

The MIDDLE TENNESSEE Journal of Genealogy & History



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Volume XX, Number 1
Summer 2006

Middle Tennessee Counties

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Putnam
Robertson
Rutherford
Smith
Stewart
Sumner
Trousdale
VanBuren
Warren
Wayne
White
Williamson
Wilson

MARK YOUR CALENDAR

All meetings
(unless otherwise noted)

2:00 P.M. at the
Edmondson Pike Branch Library
5501 Edmondson Pike
just north of Old Hickory Blvd.
at Nippers Corner

*Check our website for last-minute
change: www.mtgs.org*

July 16, 2006

**On Solid Ground:
Finding Ancestors in Tennessee
Land Records**
Chuck Sherrill

1:00 at Metro Archives, Green Hills

Chart a course through the complex records of Tennessee land grants, using examples of original grants, entries, surveys and warrants to see the variety of genealogical information they contain.

16 Sept. 2006

**Print-on-Demand
Publishing Your Genealogical Work**
Hugh Daniel

2:00 at Edmondson Pike Library

The Acquisitions Editor for Westview Publishing, guides this exploration of printing limited-distribution books, with tips on how to plan a publication book project and how a publisher takes a manuscript and prepares it for printing.

18 Nov. 2006

MTGS Fall Seminar
featuring Dr. John Colletta
at the Brentwood Library

The theme of this year's conference will be 'Discovering the Real Stories of Your Immigrant Ancestors.' Join us for a fascinating day with one of the nation's preeminent genealogical speakers.

MTGS meets on the third Saturday of January, March, May, July, September and November, unless otherwise announced.

Middle Tennessee

Journal of Genealogy & History

Volume XX, Number 1, Summer 2006

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**Middle Tennessee
Genealogical Society, Inc.**

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**Middle Tennessee Journal
of Genealogy & History**

Editor

Charles A. Sherrill

Contributors in this issue

Sarah Armistead Gale Williams Bamman

Kitty Durham Mayo Shirley Wilson

Roger Futrell Carolyn Smotherman

Patricia Gilliam Daley

From the Editor . . .

Dear Readers,

I had the opportunity to attend the Institute of Genealogy and Local History Research at Samford University last month. It was exciting to see 150 students spending a week at the college campus to study with the best teachers the genealogy world has to offer. So many ideas for research projects and publications were flying through the air that it was a heady atmosphere, indeed. I hope some of our members will attend the Institute and come home full of new ideas for Journal articles.

The realization that genealogical research is more than just compiling a list of names is one that comes slowly to some beginners, but everyone who pursues their family history research beyond that point finds the historical part of the study very rewarding.

In this issue you will find a mixture of those lists of names (always valuable even for the experienced hand!) and articles of historical scholarship. Patricia Gilliam Daley's third installment on the pre-statehood laws of the Tennessee territory will challenge you to dig into these statutes in order to understand frontier life and law. Roger Futrell's account of his two Confederate physician ancestors, both named George Gullett, will intrigue you. Sarah Armistead's obituaries from the Nashville Clarion of the 1812 era will fascinate you.

As always, we are eager to receive your articles and contributions. Moreover, if you have comments or ideas about the Journal, please let me know.

Chuck Sherrill
MTGS Journal Editor
casherrill@bellsouth.net

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Yearly memberships include four issues of the *Middle Tennessee Journal of Genealogy & History*. Make check or money order payable to MTGS. Dues are \$25.00 per membership year, beginning of fiscal years on June 1. See back cover for details and application form.

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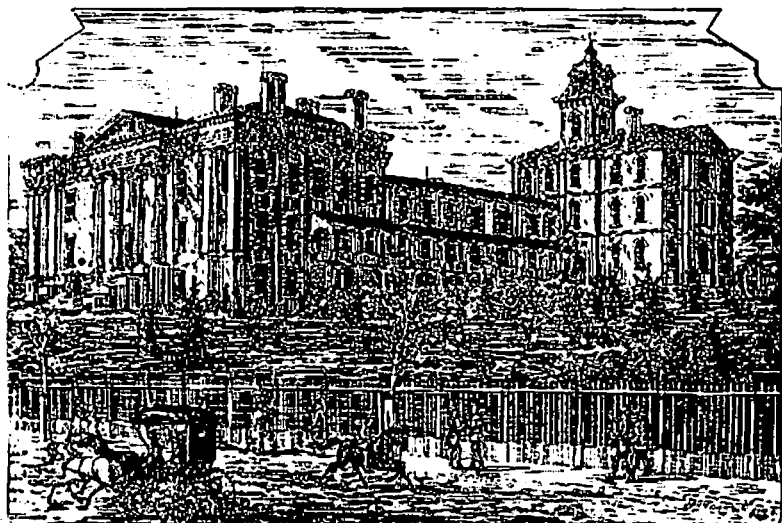
The Defective, Dependent, and Delinquent Schedules of the 1880 Tennessee Census

Clay & Coffee Counties

Abstracted by

Gale Williams Bamman, CGSM

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Deaf and Dumb Asylum, Knoxville, Tenn.

The DDD Schedules, as they are often called, were part of the non-population schedules supplementing the 1880 federal census, and were created to help the government decide on funding appropriations for institutions and health programs. On each of the following schedules of the DDDs, the census-takers were instructed to give an account of the location and condition of persons who met certain descriptions.

The following questions were asked on all seven of the DDD schedules:

name of the afflicted person; county and district where enumerated; county of residence; and location in the population schedule.

The remainder of the questions pertained to each particular class of persons:

Insane Inhabitants: form of disease; duration of current attack; age at first attack; if requires restraint; if ever institutionalized and for how long; if additional features, such as epileptic suicidal, or homicidal. Distinction was to be made between persons with deterioration of mental powers, such as dementia and those born defective; the latter were to be classified as Idiots.

Idiots: supposed cause; age of occurrence; size of person's head [at that time considered significant]; if self-supporting or partly so; if ever in training school and for how long; and if additional illnesses present (insane, blind, deaf, paralyzed.)

Deaf-Mutes: supposed cause; age of occurrence; if semi- or totally deaf and/or mute; if ever institutionalized; if also insane, idiotic, or blind. Enumerators were instructed to inquire about deaf-mutes and their residences from physicians in the area and also from schoolteachers.

Blind: if self-supporting; age at occurrence; form; supposed cause; if totally or semi-blind; if ever in an institution for the blind; length of time there; date of discharge; if also insane, idiotic, deaf-mute. Those who could see well enough to read were not to be placed on this schedule.

Homeless Children: whether father and/or mother were deceased; whether abandoned or surrendered; whether born in an institution, or year admitted; whether illegitimate; if separated from his/her mother; if ever arrested, and why; if origins were "respectable;" whether removed from criminal surroundings; if blind, deaf-mute or idiotic.

Inhabitants in Prisons: place of imprisonment; whether awaiting trial, serving a term, or serving out a fine; if awaiting execution, or transfer to higher prison, or if held as a witness; if imprisoned for debt, or for insanity; date incarcerated; alleged offense; fine; number of days in jail or workhouse, or years in penitentiary; whether at hard labor, and if so, whether contracted out. Enumerators were also to ask these questions of wardens or keepers of any prison, "station-house, or lock-up in their respective districts."

Paupers and Indigent: if supported wholly or partly at cost of city, county, or state; or at cost of institution; whether able-bodied; whether habitually intemperate; if epileptic; if ever convicted of a crime; if disabled; if born in the institution, or date of admission; whether others of the family were also in that establishment; if also blind, deaf and dumb, insane, idiotic. Paupers living in individual homes who were supported partly or fully at county cost were referred to by the Census Office, as "outdoor paupers," to distinguish them from paupers in institutions.

Note: For a more-detailed discussion of the DDD schedules and this abstracting project, please see Part I, in the Summer 2005 issue of this journal (Volume XIX, no.1), pp. 32-40. The additional data in these abstracts comes from the the population census schedules and does not appear on the DDD Schedules themselves. The interpretation of these records may contain deciphering errors. If, upon viewing the microfilm, any mistakes are noted, please contact the compiler with that information.

Clay County

Clark, Bret: Insane Schedule; enumerated Clay Co., 1st C.D.; not confined, not restrained, never an inmate of an institution.

Also: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse; supported at county cost; insane; admitted July 1878. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.40]

Pop.Sch.: age 23, male, single.

Crofford, Dick: Insane Schedule; enumerated Clay Co.; age at first attack, 25; not confined, not restrained, never an inmate of an institution.

Also: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.41]

Pop.Sch.: age 23[sic], single.

Pennington, E.: Blind Schedule; enumerated Clay Co.; supported by the county; blind from birth, cause unknown; never an inmate of an institution for the blind.

Also: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse; admitted July 1879. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.35]

Pop.Sch.: female, age 84, widowed.

Lankester, Polly: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.37]

Pop. Sch.: Lanksford, Polly, age 78, single, in poorhouse.

Lankford, M. A.: Blind Schedule; enumerated Clay Co.; supported by the county; blind from birth, cause [illegible]; never an inmate of an institution for the blind.

Also: Lankester, M.A.: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse; admitted 1878. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.38]

Pop.Sch.: Lanksford, Mary A., age, age 50, single, blind, in poorhouse.

Lankford, Mary: Blind Schedule; enumerated Clay Co.; supported by the county; blind from birth, cause not known; never an inmate of an institution for the blind.

Also: Lankester, Mary: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse, admitted 1879. [sd.2,e.d.9;see Pop.Sch.p.8,ln.39]

Pop. Sch.: Lanksford, Polly, age 81, single, blind, in poorhouse.

Smith, Eleazor: Blind Schedule; enumerated Clay Co.; residence [words]; supported by "o hire" [own hire?]; blind from birth, cause not known, never an inmate of an institution for the blind. [s.d.2,e.d.9;see Pop.Sch.p.2,ln.27]

Pop.Sch.: age 78, boarder in home of _.[?] _.[?] Nix[?Hix] [This page is very dim].

Lynn, L. E.: Blind Schedule; enumerated Clay Co.; blind from birth; never an inmate of an institution for the blind. [s.d.2,e.d.9;see Pop.Sch.p.4,ln.24]

Pop.Sch.: age 42, wife, in household of William Lynn.

Cherry, Pat: Homeless Children Schedule; enumerated Clay Co.; parents not deceased, child abandoned, parents surrendered control of child to institution; admitted 1879; not illegitimate.

Also: Pauper and Indigent Schedule; enumerated Clay Co. poorhouse.

[s.d.2,e.d.9;see Pop.Sch.p.8,ln.42]

Pop.Sch.: age 8, male, cripple.

Heard, Calvin: Insane Schedule; enumerated Clay Co.; melancholia; duration of present attack, 4 years; 1 attack; age at first attack, 47; not confined, requires attendant. [s.d.2,e.d.14;see Pop.Sch.p.20,ln.9]

Pop.Sch.: age 51, farmer, with wife and children; no tick mark in any of the health columns.

Brewington, Reubin: Idiots Schedule; enumerated Clay Co.; not self-supporting; afflicted at birth; small head; never an inmate of an institution.

Also: Deaf-Mutes Schedule. [s.d.2,e.d.14;see Pop.Sch.p.22,ln.14]

Chowning, Noah: Deaf-Mutes Schedule; enumerated Clay Co.; self-supporting; afflicted at age 4; Scarlet Fever; idiotic. [s.d.2,e.d.14;see Pop.Sch.p.22,ln.14]

Johnson, William C.: Insane Schedule; enumerated Clay Co.; duration of present attack, 30 years; 1 attack; not confined, not restrained, never an inmate of an institution. [s.d.2,e.d.13;see Pop.Sch.p.7,ln.32]

Pop.Sch.: age 58, widow, brother, in household of Emelea Nivens, age 53, and children, and also mother, Emelea Johnson, age 95.

Kirkpatrick, M.E.: Idiots Schedule; enumerated Clay Co.; afflicted at birth; small head. [s.d.2,e.d.12;see Pop.Sch.p.17,ln.6]

Wiloby, G. W.: Prisoners Schedule; enumerated Clay Co.; county jail; serving a term, serving out a fine, carrying a pistol; \$10 fine; 165 days in jail. [s.d.2,e.d.12;see Pop.Sch.p.14,ln.36]

Pop.Sch.: George W. Wiloby, age 30, prisoner, married, born Tenn.

Ferguson, Ed: Prisoners Schedule; enumerated Clay Co.; residence Albany, Ky.; awaiting trial; horse stealing. [s.d.2,e.d.12;see Pop.Sch.p.14,ln.35]

Pop.Sch.: age 28, single, laborer, born Kentucky.

Cherry, Louisey: Idiots Schedule; enumerated Clay Co.; afflicted at 1 8/12 years; natural head; never an inmate of an institution. [s.d.2,e.d.10;see Pop.Sch.p.14,ln.18]

Wilch, William A.: Idiots Schedule; enumerated Clay Co. [s.d.2,e.d.10;see Pop.Sch.p.8,ln.18]

Jenkins, Eliza: Insane Schedule; enumerated Clay Co.; duration of present attack, 1 year; 1 attack; age at first attack, 48; not confined. [s.d.2,e.d.11;see Pop.Sch.p.2,ln.18]

Pop.Sch.: wife, age 49, in household of Stevey[?] Jenkins, 63, along with son, two cousins, and sister-in-law.

Wilkerson, Beckey: Insane Schedule; enumerated Clay Co.; epilepsy; duration of present attack, 16 years; 1 attack; age at first attack, 20; confined at night. [s.d.2,e.d.11;see Pop.Sch.p.3,ln.2]

Pop.Sch.: age 36, sister-in-law, in household of Shelton Craghead, 52.

Cherry, Andy: Idiots Schedule; enumerated Clay Co.; not self-supporting; afflicted at birth; natural head. [s.d.2,e.d.11;see Pop.Sch.p.31,ln.9]

Vinson, S. H.: Blind Schedule; enumerated Clay Co.; not self-supporting; afflicted at age 34; sore eyes; semi-blind. [s.d.2,3.d.11;see Pop.Sch.p.1,ln.21]

Waddle, Rebecca: Idiots Schedule; enumerated Clay Co.; afflicted at birth; congenital; small head; not confined, not restrained. [s.d.2,e.d.9;see Pop.Sch.p.4,ln.5]

Hillman, Sarah: Pauper and Indigent Schedule; enumerated Clay Co. poor house; supported at county cost; old age; admitted July 1879. [s.d.2,e.d.9;see Pop.Sch.p.8,ln.36]

End of Clay County

Coffee County

Guest, F.: Insane Schedule; enumerated Coffee Co. [s.d.2,e.d.21;see Pop.Sch.p.6,ln.26]

Pop.Sch.: Francis Guest, sister, age 20, in household of J. A. J. Guest, age 26.

Carroll, J. Mc.: Idiots Schedule; enumerated Coffee Co. [s.d.2,e.d.21;see Pop.Sch.p.20,ln.49]

Fulton, M.: Blind Schedule; enumerated Coffee Co. [s.d.2,e.d.21;see Pop.Sch.p.11,ln.49]

Vandergrif, Rice: Blind Schedule; enumerated Coffee Co., [s.d.2,e.d.21;see Pop.Sch.p.27,ln.12]

Reynolds, Adeline: Insane Schedule; enumerated Coffee Co.; 1 attack; age at first attack, 25; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.21,ln.27]

Pop.Sch.: age 47, daughter, in household of Anonymous [sic] Reynolds.

McGowan, Harrison: Insane Schedule; enumerated Coffee Co.; 1 attack; age at first attack, 21; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.21,ln.38]

Pop.Sch.: age 25, son in household of Eli McGowan, 56.

Farris, Martha: Insane Schedule; enumerated Coffee Co.; 1 attack; age at first attack, 15; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.50,ln.16]

Pop.Sch.: age 26, daughter, in household of John F. L. Farris.

Lambert, George: Idiots Schedule; enumerated Coffee Co. [s.d.2,e.d.20;see Pop.Sch.p.44,ln.24]

Lambert, Martha: Idiots Schedule; enumerated Coffee Co. [s.d.2,e.d.20;see Pop.Sch.p.44,ln.25]

Hill, Silla: Idiots Schedule; enumerated Coffee Co. [s.d.2,e.d.20;see Pop.Sch.p.25,ln.35]

Thomas, Aubry A.: Deaf-Mutes Schedule; enumerated Coffee Co.; self-supporting; afflicted at age 4; cause, cold. [s.d.2,e.d.20;see Pop.Sch.p.42,ln.12]

Clements, Mollie E.: Blind Schedule; enumerated Coffee Co.; partly self-supporting; afflicted at age 34; scrofula; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.53,ln.45]

Clements, Willie: Blind Schedule; enumerated Coffee Co.; partly self-supporting; afflicted at age 11; scrofula; inmate of Nashville Blind Institution for 2 years. [s.d.2,e.d.20;see Pop.Sch.p.53,ln.46]

Roddy, Madison L.: Blind Schedule; enumerated Coffee Co.; partly self-supporting; afflicted at age 36; cause, blasting in well; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.17,ln.18]

Pop.Sch.: age 39, head of household.



Wileman, Manly: Blind Schedule; enumerated Coffee Co.; self-supporting; self-supporting; afflicted at age 80; sore eyes; never an inmate of an institution. [s.d.2,e.d.20;see Pop.Sch.p.8,ln.36]

Nelson, Nancy: Idiots Schedule; enumerated Coffee Co.; partly self-supporting; natural head; never an inmate of an institution. [s.d.2,e.d.19;see Pop.Sch.p.34,ln.50]

Boney, Adelaide: Idiots Schedule; enumerated Coffee Co.; partly self-supporting; large head; never an inmate of an institution. [s.d.2,e.d.19;see Pop.Sch.p.22,ln.32]

Nortin, Chas. H.: Deaf-Mutes Schedule; enumerated Coffee Co.; self-supporting; afflicted at age 3; cause, cold while under influence of vaccination; inmate of Knoxville Deaf and Dumb Institution, 6 years. [s.d.2,e.d.19;see Pop.Sch.p.12,ln.29]

Breedlove, Willis: Deaf-Mutes Schedule; enumerated Coffee Co.; afflicted at birth; never an inmate of an institution. [s.d.2,e.d.19;see Pop.Sch.p.1,ln.17]

Adcock, Mamie[?]: Blind Schedule; enumerated Coffee Co.; afflicted at age 2; brain fever; inmate of Nashville Blind Asylum for 5 years. [s.d.2,e.d.19;see Pop.Sch.p.19,ln.23]

Pop.Sch.: May Adcock, age 19, "at school, blind asylum," [but in household of Willia [sic] Adcock].

Clark, Anna: Blind Schedule; enumerated Coffee Co. [sd.2,e.d.19;see Pop.Sch.p.9,ln.4]

Brown, Jasper: Insane Schedule; enumerated Coffee Co. [s.d.2,e.d.18;see Pop.Sch.p.16,ln.8]

Pop.Sch.: age 45, single, in household of Edward Tomes.

Kidd, Leander: Insane Schedule; enumerated Coffee Co. [s.d.2,e.d.18;see Pop.Sch.p.30,ln.37]

Pop.Sch.: age 33, son, single, in household of Rebecca Kidd.

Hill, Arsula: Idiots Schedule; enumerated Coffee Co.
Also: Pauper and Indigent Schedule; Asylum for the Poor. [s.d.2,e.d.18;see Pop.Sch.p.17,ln.12]

Pop.Sch.: age 79, widow, epilepsy, in household of James S. Carlisle, age 53.

Note: James Carlisle has four paupers in his home, but his home is not identified on the population schedule as an asylum for the poor.

Doyle, Sally: Idiots Schedule; enumerated Coffee Co.

Also: Pauper and Indigent Schedule; Asylum for the Poor. [s.d.2,e.d.18;see Pop.Sch.p.17,ln.13]

Pop.Sch.: age 45, single, in household of James S. Carlisle, age 53.

Note: See Arsula Hill entry above.

Black, Alfred: Idiots Schedule; enumerated Coffee Co.

Also: Pauper and Indigent Schedule; Asylum for the Poor. [s.d.2,e.d.18;see Pop.Sch.p.17,ln.14]

Pop.Sch.: age 38, single, in household of James S. Carlisle, age 53.

Note: See Arsula Hill entry above.

Cook, Mande F.: Blind Schedule; enumerated Coffee Co. [s.d.2,e.d.18;see Pop.Sch.p.1,ln.43]

Moore, Michael: Prisoners Schedule; enumerated Coffee Co. jail. [s.d.2,e.d.18;see Pop.Sch.p.1,ln.17]

Pop.Sch.: age 28, single, "in Coffee Co. Jail."

Bynum, Milly: Pauper and Indigent Schedule; enumerated Coffee Co. Asylum for the Poor. [s.d.2,e.d.18;see Pop.Sch.p.17,ln.11]

Pop.Sch.: age 58, widowed, in household of James Carlisle.

Note: See Arsula Hill entry above.

Penn, John: Insane Schedule; enumerated Coffee Co.; paresis; duration of present attack, 4 years; age at first attack, 25; restrained with chain and cuffs; inmate at Nashville, Tennessee institution, 2 years, discharged

187_[last digit illegible]. [s.d.2,e.d.18;see Pop.Sch.p.10,ln.12]

Pop.Sch.: age 29, son, in household of Joshua Penn.

Weaver, John: Insane Schedule; enumerated Coffee Co.; dementia; duration of present attack, 1 year; age at first attack, 28; restrained with chain and cuffs.

[s.d.2,e.d.18;see Pop.Sch.p.2,ln.41]

Pop.Sch.: age 30, son, married, in household of David G. Weaver.

Angell, Katherine: Insane Schedule;

enumerated Coffee Co.; age at first attack, 40; confined. [s.d.2,e.d.18;see Pop.Sch.p.7,ln.36]

Pop.Sch.: Catherine, age 50, wife, in household of James L. Angell.

Throneberry, Abraham: Idiots Schedule; enumerated Coffee Co.; partly self-supporting; afflicted at age 1; fits; small head. [s.d.2,e.d.18;see Pop.Sch.p.26,ln.18]

Drake, Ruth: Idiots Schedule; enumerated Coffee Co.; partly self-supporting; afflicted at birth. [s.d.2,e.d.18;27,ln.22]

Teal, Nancy: Blind Schedule; enumerated Coffee Co. [s.d.2,e.d.16;see Pop.Sch.p.3,ln.22]

Finney, Laura: Idiots Schedule; enumerated Coffee Co.; not self-supporting; afflicted at birth; natural head; never an inmate of an institution. [s.d.2,e.d.15;see Pop.Sch.p.8,ln.18]



**End of Coffee County
Series To be Continued**

Franklin County Claims

Allowed for Payment by the Southern Claims Commission

Part I of a Series

Following the Civil War, many residents of Middle Tennessee attempted to get compensation from the Federal government for damage done to their property by the Union Army as it marched through their towns, raided their barns and camped in their fields. The Southern Claims Commission was established in 1871 to review the claims of Southerners. Only those deemed to have been loyal to the Union throughout the war were eligible to receive payment for damages.

More than 20,000 people filed claims with the commission; the records show that fewer than one-third recovered anything. The records of these "allowed" claims are located at the National Archives. Files pertaining to those who were rejected have been microfilmed and are available at the Tennessee State Library and Archives. The files of those claimants who were allowed some payment have not been filmed and can be viewed only at the National Archives branch in College Park, Maryland.

The following abstracts are based on the claims of Franklin County residents who were deemed loyal Unionists and allowed payment by the Commissioners for Southern Claims.

Anderson, John F.

Age 69; filed in 1874; file consists of 85 pp. Claimed \$4,293 for standing timber and rails.

Commissioners' Remarks:

The claimant resided in Franklin Co., East Tenn., where he owned a plantation. He swears to Union sentiments and that he voted against separation. In 1862 he went to Louisville and got several of his slaves and a permit from Federal authorities to take supplies for his own use. Two of his sons went into the Rebel army. One was under conscript age and he got him out by writ of *habeas corpus* and kept him out. The older son came into the neighborhood, and he got him to desert and stay home and gave bond to Gen. Sheridan for his good behavior. In 1863 he was employed to get timber for the Army and continued until the close of the war. In 1863 he turned over a large amount of supplies for the Army and removed to near Stevenson, Alabama, where a large force of Union soldiers were stationed, staying to the close of the war. It seems he must have collected pay for the supplies for he brings no claim for it. Several witnesses testify to his loyal conversation and conduct. The present claim is for fuel rails and timber taken from his premises in the

immediate vicinity of Stevenson. There seems to have been 25 acres of timber north of the town and as much south, and Mr. Austin testifies that the timber on the north was worth \$15/acre and on the south worth twice that sum. The dry wood charged seems to have been rails, and a witness who subsequently measured the ground says there were two miles of fence. We allow \$1,125 for the standing timber and \$390 for the rails, making the sum \$1,550 which we allow as payment in full of claim.

Notes:

He is a native of East Tennessee, continues to reside on the same place he lived during the war. He owns 160 acres near Stevenson, Ala. He took the oath in Bowling Green, Ky., in summer 1862 and again in Nashville in 1863 while he was on army business. He crossed Rebel lines at Murfreesboro late in 1862, bringing five or six of his slaves home from Louisville, Ky. "I was engaged in nothing in the world, except trying to get my folks home." Gen. Pain arrested him in 1864 and brought him to Tullahoma demanding to know on what authority he was having goods shipped from Nashville.



Armstrong, W.C.

Resident of Estill Springs; age 41; filed in 1872; claim consists of 23 pp.; claimed \$650 for cattle and horses.

Commissioners' Remarks:

Mr. Armstrong was a farmer of Franklin Co., Tenn. He lived on his farm during the war, except three months when he served as a scout in the Union army. He had property taken from him by

the rebels and was threatened with violence. He lost corn, hogs and sheep in 1862 to the rebels. While he was absent from home in the service of the Union army the property named was taken from his farm by Union soldiers, 4 cattle by the pioneer corps of Col Morton, the horse by Col. Brownlow's cavalry. We allow \$400.

Notes:

He has lived in the county all his life, farmer. Lived three miles from Tullahoma. Had cousins in the USA. He was an employee of the Police Department of the USA and served as a guide to Col. Findle, Chief of Police, in the summer of 1863. Was to receive \$3/day for service but was never paid.

Witnesses:

- John Armstrong, 72, father of claimant, has lived in Franklin Co. 60 years. Lived about 200 yards from him during the war. Saw Col. Morton's troops take the cattle and Gen. Rosecrans' army took the horses as they marched from Tullahoma to Decherd past his place.
- Lewis Trigg (colored), 26, lived in county all his life, farmer. Was a slave of Mrs. Susan Trigg before the war. Lived with and was employed by claimant thru the war, tending his crops and livestock and cutting wood and cross ties for him. Saw the soldiers kill and skin the cattle and take the carcasses away. Col. Brownlow's troops took the horses.

Anderson showed him documents from the superintendent of the military railroad authorizing him to ship provisions for his family and for his hands who were cutting wood and sawing lumber for the army. Bill Gunter of the CAS took four fine mules from him in 1862. In 1863 he delivered all the goods from his homeplace to Gen. Sheridan, including 750 acres of corn, 35 horses, 100-150 cows, etc. His sons who entered the Rebel army now live in his neighborhood. He took the younger one to school in Ky. after getting him released.

Witnesses:

- Joshua C. Wall, 37, of Stevenson Ala., railroad baggage master.
- William A. Austin, 61, of Stevenson, Ala., merchant. USA had 300 or 400 men cutting the timber, including six of Austin's negroes.
- John P. Timberlake, 56, of near Stevenson, Ala., farmer. Saw timber taken from claimant's land around Fort Harker.

A letter in the file dated Aug. 11, 1876, at Anderson, Tenn., and signed by John F. Anderson requests Honl. Horice Austin of the U.S. Treasury to send any drafts issued in Anderson's favor directly to him. "I have suffered greatly by the delay and postponement of my cases. I am an old man and ... wish the drafts sent to me, in order that I may settle with my attorneys they being scattered, some residing at Washington and others here ... every cent of which I will promptly pay."

Brazelton, John C.

Adminstrator of the estate of Daniel Brazelton

Filed in 1873; claim consists of 56 pp.; claimed \$2,736 for wheat, rye, oats, corn, five mules, rails and sweet potatoes.

Commissioners' Remarks:

"It is in evidence that claimant and his brothers were opposed to secession and that they expressed their sentiments openly as long as it was safe to do so. In 1862 when Gen. Lytle's command was in that vicinity the claimant was on terms of intimacy with the Federal officers and was trusted as a Union man. The negroes looked upon him as a friend and a Union man and he bore that reputation in the community. He had no near relatives in the Rebel army and don't appear to have been in any way complicated with the Rebellion. He died in 1872 after his claim was filed and his administrator is substituted. He left no widow and his children and heirs were minors, the oldest a daughter being only 23 or 24 years of age at the present date. The supplies were taken in July 1863 by Gen. Jeff. C. Davis' division camped there for a few days. The small grain was in the shock and the corn growing in the field. The potatoes if taken were very 'small potatoes' and were dug in the patch by the soldiers on private account and cannot be considered as supplies for the Army. There is no proof in support of the last item [2 loads of corn]. We allow the sum of \$1,846."

The local examiner wrote: "The Rev. M.B. Clement is a man of ability and I am satisfied of sterling worth and honesty. The colored men Wm. Huddleston and Jo. W. Brazelton are men of intelligence and honesty. The each told his own tale and told it well."

Notes:

County Court Clerk certified in 1873 that Brazelton's heirs were Livia Watterson 23, Morella 21, Elenor 18 and Aaron A., 14. Brazelton died 3 June 1872. Olivia Watterson was a widow without children. Deceased owned two farms, one of 110 acres adjoining the railroad and partly within the limits of Winchester. The other of 160 acres known as the Bradford farm, a mile and a half from Winchester, all enclosed "with a worm or crooked rail fence."

Witnesses:

- Wm. Huddleston (colored), 59, farmer, testified that he was a slave of Daniel's brother Wilson Brazelton before the war and worked at a tannery they owned in Winchester. After a rebel flag was raised on an 80' flagpole in Winchester, Daniel paid a man \$5 to get it down; next morning it was "floating to a quilting frame over a privy" and the rebels were offering \$500 to find out who had done this. They hired a young sailor to climb the pole and put it back. Witness was a courier for the 71st Ohio Infantry and was shot by rebel soldiers under Capt. Hays; Daniel secretly brought him provisions while recovering. Daniel once told a CSA lieutenant in Daniel's house that he had told him the federals would whip them, and now it was coming to pass. The lieutenant was about to shoot but Daniel's wife got between them. In 1865 Daniel sold the colored people an acre convenient to get water from his farm and gave them timber to build their schoolhouse when it was dangerous for a white man to visit a colored school in this county or for a colored man to teach school. He also sold 56 acres of the Bradford farm near the school to colored people who named the area Danielsville after him.
- Moses B. Clement age 62, Treasurer of Mary Sharp College, had known claimant since 1856, lived on an adjoining lot. Claimant and his brother Green Brazelton were severely abused on account of their Union sentiments, especially after the army left in 1862. They were the first to take the loyalty oath. Daniel's house was a kind of headquarters for the federal officers, he being often in their camps and they at his house.
- Joseph W. Brazelton (colored), 43, farmer and teacher at a colored school in the fall. Was a slave of Daniel's father and after his death in 1858 was bought by Daniel's brother Harvey. Learned to read and write when a boy as a slave. Daniel advised him not to run away, but to stay with his wife and children because the USA would soon free them.
- Green Brazelton, 68, farmer, brother of Daniel. Heard Daniel tell Gen. Jeff Davis that "they were going off and leaving him in bad

condition as they had taken all he had except his land and Gen. Davis replied they could not help it but that he would be paid for it. Gen. Davis then took me as a guide to conduct the army across the mountains towards Chattanooga."

- Seth W. Houghton, 53, US Revenue Store-Keeper. His farm adjoined Daniel's.
- John W. Slater, 55, farmer. Lived on an adjoining farm. Daniel was a good, thrifty farmer.
- Joe W. Brazelton (colored), 43, farmer and sometime teacher. Was a slave of Daniel's brother, Harvey. Saw the 40 acres of corn taken which he had helped cultivate. He since has purchased that land and lives there.

Buckner, Malinda L.[D.]

Age 73; claim filed in 1873; file consists of 38 pp.; claimed \$705 for corn, hay, wheat fodder two horses and a mule.

Commissioners' Remarks:

Claimant is a widow whose husband died before the war. The property was her own. She resided on her farm with only two daughters at home and some slaves and carried on her business during the war. She swears to her loyal sympathies and proves loyal conversation and reputation by her witnesses, one of whom, Elias Bost, is a reliable Union man. The claim was filed in 1868 before the Board in Franklin County under act of the legislature, and witnesses since dead testified then to loyalty of claimant as well as to the taking of the property. The supplies were taken by soldiers of Gen. Rosecrans' army in 1863, and we allow amount claimed, to wit, \$612.

The local examiner wrote "This claimant is an old lady without much political record. She simply had the virtue of attempting to attend own business.... Her own memory was very poor but the colored man had a good memory. He was examined the day after the claimant and when she could not remember she constantly said that Henry could tell just how it was."

Notes:

She lived with her son in 1873 but during the war lived on her own 100 acre farm near Decherd with two

daughters and "my colored people." She had purchased the farm after her husband's death. She took the oath in 1862. Her husband had died seven years before the war. Her son John went to the CSA from Coffee Co. He had been his own man for years and she did not know he was going.



Wartime Raid on a Southern Plantation

Witnesses:

- Hulda Wagoner, 43, resides Decherd, was slave of Mrs. Gilliam at the beginning of the war and lived with claimant during the war and until 1866. After the war she and her husband made two crops on Malinda's land.
- Henry Buckner (colored), about 56, farmer. Was brought up by Malinda and her husband, and in the division after his death "I fell to her and was with her during the war." He was on her place working the mill and was the only man on the place when the army came. Soon afterwards he left claimant and went to Winchester to live with his wife.
- J.P. Kennedy, 63, farmer, brother of the claimant. Lived about a mile from her during the war. Knew Henry Tinsley and Wm. F. Farris who testified for her loyalty; Tinsley now dead and Farris lives at a distance. The 100 acres was her dower right.
- Elias L. Best, 62, farmer, has known claimant 18 to 20 years.

To Be Continued

Tennessee Church Histories and Records at the State Library & Archives -

Contributed by Kitty Durham Mayo

Part IV of a Series



The following list of church records in print or in microfilmed manuscripts is based on the holdings of the Tennessee State Library and Archives in Nashville. Titles followed by BX or F number are print materials; they may be used in the library by asking for them with that call number. Titles followed by MF are held in manuscript format on microfilm; the microfilmed records may be used at the archives or borrowed on interlibrary loan. Titles followed by Mss. Ac. No. (Manuscripts Acquisition Number) are among the original manuscript holdings and must be viewed in person.

If you are aware of a church history book or original church records that do not appear on this list and would like to arrange for a copy to be placed at the State Library & Archives, please contact the Archives Review Committee, Tennessee State Library & Archives, 403 7th Avenue North, Nashville, TN 37243-0312 or e-mail reference.tsla@state.tn.us.

Researchers interested in church records should also consult *Tennessee Church Records, Volumes 1 and 2*, by Byron and Barbara Sistler, which comprise a name index to the individuals who appear in various church records throughout the state, including some of those listed below.

Maury County (continued)

History of Zion Presbyterian Church, 1806-1858 F443.M4 H57

Holy Cross Episcopal Church Records, 1900-1969 Mf 439

Lasting Hope Cumberland Presbyterian Church Records, Carter's Creek, 1884-1919 Mf 718

Lasting Hope Cumberland Presbyterian Church Records, Carters Creek, 1884 Mf 718

McCains Cumberland Presbyterian Church, Records, McCains, 1848-1954 Mf 347

Methodist Church Records Mf 686

Mount Lebanon Missionary Baptist Church Records, Columbia 1926-1991 Mf 1520

Old Lasea Church of Christ Records, 1894-1974 Mf 681

Pleasant Mount Cumberland Presbyterian Church Records, 1888-1956 Mf 188

Presbyterian Church and Cemetery Maury County BX9211.M36E24

Records of Ebenezer Church, 1805-1921 BX9211.M36 E2

Reese's Church and Its Founders BX9211.M36 E25

Silver Creek Society of the Cumberland Presbyterian Church Records, 1842 III-A-6, Box 2, Mss. Ac. No. 1488-01

St. Mark's Episcopal Church Records, 1838-1883 Mf 437

St. Peter's Episcopal Church History, Registers 1828-1890, Minutes 1914-1919 F443.M4 S8

St. Peter's Episcopal Church Records, 1828-1973 Mf 438

United Methodist Church Records, Spring Hill 1840-1965 Mf 448
Westminster Presbyterian Church Records, 1819-19980 Mf 1572
Zion Cumberland Presbyterian Church Record Book. 1872 III_A-6, Box 1, Mss. Ac. No. 1488-02
Zion Presbyterian Church Records, 1805-1939 Mf 125

McMinn County

Athens Methodist Episcopal Church Records, 1865-1929 Mf 369
Baptist Church of Christ at Big Spring Record Book, 1822 III-A-6, Box 4, Mss. Ac. No. 67-167
Baptist Church Records, Athens, 1834-1939 Mf 333
First Baptist Church of Englewood Records, 1900-1969 Mf 308
First Baptist Church Records, McMinnville, 1838-1916 Mf 261
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Jerusalem Cumberland Presbyterian Church Record Book, 1833 III-A-6, Box 4, Mss. Ac. No. 67-168
Main Street Presbyterian Church Records, McMinnville, 1871-1949 Mf 262
Mars Hill Presbyterian Church [includes members] 1823-1923 F436.T4554
Mars Hill Presbyterian Church Records, Athens 1832-1967 Mf 466
Niota Methodist Episcopal Church Records, 1919-1956 Mf 247
North Etowah Baptist Church Records, 1916-1992 Mf 1504
Shellsford Missionary Baptist Church Records, 1855-1960 Mf 286
Sweetwater Association of United Baptists, Minutes, 1841 III-A-6, Box 4, Mss. Ac. No. 67-166
Trinity Methodist Church Records, Athens 1949-1969 Mf 387
Zion Hill Baptist Church Minutes, 1822 III-A-6, Box 4, Mss. Ac. No. 67-046
Zion Hill Baptist Church Minutes, 1822-1865 Mf 1310
Zion Hill Baptist Church Record Book, 1838 III-A-6, Box 4, Mss. Ac. No. 67-165

McNairy County

Clear Creek Christian Church Record Book, 1841 III-A-6, Box 3, Mss. Ac. No. 1795
History of Liberty Church & School F443.M2M32
Minutes of Pleasant Ridge Presbyterian Church 1869-99 F443.M2 C38
Mt. Gilead Baptist Church, 1895-1995-A Love That Lasts- BX6480.M8 K54
Mt. Sharon Cumberland Presbyterian Church Record Book, 1866 III-A-6, Box 5, Mss. Ac. No. 67-140
Mt. Vernon Cumberland Presbyterian Church Records, 1870 III-A-6, Box 5, Mss. Ac. No. 67-141
New Providence Cumberland Presbyterian Record Book, 1842 III-A-6, Box 5, Mss. Ac. No. 67-139

Meigs County

Goodfield Baptist Church Records, 1827-1879 Mf 671
Shiloh Missionary Baptist Church Records, 1840-1895 Mf 275
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Walnut Grove Baptist Church Records, Decatur 1910-1963 Mf 321

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Christianburg Baptist Church Minutes Vols. 1-5 1828-1872 F443.M7 C47
First Baptist Church Records, Madisonville 1916-1932 Mf 907
Notchey Creek Baptist Church Records, Madisonville 1853-1972 Mf 428
Notchey Creek Baptist Church Records, Madisonville 1908-1930 Mf 25

Montgomery County

First and Second Presbyterian Churches Records, Clarksville 1822-1972 Mf 401
First Presbyterian Church Records, 1953-1980 Mf 667

Harmony Baptist Church Records, Cedar Hill, 1880-1935 Mf 160
Historical Sketch of Bethel Methodist Church III-A-6, Box 2, Mss. Ac. No. 68-271
History of Trinity Church, Clarksville, First 100 Years BX5980.C4 T5
Hopewell Methodist Church Records, 1861-1961 Mf 128
Little Hope Baptist Church Records, 1869-1960 Mf 1227
Madison Street United Methodist Church Records, Clarksville 1832-1882 Mf 720
Martha's Chapel United Methodist Church, 1872-1997 Mf 1534
Minutes of the Board of Stewards of the Methodist Episcopal Church of Clarksville, 1893-1925 F443.M8 B52
New Providence Baptist Church Records, 1851-1921 Mf 497
Trinity Episcopal Church Records, 1832-1965 Mf 400

Obion County

Cane Creek Regular Primitive Baptist Church of Christ Records, 1842-1906 Mf 776
Mount Zion United Methodist Church Records, 1890-1984 Mf 856
Pleasant Valley Methodist Episcopal Church, South, Records, 1875-1975 Mf 795
Republican Grove Baptist Church Records, 1838-1860 Mf 198
Union Station Methodist Episcopal Church, South, Records, 1870-1892 Mf 796

Polk County

Ocoee Baptist Church Minutes, 1836-1874 F443.P7 O26
Old Friendship Baptist Church Records, 1879-1943 Mf 348
Springtown Baptist Church of Christ Records, 1855-1903 Mf 1281

Rhea County

Churches and Schools of Rhea County F443.R4 B74
Conference, Methodist Church South, 1870-1879 F443.R4T48
Dayton Methodist Episcopal Church, South Records, 1870-1931 Mf 555
Minutes of the Hiwassee Association of Missionary Baptists, 1891 F443.R4 T49
Monmouth Presbyterian Church Records [transcription] III-A-6, Box 3, Mss. Ac. No. 1865
Mount Zion Baptist, org. 1868 (later Ogden Baptist Church), in Historical Records, compiled by Tennessee Society Colonial Dames, vol. 1, F208.C55
Rhea County, Tennessee Minutes of Quarterly Conference of Washington Circuit of Holston
Rhea Springs Church History F444.R45 W5
Salem Baptist Church Records, Dayton 1807-1937 Mf 465
Washington Presbyterian Church, Washington, [originally Monmouth Presbyterian Church, 1820], in Historical Records, compiled by Tennessee Society Colonial Dames, vol. 1, F208.C55

Roane County

Bethel Presbyterian Church Records, Kingston, 1818-1968 Mf 264
Cave Creek Primitive Baptist Church Records, 1829 II-M-4, Box 2, Mss. Ac. No. 68-023
Churches of Roane County, F443.R5 M32
Hindes Valley Baptist Church Records, 1820-1924 Mf 1046
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Minutes, 1824-1845, F443.R5 M58
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Prospect Baptist Church, 1826-1863 [now Loudon County], BX6480.L68 K4
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100 Years of Living Faith: Cross Plains United Methodist Church, 1898-1998 BX8481.C76 C76
History of St. Michael's Catholic Church, 1842-1992 BX4603.C43 S365
Letter to Bethel Baptist Association, 1858-Bethlehem Baptist Church, I-B-2, Mss. Ac. No. 99-091-01
Minutes of Red River Baptist Church, 1791-1826 BX6480.A26 R47
Mount Carmel Baptist Church Minutes, 1894-1976 Mf 1050
Oak Grove Baptist Church Records, 1859-1975 Mf 598
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Red River Baptist Church [in Fort Family Papers] V-K-3, Mss. Ac. No. 68-203, Mf 1065
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Springfield Baptist Church Records, 1891-1987 Mf 985
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The First 100 Years of the Catholic Church in Robertson County BX4603.C4 S3

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Beulah Methodist Episcopal Church, South Records, 1889-1927 Mf 768
Bradley's Creek Baptist Church Record Books, 1819-1904 Mf 1469
Churches of Christ in Rutherford County F443.R8 R8
Early History of First Presbyterian Church BX9211.M8 L4
Fellowship Baptist Church Minutes BX6480.F44 F44
First Cumberland Presbyterian Church Records, Murfreesboro, 1899-1975 Mf 509
First Presbyterian Church Records, 1812-1967 Mf 502
First Presbyterian Church Records, 1968-1993 Mf 1494
First Quarter Century of Advent Evangelical Lutheran Church BX8074.M87 A38
Florence Baptist Church Records, 1913-1928 Mf 616
Florence Baptist Church Records, 1915-1970 Mf 518
Haynes Chapel United Methodist Church Records, 1867-1978 Mf 1632
Historical Sketch, Cumberland Presbyterian Church, 1858-1918 F443.R8 H58
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LaVergne Presbyterian Church Records, 1887-1972 Mf 415
Locks Methodist Episcopal Church, South, Records, 1850-1983 Mf 759
Patterson Baptist Church Records, 1902-1983 Mf 772
Rehobeth Methodist Church, South, Records, 1843-1976 Mf 767
Rock Spring Church of Christ Records, 1835-1860 Mf 170
Rutherford County, Tennessee Church Records F443.R8H58
Salem Methodist Church, 1812-1975 BX8481.S3 M8
United Baptist Church Book at Mt. Pleasant, 1846-1884 BX6480.R8 U5

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Bethlehem Baptist Church Records, 1839-1935 Mf 818
Minutes of First Baptist Church, Huntsville, 1894-1945 BX6480.H8 M54

To Be Continued

Death Notices from

The Clarion: Nashville, 1801-1821

Part IV

Contributed by Sarah Armistead

The Editor of the Nashville *Clarion* was Thomas G. Bradford, whose office was "Next Door to the Talbot's Hotel." It was sometimes called *The Clarion and Gazette* and also *The Tennessee Gazette*. Issues of the newspaper are available on microfilm at the Tennessee State Library and Archives.



October 22, 1811

Died a few days since, MRS. HALL, the amiable partner of MAJOR HALL near the Clover Bottom. Few ladies lived more respected, of their deaths were more regretted than MRS. HALL'S.

October 22, 1811

On Tuesday, MRS. WILLIAMS, the relict of the late MR. JOHN WILLIAMS of Mill Creek. She lived respected and her death is lamented by an extensive acquaintance.

November 26, 1811

Died, in this town on Sunday evening last, MRS. MARY M. CAMP, wife of MR. JAMES CAMP, formerly of Madison Co., Virginia. MRS. CAMP was a lady highly esteemed by all who knew her as an ornament to her sex and in her long excruciating illness displayed much patience and resignation.

December 24, 1811

Died – at his seat near this town on Monday the 16th inst, COLONEL WILLIAM CHRISTMAS, late Surveyor General of the first district; in the death of this gentleman society has sustained a considerable loss. He was affable with all benevolent to the poor, and industrious in the discharge of his official duties – in private life, he was the kind husband, tender father and indulgent master. He was among the first adventures to the western country; and assisted in building the first cabin built in Kentucky by old COLONEL BOONE.

June 30, 1812

Died on the 10th inst. at her father's seat in Williamson county, after a short illness, MISS HANNAH TURNER, an amiable young lady, aged about 20 years. Her death is lamented by all those who had the pleasure of an acquaintance with her.

August 11, 1812

OBITUARY

Departed this life on the 27th inst. after a very severe illness of eleven days, which he bore with becoming fortitude, WILLIAM RAINES, a citizen of this county for more than thirty years. To those who knew MR. RAINES, it is unnecessary to say that he was an honest and a worthy citizen, and that he was a good soldier, having assisted those few deserving old veterans who rated this fine promising country from the hands of the savages. He served in that arduous duty with reputation to himself and credit to his country. He has left a disconsolate wife and eight children, to mourn a loss which time nor circumstance, can eradicate. With these also may be numbered, his aged Parents, who, alas! Have lived long enough to feel the sharp and unrelenting hand of fickle fortune, for from him whose filial duty they had fondly hoped to be guarded, and to have their way smoothed in the down hill of life, they are forever bereaved. He has brothers and sisters who lived to deplore his untimely end. "Sleep sacred ashes, we shall meet again."

October 2, 1812

Died on Thursday morning last, MR. ISAAC PAXTON, of the firm of Ward & Paxton, of this place. We never recollect having to record the exit of as young a man, whose untimely death was more universally deplored. In life he had not a foe that we ever heard of. He was industrious and discreet in his business – and in his social life was modest and engaging. He was Lieutenant in CAPT. CARROLL'S Independent Company, and was buried today with military honors.



William Carroll of Tenn.

October 2, 1812

On Saturday last at Highwassee, LIEUTENANT JOHN ARMSTRONG of the U.S. Army, and formerly Deputy Post Master at Knoxville. He was an agreeable companion and intelligent young gentleman, and bid fair to be a useful office and an ornament to the army.

November 17, 1812

Died on Wednesday evening last, MRS. PATSY WISENER, the relict of MR. WILLIAM WISENER, living in Neeley's Bend, about 26 year of age. She expired after a short but severe illness, leaving an infant babe and affectionate husband to deplore her loss.

January 5, 1813

Died on the evening of the 3rd inst., MRS. ELIZABETH HOBBS consort of MR. LITTLE BERRY HOBBS.

February 9, 1813

DIED – On Thursday morning last, about 4 o'clock, MAJOR WILLIAM T. LEWIS, after a painful illness of six months. It is generally the practice to notice in the public prints, the death of notorious personages, and in speaking of their characters, frequently to bestow praise, where praise is not due, but all who are acquainted with the character of MAJOR LEWIS must be fully sensible that the following remarks

relative to his conduct in life, are literally true – and that is some of the most amiable qualities which can be implanted in the human bosom entitle a man to respect, that respect is due to the deceased.

MAJOR LEWIS for a considerable time, previous to his death appeared to be fully sensible of his approaching dissolution. So fully impressed was he with the belief he should never survive his indisposition, that he positively refused to take the medicine prescribed by his physician – indeed, it was with considerable difficulty that he could be persuaded to take nourishment, adding that they might prolong life, but, could not possibly restore him to health. His illness was of the most pungent kind, notwithstanding, he lingered six months, and was reduced to a mere skeleton in the arms of death, yet, he was patient, resigned, and met his fate with becoming fortitude – viewing death with a composure bordering on complacency.

'Tis a tribute due to the memory of MAJOR LEWIS, to say that he possessed many of the cardinal virtues in a preeminent degree. His friendship and hospitality knew no bounds; without discriminating, all who were respectable, he treated with friendship, hospitality and politeness. Under his roof the stranger and the wearied traveler could repose with safety and with satisfaction, for them his hospitable board was ever spread, and if they departed without being regaled, the fault was theirs not his. His purse was ever open to those whom the frowns of fortune had sunk into wretchedness; and if the distressed were not wholly relieved of their distresses, yet they never were permitted to leave him without receiving some alleviation.

As a husband, he was kind and affectionate; as a father, tender and indulgent – always happy in the bosom of his family, and anxious as far as practicable to promote their happiness. In his death they have lost a friend indeed. The bosom of no man was ever distended with a more conjugal and parental affection than MAJOR LEWIS'S.

He appeared to feel no reluctance at leaving this world and all it contains, except his family. They above all terrestrial objects, occupied the first place in his bosom, and even while the iron hand of death

was grappling in the ligaments of his heart, he would often heave the parental sigh, and feign would have pressed, if able, his family to his palpitating – his agonizing bosom.

MAJOR LEWIS left behind him a most amiable family, whose loss will be duly appreciated by their acquaintances. With the filial tear will be mingled that of friendship and sorrows of the family somewhat alleviated by the sympathy of their friends. The decrees of heaven are irrevocable – the mandates of God must be obeyed. It is therefore the duty of mortals, here below, to submit, without a murmur, to the dispensations of an omnipotent and all wise being.

April 20, 1813

Died – At the seat of BENNETT SMITH, Esq., in Rutherford county, a few day since, in the 20th year of her age, MRS. POLLY HUTCHINS, wife of MR. JOHN HUTCHINS of Bedford county, and daughter of MR. SMITH. Few persons could with more apparent reason a 12 month ago, have promised themselves a long life; but the king of terrors has taken her to himself. In her death, a large and respectable connexion are bereaved of one of its finest members, and an infant son of the endearing attentions of a mother.

April 20, 1813



Died – On Sunday, the 10th inst. in the 27th year of her age, MRS. POLLY WHARTON, wife of JESSE WHARTON, ESQ. Supported by religion, she bore with unusual equanimity a tedious indisposition, which baffled all the art of medicine. With calm

resignation, and without a murmur, she awaited dissolution; and in the full possession of her faculties, she continued to evince by her last faltering accents, a well grounded hope of a happy immortality.

An afflicted husband and five little children, with numerous friends, endeared to the deceased by the

ties of kindred and affection are left to lament their irreparable loss.

“From the Raleigh Minerva” April 20, 1813

Died – At Lamberton, on the 29th ult. after a very short and painful illness, the HONORABLE EDWARD HARRIS, one of the Judges of the Superior Courts of Law and Equity.

April 20, 1813

At his father’s near Wilkesborough, on the 15th February, after a severe spell of sickness, JOHN JONES, Clerk and Master in Equity. His remains were interred in the family burying ground the day after attended by a number of disconsolate relations, his Masonic brethren and a great concourse of sympathizing acquaintances.



July 20, 1813

Died on Friday last, MAJOR THOMAS HARNEY of this county. His death was occasioned by the bite of a mad dog.

August 17, 1813

Died – On the 23rd of July last, MRS. RAGSDALE, the amiable consort of EDWARD RAGSDALE of Williamson county, after a painful illness of six months and twenty days. She died perfectly sensible and resigned to her fate. She has left a disconsolate husband, eight children and numerous acquaintances to lament their loss.

November 2, 1813

Died on Friday morning last, CAPTAIN SAMUEL FINNEY, for several years a respective clerk in this place. He has left several relatives in Pennsylvania to mourn their loss.

November 9, 1813

Died – On the 30th of September, in Lexington, Kentucky, MRS. SUSANNAH LE GRAND of Rutherford county, in this state, after a tedious and painful illness. She left her husband and five small children to deplore their loss. The gracefulness of her manners, the sweetness of her temper, and the serenity of her mind under frequent bodily infirmities exhibited the force of religion in her life and her

patience and equanimity under the most excruciating pains and sufferings, and her triumph in death has given the world one more example of the effect of faith.

She took a tender leave of her husband and children and resigned herself with the utmost composure to the impending stroke. A few minutes before her departure in the sacred impatience of desire, she exclaimed "why does my lord delay? Why are his chariot wheels so long a coming!" and sweetly fell asleep without a groan or distortion of countenance.

We admire the patience and fortitude of Socrates and Caesar, but Socrates and Caesar, and the celebrated names of ancient and modern fame, are eclipsed by the triumphant exit of a feeble emaciated female, supported by the strong consolations of the gospel. The great and ambitious anxious to dazzle the world with their lustre, as well all as those who desire to live usefully and die with dignity and comfort, are invited to learn from this instructive example the true source of human happiness and human greatness, and to avail themselves of the only principles which can conduct fallen humanity to so enviable a triumph and a death so much more sublime than the boasted fortitude and patience of men who merely endured without murmuring or complaining what they could not avoid enduring.

December 7, 1813

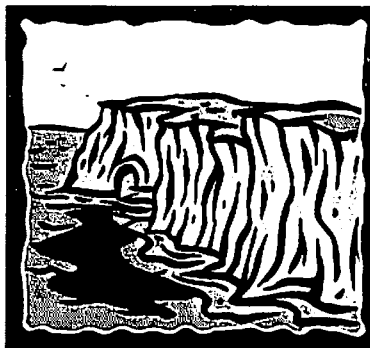
Departed this life, on Monday night the 22nd ult., in this town, MRS. ELIZABETH SOMERVILLE, wife of JOHN SOMERVILLE, ESQ. She bore a long and very tedious attack of consumption with uncommon fortitude. For nearly four years her system withstood the ravages of this most dreadful complaint; at times the appearances were so flattering as to induce her friends to imagine they had mistaken the disease, and that she would soon be restored to health. But these favorable symptoms were but of short duration, before a return of the complaint with additional force dissipated the hopes of wishing friends. Those who were acquainted with her when in health, and who did not see her again until labouring under indisposition could scarcely recognize one feature of the agreeable countenance once so animating.

In the discharge of the duties devolving on the

various relations she bore, her conduct was such as to secure the approbation of her friends. As a wife she was affectionate. As a mother the cheerful appearance of her children was evidence enough that she was careful of the improvement of their minds, as well as the respectable appearance of their persons. As a mistress she was indulgent. A worthy husband and six children (capable of estimating their irreparable bereavement) are left to mourn, and society will long deplore the untimely exit of one of the most amiable females. Few, if any, ladies in our country were better qualified to act their various parts than Mrs. Somerville. Her taste was equal to any of her sex; and the suavity of her manners were sure to please. In fine, few had the pleasure of her acquaintance who did not admire the truly, amiable and dignified matron.

December 7, 1813

We have to apology for not sooner recording the death of a representative to the General Assembly from Greene county. A few days before the adjournment of the legislature, MR. ROBERT GWINN, departed this life. Previous to his being thrown from his horse some time ago, he was a remarkable sober and healthy man; but since that unfortunate fall, he appears to have suffered a lingering derangement of his system, until a few days before his death.



On Sunday the 15th November ult., about ten o'clock at night, he missed his way and fell into Cumberland river, off the tremendous bluff back of Talbert's Hotel in this town. He was

soon taken up but was scarcely alive. Every care that could was taken of him and his remains were attended to the silent grave by the Masonic Lodge of Nashville, the Executive of the state, the secretary of state, the members of the General Assembly, and a large number of citizens; and on the suggestion of Col. Tipton from Sullivan, an unanimous resolution was adopted that the members of the General Assembly wear canpe crape [crepe] in memory of the

deceased thirty days. Mr. Gwinn's character was as much esteemed as that of any gentleman's. He was an industrious man, and as a husband, father, master and member of society, he discharged his duty with honor and credit.

December 14, 1813

Departed this life on Friday evening the 26th of November, in the 50th year of her age, MRS. PRISCILLA THOMPSON, consort of DOCTOR WILLIAM F. THOMPSON of the town of Pulaski, Giles county, after a tedious and painful illness of an incurable malady, that had prostrated her animal strength, almost beyond the possibility of conception. She left her husband and five children to deplore their loss. She was the affectionate wife and the tender mother of her benevolence. All who knew her can speak with those feelings, which true Christianity inspires. She fed the hungry, clothed the naked, and relieved the wants of the distressed, and that with a liberal tho' unostentatious hand, the gracefulness of her manners, the sweetness of her temper, and the serenity of her mind, under [?] serious bodily infirmities will be remembered by all who were acquainted with her. A true trait of her character is drawn by the pencil of inspiration - Proverbs Chapter 31st and Verses 19, 20, 26, 27 and 28. [followed by a long poem which was not copied]

January 11, 1814

Departed this life on the 7th December, MR. NOEL HAGGARD, son of MAJOR WILLIAM HAGGARD of Dover, Stewart Co., aged 24 years. He died in Madison Co., Mississippi Territory on his way home



Gen. John Coffee

from the present campaign against the Creek Nation after having avenged the death of his slaughtered country men by participating in the signal victory obtained over the savage by the gallant General Coffee.

February 1, 1814

OBITUARY - Departed this life, on the morning of the 28th of December last, in the 34th year of his age, MR. JOHN JOSEPH SUMNER, formerly of Tarborough, in North Carolina, and late of the Parish of St. Mary in the county of Attakapas. He accompanied a party of gentlemen to the sea shore some days before, in an open boat and on their return, being then some distance from the land, they were overtaken by a gale of wind, which sunk their vessel. Part of the crew reached the shore in safety in a smaller boat, and then returned to the wreck, where they found him some distance floating with a plank, in the agonies of death. He expired a few minutes after. His remains were taken to shore and interred on an isle in the Gulph of Mexico from whence his relations intend to remove him to the place of his late residence.

He has left a wife and two sons together with a number of relations and friends to deplore their loss. In the death of him, society has lost one of its most valuable members, his wife an affectionate husband and his relations an ever to be lamented and sincere friend.

Editors of News papers at Raleigh in North Carolina are requested to give the above an insertion in their respective papers.

March 1, 1814

OBITUARY - Departed this life, on Sunday last, MRS. SHACKLEFORD, the wife of THOMAS SHACKLEFORD. She was an amiable lady, and universally esteemed by all who had the pleasure of her acquaintance.

March 1, 1814

On Saturday last, WILLIAM ROPER for some years a citizen of this town.

March 1, 1814

In Summer county, JAMES FISHBACK of Culpepper County in Virginia, after a short illness. ■

To be Continued

Harry F. Green:

The Wartrace Sonnets in Black and White

The Bedford County Historical Society is preparing a book as part of the celebration of 200 years on Duck River; Bedford County was authorized by the Tennessee State Legislature in December 1807. The book will feature postcards showing houses, schools, business buildings, bridges, walking horses, advertising, scenes—especially waterways and floods, and, of course, people.

In connection with this effort we have become aware that a man named Harry F. Green made perhaps as many as two to three hundred photographs in Bedford County around 1910 and turned many of them into postcards. The great majority of these photographs were made in Wartrace.

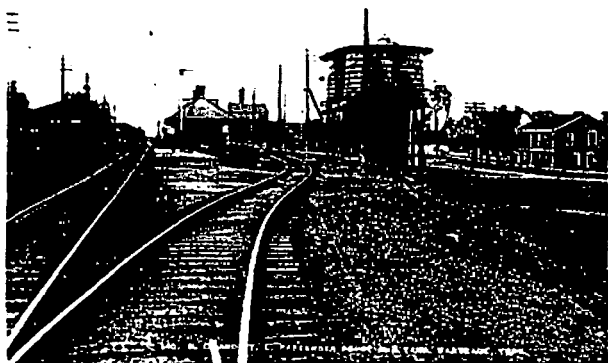
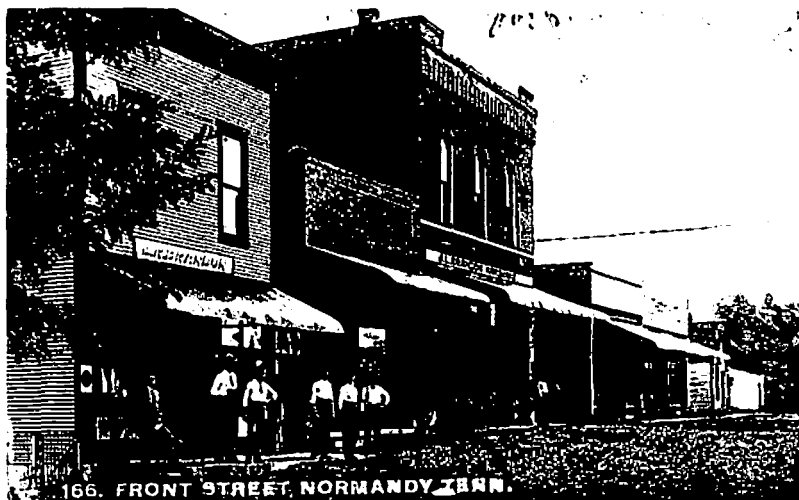
We have found very little information about Harry F. Green. He gives his address on the postcards as Nashville, Tenn. and later as Ovoca, Tenn. He is first found in the 1916 city directory of Nashville with a very ambitious listing:

GREEN, HARRY F. Pres. & Mgr. Ovoca Motion Picture Corp., 623 1/2 Church St.

R. M. Mills Bookstore is at 623 Church Street and the office of the Knights of Pythias is just up the street. There is no indication that Harry has a wife in 1916, but in 1917 his wife Stella is listed.

The 1920 census shows that Harry F. Green is 47 years old, was born in Wisconsin and both his parents were born in Wisconsin. His wife, Stella, is 32, born in Kentucky and both her parents were born in Kentucky. In 1920 his occupation is listed as real estate agent. Harry has not been located in the 1910 or the 1930 census.

What we do know about Harry F. Green makes us want to know more. His photographs are clear and sharp, indicating he must have had a good camera. In addition to the Wartrace photographs we have found some for Shelbyville, Normandy and Bell Buckle. There are also many postcards made at Ovoca, a Knights of Pythias orphanage and recreation area outside of Tullahoma, Tenn.



Whatever drew Harry F. Green to Wartrace, Tenn., it was a blessing for us. It is evident that he loved his subject. It is also evident that little has changed in Wartrace since the early 1900s. Most of the houses and buildings he photographed are still there. The streets are paved now, the picket fences which once surrounded every property are gone, but the ambiance lives on.

We would like to hear from anyone who has more information about Harry F. Green and his postcards. Carolyn Smotherman (615) 368-7217 carolyngenealogy@aol.com



Old News is Good News

Newspaper Sources for Middle Tennessee Genealogy

The *Gallatin Union* of 1838

by Shirley Wilson, C.G.SM

Surviving copies of *The Union*, a weekly newspaper in Gallatin, Sumner County, Tennessee, begin in 1834 with an issue dated 30 May 1834. Most of the surviving issues are from 1838 and 1839. The last issue to survive is dated April 7, 1843. Copies are available on microfilm from the Tennessee State Library & Archives.

The information extracted is from an issue dated May 11, 1838, Volume 5, Number 2.

Publisher and rates:

J. A. Browning & Co. were the publishers. D. C. Gaskell was the editor. Subscriptions rates were \$2.50 per year.

Estrays¹ in Sumner County:

17 January 1838 - taken up by Waller W. Dickerson, living on the Cumberland River about five miles above Cairo in District 3, one strawberry roan mare valued at \$27.50.

26 December 1837 - taken up by James Douglass Esq., living four miles north of Gallatin, one brown filly valued at \$30.

¹ Estrays are defined as domestic animals found wandering or without an owner. Those persons finding them were eager to publicly state as much in that they did not want the true owner to claim that their animal had been stolen. Surviving estray books can be found in some Tennessee courthouses.

2 January 1838 - taken up by Edward C. Looney, living on the west side of Station Camp Creek in District 10 eight miles west of Gallatin, one sorrel horse valued at \$15.



10 March 1838 - taken up by Moses Preston, living on Drakes Creek, one sorrel filly valued at \$35.

26 January 1838 - taken up by Alford H. Suttle, living in District 10, one grey mare valued at \$20.

18 March 1838 - taken up by Henry P. Hughes, living on the waters of East Station Camp Creek, one white horse about ten years old valued at \$47.50

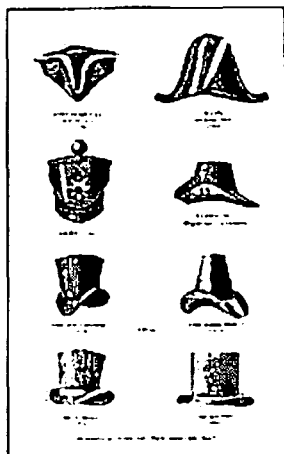
3 April 1838 - taken up by Joseph Bandy, living on Maxwell's Creek in District 19, one black mare about eight years old valued at \$25.

Advertisements:

W. W. Bailey, M. D. and dentist advertises, "ladies will be waited on at their residences in case they cannot make it convenient to my office." References:

Dr. J. A. Blackmore, Dr. W. H. Edwards, John M. Henley, D. and A. McAulay, James L. McKoin, Joseph Robb, and Jo. C. Guild [Josephus Conn Guild].

J. L. Walker, tailor
A. Baldrige, hatter
Dr. P. W. Martin, Gallatin



Legal notices:

Those indebted to the estate of Moore Cotton, deceased, are requested to come forward and make payment.

All of the stock and household goods of James Elliott, deceased, will be sold. Eleanor Elliott, administratrix.

All persons indebted to Felix Chenault, I am authorized to collect all monies due him. R. H. May.

All those indebted to the estate of John Wilson, deceased, are requested to come forward and make payment. Samuel Wilson and William Walton, Executors.

Commissioners for Sumner County for the turnpike Road from Gallatin to the Cumberland River are requested to meet in Gallatin on Saturday, the 19th at 10 o'clock. Named are Robert A. King, R. M. Boyers, William Edwards, Thomas Anderson, William Trousdale, James Blackamore, Benjamin Howard, and J. Y. Blythe.

Humor

When you are at church, go to sleep. Sunday is a day of rest.

Sheriff's Sales

I will sell on the public square in Gallatin all right, title and interest that S. F. Read has in 120 acres of land, an undivided tract joining Hugh Cotton and Josiah Walton, being the property of Samuel Head, to satisfy an execution in favor of Jesse Gambling.



I will sell on the public square in Gallatin all right, title and interest that John King has in 64 acres of land in Civil District 2, located on the east by the lands of Susan Brown, on the north by the lands of Lemuel Watson and on the west by James Horsley, to satisfy an execution in favor of M. & P. Duffy, Frances Duffy, and J. C. and F. Duffy.

\$40 Reward

Broke jail on April 28th, two men.



John Beard is almost 20, weighs 130, a gun or blacksmith by trade, black hair and eyes.

John Turner is 22 years, weighs 160, black hair & blew [sic] eyes and a high forehead.

Will pay \$40 for both of them, \$20 for either one. Joel H. Daughtrey, jailor.

One Cent Reward

Apprentice ran away April 26, 1838.

Zachariah Martin age seventeen and eight months described as chunky built, large nose, wearing brown round a bout coat and brown

pantaloons. I will give one cent to any person that will bring the boy back and no thanks will be given. A. Johnson.



Dr. George T. Gullett & Dr. George W. Gullett Confederate Physicians from Tennessee

by Roger H. Futrell (rhf99@fwpb.net)

Introduction

Dr. George T. Gullett of Carroll County, Tennessee, and Dr. George W. Gullett of Robertson County, Tennessee, were cousins. Their fathers, Isaac Gullett and James Hickman Gullett were brothers. They were named for their paternal grandfather George Washington Gullett, a native of Delaware and an early resident of the Huntingdon community of Carroll County, Tennessee. Both were physicians in the Confederate States Army. Both were imprisoned at separate military facilities in the North during the waning days of the Civil War.

Generally, each Confederate regiment had a surgeon and an assistant surgeon to minister to its sick and wounded. Seniority determined whether a physician was commissioned a surgeon or an assistant surgeon. Basically, surgeons ran field hospitals while assistant surgeons tended the wounded on the battlefield.

The Confederate Army's medical corps is documented in Cunningham's *Doctors in Gray*. There were reportedly 3,237 surgeons and assistant surgeons in the Confederate service. Unfortunately the records for the Confederate States Army Medical Corps were destroyed at the end of the war.

George T. Gullett, M.D. (1836 - 1911)

George T. Gullett was the son of Isaac and Ann Gullett of Carroll County, Tennessee. An article in the May 1911 issue of the *Confederate Veteran* stated that he completed his medical studies in his native Tennessee, just before the start of the Civil War. He enlisted as a Sergeant in Company G of Neely's 4th. Regiment of Tennessee Infantry, at Ripley, Tennessee, on 15 May 1861.

The men of Company G were known as "The Lauderdale Invincibles," since most were from the Lauderdale County, Tenn. area. Dr. Gullett served in several major battles, including the Battle of Shiloh. According to the *Confederate Veteran*, he was standing nearby when General Albert Sydney Johnston was killed at Shiloh.

Dr. Gullett was captured at Missionary Ridge, Tennessee, on 25 Nov 1863; sent to Rock Island Prison Barracks at

Rock Island, Illinois, on 09 Dec 1863; and imprisoned in Barracks #15 for over eighteen months. He took the oath-of-allegiance and was released on 20 Jun 1865.

When Dr. Gullett's widow applied for a pension at Pope County, Arkansas, in 1913, Alfred J. Meadows of Lauderdale County, Tenn. attested to Dr. G.T. Gullett's service in the 4th. Regiment. Meadows stated in an affidavit that he was the Orderly Sergeant for Company G and worked with Gullett.

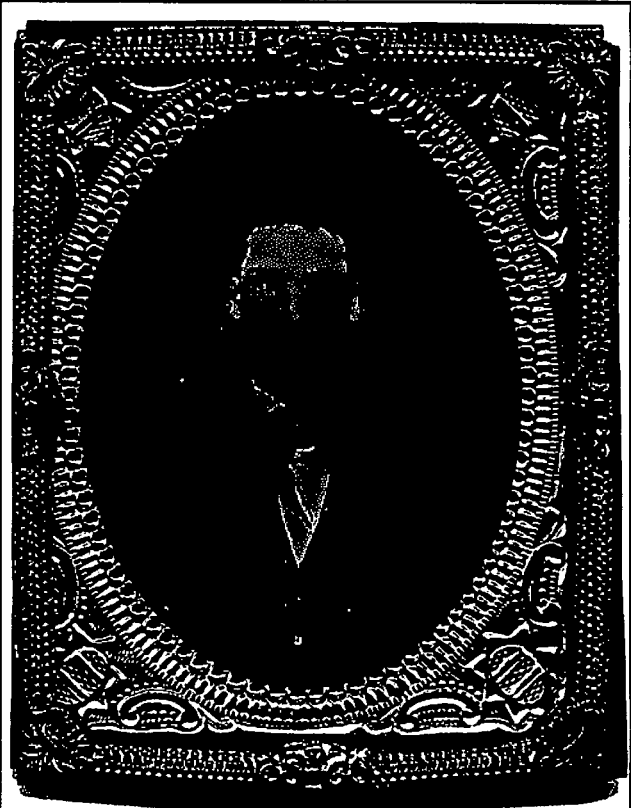
After the Civil War, Dr. G.T. Gullett practiced medicine at Woodville in Haywood County, Tenn. before setting up practice at Durhamville in Lauderdale County. He moved from Tennessee to Arkansas in 1882. Dr. Gullett died in the Atkins community of Pope County, Arkansas, on 03 Jan 1911.

George W. Gullett, M.D.
(1840 - 1865)

George W. Gullett often went by 'G.W.' He was the oldest child of James Hickman and Martha A.H. (Stainback) Gullett. He grew up in Robertson County, Tenn. near the Kentucky-Tennessee stateline. His parents' farm was in Robertson County's 17th. Civil District, approximately 3.6 miles northeast of Adams, Tenn. and some 2.0 miles south of Keysburg, Ky. Though they lived in Tennessee, the family routinely did business at Keysburg and were members of the Keysburg Methodist Church. The Gullett farm is presently part of the Eugene Davidson place, 'Twelve Oaks,' at 6157 Keysburg Road, Adams, TN 37010.

The Gulletts were friends and associates of the John Bell family of Adams, Tenn. The elder John Bell was purportedly sent to his grave by the antics of the infamous 'Bell Witch' that tormented the Bell household between 1817 and 1821. The Bell Witch legend is an integral part of Tennessee folklore and the subject of several books.

The Gullett family, like most Robertson Countians, sided with the South. Three major Confederate encampments were within a few miles of their home: Fort Redmond, near Adams, provided security for area railroad tracks and trestles; Camp Cheatham, near Cedar Hill, was a major training facility for Confederate recruits from across Middle Tennessee; and Keysburg was the mustering in point for hundreds of Kentucky and Tennessee troops.



George W. Gullett, M. D.
(1840-21 March of 1865)

- Collection of Mary (Lofland) Banton

In May 1861 the Robertson County Court established a Home Guard comprised of older residents from each of the county's seventeen civil districts. The guardsmen were sworn to protect the community while the younger men were away in the Confederate Army. George W. Gullett's father, James Hickman Gullett, was appointed a 'Minute Man' for the 17th. Civil District.

Dr. George W. Gullett's nieces, Mrs. Mary (Lofland) Banton, Mrs. Annie (Woolford) Adams and Mrs. Sallie (Woolford) Risher, referred to him as George W. Gullett. They said that he never married, that he was a physician in the Confederate States Army, and that he died during the War Between the States.

Prior to the Civil War, one could become a physician with minimal academic training. It is not clear where George



From "An authenticated history of the Famous Bell Witch"

W. Gullett studied medicine. He may have attended a series of medical lectures at the University of Nashville and served an apprenticeship under an area physician. If he studied in Nashville, he is not listed in the Nashville City Directories published just prior to the Civil War.

Apparently Dr. Gullett left his medical books at his parents' home when he went away to war. The textbooks were mentioned in his father's 1868 will. The father directed that his youngest son Millard 'Filmore' Gullett be given an education equal to that of his oldest son, George W. Gullett, and noted that 'G.W.' Gullett had, in fact, left his books behind for Filmore.

Academy Hospital, Clarksville, Tennessee

Dr. George W. Gullett headed the 250 bed Academy Hospital at Clarksville, Tenn., for a short time. Clarksville was some twenty miles west of Gullett's Robertson County home. Beach's *History of Montgomery County, Tennessee*, states: "Dr. Gullett briefly filled the post of administrator of the 'Academy Hospital' at Clarksville, Tenn., in 1861. The hospital was a Civil War facility."

The Academy Hospital was at the Clarksville Female Academy on Madison, opposite Fifth Street. In November 1861, the Tennessee State Legislature authorized the school's board of trustees to lease the academy property to the Confederate government for a hospital. An article in the 06 Dec 1861 issue of the *Chronicle* concluded: "The Female Academy, now full of sick soldiers, is the most elegant, convenient, and comfortable hospital within the Confederate States."

The old academy was replaced with a new structure about 1885, and closed in 1915. Many of the Confederate soldiers that died at the hospital were buried on the grounds. Their mass grave was covered by the controversial 'Confederate Soldiers Memorial Bridge,' in 2001.

Malone's Regiment of Kentucky Cavalry

Most of the men in Malone's Battalion were from the border counties of southwestern Kentucky and northwestern Tennessee. Colonel John W. Malone appointed Dr. George W. Gullett as his Assistant Surgeon when he formed Malone's Regiment of Kentucky Cavalry at Corinth, Mississippi, in November 1864.

Dr. George W. Gullett worked under Dr. Robert H. Ditzler, the Acting Surgeon in Malone's Regiment. Dr. Gullett and Dr. Ditzler obviously completed their medical

studies in the early 1860s, since both were farming when the 1860 U.S. census was taken.

Malone's Regiment of Kentucky Cavalry was attached to Brigadier General H. B. Lyon's Brigade. Lyon, of Eddyville, commanded the Department of Western Kentucky and a portion of West Tennessee. "Lyon's Brigade" was assigned to General Forrest's corps in August 1864. General Lyon and his troops participated in Forrest's campaign through north Mississippi, Alabama, and Tennessee.



Camp Chase Prison

Capture of Dr. Gullett and Dr. Ditzler

Union forces under Major-General George H. Thomas captured Dr. Gullett and Dr. Ditzler on 01 Feb 1865, in Robertson County, Tenn. Circumstances surrounding their capture are not clear, though they may have been in Robertson County to visit Dr. Gullett's family. Both were declared prisoners-of-war and taken to Nashville where they were initially detained.

After a short stay in Nashville, they were transported by train to the Federal Military Prison at Louisville, Kentucky, on 12 Feb 1865. The Louisville prison was a major holding point for Confederate prisoners-of-war headed for Federal correctional facilities in Ohio, Indiana, and Illinois.

Less than a week after their arrival in Louisville they were transferred to the Confederate prison at Camp Chase, Ohio. They arrived at Camp Chase on 18 Feb 1865. Shortly thereafter, Camp Chase officials prepared paperwork to relocate them once again, this time to Fort Delaware, Delaware. Dr. Ditzler was moved to Fort Delaware on the 07 Mar 1865, but Dr. Gullett's transfer was cancelled when he became critically ill.

Dr. George W. Gullett died at Camp Chase, Ohio, on 21 Mar 1865, from varioloid, a mild form of smallpox in an individual who has either had the disease, or who has been immunized against it. Dr. Gullett was buried at Camp Chase Confederate Cemetery in Section 0, Site

1728. His marble marker was inscribed: "Asst. Surgeon, G.W. Gullett, C.S.A." The Department of Veterans Affairs National Cemeteries System maintains Camp Chase Confederate Cemetery, located at 2900 Sullivant Avenue, Columbus, Ohio 43204.

Notes:

- Neither George T. Gullett nor George W. Gullett were listed in the *Confederate General & Staff Officers* series at the National Archives.
- A Camp Chase prison register mistakenly listed George W. Gullett as a member of the 15th. Regiment of Kentucky Cavalry. His Compiled Military Service Record (CMSR) confirms he was a member of Malone's Regiment of Kentucky Cavalry.
- The writer's great-grandmother, Mrs. Drusilla Elnora (Gullett) Lofland, was a sister of Dr. George W. Gullett.
- Dr. Robert H. Ditzler, of Oldham County, Kentucky, and his family were ardent supporters of the Confederacy. In 1864 his older brother, the Rev. Jacob Ditzler, traveled to Europe to garner support for the Confederate government. After the war, Dr. Robert H. Ditzler moved to Missouri and practiced medicine at Richland in Vernon County.

Sources: •

1850 U.S. census, Carroll Co., Tennessee, District 6, p. 67-B. (Isaac Gullett); •1860 U.S. census, Robertson Co., Tenn., Sadlersville post office, p. 488. (J.H. Gullett); •1860 U.S. census, Oldham Co., Kentucky, p. 063. (Geo. Y. Ditzler); •1870 U.S. census, Haywood Co., Tenn., District 10, p.451-B. (G. T. Gullett); •1880 U.S. census, Lauderdale Co., Tenn., p. 64-A. (George Gullett); •1880 U.S. census, Vernon Co., Missouri., p. 512-B. (Robert H. Ditzler, M.D.); •1900 U.S. census, Pope Co., Arkansas, Enumeration District [ED]177, sheet 5-B. (George Gullett); •1910 U.S. Census, Pope Co., Ark., ED 96, sheet 3-B. (George T. Gullett); •Allen, David C., *Winds of Change*, (2000), 9, 12, 99, 102, 202. (Robertson County/Civil War); •Arkansas Confederate Pension Record, Arkansas History Commission, Little Rock, Ark. (Widow's Pension, Mrs. Lizzie Gullett, widow of Dr. G.T. Gullett); •Beach, Ursula S., *Along the Warioto, or A History of Montgomery County, Tennessee* (1964), 186. (Dr. Gullett); •Camp Chase, Ohio Prison Register #4, p. 45 (G. W. Gullett); • *Clarksville Chronicle*, Clarksville, Tenn., 6 December 1861. (Female Academy Hospital); •*Confederate Veteran*, XIX:241. (Dr. G.T. Gullett); •Cunningham, H. H., *Doctors In Gray* (1958), 107; • George Gullett grave at Camp Chase Confederate Cemetery, Section 0, Site 1728, retrieved June 22, 2006 from Department of Veterans Affairs National Cemetery Administration http://gravelocator.cem.va.gov/j2ee/servlet/NGL_v1; •Dyer, Gustavus W. & Moore, John T., *The Tennessee Civil War Veterans Questionnaires*, 1:126-27. (John Wesley Tucker, grandson of George Washington Gullett); •Evans, Clement A., *Confederate Military History* (1899) 9:248. (H. B. Lyon); •Ingmire, Frances, *Confederate P.O.W.'s: Soldiers & Sailors Who Died in Federal Prisons & Military Hospitals in the North* (1984), 70. "Camp Chase Ohio." (Geo. W. Gullett, Asst. Surgeon, C.S. Army); •Knauss, William, *The Story of Camp Chase* (1906), 360. Grave #1728. Gulleht, J. W., Asst. Surg., 15th. Ky. Cav., died 21 March 1865); •Lynn, Stephen D., *Confederate Soldiers of Kentucky* (2002), 150, 230. (George W. Gullett); •National Archives Records Administration, *Compiled Service Records of Confederate Soldiers from State of Kentucky, Miscellaneous Records*; Microcopy #319-136. (Robert H. Ditsler, George W. Gullett & John W. Malone); •NARA. *Louisville [Kentucky] Military Prison Register #8*, p.112. (George W. Gullett); •NARA. *Register of Confederate Soldiers, Sailors, and Citizens who died in Federal Prisons & Military Hospitals in the North* (1912), 108. "Camp Chase, Ohio." Microcopy #918-1. (George W. Gullett, Asst. Surgeon, C.S. Army); •Perrin, W.H., *Kentucky, A History of the State* (1887), 6: 783-84. (Jacob Ditzler); •Poole, Gregory D., *Robertson County, Tennessee, Obituaries and Death Records, 1802-1930* (1999), 238; •*Report of the Adjutant General of the State of Kentucky*, (Confederate) (1918), 268-69. (H. B. Lyon); •Robertson Co., Tenn., Will Book 18, pp. 619-20. (James H. Gullett); •Rock Island Prison Barracks, *Exchange Roster 598-131*, p. 134. (George T. Gullett); •*Springfield Speculator*, Springfield, Tenn., 10 May & 17 May 1888. (Robertson County Home Guard); •Statements of Mrs. Mary (Lofland) Banton, Allensville, Ky., 1957; Mrs. Annie (Woolford) Adams, Cocoa, Florida, 1962; and Mrs. Sallie (Woolford) Risher, Springfield, Tenn., 1968; •Tennessee Historical Marker, #3C-38. 'Bell Witch,' Highway. 41-N, Adams, Tenn.; •Titus, W.P., *Picturesque Clarksville Past and Present* (1887), Appendix, p. 72.

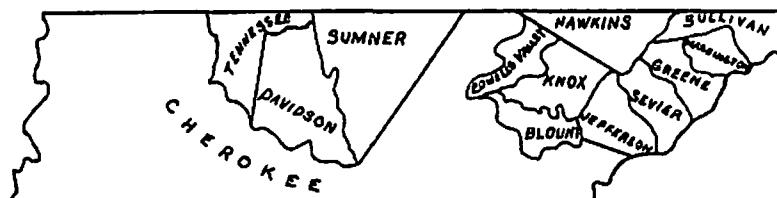
Law and Order in the Territory of the United States South of the River Ohio

Part III of a Series

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By Patricia Gilliam Daley (ducstop@aol.com)

Tennessee in 1795
Known as Territory South of the River Ohio.
(Courtesy of Sharon McCormack, McMinn County Rootsweb site.)



The following is a continuation of an exact transcription and analysis of the earliest statute establishing the judicial system in the Territory of the United States South of the River Ohio. Part I appeared in the Fall 2005 issue, and Part II appeared in the Spring 2006 issue of this *Journal*.

Writs and Process

Sec. 9. *And be it enacted*, That the clerk or attorney issuing process, shall mark thereon the day on which the same shall be issued ; and the sheriff or other officer receiving the same in order to execute, that in like manner mark on each process, the day on which he shall have received it ; and every clerk, attorney, sheriff, or other officer neglecting so to do, shall forfeit and pay the sum of one hundred and twenty five dollars, to be recovered by action of debt, in any court of record having cognizance thereof, by any person who shall sue for the same, with costs.

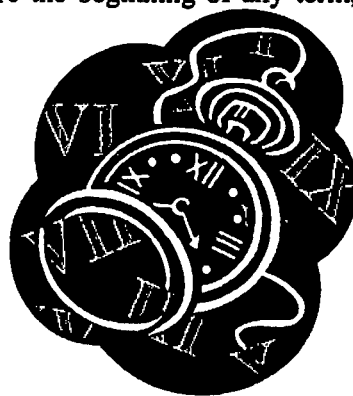
“Process” is the means by which a court exercises jurisdiction over a person or property. In today’s procedure, “process” is the summons. In 1794, the date of this statute, there were several different types of writs that could constitute “original process,” the first process issued in a lawsuit. Some variations of original process included writs of *capias*, *replevin*, attachment and summons, discussed in more detail when they appear in the text of the statute. Process was issued by the clerk or in the clerk’s name and directed to the sheriff, commanding him to summon the defendant to appear at a certain time and place (at the next term of court and at the courthouse). Some details of the suit, including the nature of the claim and the amount demanded, were included in the writ. The date issued and the date the sheriff received the process were marked on the writ as documentation of issuance and delivery to the sheriff.

In addition to recording the date on which the sheriff received the process, the sheriff also recorded a description of the results of his service on the defendant. If he had taken the defendant into custody but had released him upon his posting bail, the sheriff would mark the writ “*cepi corpus*,” or “CC.” If he were holding a defendant who was unable to furnish bail, the writ would be marked “CCC” for “*cepi corpus et committitur*.” If the sheriff were unable to find the defendant in his county to serve him, he would return the process “*non est inventus*,” “*non est*,” “NEI,” or “not found.” Additionally, if the sheriff determined that the defendant was not a resident of the county, he endorsed that fact on the process.

Generally, the “any person who shall sue for the same” (the penalty for the clerk’s, attorney’s, or sheriff’s failure to record the applicable date on the writ) was a plaintiff who had been harmed by that failure. Since courts met

infrequently and were in session for only a few days, the plaintiff's case could be greatly delayed by the failure to record the dates. Without them, there was no proof that a writ had been issued or that the sheriff had received the process, and service of process was necessary to commence the lawsuit. (The Superior Courts met only twice a year, and the Courts of Pleas and Quarter Sessions met only four times annually.) Virtually all the states and territories at this time had statutes that allowed a penalty to be recovered by anyone who sued for it.

Sec. 10. *And be it enacted*, That all writs and other process (except subpoenas for witnesses returnable immediately) shall be returned the first day of the term to which the same shall be returnable, and shall be executed at least ten days before the beginning of such term. And if any original or mesne process shall be taken out within ten days before the beginning of any term, such process shall be made returnable to the term next succeeding that which shall commence within ten days after taking out such process, and not otherwise ; and all process made returnable at any other term, or executed at any other time or in any other manner than by this act is directed, shall be adjudged void upon the plea of the defendant : *Provided nevertheless*, That no thing herein contained, shall be construed to invalidate or vacate any process, warrant or precept to be issued by any of the judges of the said courts, or any justice of the peace, or clerk of any court, on any criminal prosecution on behalf of the government; but that the same may be issued at any [page 6] time, and made returnable to any day of the term: and the like proceedings on criminal suits and prosecutions, shall be agreeable in the practice heretofore in use in this government except where the same is or may be otherwise directed, any thing herein contained to the contrary notwithstanding.



It was the sheriff's job to return the process he had served on the first day of the court's term. It was also his duty to return process he had been unable to serve, all marked to indicate its disposition. The sheriff had to serve the defendant with process ("execute" the process) at least ten days before the first day of the court term. Process issued fewer than ten days in advance of the court's term meant that the defendant was not required to appear until the succeeding term. Any process not complying would be ruled void upon the defendant's motion, and the plaintiff would have to begin the process again. Proper service and return was the usual way to obtain jurisdiction over the defendant.

The proviso declares that process in criminal matters could be issued at any time and made returnable to any day of the term, not just the first day. For the protection of the public, the government needed to bring accused criminals to justice promptly, and a defendant was thus guaranteed a speedy trial.

Arrest and Release

Sec. 11. *And be it enacted*, That when any writ shall issue from any of the said courts, whereby any sheriff or other officer shall be commanded to take the body of any person or persons, to answer to any action in any of the said courts, such sheriff shall take bond with two sufficient securities, in double the sum for which such person or persons shall be held in arrest (executors, administrators, and persons sued on such penal statutes as do not expressly require bail excepted) and shall return such bond with the writ : and in case the sheriff shall fail or neglect to take such bail, or the bail returned be held insufficient, on exception taken and entered the same term to which such process shall be returnable, the sheriff having due notice thereof, he shall be deemed and stand as special bail and the plaintiff may proceed to judgment according to the rules hereinafter prescribed.

When a sheriff took "the body of a person," he placed the person under arrest. If the defendant desired release before trial, the sheriff was required to take bond in double the amount of the plaintiff's demand from two persons

who had assets sufficient to pay a resulting judgment should the defendant not appear as summoned. Otherwise, the sheriff confined the defendant to await trial. Although imprisonment either before or after a civil trial is very foreign to us today, it was not unusual in the early days of our country. In fact, most jail inhabitants at this time were awaiting trial. Often the early governments had statutes requiring the separation of civil and criminal defendants who were in jail awaiting trial.

Convicted criminals did not serve lengthy prison sentences as they do today. Instead, justice was brutal, but quickly applied and quickly finished. The stocks, where one often lost one or more body parts, and the whip were the usual instruments of early criminal justice.

If a sheriff became "special bail," having failed to take bond from "two sufficient securities," he was liable for the defendant's failure to appear, just as the securities (now usually called "sureties") were. In addition, a special bail was required to pay any judgment against the defendant as well as court costs if the defendant did not pay. Thus, the sheriff had a financial incentive to perform his duty faithfully. "Bail" refers both to the person who guarantees the defendant's presence and to the bond required to release the defendant.

Sec. 12. *And be it enacted*, That all bail bonds returned to any of the said courts, shall be signed by the sheriff returning the same by endorsement thereon, in the following form viz "I A.B. Sheriff of ____ county do hereby assign the within obligation and condition to C.D. the plaintiff therein named, his executors and administrators, to be sued for according to the statutes in such case made and provided. In witness whereof I have hereunto set my hand and seal, the ____ day of ____ in the year of our Lord one thousand seven hundred and ____ And every sheriff failing to make such assignment shall be deemed, held, and taken as special bail, in the same manner as if no bail bond had been returned.



Sec. 13. *And be it enacted*, That when any sheriff shall return, that he hath taken the body of any defendant, and committed him to the prison of his county (which is hereby declared to be the proper prison for such commitment) the plaintiff may enter the defendant's appearance and shall be at liberty to plead, as if such appearance had been entered by himself ; and the plaintiff may proceed to judgment, as in other cases in this act directed : nevertheless the defendant shall not be discharged out of custody, but by putting in bail, or rule of court.

Section 13 makes it clear that the defendant who is awaiting trial could be released *only* by furnishing the securities mentioned in Section 11 or by the court and that he will remain in jail even after the plaintiff is awarded a judgment against him unless the judgment is satisfied. In addition to confinement awaiting trial, people could be imprisoned if they did not pay civil debts and judgments against them. They could not, however, be held indefinitely. North Carolina law had, as early as 1749, prohibited the continued imprisonment of a person who, without strong presumption of fraud, without visible personal estate, and who, without concealing his property or transferring it in order to defraud his creditors, who made oath before the County Court or before two Justices of the Peace, in the presence of his creditors, that he had less than a certain amount of money prescribed by law. Over time, further provisions were added--the debtor had to disclose his assets and liabilities and deliver his entire estate, with certain exceptions, such as his working tools, wearing apparel, and his arms for muster--to his creditors. Those familiar with bankruptcy procedures today will recognize these early features as predecessors of our current practices. The North Carolina Constitution of 1776 continued protection against imprisonment after a debtor delivered his estate to his creditors. A 1777 act further made it clear that revolution had not repealed the prior law with respect to debtors. It is important to note, however, that a person who had not delivered his estate to his creditors could be continued in prison indefinitely.

Tennessee's 1796 Constitution did not abolish imprisonment for debt under some circumstances, but it did provide,

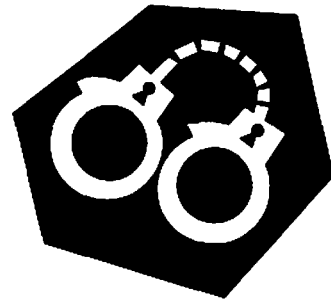
"That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in Prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law." (Article XI, § XVIII)

Rights and Responsibilities of Securities

Sec. 14. *And be it enacted*, That all bail taken according to the directions of this act, shall be deemed held, and taken to be special bail, and as such, liable to the recovery of the plaintiff : but the plaintiff, after final judgment, shall not take out execution against such bail until an execution be first returned, that the defendant is not to be found in his proper county, and until a *Scire Facias* hath been made known to the bail which *Scire Facias* shall not issue until such execution shall have been so returned ; and after return of such execution against the principal, and *Scire Facias*, against the bail, execution may issue against the principal and securities, or any of them, or any of their estates, unless the bail shall surrender the principal before the return of the first *Scire Facias* or shall appear and plead upon the return thereof, any law, custom, or practice to the contrary thereof in any wise notwithstanding.

Securities who procured the defendant's release before trial not only guaranteed his appearance in court but also were also responsible for paying any judgment rendered against him, as well as costs in the case, if the defendant did not pay. They, too, were special bail. The plaintiff could not proceed against the securities unless the sheriff had returned the execution writ "not found in my county." Additionally, the plaintiff could not proceed against the securities until a *scire facias* had been served on them. The *scire facias* was a writ that summoned the securities to court where they were to show cause (if they had any) why they should not be held to satisfy the judgment against the defendant. After this hearing, the plaintiff could execute against the securities or their property. In order to prevent execution against themselves, the securities could surrender the defendant before the return of the *scire facias*.

Sec. 15. *And be it enacted*, That the bail shall have liberty, before [page 7] final judgement obtained against him, to surrender to the court from which the process issued, or to the sheriff returning such process, during the sitting of such court, or to the sheriff in the recess of such court, the principal in discharge of himself ; and such bail shall at any time before such judgment had, have full power and authority to arrest the body of his principal, and secure him until he shall have an opportunity to surrender him to the sheriff who made the arrest or to the court to which the process was returnable ; and such sheriff is hereby required to receive such surrender, and hold the body of the defendant in custody, as if bail had never been given.



If the securities desired to be released from their obligation, they had the right, until such time as a final judgment was returned against them, to surrender the defendant (here called the "principal") to the court if in session and the sheriff if court were not in session. The surrender would discharge them from their obligation. A surety was not liable, either civilly or criminally, for the arrest and confinement of the defendant during the surrender process. The surrendered defendant would again be jailed.

Proceeding against Securities

Sec. 16. *And be it enacted*, That when any *Scire Facias* shall by the proper officer be returned to have been made known to the bail, and they in consequence thereof shall appear, they shall be obliged to plead, and the issue shall be tried the same term to which the process shall be returned, unless sufficient cause be shewn to the court to the contrary ; but the bail shall not be admitted to plead *non est factum* unless they first file an affidavit of the truth of their plea. *Provided nevertheless*, that if any sheriff shall return, on a *Scire Facias* to him directed, that the principal is imprisoned by virtue of any process, civil or criminal, the court to which such *Scire Facias* is

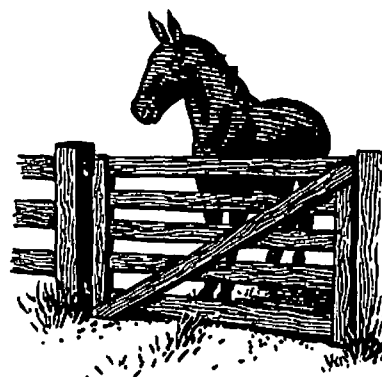
returnable, shall, on motion of the plaintiff or bail, order and direct that such principal be retained where he or she shall be a prisoner until the plaintiff's judgment and costs shall be paid, or he or she otherwise discharged by due course of law ; a copy of which order being served on the keeper of such prison, before such prisoner's releasement, shall be a sufficient authority for him to retain such prisoner, until such order be complied with, and shall be deemed a surrender of the principal, and a discharge of the bail.

A security upon whom a *scire facias* had been served had to plead (make his case) and have it tried during the same term to which the *scire facias* was returned unless he presented sufficient cause for delay to the court. He could not deny the existence or validity of the instrument showing him as bail (a *non est factum* plea) unless he filed a sworn statement (affidavit) as to the truth of the plea. In a time when court was held so infrequently, when the bail already knew about the defendant's absence from the court's jurisdiction (from the *scire facias* if he had no actual notice of the defendant's absence), and when there were no further facts to discover, it was not unfair to hear the case in the same term to which the process was returned.

If the defendant were already in jail for another reason, the court could order, upon the motion of the plaintiff or the bail, that he not be released until the plaintiff's judgment and costs were paid. This circumstance also released the bail from his obligation.

Proceeding Against Defendant's Property

Sec. 17. And for the better ascertaining what process shall issue when the sheriff shall return, that the defendant is not to be found within his county, *Be it enacted*, That when the sheriff shall make such return in any civil action, the plaintiff may, at his election, sue out an attachment against the estate of such defendant, or an *Alias* or *Pluries Capias* until he be arrested, returnable in the same manner as original process ; and if the sheriff shall return any goods by him attached, and the defendant shall fail to appear and plead within the time herein directed, the plaintiff shall be entitled, if an action of debt, to final judgment; and if in an action on the case, to an interlocutory judgment, and in consequence thereof may execute a writ of enquiry the next succeeding term ; and the goods so attached, if not replevied or sold according to the rules herein after prescribed for goods taken on original attachments, shall remain in custody of the sheriff until final judgment, and then be disposed of in the same manner as goods taken in execution on a writ of *Fieri Facias* ; and if the judgment shall not be satisfied by the goods attached, the plaintiff may have execution for the residue.



When the sheriff was unable to find the defendant to serve process on him and returned the process "not found," the plaintiff had two options. He could choose attachment, a process that brought the defendant's property under the court's control. Attachment prevented the defendant from being able to convey clear title to the property, thus eliminating all but the most careless buyers, until the plaintiff could obtain its judgment. The plaintiff could then execute against the attached property. Alternatively, the plaintiff could try again to get personal jurisdiction over the defendant by service of process--an "*alias* or *pluries capias*." A *capias* was a writ that directed the sheriff to take the body of the defendant. An *alias capias* provided a second attempt to serve the defendant with process, and a *pluries capias* yielded a third attempt.

If the plaintiff attached property belonging to the defendant, but the defendant did not appear and defend within the time allotted, the plaintiff could, in an action for debt, have final judgment against the defendant and look to the attached property to satisfy the judgment. In an action for debt it was already clear how much was owed the plaintiff, since debt lay for such situations as collection on a promissory note under seal, foreclosing on a mortgage, and enforcing a written settlement or a court's judgment of record.

If the complaint were for action on the case (the forerunner of the modern negligence action), the plaintiff was entitled only to an interlocutory (intermediate) judgment. In that situation the amount of damages owing the plaintiff was not yet determined. The plaintiff was required to wait until the next term of court, when he could execute a writ of inquiry. This writ required the sheriff to summon a jury to set the amount of damages. A return showing the jury's award was made to the next court term, when the court could either confirm the jury's action or reject it and assess damages itself. The attached property could then be sold to satisfy the judgment, unless the property had already been replevied or sold as provided by law. Replevin was a remedy which allowed the plaintiff, before judgment, to take property from the defendant and hold it until the court rendered a decision. The plaintiff was required to post a bond to compensate the defendant should the plaintiff not prevail in the case and not return the property in the same condition as when it was taken. A writ of *feri facias* commanded the sheriff to seize and sell property belonging to the defendant and was the writ most commonly issued to execute a court's judgment. If the attached property were not sufficient to satisfy the plaintiff's judgment, further execution could issue.

Sec. 18. *And be it enacted* That in case any plaintiff shall obtain judgment final, at the first term to which the process shall be returnable, on an action of debt, it shall be lawful for him to execute his enquiry as to the value of any foreign currency or money, for which the suit may be brought, at the same term in which such judgment shall be entered or obtained.

Absconding Defendants

Sec. 19. *And be it further enacted*, That upon any complaint being made on oath, to any of the judges of the said courts, or to any justice [page 8] of any of the county courts, by any person or persons, his, her, or their attorney, agent, or factor, that any person hath removed, or is removing him or herself out of the county privately, or so absconds or conceals him or herself, that the ordinary process of law cannot be served on such debtor ; and if such plaintiff, his, her, or their attorney, agent, or factor further swears to the amount of his, her, or their debt, or demand, to the best of his, her, or their knowledge and belief, it shall be lawful for such judge or justice, and he is hereby empowered and required to grant an attachment against the estate of such debtor, wherever the same may be found, or in the hands of any person or persons indebted to, or having any of the effects of the defendant, or so much thereof as shall be of value sufficient to satisfy the debt or demand, and costs of such complaint ; which attachment shall be returned to the court where the suit is cognizable, and shall be deemed a leading process in such action ; and the same proceedings shall be had there as on judicial attachments : *Provided always* that every such judge or justice, before granting such attachment, shall take bond and security, of the party for whom the same shall be issued, his, her or their attorney, agent or factor, payable to the defendant, in double the sum for which the complaint shall be made, conditioned for satisfying all costs which shall be awarded to such defendant, in case the plaintiff shall be cast in the suit, and also all damages which shall be recovered against the plaintiff, in any suit or suits which may be brought against him for wrongfully suing out such attachment ; which bond, together with the affidavit of the party complaining, subscribed with his proper name, shall be returned by the justice taking the same, to the court to which the attachment is returnable , and every attachment issued without bond and affidavit, taken and returned as aforesaid, shall be abated on the plea of the defendant.



At this time on the Tennessee frontier, many inhabitants found it easier and less expensive to move on than to defend lawsuits and pay the resulting judgments. Like today, many defendants attempted to escape service of process. Because of the necessity of moving quickly upon an absconding defendant, Justices of the Peace also had jurisdiction to grant an attachment sufficient to pay the debt or demand plus court costs. Upon the filing of a sworn declaration (affidavit) that the defendant was absconding or hiding and upon stating in the affidavit the amount that defendant owed or was expected to be found liable for (the demand) in a lawsuit, the plaintiff could attach property

belonging to the defendant, including property belonging to the defendant but in the hands of another person. For instance, if a defendant were owed wages, those wages could be attached even though they were in the possession of someone else. The plaintiff had to give bond and provide security in twice the value of the sum demanded in the lawsuit. The purpose of the bond was to satisfy costs and damages awarded to the defendant in case the plaintiff did not prevail in the lawsuit and the defendant subsequently brought suit against the plaintiff for wrongfully attaching the property. If the affidavit and bond were not given, the defendant could have the attached property returned to him.

“Leading process” means the first process issued in a suit; in other words, the attachment began the lawsuit. ■

To Be Continued

William Sullivan's Petition, 1806

To move the Jackson & Smith County Line

The Honorable the Genl. Assembly of the state of Tennessee now in Session,

The petition of William Sullivan, Senr. Humbly sheweth to your Honorable body that your petitioner labours under many Inconveniences In consequence of his plantation being bound on the north side by Cumberland River and the Devotional line of Smith and Jackson Counties on the South, about five poles from his Door, and he being only person of his neighbourhood on the south side of the River that fall in the County of Jackson, your petitioner Hope your Honourable will Take his case in to your Serious consideration and redress his grievence by passing a law to alter said Devotional line so as to make your petitioner a Citizen of Smith County. For which your petitioner in Duty Bound shall ever pray.

William Sullivan

The county line cross[es] the River just below the plantation of the petitioner. Note[?] to make the River the line to the mouth of Hurrycane Creek, then up the Creek to the present line Jackson County will only loos about the Half of one Square Mile.

Lee Sullivan, one of the Surveyors that ran the said line

[Notations on the petition]

In Senate

Aug. 11, 1806

Read & referred to the Committee of prop---? and Grievances and sent to the House of Representatives.

Jno. Gamble, Clk.

House of Representatives

Aug. 11, 1806

Read & referred as above.

Edw. Scott, Clk.

*From: Record Group 60, Legislative Petitions, reel 2, petition number 10-1-1806-1A.
Tennessee State Library & Archives.*

Reconstructing the Maury County

1810 Census - Part IV (concluded)

In an effort to reconstruct the lost 1810 census of Maury County, four sources were consulted. Each source provided names of people who were active in the county in some way between 1808 and 1811. Gleaned from these sources were 1,230 names of individuals – admittedly including some likely repetitions where the same person appeared in more than one source. Although not all of them would have appeared in the census – married women, slaves and children, for example – many of the names listed here must be the names inscribed on the 1810 census schedules which were destroyed long ago in a Washington, D.C., records building fire.

The Sources:

Maury County Tennessee Court Minutes 1807-1809, abstracted by Jill Knight Garrett (Columbia, Tenn., 1965[?]), in which entries dated in 1809 are found on pp. 45-84. These names are found in the list below followed by a brief indication of the reason for their appearance in the court records (juror, Justice, etc.).

Marriages of Maury County Tennessee, 1808-1852, compiled by Edythe Whitley (Baltimore: Genealogical Publishing Co., 1982) in which marriages dated 1809-1811 appear on page one. These names are followed in the list below by the word 'married.' Page one includes 1809-1811 marriages.

Maury County Tax List 1808-1810, as found in the journal *Historic Maury* 32 (March 1996-Dec. 1996). These entries are cited in the list below as 'tax list ca. 1808-1810.'

Maury County Tax List 1808, as found in the journal *Historic Maury* 32 (Dec. 1996) 144-146. These entries are cited in the list below as 'tax list 1808.'

Neeley, Andrew tax list ca 1808-1810	Noble, William tax list ca 1808-1810	Olive, Abel witness	road overseer
Neeley, Charles tax list 1808	Nobles, Stephen security for Saml Taylor	O'Neal, John road crew	Partee, Charles tax list ca 1808-1810
Neeley, George sued Henry Kearney	Norkad, Samuel tax list 1808	O'Neal, Thomas H. executor of Marmaduke O'Neal	Patterson, Thomas road crew
Neely, Andrew sued by John Neely	Norman, Lewis plaintiff	Orr, Joshua juror	Patton, Henry Jr. tax list ca 1808-1810
Neely, James constable	Norris, Thomas road crew	Orr, Joshua tax list ca 1808-1810	Patton, Henry Sr. tax list ca 1808-1810
Neely, John sued Andrew Neely	Norval, John road crew	Orton, David town lot sold by sheriff	Patton, Joseph tax list ca 1808-1810
Nelson, John tax list 1808	Norvell, P. John tax list ca 1808-1810	Orton, David tax list ca 1808-1810	Patton, Justious surveyor
Newton, John tax list ca 1808-1810	Nowlen, Briant tax list ca 1808-1810	Orton, Richard sued Spencer Griffin	Patton, Robert tax list ca 1808-1810
Newton, Samuel tax list ca 1808-1810	Nowlen, Richard tax list ca 1808-1810	Osborne, Thomas tax list ca 1808-1810	Patton, Tristram assisted in settling Dobbins estate
Newton, William tax list ca 1808-1810	O'Neal, Marmadue (estate) settlement	Owen, Edward tax list ca 1808-1810	Paul, Asa road crew
Newton, William tax list ca 1808-1810	Oglivie, James tax list ca 1808-1810	Palmon, John tax list ca 1808-1810	Paxton, John road crew
Nichols, James road crew	Oldham, Joel R. sued Spencer Griffith	Park, Rubin tax list ca 1808-1810	Payton, Joseph commissioner
Nicholson, O.P. security for Jeremiah Cherry	Oliphant, Samuel commissioner	Parker, Mary tax list ca 1808-1810	Pearceall, Jeremiah tax list ca 1808-1810
Noble, Stephen tax list ca 1808-1810	Oliphant, Samuel tax list ca 1808-1810	Parks, Reuben	Pearsal, James released from property tax

Pearsall, James tax list ca 1808-1810	tax list ca 1808-1810	Ray, Thomas tax list ca 1808-1810	Rhodes, Joshua tax list ca 1808-1810
Permenter, Malachi road crew	Polk, Thomas road crew	Reading, Armstead road crew	Rhodes, Tyree sued W.T Lewis
Perry, Jane married John Teas 1811	Polk, Thomas tax list 1808	Reams, Joel road crew	Rhodes, Tyree tax list ca 1808-1810
Perry, Richardson sued Thos Ivey	Polk, Thomas (2) tax list ca 1808-1810	Reams, Reuben road crew	Rhodes, William tax list ca 1808-1810
Phillips, Joel tax list ca 1808-1810	Polk, William (2) tax list ca 1808-1810	Reaves, Rubin tax list ca 1808-1810	Rice, David tax list ca 1808-1810
Pickens, Abram tax list ca 1808-1810	Polk, Wm. road crew	Record, John road crew	Rice, Ebenezer tax list ca 1808-1810
Pickens, David road crew	Porter, Alexander sued by Lockridge	Reed, Hugh tax list ca 1808-1810	Rice, Rowland road crew
Pickens, David tax list ca 1808-1810	Porter, B. Joseph tax list ca 1808-1810	Reed, Hugh tax list ca 1808-1810	Rice, Rowland tax list ca 1808-1810
Pickens, G. John tax list ca 1808-1810	Porter, Nimrod wit. Wilson Henderson's will	Reed, James road crew	Richards, Joseph tax list ca 1808-1810
Pickens, John road crew	Porter, William tax list ca 1808-1810	Reed, John tax list 1808	Richards, Josiah sued by James Rusie
Pickins, Andrew taxed on one slave	Porter, Wm. tax adjusted	Rees, Charles tax list ca 1808-1810	Richardson, John tax list ca 1808-1810
Pickins, Izirch marr. Alexander Gillispie 1810	Potter, John road crew	Rees, James tax list ca 1808-1810	Rickman, William tax list ca 1808-1810
Pickins, Rachel married Wm. McNight 1809	Powal, John juror	Rees, Joel tax list ca 1808-1810	Rieves, James tax list ca 1808-1810
Pillow, Abner security for Wm. Webb	Prewett, Abner road crew	Reese, George juror	Riggins, John tax list ca 1808-1810
Pillow, Gideon attorney	Prewett, Lemuel Justice of the Peace	Reese, James juror	Riley, Andrew constable
Pillow, Gideon tax list ca 1808-1810	Prewitt, Lemuel tax list ca 1808-1810	Reese, Joel road crew	Riley, Andrew tax list ca 1808-1810
Pillow, Mordecai sued by Levern Grace	Price, Isaac tax list ca 1808-1810	Renfro, Joshua road crew	Riley, Isaac tax list ca 1808-1810
Pillow, Wm. witness	Pritchell, Mary married John Fisher 1809	Rentfro, Joshua tax list ca 1808-1810	Rivers, Joel T. sued James Welsh
Pipkin, Andrew juror	Prowel, Mr. road crew with his sons-in- law	Rentfro, William Sr. tax list ca 1808-1810	Roberts, Isaac Justice of the Peace
Pipkin, Enos juror	Purviance, John tax adjusted	Reynolds, Aron tax list ca 1808-1810	Roberts, Isaac tax list ca 1808-1810
Pipkin, Enos tax list ca 1808-1810	Purvines, John tax list ca 1808-1810	Reynolds, Benjamin tax list ca 1808-1810	Robertson, David road crew
Pipkin, Mark tax list ca 1808-1810	Puthway, Isham road crew	Reynolds, James tax list ca 1808-1810	Robertson, John testified re 1783 survey party
Polk, Charles tax list 1808	Radford, John road crew	Reynolds, John tax list ca 1808-1810	Robinson, Eldridge tax list ca 1808-1810
Polk, Ezekiel excused from jury duty	Rains, George tax list ca 1808-1810	Rheardon, Thomas tax list ca 1808-1810	Robinson, John tax list ca 1808-1810
Polk, Ezekiel tax list ca 1808-1810	Rambo, Elias tax list ca 1808-1810	Rhedden, A....ead? tax list ca 1808-1810	Robison, David road crew
Polk, John juror	Ramsey, G. William tax list ca 1808-1810	Rhodes, Isaac tax list ca 1808-1810	Robison, E. tax list ca 1808-1810
Polk, John tax list ca 1808-1810	Ramsey, Joshua road crew	Rhodes, James [Sr?] tax list ca 1808-1810	Robison, Mitchel tax list ca 1808-1810
Polk, Louisa tax list ca 1808-1810	Ramsey, Joshua tax list ca 1808-1810	Rhodes, James Jr. tax list ca 1808-1810	Robison, Sterling tax list ca 1808-1810
Polk, Mariah tax list ca 1808-1810	Ramsey, Robert residence mentioned	Rhodes, John tax list ca 1808-1810	Rogers, Green road crew
Polk, Samuel cotton inspector	Rankins, David tax list ca 1808-1810	Rhodes, Joseph tax list ca 1808-1810	Rogers, Greenberry tax list ca 1808-1810
Polk, Samuel	Rankins, James tax list ca 1808-1810	Rhodes, Joshua road crew	Rogers, William tax list 1808

Rollins, Benjamin
tax list ca 1808-1810
Rosborough, Joseph
tax list ca 1808-1810
Roseborough, Joseph
juror
Ross, David
plaintiff in land suit
Ross, David
tax list 1808
Ross, Francis
tax list ca 1808-1810
Ross, Henry
tax list ca 1808-1810
Ross, James
tax list ca 1808-1810
Ross, John
tax list ca 1808-1810
Ross, Robert
tax list ca 1808-1810
Ruckman, Wm.
failed to appear as witness
Rumage, Daniel
juror
Rummage, Daniel
tax list ca 1808-1810
Rush, William
tax list 1808
Rusie, James
sued Josiah Richards
Russell, Albert
excused from jury duty
Russell, Albert
tax list ca 1808-1810
Russell, John
defendant, found guilty
Russell, John
tax list 1808
Russell, Richard
road crew
Rust, Wm.
juror
Rutherford, Henry
witness, son of Griffith
Rutherford
Rutledge, James
road crew
Rutledge, James
tax list ca 1808-1810
Rutledge, Joel
tax list ca 1808-1810
Rutledge, Samuel
road crew
Rutledge, Thomas
tax list ca 1808-1810
Rutledge, William
tax list ca 1808-1810
Rutledge, William
tax list ca 1808-1810
Rutledge, Wm.
juror
Sandford, James

Justice of the Peace
Sandford, James T.
juror
Sanford, James Sr.
tax list ca 1808-1810
Sanford, Robert
tax list ca 1808-1810
Scott, Abraham
juror
Scott, Abraham
tax list ca 1808-1810
Scott, Jacob
juror
Scott, Rebecca
tax list ca 1808-1810
Scott, Robert
tax list ca 1808-1810
Searcy, Robert (agent)
tax list ca 1808-1810
Seism, Henry
tax list ca 1808-1810
Seism, William
tax list ca 1808-1810
Sellars, Isaac
tax list ca 1808-1810
Sellars, Lard
juror
Sellars, Lard
tax list ca 1808-1810
Sellars, Robert
Justice of the Peace
Sellars, Robert
tax list ca 1808-1810
Sellers, James
married Eliz. Johnson 1810
Sellers, Patsey
married Francis Barry 1810
Session, Henry
juror
Sewel, Joseph
tax list ca 1808-1810
Shannon, Owen
tax list ca 1808-1810
Sharp, Henry
road crew
Sharp, Henry
tax list ca 1808-1810
Sharp, Matthew
road crew
Shepherd, Wm.
taxes adjusted
Shields, George
tax list ca 1808-1810
Shields, James
juror
Shields, Leander M.
tax list ca 1808-1810
Shute, Asa (agent)
tax list ca 1808-1810
Silvers, John
tax list ca 1808-1810
Simmons, Nathaniel

juror
Simms, Walter
land tax adjusted
Simpson, Abel
juror
Simpson, Abel
tax list ca 1808-1810
Simpson, George
tax list ca 1808-1810
Sloan, Alexander
tax list ca 1808-1810
Sloan, John
road crew
Smith, Alexander
tax list ca 1808-1810
Smith, Benjamin
road overseer
Smith, Benjamin
tax list ca 1808-1810
Smith, Benjamin (2)
tax list ca 1808-1810
Smith, Charles
tax list ca 1808-1810
Smith, Daniel
tax list ca 1808-1810
Smith, Ebenezer
road crew
Smith, Ezekiel
road crew
Smith, James
tax list ca 1808-1810
Smith, John
residence mentioned
Smith, John
tax list ca 1808-1810
Smith, John
tax list ca 1808-1810
Smith, John
tax list ca 1808-1810
Smith, Luke
tax list ca 1808-1810
Smith, Massee
road crew
Smith, Mathias
tax list ca 1808-1810
Smith, Moses
road crew
Smith, Reuben
tax list ca 1808-1810
Smith, Samuel
road overseer
Smith, Samuel
tax list ca 1808-1810
Smith, Samuel
tax list 1808
Smith, Solomon
tax list ca 1808-1810
Smith, Stephen
road crew
Smith, William
tax list ca 1808-1810
Smith, William

tax list 1808
Smith, Wm.
juror
Spencer, Benjamin
tax list ca 1808-1810
Spencer, John
Justice of the Peace
Spencer, John
tax list ca 1808-1810
Spencer, Zilman
tax list ca 1808-1810
Sprinkle, Aloses
tax list ca 1808-1810
Sprinkle, Micajah
road crew
Steele, James
road crew
Steele, Michael
road crew
Steele, Robert
sued by Danl Woods
Stephenson, James W.
road crew
Stephenson, John
road overseer
Stephenson, Nathaniel
road crew
Stephenson, Nathaniel
tax list ca 1808-1810
Stephenson, Nathaniel
tax list ca 1808-1810
Stephenson, Thomas
juror
Stephenson, Thomas
tax list ca 1808-1810
Stephenson, W. John
tax list ca 1808-1810
Stewart, Giles
tax list 1808
Stewart, John
tax list ca 1808-1810
Stewart, Lazarus
tax list ca 1808-1810
Stewart, Sinkey
tax list ca 1808-1810
Stewart, Thomas
tax list ca 1808-1810
Stockard, James
tax list ca 1808-1810
Stockard, William
tax list ca 1808-1810
Stockard, Wm.
road crew
Stone, John
tax list ca 1808-1810
Stone, William
tax list ca 1808-1810
Stone, Wm.
failed to appear as witness
Story, Caleb
road crew
Story, Caleb

tax list ca 1808-1810	Toney, Wm. road crew	road crew	Willis, Augustine juror
Strother, John tax adjusted	Turner, Anthony I. juror	Webster, Jonathan road overseer	Willis, Nathaniel juror
Sumner, Edward tax list ca 1808-1810	Turner, Doctor residence mentioned	Welch, James guilty of assault [also written 'Welsh']	Willis, Romson road crew
Sutherland, Thomas sued by C.P. Boyles	Turner, James (estate) will probated	Whitaker, John juror	Wills, Josiah juror
Swanson, Peter tax list ca 1808-1810	Turner, William road crew	White, James security for Jas Welsh	Wilson, Abel road crew
Tate, John road crew	Turner, Wm. juror	White, John road cut through his land	Witherspoon, Lemuel juror
Tate, Joseph juror	Voorhies, Peter I. security for Howard Hardin	White, Lemuel security for Sherwood	Witherspoon, Samuel road overseer
Taylor, John defendant, failed to appear in court	Voorhies, Wm. juror	Williams juror	Wood, Joseph attorney
Taylor, Lewis road overseer	Waldrep, James road crew	Whiteacre, John juror	Woods, Daniel juror
Taylor, Samuel constable	Waldrip, Richard Michael road crew	Whiteside, Abram marr. Ruthey Davidson 1809	Wren, George taxed on 325 acres
Teas, John married Jane Perry 1811	Walker, Abram shared in Dobbins estate	Whiteside, Thomas juror	Wren, James sued by A & J Daniel
Teas, Joseph road crew	Walker, Washington juror	Whitesides, Jenkin sued Simpson Harris	Wright, John sued John Davidson
Thomas, Benjamin tax adjusted	Wallace, Thomas road crew	Whitesides, Samuel juror	Wright, Nicholas juror
Thomas, Daniel D. sued W & S Harrison	Wallace, Wm. road crew	Whitson, Thomas judge at elections	Wyatt, James road crew
Thomas, David D. juror	Wallis, Matthew road crew	Wilkes, Benjamin juror	Wyly, John juror
Thomas, Elisha road crew	Waters, Isaac L. defendant	Wilkins, Robert road crew	Yarborough, Brittain security for Caleb Hanley
Thomas, Solomon road crew	Watkins, James juror	Williams, Edward kept ferry	Yates, Mr. road crew
Thomas, T. (estate) involved in lawsuit	Weams, Thomas constable	Williams, Jacob road crew	Young, Joseph road crew
Thompson, John juror	Weams, Wm. road crew	Williams, John juror	Young, Nathaniel road crew
Thompson, Wm. W. commissioned to assess damages	Webb, John road crew	Williams, Joshua Justice of the Peace	Young, Phebe marr. Saml McMahan 1811
Tomlinson, John road crew	Webb, M. road crew	Williams, Samuel H. juror	Zollicoffer, John Jacob Juror
Tomlinson, Moses road crew	Webb, Wm. road crew	Williams, Sherwood ferry license	
	Webster, G.	Williamson, Thomas sued Joseph Lemaster	

Draper Papers Tool on Heritage Quest

Genealogists have found it hard to get into the treasure that is the Draper Papers, because so few every-name indexes are available. Now users of the *Heritage Quest* online database (provided by some area libraries for their patrons) can search the full text of one of the major Draper guides, published in 1915 with a very skimpy index: *The Preston and Virginia Papers of the Draper Collection of Manuscripts*.

A search for my ancestor Joshua Phipps, who migrated from Botetourt County Virginia to in Kentucky revealed that in 1775 and 1776 he was helping Thomas Madison outfit a company of soldiers to march against hostile Cherokee Indians in the Holston Country of East Tennessee. Try it and see what you may find!

Middle Tennessee Supreme Court Records

Third Series

by Gale Williams Bamman, CG



Featuring the 1840 Case: Coffee vs Wilcher

Introduction

Since 1989, this journal has published short extracts of Middle Tennessee Supreme Court case files in various formats. This, the Third Series, combines paraphrasing along with extracts—so as to include more data, the decisions of the Supreme Court (if found in surviving records), definitions of pertinent legal terms, and, occasionally, additional information from county records. At times, historical and sociological features of various cases will be emphasized. The series' main goal has not changed—that of identifying families and providing genealogically-important data.

Case files for the Middle Tennessee District of the State Supreme Court are housed in the Manuscripts Division of the Tennessee State Library and Archives (TSLA). A card file indexes both plaintiffs and defendants, often listing only the first party named on each side. These files are “loose” papers containing clerk transcriptions of lawsuits heard in lower courts—chancery or circuit—that were appealed to the Tennessee Supreme Court. They may also include transcribed wills, deeds, subpoenas, depositions, affidavits, and other information significant to the genealogist.

As to the Supreme Court's decision or opinion, that is rarely found in the case files. The researcher must go to that court's bound volumes, available mainly in Record Group 191, “Tennessee Supreme Court Clerk's Records 1810-1955.” On microfilm, this set of records contains opinion books and volumes labeled minutes, enrollments, dockets, record books, and journals. Not all volumes are indexed, and there are major gaps in the early records of the court. The register for this record group, in paper format in the Manuscripts Division of TSLA, details what is available and the time frames covered.

More information on the microfilmed Tennessee Supreme Court Records¹ can be found in the complete introduction to the Third Series, which appeared in the Spring 2006 issue of this *Journal* (Vol. 19, number 4, pp. 147-50.)

Following a lawsuit through the Chancery or Circuit Court

The fundamental parts of a cause presented in a chancery or circuit court are usually:

- | | |
|--|---|
| Bill of Complaint or Declaration: | a document laying out the claims that the plaintiff (often referred to as the orator or oratrix) has against the defendant, and typically prepared by a lawyer. |
| Writ of Summons: | an order by the presiding judge to the sheriff of the county where the case is being tried, containing a concise statement of the cause of complaint and requiring him to notify the defendants named therein as to the date they are to be in court. |
| Discovery: | the process whereby the parties exchange documents and other information about the issues relevant to the litigation. |
| Answer: | a formal written statement by a defendant that responds to the complaint and sets forth the grounds for defense. |
| Final Decree: | the court's final ruling or decision. |

¹The register can also be viewed online at: <http://www.state.tn.us/tsla/history/state/recordgroups/findingaids/rg191.pdf>

Other elements are often present. [See the Introduction, cited above, for details.]

When a lawsuit is appealed to the Supreme Court

The judges of the Supreme Court review transcripts sent from the lower court, as well as any other documents relating to the case. Sometimes the court listens to oral arguments by lawyers for both sides, but there are no witnesses and there is no jury. Instead, the judges decide which side is legally correct. When they make that decision, they write an opinion explaining why they ruled the way they did, sometimes called a ruling. The ruling could be an affirmation of the decision of the lower court, a reversal of that decision, or a remanding (sending back) of the case to the lower court. A reversal is often followed by a remand.

Arrangement of data found in the case files

The following key explains the format for the data presented in this series.

Italics:	selected extracts from the clerk's transcription, Latin phrases, and pertinent legal terms.
Regular font:	this writer's paraphrasing.
Square brackets in paraphrasing:	hypotheses and/or comments by this writer.
Square brackets in extracts:	implied words and/or undecipherable portions, along with a question mark.
Quotation marks:	quotes from books and online sites.

Supreme Court Records, Box 77, Middle Tennessee 1840

Joshua M. Coffee vs Thomas Wilcher et al

Original Bill heard in Warren County Chancery Court

This case is a dispute over the boundary line dividing the lands devised by Thomas Wilcher, Sr. to his sons Archibald Wilcher and Thomas Wilcher, Jr. Archibald died intestate before 1829, leaving no issue and with his eight brothers and sisters inheriting equal rights to his land. Five of those eight siblings sold their shares to a William White; and the complainant, Joshua M. Coffee, bought those from White, as well as the share of sibling Elizabeth Harper. Also, two of the three children of a deceased sibling (Polly Vaughan), sold their portions of a 1/8 share to the complainant. Thomas Wilcher, Jr. held the remaining 1/8 share. In a deed of trust of 1829 he conveyed that share to William Cain, as well as the lands he'd been bequeathed by his father. He instructed Cain to sell the lands, "as necessary," to pay Thomas's debts and to keep the remainder in trust for his wife and children. This trustee died before having sold any of the land; thus, the complainant brought suit against Thomas, Jr., as well as against Thomas's wife and children. Coffee died before the court issued a decree, and his heirs filed a Bill of Revivor.²

[Bill of Complaint]

14 October 1840. Joshua Coffee of Warren Co., Tenn. against Thomas Wilcher and Paulina his wife, Thomas Wilcher, Jr., Archibald P. Wilcher, William Wilcher, George Wilcher, Christian Wilcher, Amanda Wilcher, Clarissa Bragg and Joseph Bragg, George Wilcher, Wiley Riggs and Nancy his wife formerly Nancy Wilcher, all citizens of Warren Co., Tenn. and ___[blank] Hammonds of the State of Missouri, a minor under the age of 21, defendants.

Complainant Joshua Coffee stated that in 1816 or 1817 Thomas Wilcher the elder died in Warren County, leaving a will in which he bequeathed to his son Thomas, Jr. 250 acres lying on the north boundary of a tract on which said

² "Bill of Revivor: In equity practice, a bill filed for the purpose of reviving or calling into operation the proceedings in a suit when, from some circumstance, (as the death of the plaintiff), the suit had abated." Henry Campbell Black, *Black's Law Dictionary*, 2nd ed.. (1910; CD-ROM reprint, Columbia, Md.: Archive CD Books USA, 2006), 1035.

Thomas the elder lived and died; and to his son Archibald Wilcher he bequeathed the land on which the testator resided at the time of his death, with a life estate³ to his widow., She died ca 1838.

Archibald died *intestate*⁴ as to his real estate having made a nuncupative will⁵ as to his personal property, leaving the following, his brothers and sisters, heirs at law to his real estate, to wit: Thomas Wilcher, Lucy Forest formerly Lucy England, Winny Brazil, formerly Winny Wilcher, Sally Hennessee, Christian North, Nancy Staton, and perhaps one other sister or the children of the same whose names the complainant does not know.

[One sibling, Elizabeth Harper, is not named here; however, she was named in the will of Thomas, Sr., and she did execute a deed to Coffee, selling her 1/8 share of the lands of Archibald, dec'd.]

Complainant stated that William White had purchased five shares of the land Archibald died possessing—those of Lucy England, Sally Hennessee, Christian North, Winny Brazzle, and Nancy Staten, and that on 31 October 1835, White sold those to Joshua M. Coffee, in a bond⁶ marked Exhibit A. Complainant was owner of another 1/8 share, by deed from Elizabeth Harper, marked Exhibit B, and the owner of two thirds of another share—that of Thomas Vaughan, through his wife Polly, formerly Wilcher, dec'd., daughter of Thomas Wilcher, Sr. Two-thirds of that share had been purchased from Aaron and Thomas Vaughan, sons of Thomas Vaughan; and the remaining third was vested in ____[blank] Hammonds ... in right of her mother Polly Hammonds, a daughter of Thomas Vaughan.

Complainant stated that in 1829 Thomas Wilcher, Jr., conveyed his 1/8 share of Archibald's land to John Cain, of Warren Co., in trust,⁷ to pay off his several debts, and hold the remainder in trust for the wife and children of said Thomas. Cain died ca 1838-39, and there was no administrator and no acting trustee upon said trust; interest and title to said land were still in said defendants.

Complainant stated that the will of Thomas Wilcher, Sr. described the land bequeathed to Thomas, Jr. as being about 250 acres and bounding:

- north by line of Polly Black's grant,
- west by the Barren Fork of Collins River,
- east by land of Mitchell, now J. Carter,
- south by a well marked line from and to given points.

[Actually, Thomas Wilcher's will did not stipulate where the southern boundary line was.]

Complainant charged that despite the certainty, even *notoriety*, of said southern line, Thomas, Jr. was claiming to a different line, one much further south than where the true line was, *containing between said lines from 75 to 100 acres of fertile fine land and that said line by whomsoever run was run in fraud of every other claimant therein interested*.⁸

Complainant charged that after the death of said Archibald P. Wilcher the said defendant Thomas, Jr. had the southern line *run and marked without notice to any person concerned*. Complainant stated he'd *just recently learned that said defendants claim to said last mentioned line, but none of them had set up claim to the most*

³ "Life estate: An estate whose duration is limited to the life of the party holding it." *Ibid.*, 727.

⁴ "Intestate: A person is said to die intestate when he dies without making a will, or dies without leaving anything to testify what his wishes were with respect to the disposal of his property after his death. Besides the strict meaning of the word, there is also a sense in which intestacy may be partial; that is, where a man leaves a will which does not dispose of his whole estate, he is said to 'die intestate' as to the property so omitted." *Ibid.*, 652.

⁵ "Nuncupative will: A will which depends merely upon oral evidence, having been declared or dictated by the testator in his last sickness before a sufficient number of witnesses, and afterwards reduced to writing." *Ibid.*, 838.

⁶ "Bond: A contract to pay a certain sum of money...usually with a clause to the effect that upon performance of a certain condition the obligation shall be void." *Ibid.*, 142.

⁷ "Trust: A holding of property subject to a duty of employing it or applying its proceeds according to directions given by the person from whom it was derived." *Ibid.*, 1175.

⁸ "Notoriety: the state of being notorious or universally well known." (see *Notoriety*), *Ibid.*, 841. "Notorious: plain, apparent," (see *Evidence*), *Ibid.*, 447.; "that which is clear and requires no proof." (see *Manifest*), *Ibid.*, 755.

southerly line until some 9 or 12 months ago without any pretence or notice that they claimed to any line but the true original line contemplated in the will of said Thomas the elder.

Complainant expressed the desire to sell his interests in the lands of Archibald Wilcher, dec'd., but that he could not because of the recent claim set up by the defendants to the land lying described as lying between the two lines, which he charges as being false and in fraud. He also is unable to sell because the remaining unsold shares have not been divided. *Orator prays that by a decree said boundary be fixed to the most northerly line, said line descending according to the will of said Thomas Wilcher the elder thereby removing the cloud⁹ from the title of your Orator and that the said tract may be laid off into the proper number of shares according to the rules of the court or that the land be sold if it cannot be divided which he thinks very probable owing to the scarcity of springs on said tract.*

Complainant also asked that if the defendants attempted to plead or set up the statute of limitations,¹⁰ that they be restrained in good conscience by the court from pleading or relying on that.

Exhibit A

3 October 1835. Bond from William White of Warren Co. to Joshua M. Coffee. For consideration of \$2,600.00, White covenanted to make a deed to said Coffee for five shares out of the tract of land formerly belonging to Archibald which said Archibald owned as devisee under his father's will and subject to the life estate of Archibald's mother, which said five shares White had purchased heretofore.

[signed] Wm. White. Wit: Thomas Paris, Joseph Spurlock

Exhibit B

17 December 1835. Deed of Elizabeth Harper of Warren Co. to Joshua M. Coffee of Smith, Co. For \$250.00, Elizabeth sold her 1/8 of the 250 acres of land on Barren fork of Collins River which descended from Archibald P. Wilcher, and whereon Thomas Wilcher, father of said Archibald died, and adjoining the lands of Thomas Wilcher, Jr., Christian North and others.

[signed] Elizabeth (x) Harper. Wit: Thos Paris, Oliver Clark

[Answer of defendant Thomas Wilcher, Jr. and wife, Paulina]

Respondent admitted to certain statements made by complainant: [Repeated here are only those points pertinent to understanding the case.]

- that his father, Thomas Wilcher, Sr., died in 1816 and published a will, filed as Exhibit A;
- that Thomas, Sr., devised to respondent the tract mentioned, containing 250 acres;
- that sometime in 1829 Thomas, Jr., conveyed that land to John Cain, now deceased, in trust, for the benefit of defendant's wife and children, filed as Exhibit B.
- that Archibald left the persons mentioned his heirs at law, and *also the children of Riley Vaughan*. Polly Vaughan intermarried with Samuel Hammond now dead, leaving children unknown to respondent, also two sons Aaron Vaughan and Thomas Vaughan, all citizens of Missouri.
- that respondent had a 1/8 share in Archibald's tract which could *be conveniently laid off to him adjoining the lands he owns*.

Respondent denied:

- that he claimed any more land that was devised to him by his father;
- any knowledge of such a line as is set out in the Bill as being a *notorious* line marked from point to point;

⁹ "Cloud on a title: An outstanding claim or incumbrance which, if valid, would affect or impair the title of the owner of a particular estate, and which apparently and on its face has that effect, but which can be shown by extrinsic proof to be invalid or inapplicable to the estate in question." *Ibid.*, 210.

¹⁰ "Set up the statute of limitations: To bring forward or allege, as something relied upon or deemed sufficient; to propose by way of defense, explanation, or justification; as to set up the statute of limitations, i.e., offer and rely upon it as a defense to a claim." *Ibid.*, 1079.

- that he had had the line run dividing the land he had been bequeathed run from that bequeathed to Archibald to defraud any persons but that it was run at the time Christian North sold her land to William White in order to ascertain where Christian's boundaries were;
- that complainant was ignorant of the line that had been run, but that on the contrary complainant had made inquiry where respondent's boundary was shown the line terminating at the mouth of the branch on the Barren Fork River [and] that this was before complainant had closed his contract with Wm White.

Respondent further added that his father had put him in possession of the said 250 acres in 1808 and that he and his co-defendants had held peaceable and uninterrupted possession of said lands ever since, openly and notoriously claiming the same as their own. Respondents plead and rely upon the statute of limitations of seven years in bar of complainants' demand, and that the other tract may be divided and not sold. 14 June 1841.

Exhibit A [of respondent]

Will of Thomas Wilcher, Sr., dated 8 August 1816 and proven in Warren Co. Court at the October Term 1816.

[Will and estate records of Warren County survive from 1827; however, the 1816 will of Thomas Wilcher, Sr. was recorded in Warren Co. Deed Book D (April 1820---Jan 1824, pp. 412-415).]

Thomas Wilcher of County of Warren and State of Tennessee this 8th of August 1816 being weak of body but of perfect mind and memory ...

First to beloved wife Anna and son Archibald all the tract of land wherein I now live lying north of John Harpers old line to join a line of Thomas Wilcher, Jr. and tract to run with the main road until it strikes the aforesaid line of Thomas Wilcher, Jr. Farther I give to my wife and son aforesaid four negroes (viz) Isaac Kila Joe and Lawson ... and I do put my son in possession of the above with the injunction laid on my son Archibald that he shall during his mother's natural life support take care and nourish her...

2nd ... to son Thomas Wilcher the tract of land wherein he now lives containing 250 acres more or less agreeable to the survey be the same more or less to him and his heirs forever.

3rd ... to daughter Sally Hennessee a negro woman named Sucky with her offspring and a tract of land wherein James Hennessee now lives containing by estimation 223 acres ...

4th ... to daughter Christian land beginning on my son Thomas' line where it crosses the Road south side of said Road that is the line between my son Thomas and my son Archibald running with the road till it strikes John Harpers line then with Harpers line ... to a corner of Thomas Vaughans line then west with his line to his corner thence with his line till Thomas Wilchers, Jr. line to the road to the Beginning including all in that boundary except one acre for the use of a church also a negro Girl named Jane and her offspring...

5th ...to daughter Nancy Staten a negro girl named Peggy and offspring ...

6th ... to granddaughter Rachel Chambers one hundred Dollars...

6th ... to daughter Betsy Harper a negro girl named Pot which is now in the possession of John Harper ...

7th ... to daughter Lucy England a negro Boy named John together with \$300 that she has already received making her dividend equal with my other children

8th ... to daughter Betty the sum of five dollars as she has heretofore received her dividend of my estate.

9th ... to Polly Thomas and Aaron Vaughan my daughter Polly's children... one hundred dollars each ... to be given them when they arrive at age or at marriage.

10th ...to daughter Winny \$500.00 ... and should it be that her circumstances should not require to that amount, I wish the other part of the \$300.00 ... for the purpose of educating her grandchildren viz Lucy England and Polly Taylor the property I bought at Winny Brazzles sale to be returned to my Executors to be at their discretion Two horses twelve head of cattle fifteen head of Hogs and the house furniture

11th ... the residue ... to be sold and equally divided among my legatees, viz: Sally Hennessee Nancy Staten Betsy Harper Lucy England Thomas Wilcher and daughter Christian Archibald Wilcher ...

12th ... appoint my trusty friends Benjamin Wooten and Thomas Wilcher, Jr. and Joseph England the sole Executors ... [signed] Thomas Wilcher.

Wit: Aaron Abernathy, Joseph (his x mark) Taylor, Alexander Sherrill

Proven October Term 1816 by Joseph Taylor and Alexander Sherrill.

Registered in Book D pages 383-384-385 & 386, given at Office this 9th day of June 1823.

[signed] Geo. Harris Register W.C., by his deputy J. A. Wilson.

William Lusk, clerk of the County Court, certified on 2 January 1841 that the foregoing was a true copy of the last Will and Testament of Thomas Wilcher, dec'd.

Exhibit B [of respondent]

28 Oct 1829. Deed of Thomas Wilcher of Warren Co. to John Cain of same *whereas said Thomas is justly indebted to sundry persons ... and whereas the said Thomas acknowledges himself incapable to the management of his pecuniary affairs and also being desirous to settle on his wife and children the residue of his estate after the payment of his debts ... for \$1.00 ... sold land in Warren Co. ... 250 acres devised ... by Thomas Wilcher, Sr., beginning on a black oak running north with Christian North and A. P. Wilcher's conditional line to the barren fork of Collins River ... to a conditional line between Polly Black and Thomas Wilcher, Sr. ... to pointers on Geo. D. Staten's line of Location #58to the beginning, also the undivided interest of a tract of land the 1/7 [sic] part of the same containing ____ [blank] acres which was devised to A. P. Wilcher and which descends to his heirs... subject to the life estate of Anna Wilcher widow of Thomas Sr., also negro men Isaac Joe Lawson, negro woman Rella negro girl Sill and two negro boys Edward and Charles they being the negroes devised to Ann Wilcher for life and then to Archibald P. Wilcher who bequeathed the same to Thomas Wilcher and two other legatees all of said negroes being now in the possession of Ann Wilcher and subject to her life estate and further subject to the distribution to Burto[?] Vaughan Polly Vaughan now Polly Hammons having received and released her interest in the personal estate of Archibald ...and delegates the power of managing the estate mentioned both personal and real so as to discharge the debts now due or may come due...and is fully authorized to sell and dispose of such property herein conveyed to meet said debts.. ... also one undivided fourth part of a tract of land in Warren County purchased of George W. Saunders and conveyed to party of first part and Joseph England, A. P. Wilcher, and Christian North containing one hundred acres granted to said George W Saunders...bounds entry of Elijah B. Saunders for 70 acres ... to the beginning including a part of Will Brazil's improvements ... the last tract bought of Saunders is subject to the life estate of Winny Brazil ...witness this 28 Oct 1829.*

[signed] Thomas Wilcher, John Cain. Wit.: C. J. Sullivan, J. D. Lusk

Post Script: The tract of land mentioned in the above deed for 250 acres is now advertised at the instance of W. Brazil for costs of a suit in Chancery, now the party of the second part covenants to purchase for the use of the party of the first part and family.[signed] John Cain. Wit.: C. J Sullivan, J. D. Lusk

State of Tennessee, January Term Circuit Court Warren County

Deed of trust and Post Script proven by oath of C. J. Sullivan and J. D. Lusk, witnesses thereto...on 10 May 1830. Registered, Book F, p. 340.

Exhibit E

This is a plat showing the boundary line between the land of Thomas Wilcher, Jr. and Joshua Coffee, and contains a written description.]

Beginning on a stake and pointers on the west boundary line of a tract of land formerly owned by George Staten now by Elisha Pepper and running N 45 W 364 poles to the mouth of a branch having run from the beginning with an old marked line to the mouth of the branch thence with the various meanders of the Barren fork to Mary White's line now Henry Pennington and with it south 45 E 240 poles to stake at the branch on the line between Thomas Wilcher and William Styles, dec'd. and around to beginning as the plat will shew.

Joshua M Coffee, beginning 140 poles from the beginning of Wilcher and running with the road leading from McMinnville on by Wm C. Smartt's with Wm. White's line and thence to the river thence with its

various meanders around to the mouth of the branch where the conditional line between Thomas Wilcher and Joshua Coffee corners with said line S 45 E 224 poles to the beginning.

[signed] Samuel E. Higginbotham

[Answer of Thomas Wilcher, Jr., Archibald Wilcher, & others]

Answer of Thomas Wilcher, Jr., Archibald Wilcher, William Wilcher, Christian Wilcher, Wiley Riggs and Nancy his wife, late Nancy Wilcher, Jackson Moore and Amanda his wife, late Amanda Wilcher ... *being all sons and daughters and sons-in-law of their co-defendant Thomas Wilcher, Sr.*

[This Thomas Wilcher, Jr. was a grandson of the testator Thomas Wilcher, Sr.. He became "Jr." only after the death of his father, the earlier Thomas, Jr.]

Defendants said they adopt the answer of their co-defendant Joseph M. Bragg and Clarissa his wife in all things except to say they did not point out the boundary line now in dispute to the complainant. *They have always been informed that the line was the true line of boundary fixed by Thomas Wilcher the grandfather of respondents when he put their father in possession of the land, on which he still lives, and was known and understood to be the line by which the lands were devised to Archibald and Thomas Wilcher and by which the same had been held ... rely on the statute of limitation in the same ... and believe that said surveyor Higginbotham has made a mistake in estimating and measuring the quantity of land that is included in complainants' claim according to said partition line and other boundaries which are not disputed.*

Respondents allege that said Coffee only bought and considered himself as buying 250 acres encumbered with one undivided eighth belonging to Thomas Wilcher their father and these respondents and the interest of Polly Hammonds infant children which they believe is the third of one 1/8th which descend from Archibald Wilcher to the children of Thomas Vaughan in right of their deceased mother.

Respondents answer that the land prayed in the bill to be sold or divided so as to give the share to your respondents and their parents to which they are entitled and to children of Polly Hammonds whose rights must be regarded – [that it] is susceptible of partition without inconvenience in regard to locality or water-and that it is the manifest interest of your respondents that the portion belongs to them and their parents and brothers and sisters should be divided and laid off to them and not sold and they object to any sale of the same. This __[blank] June 1841

[signed] Wiley Riggs, T. J. Moore, Thos. Wilcher, Wm. Wilcher, Nancy Riggs, Christian Wilcher, Archibald (x) Wilcher.

[Answer of J. M. Bragg and wife Clarissa]

19 June 1841. J. M. Bragg and wife Clarissa stated that Archibald Wilcher the brother of their co-defendant, died possessed of land devised to him by Thomas Wilcher, Sr., leaving his mother, since dead, possessed of the interest in said land mentioned in the bill. They say that Polly Hammonds is now dead and her children live in Missouri and whose names are unknown to your respondents and who are infants and minors and that complainant has not bought the interest of said minors. They deny that Thomas Wilcher their co-defendant and father of your respondents claims any land not devised to him.

[signed] J. M. Bragg, C. T. Bragg

[Depositions]

22 January 1842. Samuel Higginbotham, witness for complainant, states he did not make the survey of the land in dispute by order of the court but at the bequest of Thomas Wilcher Jr, and he thought he made it correctly. *The plat for Wilcher was made by my father from my field notes. I am deputy surveyor for Warren County under my father who is surveyor.* *[signed] Samuel E. Higginbotham.*

William North stated he examined the western boundary of the land as laid down in the plat of Mr. Higginbotham and he thought, but was not positive, that Thomas Wilcher, Jr., showed to him the line marked on said latter Exhibit A as the dividing line between himself and Archibald Wilcher. North stated that he lived on the Christian North tract of land and had an interest in it.

Frank Smart stated he thought William White purchased the Christian North tract in 1837.

William White said when he executed the title bond to Joshua M. Coffee, he had no information of the special boundaries of the land. He only sold the undivided interest in the five shares. *Mr. Coffee when he made the purchase of me was measurably a stranger in the country and when he bought of me he lived in Smith County.*

Exhibit A

[This is a plat showing lines of Thomas Wilcher's 300 acres and was certified by Samuel E. Higginbotham as being the tract of land that Thomas Wilcher then lived on.]

Decree

At Jan term 1842 of Chancery Court at McMinnville, *it appears to the court that Thomas Wilcher, Sr. by his late will devised to his son Thomas Wilcher, Jr. the defendant 250 acres according to survey and the tract on which he resided to his son Archibald encumbered with the life estate of his wife, that although a survey of the 250 acres to Thomas might have been made and the true dividing line between the two tracts ascertained in the lifetime of Thomas the deviser yet it is not shown that Thomas Jr. ever knew it or any other person. ...there was doubt and uncertainty as to the true dividing line...*

It further appears to the court from the admission of complainant's counsel as well as by comparing the boundaries of the tract set fourth in the deed from Wilcher to Cain in trust with either of the plats of survey returned by the surveyor Higginbotham... that there is an obvious mistake in said description or boundary set forth in the deed and that the same does not therefore operate as an estoppel¹¹ by deed or Wilcher as to the boundary as insisted by counsel upon this part of the cause...

Chancellor decreed that the line run by Frank Smartt at the request of these parties and agreed on by them as a conditional line between the Archibald and Thomas Wilcher tracts and prayed that complainant's bill as to this part be dismissed with costs.

But, because defendants are entitled to a 1/8 part of the land descending from Archibald Wilcher as a portion of said Wilchers' heirs at law and because it is uncertain how many acres will make 1/8 of the whole tract, the Chancellor ... doth order that the Master take proof touching the premises and if it is necessary he is authorized to send a surveyor to ascertain the number of acres in the tract of said Archibald, dec'd., making the line agreed upon by Coffee and Wilcher and run by Smart...and further ordered that all [other] matters not herein adjudicated be reserved. The clerk will also report whether the tract is susceptible of division or whether it would be to the interest of all that it should be sold. 29 July 1843.

Report

The Clerk & Master reported that he appointed James H. Rodes, a competent surveyor, who has run out the land and made a plat there of ... making the line run by Frank Smartt the dividing line. There is in the whole tract 282 acres, being 35 ¼ acres to the heirs of Wilcher.

Bill of Revivor

Filed 12 December 1842. Bill of Complaint of Jane Coffee, widow of Joshua M. Coffee, dec'd., James E. Coffee, William P. Coffee, Thomas S. Coffee, Brown Franklin and Jane Coffee, the latter four of which are minors without guardians and who complain by their next friend James E. Coffee, all of Warren County, and John T. Coffee, of Arkansas, Charles New and Nancy his wife formerly Nancy Coffee of Cannon County, Tenn., Jackson Wood and Lucinda his wife formerly Lucinda Coffee of DeKalb County, heirs and distributees of said Joshua M. Coffee, dec'd., against Thomas Wilcher, Sr. and his wife Paulina, Thomas Wilcher Jr., Archibald Wilcher, George Wilcher,

¹¹ "*Estoppel*: That which concludes and "shuts a man's mouth from speaking the truth." When a fact has been agreed on, or decided in a court of record, neither of the parties shall be allowed to call it in question, and have it tried over again at any time thereafter, so long as the judgment or decree stands unreversed." *Ibid.*, 442.

Christian and Amanda Wilcher, Joseph Bragg and Clarissa his wife, George Wilcher, Wiley Riggs and Nancy his wife, all of Warren Co., Tennessee, Defendants.

The complainants stated that before the death of Joshua M. Coffee, which took place some time in the month of September last, he had filed his Bill in the Chancery Court at McMinnville against defendants to have said land divided and the boundary corrected and adjusted between himself and defendants, alleging that Thomas Wilcher, Sr., had taken possession of a portion of land which did not belong to him. Complainants prayed that the earlier complaint be revived in their names.

[Answer of defendants]

Filed 11 December 1842. The joint answer of Thomas Wilcher, Sr. and Paulina his wife, and others, to the Bill of Revivor of Jane Coffee et al.... *are willing that said cause shall be tried and to stand in the plight and condition it was in at the death of Joshua M. Coffee.*

Decree

All parties are willing and court doth order that said suit be tried and stand in same plight and condition as though Joshua M. Coffee had not died.

Order from the Order book:

The following order was made on the order before the decree was pronounced at the January term 1842 of said court. It was admitted on the argument of this cause that if the survey of 250 acres of land devised to Thomas Wilcher by his father was surveyed according to the calls and boundaries set forth in the deed from Wilcher to Cain, as trustee, there would not be in it more than 50 acres of land. This admission of counsel was ordered by the court to be spread on the record as a part of the evidence in the cause to be embodied in transcript of the record in the appeal to the Supreme Court.

[Decree]

27 July 1843. ...*it appears that Thos. Wilcher & the other defendants are entitled to 35 ¼ acres of land out of the tract of J. M. Coffee which contains 282 acres. Complainants. pray an appeal to next term of Supreme Court ... so granted.*

Statement by J F Morford, Clerk, that the foregoing is a full transcript of the record of the suit...determined in the Chancery Court at Jan term 1843...signed this 17 April 1844.

[Written on the back fold of packet:] *Filed¹² 23 April 1844. The Heirs of Joshua M. Coffee vs the heirs of Thos Wilcher Transcript.*

[a letter on a separate sheet]

McMinnville 20 November 1844

Dear

Sir

I sometime last summer instructed Doct. Young to get you to examine the papers in the suit J M Coffee vs Thomas Wilcher and others. Since which time I have concluded to abandon it you will therefore do nothing further in the matter.

[signed] *your friend Wm. White.*

[on back] *R. J. Meigs, Esqr. Attorney at law, Nashville, Tenn.*

Decision of the Supreme Court

[No decision on this case has been found, searching Opinion, Minute, and Docket Books for the appropriate timeframe. If the Supreme Court remanded the case back to the lower court, that also has not been located, because

¹² A "Filed" date written on the back of a case packet indicated the Supreme Court had agreed to hear the case. However, a search of Supreme Court records for the needed time period—docket, minute, and opinion books—yielded no further mention of this case.

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