

Asa Derrick of Sevier County in March 1849, and Joseph A. Hill of Sevier County entered partnership in purchase of "drove of cattle to be driven in the fall of the same year to some distant market." Contract verbal. Derrick was to furnish \$600.00 to buy cattle in spring "to be herded in the mountains during the summer, and said Hill was to furnish the place of range and herd said cattle." Hill was to do most of purchasing but Derrick to assist when he could but latter's duties as sheriff "his official duties" would not permit devoting much time to cattle buying. Derrick was to get \$600.00 from Branch Bank of Tennessee at Rogersville and Hill to go after it. This was done and money procured. About 90 cattle bought and placed on range in the mountains. Derrick continued purchase cattle all summer but these not placed on range. Exact number not remembered but book would show. Informed that Hill bought about 80 head "on partnership account" in addition to those he purchased with money obtained from bank. Hill before starting to market sold to Love & Collins, "cattle dealers over one hundred head of the cattle which had been purchased and contracted for on account of said partnership including a part and the best cattle purchased early in the season and put in the range, and a part that had not been placed in the range." Sold these at large profit. Hill kept 10 to 15 head of cattle kept on range. Did not give cattle necessary attention when on range. "Permitted them to wander about in the settlements and in the mountains." Derrick had to give more attention to cattle than he was supposed to under agreement and cattle not in good condition. Hill would not help take cattle to market and Derrick had to get help of others. Was able to find 118 head that were purchased under partnership and these taken to market and \$200 was made as profit. Derrick did not get \$600 back or any of profit from those sold to Love & Collins or the 10 or 15 head that Hill kept out of drove. Neither did Hill pay Derrick any of expense money for taking cattle to market. Asked that Hill give full accounting to court.

Robt. H. Hynds, Sel.

Joseph Hill's Answer, filed 5 April 1851

Admitted partnership formed with Derrick and \$600 obtained from Bank, but no agreement about driving cattle to "a distant market." Contract was oral. Derrick was to furnish more money during season but no cattle to be bought on credit and when cattle sold proceeds to be "applied first to reimburse the money advanced. Secondly to pay all necessary costs and expenses & lastly the balance being the profits of the concern were to be equally divided between compt. & resp't." Got \$581.60 from Bank at Rogersville and charged Derrick \$5.00 for expense in getting it. Gave Derrick \$400.00 and kept \$181.60 and this was all the money Derrick furnished. Bought cattle from T.W. Davis, Wm Henderson, J. Swann, Geo. Taff, Geo Vance, W. McAndrew, Geo Fox. Total disbursements on 26 cattle was \$183.99 counting \$28.49 expenses. Derrick got \$400 of money but did not think he bought cattle with this money. Said Derrick furnished partnership with 58 cattle at cost of \$326.97 making whole number bought by partnership 84 head at cost of \$482.47. May have purchased others but not in partnership. 84 head placed in mountains. Derrick refused to furnish any more money. Hill then told Derrick he would furnish own money and buy cattle independently and sell them himself. Bought more with own money from Jac. Tyson, Jesse Linsesay, Geo. Shultz, Wm Huskey, Wm Ogle, Wm Whaley, Stephen Husky, Aaron Roberts, Daniel Emert, N.W. Emert, Frederick Emmitt, John McMahan, Wm. McMahan, Geo. McMahan, Benajah Proffit,

F.G. Emert, Wilson McMahan, George Carter, N.W. Emert. Disagreed with Derrick about price of 2 cattle belonging to James Baker. Hill bought these with own money. Love & Collins "came to the country to purchase cattle." Hill agreed to sell them 100 head, two of these belonged to partnership. Sold Love & Collins 106 head for \$1194 and made profit of \$317.50 of which \$8.00 made on two steers that belonged to partnership. Would not deliver partnership cattle to Derrick because received information that latter intended to sell all partnership cattle and deprive him of profit. Held back only six cattle. Hill denied that he neglected cattle in range. Offered to go with drove to market but Derrick stated if he went would be at own expense. Understood that Derrick took 400 head to market and realized \$800 profit. Asked that Derrick show proof of cattle he purchased on partnership account. Duggan & Maynard sols.

Depositions: David McMahan, aged 53 or 55, 15 Aug. 1855, before Richard Lanning at office Sevierville; Lanning was C. & M. Said he knew Derrick & Hill in partnership and herded cattle "in the mountains above me." Both parties told him of partnership and proposed to buy cattle from him. But sold his cattle to Hill and understood that latter intended "to drive them or sell them."

August Rules, 1855: Office of Clerk and Master, Complainant Asa Derrick dismissed his cause "upon the Respondant Joseph A. Hill paying the costs of this cause, which he has done."

Attest

A. Derrick

R. Lanning C & M