

Injunction Bill Wm M. Bryan Admrs vs The Creditors and heirs of S.C. Gist,
filed 11th Dec. 1848 By M.A. Rawlings C & M. Sevier County

To the Honorable Thos L Williams Chancellor witting in Chancery for the District
composed of Sevier County.

Humbly complaining sheweth unto your Honor your orator William M. Bryan a citizen of the County of Sevier that about the ___ day of _____ 1847 Spencer C. Gist a citizen of Sevier County departed this life (at or near the City of Vera Cruz Mexico) intestate, and at the February Term of the County Court of Sevier County 1848 your orator was duly & legally appointed the administrator of the estate of Spencer C. Gist & having given bond & security according to law took upon himself the burthans & duties of such administrator and as he was in duty bound to do- he made out & returned to said County Court an Inventory of said estate. Your orator advertized for all creditors to present their claims against said estate, and being apprehensive that the assets belonging to said estate would not be sufficient to meet the legal demands against it, as yet none of said claims have been paid off by him as he believes said estate is insolvent. Your orator will here state to your Honor as well as he can the available assets to meet the debts due from said estate the sale of the peronal property amounted to \$____. Your orator will here file a copy of the inventory made out & returned by him marked Exhibit A & made a part of this Bill of Complaint. Your orator further shows that said intestate died siezed and possessed of several tracts of land adjoining each other lying in Sevier County & within from one to two miles of Sevierville in all containing about 924 1/2 acres, also a house & lot in Sevierville which was sold to George Massengill for \$600- \$400 of which consideration money is yet due together with some interest thereon said Massengill lately departed this life probably insolvent. Your complainants intestate gave to said Massengill a title bond obliging himself to make title to said house & lot on the payment of the whole purchase money the last note or obligation will be due the 15 April 1850. Your orator knows of no means of getting any part of the consideration money yet due for the sale of said house & lot until after the 15th April 1850 the time the last payment is due, as it was stipulated between Gist & Massingill that if said Massengill failed to pay any of his obligations for said lot as they became due, that in that event, the money allready paid by Massengill was to be applied for rent at \$40 per annum, and as your orator understands it, no steps can be taken as against the house & lot until after the 15th April 1850 at which time there will be something realized from that source. Your orator states that said intestate left the following heirs & distributees all of whom reside in Sevier County, towit, Angelin F Gist his wife & two children Paul Gist & Marusa Gist both of which children are miners & have no e regular guardians and your orator will further state that the lands his intestate died seized & possessed of have the following incumberances upon them, towit The widdow Andes has a dower interest in said lans, the extent of which your orator does not know. Alos Mrs. Hannah Porter widdow & relict of George Porter has a dower interest in said lands, both of which said dower interests were regularly laid off to them respectively and the said Aneline F Gist is intitled to her dower out of the whole, subject however, to a deed of Trust executed by said Spencer C Gist to Samuel R. Rodgers for the benefit of William Swann for the sum of \$800.00 due on the 11th day of July 1846 which deed of Trust is duly proved and Registered in the Registers office for Sevier County and the same as your orator is advised has priority over all other claims so for as said land is concerned. Your orator further shews that the deceased left the following slaves to wit Pad or Partick _ his wife Charlotte & their two children Ellen aged about 4 years & Samuel aged about 2 years & Martha Jane aged 6 or 8 months old also a girl named Hannah aged about 14 years. Your orator states that about the 12th day of July 1846 as he is inormed his intestate borrowed from a certain G.W. Barkly of Pensacola Florida \$300 and

executed to said Brkly his note or obligation for said sum with William H. Kennon a purser in the Navy, and if he has any residence, it is in the District of Columbia, as his security and at the same time said Gist executed to said Kennon his certain mortgage on said Patrick & his wife Charlotte in order to secure him the said Kennon for his liability as such security, and your orator is informed that his intestate left unpaid on said claim the amt of \$501.12 which said amount was paid to sd G W. Barkly by said W.H. Kennon who now holds the obligation & mortgage for that amt. Your orator states that he is informed that said Charlotte is now aged about 28 years and that said Charlotte by the last will & Testament of David Owens her former owner is entitled to her freedom at the age of 45 years and your orator is informed that her children Ellen Samuel & Martha Jane who have been born since said will was made may also be entitled to their freedom when their mother arrives at the age of 45- which circumstance very much deteriorates their value and your orator believe that the incumbrances upon the lands with the priority to Swan greatly lessens the value of the landed estate which together with the personally if unincumbered he believes would pay & satisfy all the liabilities of said estate your orator further states that so far as he is at present advised the said estate is owing as follows to wit to Wm Swan Knoxville the sum of \$800.-- To Wm H. Kennon the sum of \$501- with interest thereon, to B.M. Chandler of Sevier County the sum of \$643.21 with interest thereon, he being the holder of a note or obligation given by the deceased to Alfred M. & Elizabeth Springer, also to Hugh Henry of Jefferson County the sum of about \$538.55 also H.B. Hamidan of Norfolk Virginia of \$100 with interest thereon also to Favant & Loudon Norfolk Virginia \$50- Also to Jas C Mans & co \$_____ Also to A Hitchcock of Massachusetts about \$30 or upwards the most of the above named claims are evidenced by obligations there are some other small claims against said estate which will be exhibited on the taking of the account in this case Your orator charges that said estate is worth over five hundred dollars and he states that he has duly suggested the insolvency of said estate to the clerk of the County Court pursuant to the acts of the general assembly in such cases made and provided. Creditors were enjoined from filing suits.