

James A. Miller citizen Houston County, Ga. About the 15th day of Dec. 1851 Asa Derrick of Sevier County, Tenn. had before entered partnership with one John S. McNutt of sd. Sevier County "in purchasing & driving hogs to the south." Said firm McNutt & Derrick had purchased and was "driving 540 head of fattened hogs." Miller bought out McNutt's interest in sd. drove with Derrick's consent, and Miller paid McNutt \$2869.80 and at same time Miller bought 80 head from Maj. Mess and paid him \$990. Was then agreed that Millershould take the 80 hogs & 68 hogs out of drove and that these 148 hogs should be put into bacon and Miller account for bacon at market price. Weight of hogs in pork was 29 211 lbs. Price of bacon was 12 $\frac{1}{2}$ ¢ per pound, and Miller had accounted for this amount. Derrick without means so Miller "furnished means of transportation and agreed to furnish money to further buy bacon." Large amounts afterwards bought and disposed of mostly by Derrick. Miller furnished and paid out sum of \$13099.26. Miller and Derrick made settlement and was found that Derrick owed Miller sum of \$1634.70, and Derrick took articles of settlement and has refused to surrender. Settlement took place March 1853 and made mostly upon Derrick's own statement. Miller discovered later mistake to the amount of 10,000 lbs bacon at 12 $\frac{1}{2}$ ¢ per pound and Derrick has not accounted for this amount. Derrick was active partner and handled 98,190 lbs bacon, but in settlement only accounted for 87,577 lbs leaving unaccounted for 10,613 lbs. Miller also claimed Derrick used \$3400 for own benefit, and should pay interest for this amount. Rogers & Boyd sol. James A. Miller

Derrick's answer:

Admitted partnership with McNutt and "that on their way to market and while delayed at Athens they fell in with Compt." Also admitted that Miller bought interest of McNutt with his consent and bought alos 80 head from Jaj. Mass and paid \$990 for them. Denies that he agreed that the 80 hogs and 68 of drove be put into bacon, but admits that Miller did take 148 hogs "by the first train of cars to sell & dispose of as a partner as he might see proper." Derrick took rest of drove to a different market. Miller in settlement accounted for the 148 hogs as so much gross pork and not as bacon, but hogs amounted to much more as bacon. Admits that other large amounts bacon purchased by firm and that Miller having credit and living in that country(Georgia) paid for it, but does not remember a exact amount. Settlement made about 4th March 1853 and a balance of debts in the hands of Derrick to amount of \$1634.70 and that he Derrick undertook collection of said debts. Denied that he owed firm, but simply had debts of firm in his hands and tried to collect but has only collected 7 dollars. Miller to share any losses. Thinkks debts are doubtful if not desperate. Denied that he failed to account for 10,000 lbs bacon in settlement and considers settlement final. Thinks Miller heard of transaction of Derrick in which he had no interest. Said before he left home he bought lot of hogs in which McNutt had no interesta and they were slaughtered at home, and they made about 10,000 lbs bacon but McNutt had no interest in this bacon. Said he devoted nine months to said firm and Miller only a few weeks and that he will claim pay for services but willing to settle if he can get credit for bad debts. Filed article of settlement which said Derrick to collect and pay over and each party to share in losses. Bacon was sold in Macon, Dalton, Augusta etc.

Letter, Fort Valley, Ga., Dec. 26, 1854; J.A. Miller to Col. S.R. Rogers:

Said he had received letter from Rogers with Derrick's answer, requesting names persons for testimony to "prove correctness of our position and to disprove the multifarious false statements of respondent in his answer." McNutt will prove weight and condition of drove Hogs that went into hands of Derrick and payment of purchase money by me. " He also knows that Mr. Derrick took three car loads of the hogs embracing the hogs that we got from Moss with others from the drove." Precise number not known except by Derrick. Took these to Macon and after selling to divers persons left some hogs in care of one William Bone of Macon to sell for him; Bone sold these and paid Derrick and balance delivered to me. He slaughtered and accounted for every pound. Bone can testify to this. Was agreed that Miller sell these at 8 ¢ but could not so "baconed up the whole lot" at own expence. Derrick would not agree to 8¢ pork price and he paid the market price of 12 $\frac{1}{2}$ ¢ in settlement. "All the statements of the Respt in connection with the settlement of the 4th of March 1853 are so feloniously and utterly false that no intelligent court or Jury could be misled or possibly imposed upon by them." "In the conclusion of that settlement he remarked to me that while at Dalton engaged in slaughtering and baconing up his hogs that he ~~distinctly stated~~ had created a few doubtful debts as he distinctly stated amounting from forty to sixty dollars not possibly exceeding the latter amount." Asked me to allow him reight exercising own judgement in collecting said debts and asked me consent to share losses. I consented to this and appended it to articles. Derrick under oath would be compelled to admit truth of this. Said was his opinion then and now that Derrick had "realized all the most important resources and used them for his own purposes." Thinks he can prove this by McNutt "who I suppose yet lives in Sevier county."

Letter, Dalton, Ga., June 26th '52; Derrick to Miller:

"the lot of Bacon i bought of Smith & Blackburn a Rive at Chattanooga on Saturday last i went up on Munday last to Receive it and the Bacon was not the kind of Bacon the article coiled for it was to be heavy and all the sides free f of bone & free from salt a side of the ..... to the Reverse it was salted down in Boat and a portion with the Rib in ~~axid~~ side and some few on the Shoalder. I proposed to him this if he would knock off 500 lbs for salt put on i would still take the Bacon he had he had tride to work this kind of a (sic) on me he had a over perpeition of sides to put all of the small sides in first and the heavy sides keep back he had i sopeded he had a bout 25,000 pounds of his on meet t that was heavy and good but the other he had picked up here and thare with the the Ribs in the sides we connenced waing & had gt purty well threw be four i lerned he in tended to hold back the odd sides i told him i would not have anny then to do with it atale So we stoped thare i yet perposed if he would let those others sides ge in and nock of the 500 bs for salt i would still take it So we agreed to leave to these men well the men were selected and started in to the boat to deside the matter me and Smith stayed back with some other men i says to Smith now Smith the understanding is the Balance of the odd sides go in i could not git him to a gree to it so i couled to the men to stop i would have nothing more to do with it So i left the Boat and went to the tavering." Derrick said men came to him next morning to settle the matter, but he would have nothing more to do with the deal. Derrick said he was leaving for home but would be back in ten for fifteen days.

Derrick to Miller, July 17, 1852, from near Athens: Said had just returned

from home "to do something with the meet at h this place and not being pested up on the Market be low you will drop me all the information to dalten about the markets at the Different point that i may no what to do for the best i find the market dull that is from what little i can hear from Rumors the skipers is in the Joints of our meet vary Bad on to morrow mourning i expect to commence Driping it and will sun it and Bore it up for shipment ..... our crops fine or ware when i left home though it was giting dry."

Miller to Col. Rogers (lawyer), May 9 1855, from Fort Valley, Ga. : Hopes he can be present when settlement made with Derrick. McNutt can prove number and weight of hogs and deal with Moss about 80 head. Since Chancellor had decided to use settlement he made with Derrick as basis of final settlement; to best of his recollection whole amount paid out by him given in this settlement. Miller asked him to let him know what proof needed to prove their case.

Miller to Col. Rogers, July 4, 1855, Fort Valley, Ga.: Said he had just got notice as to time of settlement against Derrick, but previous information from Rogers gave date trial for wednesday after 3rd monday of present month or July 18, and he was planning to attend at that time. Now new notice confused him as to what to do and wants Rogers to notify him as soon as possible.

Derrick to Miller, Dalton Ga., June 6, 1852: Glad to hear Miller in good health and that crops were good. ~~2x~~ "our baby has had the measles since you left but is now in good health." i have Received the 8 Boxes of bacon we had in the Depe at Athens i sent one to Cornersville for Mr. Johnston... " i will send you a lot of bacon to morrow or next day i saw Mr. Calloway and he was not willing let us put on our Bacon at Mr. Sulens but a greed that we might put it on and take it to Cleveland on the open cars and ... i concluded to so so i will go up this eeks and attend to it i went to chattanooga this week past to see if i could hear from our Bacon i met with a small lot of Bacon & fieur that i bought when at home i saw the clerk of the Steamer Jefferson and he told me that he had brought down the lot of Bacon i bought at dandridge and it ware sold at Chattanooga by a partner of Mr. Fains that lot of bacon & lard 19,000 and upwards when i Returned from Chattanooga i Rec a letter from Fain saying when the bacon Reached Knoxville and me not thare his partner taken charge of it & taken it on to Chattanooga and sold it i was thare and the bacon had not a Rived i a Ranged with Hallis of Knoxville to take charge of it and consign it to brook & Co Chattanooga we will hold them a countable for the bacon and lard you will pleas for acheck for two thousand and twenty nine dollars.... the condition of the trade i made with Fain & co that we may com- ply in our part send it shortly the time will be out 21 of this month that was the time i was to pay over the check have the check prcise the amount i above stated so the cant have no plea to git out of this Bacon is selling at Chattan- eega by small lots 12 to 12 $\frac{1}{2}$ ¢."

Derrick to Miller, Dalton, Ga., Aug 3 1852. Had received letter from Miller July 30 asking for lot of Bacon "you had liked to bin to late i was Just on the Brink of starting to the Gold mines i had sent you a line a day or so a go saying to you to meet me at this place on the 15inst to settle up our Bizness." Said had consigned to J V. Price 9000 pounds Bacon all sides with exception 4 boxes 3 of hams 1 of shoulders it will leave today or tomorrow you will juge the time of its a Rival i have consigned three boxes of Bacon ~~km~~ 8 miles down the road to tilten to Mr Carpenter who has Bin Selling for us the balance if have sent to the gold mines and i will leave today for the mines.

Derrick to Miller, Ringold, May 6, 1852:

"i was up at Athens from thursday un til monday and Road out in the Cuntry to try to by Bacon i could not find but vary little to sel i bought a lot at Athens 3,000 and a little upwards at 10 $\frac{1}{2}$  cts delivered in the Depot at Athens i Returned to Dalton on monday mourning and on the Evening train i went to Chattanooga and Boutht a considerable a mount of Bacon i am to fast i saw a lot of Bacon near Athens in two miles of Athens on the R.R. the best lot in all the country Round be leang to major temple he stays at Chattanooga the Bacon is large and dry and is yet hanging i am to Receive it ... at 11 cts Likewise i bought one other lot of (sic) by the name of Wm Smith & Backburn from 25 to 50,000 at 11 cts to be Delivered at Chattanooga in this menth or next the Bacon is yet in Grainger County, Tenn." Saw some of same bacon at Chattanooga and was fine bacon. "i taken oblegation for the Bacon we must now look out for the money to meet it i gave our obligations signing our names i Returned Back to Dalton on tuesday morning i fell in with W.F. Harris of Macon & made a Raingments withe him to sell a portion of our Bacon and he agreed to advance  $\frac{3}{4}$  on the Bacon now i did not understand him fully Either he would advande be four he Received Bacon or after if not til after we must see out four the money Eles whare i spoke to the Bank at Athens they promest me the money if the had it on hand i have bought a small lot at this place at 10 $\frac{1}{4}$  & one dollar to a Jentleman to By it and Bond for me that a mount is 12.58 pound and I have implow the same man to go to look at 1 lot of 3000 to day i will start home in a few days and i will prebly use 2 000 of our money to my use yours with Respect

A Derrick

I am sending a small lot of my on Bacon that i made at home i thought i would git hit out of the way be four we commenced on own to pardnership i consign it W.F. Harris & Co to gave them a tryel you see harris and co and see if they will be willing to furnish the money to meet the payments for the Bacon that is  $\frac{3}{4}$  on it Rite to me fourth with i will be absent prebly 10 days when i go home. Bacon is going up fast all will be Bought up in a few days A.D.

Derrick to Miller, Dalton, Ga., Aug. 1, 1852:

"yours of the 10 July is at hand you say you have Rec a few lines from a friend near athens which stated our Bacon ware damaging it ware true the hams neded at attention but the sides & Sholders was in Good order I washed the hams well and Sund them and put them in Good order and Shiped them to this place and have a Rainged for Several waggens to hall it to the Gold Regions I have Started two waggens on yesterday & will load them more to morrow i have learned thare is Bacon wanted thare I Riten to you some two wiis mx a go and has had no answer was wanting to no the State of the market like wise i left 3000 dollars with Mr. Holt to send you when i left for home i have not heard from it pleas let me hear from you if it has come to hand I heard from Mr Whitaker in Regard to to the Sutler Debt he had done nothing in it as yet. But says that Mr Butler promised he would gave a order to him on Mr Baldwin of Atlanta for 200 dollars and he Butler would pay the Balance in money i Rote Mr Whitaker to see that Mr Baldwin is perfectly goed if so to take the order if he would promise to pay the order soon yours of the 10 June stated you thought you would be up I will start to make sale of the Bacon to merrow and will be Abstant for 10 or 12 days Rite me to Deloniga lumpkin county Georgia you will meete me at dalton on the 15 instant with our hole matters for settlement you will caul at Barnsville and see M.D. Jenston I sold him 524 pounds of hams at 13 cts he sent me

6100 leaving a balance of \$7.12 he may not live a mediantly at that place likewise I sent 2 Boxes to Daniel Hightower Barnesville on consignment nett wight 12.25 pound i have Rec nothing from look to the Butler case Atlanta as you come up I am in vary good health yours truly A. Derrick."

Derrick to Miller, Sevier County, Nov. 10, 1852:

"yours of 25 Oct came to hand to day informing me of your Sickness in your family which i ware sorrre to hear but hoese are unavoidable and we have to put up with them my family has all bin sick Except my Self & wife but have had no Beth a mong our Sickness and the measles are all a Round us but has not got in to my family as yet but Expecting it Every day I Received a former letter from you a few days ago and I had Delayed Ritten to you until to day Requesting me to meet you but oing to the Slackness of the sale of our Bacon i new it was not advisable to go until i lernt that our Bacon was sold . J.S. McNutt taken of a lot of horses to the South and i Sent those men Receipts with that if the Bacon was sold to bring the money on his Return but McNutt Returned home Sick his horses with his partner and left the Receipts with Mr Inman for him to call on the men that is seting our meet the nite that the note that McNutt hold on you he cauled on me for the note a day or two befour he left with his horses I den my (sic) to prevail with him let me hold the note but the note he would have in spite of all i could say or do so i had to let him have the note i told him I had promist you that i would a Buing that note all would do no good I never say anny man be four but what i could do somthing with i never was so Mortified a bout anny thing as i was a bout that I Got in Bad temper with him he then promist me after our temper Got down that if he could not make it Satisfactory to you you Should not pay it Just as soon as soon as i can pesible com i will meet you in consequence of Sickness i am be hind with all my (sic)... I Rec a letter from Mr Lewis at Deloniga says he had Sold the Sides & Sholders but had on hands the greater part of hams I have not heard lately from the Bacon at Lethers ford But had a letter six weeks ago the ware selling Slow had Sold of the greater part of sides Sickness is Ragen all over the Country I have not bin Reconciled a bout that note Ever siance McNutt got it."

Derrick to Miller, Sevier County Fair Garden, Dec. 1, 1852:

"yours of the 15 Nov is at hand and wishing me to meet you for a final Settlement I will meete you as soon as i can a Raing our matters to do so. McNutt and Mr. Inman taken a lot of horses and mules to the South I sent with them for the money to those men in the South but the did not git the money the Bacon was nearley all sold but the money was not collected & the had to sell on time a portion of it and one of the men ware from home McNutt has gone to the South with hogs and he will close our matters a bout our Bacon and bring the money on his Return and as soon as he Returnrs i will come forth with to see you

My famley has Bin Sick all fall & is now (sic)... and has confined me at home you Rote me in yours that McNutt had cauled on you for the money for the note he holds on you and you had gave him a order to me i saw McNutt before he left he told me he had not seen you he said not a word about a order from you i am glad you did not pay it for thare is a settlement betwen me and him if he Should caul on you for the money dont pay it when he cauled on me for your note I tride to pervail with him to leave the note and I would settle it that i had promised you to do so but all would do no good had i thought i letter would a

Reached you be four he would a got to a Seed you i would have Rittern

My one health is good you may Rely i will be on as soon as possible i Ritten you some time a Go & will Rite when I will be thare Just as soon as McNutt Returns i leave for your country you Rete that I ..."

Derrick to Miller, Dalton, Ga., May 14, 1852:

" Yours of the 10 April askin me for the amount of money that we shall need to meet the payment of the Bacon i have percesed from 6 to 7000 dollars i stated to you in my other letter that i had made a Raingement with W.F. Harris for to ship one half of our Bacon to him and he a gree to advance three fourths on it but did not say Either he would let us have the money be four he Received it or not til after the Bacon ware Received you will learn of him what he will do us have to Receive one lot on the 25 instant near athens i must be attened to the the day Bacon is beginning to go up at 12 $\frac{1}{2}$  cts at this place bacon is selling a buve at 11 and 11 $\frac{1}{2}$  & 11 $\frac{3}{4}$  i was down to see L.R. Butler this week & settled with him he is due us 352 00 he paid me nothing i put it in to the hands of a attorney Mr Whitaker of Atlanta i omited to state fuly a bout our Bacon the first to be Receive as above the otherlot the obligation (sic) in this month or next Mr Smith (sic) the other lot is to Briney i down the River from a bove the obligations is for from 25 to 50,000 pounds but lot less then 25,000 he is to Rite to me when he thinks he will be at Chattanooga with the bacon i will start home to Morrow or next monday i will be back in a few days pleas look out to have the money Ready in dew time to our in Gagements for we can make some money on our Bacon will stop at Athens and see what the chance will be git money from the Bank if the have money in Bank i can git it."

Agreement, March 4, 1853(Miller's handwriting):

"We each of us regard the above as a correct Settlement but each bind ourselves to make any corrections necessary for any error that may be found to exist in the foregoing calculations and equally to share losses if any are sustained in the collection of the debts in hand of A Derrick which the said Derrick obligates himself to use all diligence to collect the full amount in his at the earliest day possible and to turn over to the said his proportional share the said Derrick to use his own decration when it may seem unnecessary to sue when he thinks the money cannot be made." J.A. Miller A. Derrick.

Clerk & Masters Office in Sevierville- August Rules 1855

"The arties in this cause appeared volanharily at my office in Sevierville, the 20th August 1855 and compromised their said suit by the said Compt. dismissing said suit upon the Respondent Asa Derrick assuming to pay the cests of this cause-

Given under my hand at Office in Sevierville the 20th day of August 1855-  
All of which is submitted & c R. Lanning C & M.