

The separate answer of Jeremiah Small Executor of Jeremiah Small dec'd, to a Bill filed agt him in the circuit Superior court of Law and Chancery for the county of Orange by said Small administrator of Madison Small dec'd.

This respondent after making the usual reservation to the complainant's Bill for answer thereto or to so much as he deems it material to answer says. That he caused a suit to be brought upon the bond in the Bill mentioned because he deemed it his duty to do so. ^{the said Madison Small gave the bond for her share of the sale} ~~the said Madison Small~~ He did not know what would be coming to Madison Small's estate as a legacy, nor could he know that the parties would dispute the debt or not, or whether he would or not undertake to sell his legacy. This respondent brought the suit in good faith, believing it was his duty to do so and he now contends that it was right for him to do so. This respondent admits that by a decree of the Madison circuit court the representatives of Madison Small was entitled to receive from the estate of his father the respondents two total the sum of \$510.88. which with suit it bears amounted to \$555.35 cents when a settlement took place between this respondent and the late John Norton who was the agent for the plaintiff. This respondent took in the bond as a part payment of the legacy to M. Small as his receipt on an office copy of said bond will show which is filed in the papers of this suit by the said plaintiff and by this settlement it was agreed by said Norton for the plaintiff that he (the plaintiff) was to pay the costs of the suit but now that Norton is dead he refuses to do so, which this respondent is persuaded would not have been the case if he had lived. This respondent contends that in strict Justice he should have had compensation on M. Small bond, but he waives all demand