

The separate answer of Samuel Pate to the bill filed against him and others by Nancy Trotter in the Chancery Court at Sevierville.

This Respondant saving & reserving and for answer thereto or to so much thereof as he is advised is material for him to answer answering says that it may be true & he supposes is true that about the time mentioned in the bill, that Wm. Trotter in his life time made the arrangement spoken of with Samuel Newman, who was his son in law having married his daughter and that in pursuance of said arrangement did convey to said Newman the tract of land in complainants Exhibit mentioned and Respondant admits it to be true that about the time named in the bill to wit the 11th of June 1841 the said William Trotter made & published his last will & testament & he supposes the copy exhibited to complainant Bill is a true copy, and it may be true that said William Trotter died about the time mentioned in complainants bill to wit 16 of August 1841. Respondant admits it to be true that on the 24th day of December 1841 his co respondant Newman did sell to him the tract of land conveyed to him (Newman) by said William Trotter, for the consideration of four hundred dollars by this Respondant paid to the said Newman as the same is stated in the deed of conveyance of that date executed by the said Newman to this Respondant which is herewith filed for the inspection of the Honorable Court. Respondant does not deny but he admits that he at the time he purchased the land knew that the land was conveyed to Newman by Trotter for the purposes mentioned in the conveyance from sd. Trotter to Newman. But your Respondeant most positively denies the charge in complainants bill when it is charged that sd. William Trotter's death was hastened by the mal treatment of this Respondant. Respondant will here state that so far from the charge in the complainants bill as being true, which charges that he & Newman fell upon sd. Wm. Trotter & beat & broke his bones, the truth is, in regard to that affair, that Respondeant about the time mentioned in the bill, to wit, in March or April 1841, at the request of his Trotters relatives before that time, Respondant went to sd. Trotters house, to give him a better to him of some one of his sd. relations and almost as soon as Respondant stepped in he was insulted by sd. Trotter with not having given him any provocation whatever, and only because as Respondant afterwards understood, he Trotter was in an ill humor with some of his family (which was a common thing) with him all his life in so much so, that Respondant knows of his own knowledge that he sd. Trotter more than once or twist did whip his own wife the complainant and that he very much abused & maltreated his family for many years prior to his death, & Respondant has often interfered to make peace between Compt. & her husband Wm. in his life time, who during the life of the sd. William frequently lived apart from the complainant or at all events they frequently refused to bed with each other. Respondant was then & there stricken by sd. Wm. Trotter after having threatened to cane him & Respondant admits that in the heat of passion he did strike sd. Trotter one blow with his fist & only one and that was scarcely over until he was sorry for having stricken the old man, notwithstanding Trotter first struck him & had threatened to cane him as he Respondant knows him to have done to others, & then brag about it one more occasions than once, and so far from admitting that he broke any of sd. Trotters bones, he Respondant will here state that in about two weeks afterwards sd. Wm. Trotter sent for him, and on his arriving at Trotters house, the old man made a suitable apology for what he had done and said to Respondeant in regard to the difficulty above referred to, alledging that he had done

wrong & was sorry for it. Respondant expressly denies that the unfortunate afair above stated is the only one that ever occurred between him & Trotter although they had lived near nabours for many years before his death a portion of the time, nor more than one mile off- Respt states that from the time above named that he & Trotter were perfectly friendly until Trotters death and Respondant was one of the witnesses to his will & on the Executor who was appointed in said Will refusing to serve, this Respt with the consent & wish of the relatives of sd. Trotter was appointed the administrator with the, & he has never heard any complaint of his management of sd. estate. Respondant is sorry for the complainant when he reflects that she is an old and infeabled woman, and not properly in her mind as it is believed by those best acquainted with her, that she should be used in filing this bill to gratify the ill feelings of others who must have prompted her to make the false statements in the Bill & especially in that part which charges that this Respondants maltreatment had to some extent caused her husbands death all of which, if she recollected any thing about it, she must remember that she afterwards told this Respondant that she did not blame him for what he had done. Respondant states that he believes it to be true, that old man Trotter in his last illness did have some worms about him, but he does not believe it was the case in consequence of the carelessness or negligence of Newman, or perhaps that of any one; but on the contrary Respt states that Newman seemed to be as attentive to the old man as any one could have been he went day & night between his own family & his father in laws, at the same time his own family was in very bad health. Respondant states that Compt. give her consent to this Respt. to become the purchaser from Newman alledging that if- her own son could not buy she would be glad that Respt would.

Respondant denies that he has been threatening to put complainant out or to place a tennant in her way no such idea ever occurred to him. Respt always has been & still is willing that Complainant should have the full benefits of all that was secured to her by her husband in his life time. Respondant hopes he will not be held responsible for the misfortunes of tohers for if complainant & her relatives will now refund to Respondant the consideration maney paid by him with the interest accruing, he will willingly ~~reconvey~~ reconvey the land purchased by him from Newman, with great pleasure, as it never was his intention to cheat or defraud anyone in the premises, notwithstanding he is taunted by the complainant... as a pretended minister of the Gospel, and charged with combining & confederating himself together with Newman & others to cheat & defraud complainant out of her dower which Respt alledges is false & without foundation, nor did he purchase said land subject to complainants dower, no such agreement was ever mentioned ^{either} ~~within~~ by Newman or complainant who did not then talk of trying to get dower her husband having been dead several months before Respt purchased the land Respondant does not admit that Newman was worthless & unable to support complainant at the time he purchased the land of him but on the contrary he believes that at that time Newman was perfectly able to comply with his agreement. Respondant states that on the 8th day of October 1841 said Newman intered into a joint obligation with a certain Thos. Langston to support complainant until the 1st day of January 1843 which said obligation is herewith filed mark Exhibit B & prayed to be taken as a part of this answer, and which agreement the complainant expressed herself perfectly satisfied at the time if complainant had thought proper she might have dissented from the will of her husband if she had have though fit to do so, & then she could have been provided for out of the land & other property but Respt thinks

he would be badly treated, having paid his money for the land, and that too by & with the consent of the complainant, with a full knowledge of all the facts, that after her children & others succeeds in getting the estate into their hands, that his land should be parcelled out to support the old woman, because others are unfortunate & unable to comply with their contracts. Respondent has enough to do to find his own family without giving up his earnings to support others.

Rodgers sol

Ack., Wilson Duggan, D.&M., Sevier Co., 7 April 1843.

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Samuel X Pate
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