIZABETH** his wife surviving Executors of the last Will and Testament of **ALEXANDER SMITH** deceased, to the Bill of Complaint of **SAMUEL SMITH** Administrator of the Goods and Chattles & Cac which were of the Estate of **JOHN SMITH** Senr. Deceased ----- These Defendants now and at all times hereafter saving and reserving to themselves all legal benefit and advantage that may be had and taken to the many errors uncertainties & insufficiencies of the Complaints said Bill of Complaint for answer to the same bill or to so much thereof as they are advised it is material and necessary for them to answer to; they admit that **JOHN SMITH** Senr. In the Bill named did depart this life on or about the time stated in the Bill intestate; & that Complainant obtained Letters of Administration on his Estate as in the Bill set forth - they also admit that the said **JOHN SMITH** Senr. Deceased at the time of his death left a Daughter named **JANE** who had been married to **THOMAS PHELPS** & another daughter named **PHERUBA** the wife of **JOHN HINTON** also a son **SAMUEL SMITH** the Complainant living & that besides the said two Daughters & son who survived him he had a Daughter **ANNE** who had married **NEEDHAM BRYAN**, **ELIZABETH** who had married **WILLIAM BRYAN**, a son **JOHN** and one named **ALEXANDER** who died before him all of whom have left issue. These Defendants also say the said **ALEXANDER** son of said Intestate did previous to his Death make and publish in Due form of Law his last Will and Testament in writing therein constituted **DAVID SMITH**, **BRYAN WHITFIELD** & **ELIZABETH** his wife then Executors. That said **DAVID SMITH** & **ELIZABETH SMITH** (now **ELIZABETH CAMPBELL**) proved the said Will in due form of Law in the County Court of Cumberland County where the said Testator resided at the time of his Death and took upon themselves the Execution of the said Will by qualifying themselves in due form of Law. The said **BRYAN WHITFIELD** never qualified as Executor, nor hath acted as such but hath declined to do so. These Defendants further say that they intermarried with each other the 28th day of March in the year 1782, whereby the said **FARQUARD CAMPBELL** becomes as he is advised Executor in right of his wife - As to the Gifts made by the late **JOHN SMITH** Senr. For the advancement of his family the said **FARQUARD CAMPBELL** knows nothing but the said **ELIZABETH** his wife saith that her former husband **ALEXANDER SMITH** had sundry slaves horses, cattle beds and furniture when she married him and she heard from him and doth believe that he had a negro man about forty years of age, a woman about thirteen years of age & a boy from the said late **JOHN SMITH** Senr. His father, the Boy however appeared to have been purchased as there is among the papers of the said late **ALEXANDER** a Bill of Sale stating the consideration paid for him to be One hundred pounds, she further states that the woman was given in the year 1758 and the man about 1756 she admits of the Cattle, Horses and household furniture set forth in the Schedule in the Bill of Complaint --- As to the negroes or other property charged in the Bill to have been given to the children of the said late **ALEXANDER** by the said late **JOHN** his father these Defendants are advised that it does in no manner concern them being in no sort relative to the Estate of their Testator but they Humbly submit to the Court whether the children of the said **ALEXANDER** should not be made parties and answer for themselves, all which these Defendants are ready to _____ & C. ---- Without that & these Defendants pray to be dismissed here with the Costs & C.

FARQUARD CAMPBELL
ELIZABETH CAMPBELL

SMITH Family, NC, Johnston - Wake

Sworn to before us this 27th day of August 1796

R. DRAUGHON J. P.

SAMUEL WILLIAMS J. P.

SMITH Family, NC, Johnston - Wake

State of North Carolina
Wake County

The Answer of **JOHN HINTON & PHARABY HINTON** his wife, to the Bill of Complaint of **SAMUEL SMITH** Administrator & C. of **JOHN SMITH** Senr. Deceased, against the Heirs of the said **JOHN SMITH**

These Defendants reserving to themselves all advantages that have arisen or that may hereafter arise to the errors, uncertainties & Ca. contained in the Plaintiffs Bill of Complaint. For answer thereto or as much thereof as they are advised is material to make Answer Unto, Answereth and saith that these Defendants were intermarried about June 1765. That they then received of their deceased father **JOHN SMITH** Senr. A negro Girl by the name of HAGAR about fifteen years of age, that about the year 1767 they also received a negro Boy by the name of JOD about 7 years of age, One small horse (of the inferior kind) two cows & yearlings, One feather Bed & furniture two small Iron pots, One Gallon pewter Bason & middle pewter dish Eight silver Tea spoons & Silver Tea Tongs & one small pine Chest which Articles contain the whole of the Schedule delivered to these Defendants in the life time of the Deceased or by them recd. to the Best of their Knowledge or remembrance. These Defendants further answering doth say, that about the year 1770 the Deceased gave to their son **JOHN** a negro Girl by the name of TAMER, a Girl about four or five years, which negro these Defendants never considered as their Own property, but as a Gift of the Grandfather to his Grandson, and how far this Honorable Court will consider the Gift of the Grandfather to their son **JOHN** an advancement to them they carefully submit - The negroes received by these Defendants were as likely to their ages as common, but what was their real value at that time they do not now recollect. The small horse they value at Ten Dollars, the cows and yearlings of common value, the Bed and Furniture tolerable Good, the other articles the price is well known - These Defendants further say and wish that the prayer of the Plaintiffs Bill may be Granted no Doubting but this Honorable Court will do equal Justice to them and the several parties concerned and that these Defendants will receive by the Decree of your Honors all such part as by law and equity they are entitled to & hereby humbly submit -

Sept. 30th 1794. By virtue of Dedimus to us Directed from the Territory of the United States South of the River Ohio Hamilton District ---

This day appeared before us **JOHN HINTON & PHERABY HINTON** his wife who being sworn saith that the several facts contained in their Answer, within their knowledge are true, and that those not within their knowledge they believe to be true.

JOHN HINTON
PHERABY HINTON

THOMAS Robertson J. P. (Seal)
WILLIAM HINTON J. P. (Seal)

SMITH Family, NC, Johnston - Wake

State of North Carolina
Rowan County

To the Honorable the Judges of the Superior Court of Law and Equity for the District of Hamilton in the Territory of the United States South of the River Ohio – In pursuance of and Answer to a bill issued out of said Court at the Instance of **SAMUEL SMITH** Administrator of the Estate of **JOHN SMITH** Senr. Deceased, I have caused Jean **PHELPS** to come before me and being sworn by the Holy Evangelists of Almighty God sayeth that some time in Sept. 1760 she received of **JOHN SMITH** Senr. A negro Girl ten years old likewise one Tract of Land at 400 pounds 2 post 1 bason 1 Dish and 6 Plate and some Spoons – 1 feather Bed and furniture and feathers for a bed – She sayeth on her Oath she knoweth not of any other Articles she had received at any other time. Given under my hand this 4th day of October 1794.

JOHN Eccles Esqr.

SMITH Family, NC, Johnston - Wake

State of North Carolina
Sampson County

I **KEDAR BRYAN** son and legal Representative of **ANN BRYAN** deceased mentioned in the Petition of **SAMUEL SMITH** Administrator of the Estate of **JOHN SMITH** Sen. Deceased of the State of Tennessee and County of Jefferson in answer to the said Bill and Petition, do declare that I do not know that the said **JOHN SMITH** deceased did ever give my Mother **ANN BRYAN** Deceased any property at all of any kind, But have often heard my father **NEEDHAM BRYAN** in his life time say that the said **JOHN SMITH** deceased never gave my Mother but Twenty five pounds currency as mentioned in the said Schedule - And I also Declare that the said **JOHN SMITH** Sen. Deceased did give me jointly with my wife she also being his Grandchild - a negro girl being about ten years of age - And I have understood that he gave one of my sisters a negro Girl about ten or eleven years of age but do not know it of my own knowledge, my sister living at a considerable Distance from me - The negro girl which he gave me and my wife jointly was given in the year One Thousand seven hundred and seventy six & that to my Sister a small time previous to the Removal of the said **JOHN SMITH** to the State of Tennessee - witness by hand this 15 day of February 1802.

KEDAR BRYAN

State of North Carolina
Sampson County

This day came before me **KEDAR BRYAN** and made Oath that the within is true to the best of his knowledge and belief. February the 15th 1802.

___ Clark J. P.

SMITH Family, NC, Johnston - Wake

And at September Term 1803 It was ordered by the Court that this Cause be continued and set for hearing at next Term ----

And now to wit, at March Term 1794 (sic) on Friday being the Eleventh day of said Term the said Cause came on to be finally heard and it appearing to the Court that the Death of **SAMUEL SMITH** the Complainant was suggested at October Term 1795 in Abatement of this suit - and that the said suit has not been revived by the Representatives of the said **SAMUEL SMITH** nor by the Representatives of **JOHN SMITH** Senr. Deceased - It is Therefore the Opinion of the Court that the said suit remain abated ---

SMITH Family, NC, Johnston - Wake

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Hamilton District
Superior Court of Law and Equity
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1793 - 1808
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September 13, 1938
Pages 7 - 8

SAMUEL SMITH Administrator & c

vs.

ANN BRYAN and others the Heirs and Legal representatives of **JOHN SMITH** Senr.

Original Bill

WILLIAM SMITH and **GIDEON SMITH** heirs of **JOHN SMITH** Junior deceased having filed their demurer to this Bill, on argument thereof It is ordered that the Demurer be overruled and that he said defendants do answer over to the Bill ---

Ordered by the Court that **WILLIAM SMITH** be appointed guardian to **PHEMBER SMITH**, **JAMES SMITH** and other minor children of **JOHN SMITH** Junior Deceased if any for the sole purpose of making answer to this Bill on behalf of said minors ---

For reasons appearing to the Court, It is ordered that **JANE** Felps one of the heirs of **JOHN SMITH** the Elder, put in a further and better answer at next Term ----

Some of the Heirs and Representatives of **JOHN SMITH** the Elder having failed to answer conformable to the rules of this Court, and it appearing to the satisfaction of this Court, that they are not Inhabitants of this Government, It is therefore ordered that the said Heirs and representatives who have not yet answered the Bill of the said **SAMUEL SMITH** do file their several answer either by themselves or their legal guardians at the next Term of the said Court to be held for the District of Hamilton in Knoxville on the Second Tuesday of October next an that a Copy of this order be published in the Knoxville Gazette, and also in the Gazette published in Fayetteville North Carolina ----

SMITH Family, NC, Johnston - Wake

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Brent R. Brian
Martha M. Brian
BrianMitchellGenealogy@gmail.com