

Jackson Co., TN Loose District/Chancery Court Papers Reel #103

**OGLESBY, L. W. & others vs SAVAGE, JESSE & others
Chancery 1866-80**

BILL OF COMPLAINT of Landon W. Oglesby ? & Senr, & Stone
& Oglesby of Jackson County against

Jesse Savage and George Stone and James Stone of same County and William Stone who is a lunatic and Micajah Stone is & general & guardian, both of Overton County.

Orator on 10 October 1865 recovered judgment against defendant Savage before Robert P. Brown, acting J. P. of Jackson County for \$405 and costs; \$415.75 and costs. On 15 October, levied on land known as the Jack Black place on Proctors creek in Jackson Co. November term 1865 land ordered sold to satisfy judgment.

Orator charges that defendant Savage has no legal title to same but that he bought and paid for it. 50 acres purchased from defendant George Stone - for a description refer to deed from John P. Black to George Stone.

Defendant Savage purchased 100 acres from Bennett Stone and defendant George Stone - for a description refer to deed from John P. Black to Bennett and George Stone.

Orator purchased 89 acres from Bennett Stone - see deed from John P. Black to Bennett Stone.

Bennett Stone is dead. James S. Stone and Micajah Stone are his administrators. William Stone is his [crease; can't read - mlj] and he is a lunatic and defendant Micajah Stone is his guardian.

REPORT OF SALE 6 April 1869: Causes of L. W. Oglesby vs Jessie Savage et al and A. C. Kirkpatrick vs Jessie Savage et al. Land known as Jack Black place sold... Joseph Mulkie became purchaser, & A. W. DeWitt is his security.

ANSWER & of L. W. Oglesby & of Collin Co., TX to cross-bill of complaint against him as surviving partner, firm of Stone & Oglesby [filed] by George Reeser & wife Nancy Reeser.

Respondent Oglesby says Jessie Savage bought land from George Stone.

Denies Bennett Stone made the trade. He Respondent made and closed the trade for their interest in the estate of W. C. Hamilton deceased.

Respondent wrote the deed, was engaged [busy - mlj] in the store and sent [Bennett] Stone to get the signature of John and Nancy Savage. The greater part of purchase money was in payment of claims John and Nancy Savage owed the firm of Stone & Oglesby. [Bennett] Stone had nothing to do with John and Nancy Savage making the trade... that he simply carried the deed to her for signing. & Bennett & Stone and wife Nancy Savage now Nancy Reeser.

Respondent presumes that said Nancy Reesor is a daughter of Wm Hamilton deceased but cannot answer positively..... Respondent says that he as surviving partner of Stone & Oglesby has never tried to enforce judgment against John Savage although John died justly indebted to Stone & Oglesby.

Respondent does not deny courts were closed during the widowhood of Nancy Reesor or that A. C. Kirkpatrick and Martha Stone have filed their bill against said land, knows nothing about contents or parties. 20 July 1875.

/s/ James W. McHenry & Lee & Baines in the answer

State of Texas, Collin County} /s/ L. W. Oglesby

ANSWER AND CROSS BILL of George Reesor & wife Nancy Reesor of Clay Co., TN to original Bill and Bill of Revivor filed in Jackson County by L. W. Oglesby, surviving partner of Stone & Oglesby.

It may be true judgment was obtained against John Savage... levied on land.

True Bennett Stone is dead, and at that time Wm Stone a lunatic was his sole devisee and Micajah Stone was his guardian. They admit Wm Stone is now dead.

Jesse Savage was never the owner of lands described formerly owned by Bennett Stone deceased.

Respondent Nancy was the daughter in law of defendant Jesse Savage having married his son John Savage before the sale of the Jack Black lands by Bennett Stone. She was the daughter of Wm Hamilton who died many years ago seized and possessed of a large tract on the north side of Cumberland river in what was then Jackson County, now the 2nd Civil District of Clay County on Proctors creek known as the W. C. Hamilton farm.

After her father's death Bennett Stone proposed to buy her interest. She didn't want to sell... her husband wished her to... promised proceeds would be applied to the purchase of the Jack Black farm, and that title should be made to her. B. Stone also made the same promises. B. Stone then owned the Jack Black farm and had been negotiating some time with respondent Nancy and her then husband John Savage for the sale to them and for the use of Nancy and her children or heirs.

Nancy received \$600 [for her interest in Wm Hamilton estate]... was allotted two negroes as her portion of her father's personal property...

Before any deeds were drawn but after above payment was made, the war between the States arose.

Said John Savage joined the Army of the South and lost his life the latter part of 1862. Respondents [Nancy Hamilton Savage Reesor and George Reesor - mlj] intermarried during said war about the [blank] day of 18[blank].

Complainant Nancy and her former husband [John Savage - mlj] lived on said lands, that the same was their own.

Jesse Savage may have purchased the Jack Black land but never had any interest in the other land mentioned.

Respondents deny that complainants have any claim against her or the estate of John Savage.

The lands have been rented out the past several years.

At the time of Respondent Nancy's marriage to John Savage and at the time of her father's death and signing of her interest in her father's land she was a minor under age 21.

The war was raging when John Savage died and when she married George Reesor and courts were not open during her widowhood.

A. C. Kirkpatrick and Martha Stone have also filed bills seeking to sell land for Jesse Savages indebtedness.

Respondents file this as a cross-bill against Landon W. Oglesby, surviving partner of Stone & Oglesby, Jesse Savage, George Stone, James S. Stone, Micajah Stone, Jo B. Roberts, James P. Roberts, LaFayette Butler, W. L. Gates and wife Clarinda Gates, Wm M. Weaver & wife Ethalina Weaver, Henry G. Blewitt & wife Martha Blewitt, Elizabeth Hamilton, James A. Stone & wife Sarah Stone, Jacob W. Gates & wife Fanny Gates, G. W. H. Butler, John N. D. Stone a lunatic and George H. Morgan his general guardian, Francis M. Gaw & his wife Sarah Gaw, Martha Stone and the following minors Elizabeth Hamilton & George W. Hamilton, F. R. Hamilton an adult ["an adult" inserted above - mlj] and F. M. Gaw their general guardian and A. C. Kirkpatrick.

1 November 1873.

True to the best of their knowledge... owing to poverty unable to bear expense of this suit.

George [his X] Reecer

ANSWER of Elizabeth Hamilton, Ferdinand R. Hamilton and Geo W. Hamilton by their guardian F. M. Gates to Bill of Revivor of Landon W. Oglesby and Bill and Cross-Bill of A. C. Kirkpatrick against Jesse Savage, these respondents and others.

Admit death of Wm Stone and suppose the heirs are correctly set out... asks court to guard interest of minors.

BILL OF COMPLAINT of A. C. Kirkpatrick and Martha Stone citizens of Jackson County against Jessie Savage, John Savage and Geo M. Stone of Jackson County, Tennessee.

26 October 1861 Orator A. C. Kirkpatrick recovered judgment against Jessie Savage and John Savage. 4 October 1865 execution was issued, levied on land as property of Jessie Savage, who has no land except land on Procters & creek adjoining the land of Jessie Savage known as the Jack Black place... 165 acres. 7 July 1866.

NOVEMBER RULES 1873, cause of L. W. Oglesby vs Jesse Savage, et al. On motion of George and Nancy Resor... appearing Jesse Savage is an old man born down with age... take depositions.

COMPROMISE AGREEMENT: First, attorneys get paid from accrued rents. Nancy & Reesor to get half of all lands, free of present or future husband's domination and control and to pay half the cost of suit. L. W. Oglesby & to & get half in value of lands and pay half the cost of suit. 14 July 1875.

ANSWER of John N. Stone by his general guardian Geo H. Morgan to Bill of Revivor of L. W. Oglesby to original bill and cross-bill of A. C. Kirkpatrick and others. John N. Stone is one of the heirs of Wm Stone, deceased. 30 April 1872.

BILL OF REVIVOR of Landon W. Oglesby, surviving partner of Stone & Oglesby to Oglesby's original bill filed May 7, 1866 against

Jesse Savage, George Stone of Jackson County, William Stone who was at that time a lunatic and Micajah Stone his guardian who were at that time of Overton County, Tennessee.

Orator Landon W. Oglesby shows land in pleading was sold by court decree and Orator became Purchaser.

Since the sale Wm Stone the lunatic has died and following parties are his heirs to wit:

Jo B. Roberts, James B. Roberts, Lafayette Butler, W. L. Gates and wife Clarinda Gates, Wm N. Weaver and Ethaline Weaver all of the State of Texas;

Hensley G. Blewitt and wife Martha Blewitt, Elizabeth Hamilton, James A. Stone and wife Sarah Stone all of Kentucky;

Jacob W. Gates and wife Fanny Gates of Overton County;

G. W. H. Butler of Davidson County;

John & N. [or W.] D. Stone a lunatic and George H. Morgan his general guardian, Francis M. Gaw & wife Sarah Gaw, Geo Reecer and wife Nancy Reecer, James S. Stone, Martha Stone wife of Bennett Stone deceased and three minors to wit Elizabeth Hamilton, Ferdinand R. Hamilton and Geo W. Hamilton and F. M. Gaw their guardian all of Jackson County, Tennessee;

Micajah Stone of Missouri -

these are the heirs of Bennett Stone and William Stone and the children and grandchildren of William Stone deceased except husbands of married women.

In order to perfect title it is necessary to bring parties before court...

ORDER: Came Geo Reesor and Nancy Reesor, moved for judgment against defendants to bill filed October term 1873. On 1 November 1873 defendants were to answer, have not done so. Therefore allegations of cross-bill taken for confessed as to Jesse Savage, Geo Stone, James S. Stone, Micajah Stone, Joseph B. Roberts, James B. Roberts, Lafayette Butler, W. L. Gates and wife Clarinda Gates, Wm M. Weaver and wife Ethalinda Weaver, Hensley G. Blewitt & wife Martha Blewitt, James A. Stone & wife Sarah Stone, Jacob W. Gates and wife Fanny Gates, John N. D. Stone and guardian Geo H. Morgan, Francis M. Gaw & wife Sarah Gaw, Martha Stone, Geo W. Hamilton, F. R. Hamilton and A. C. Kirkpatrick.

Geo W. Hamilton the minor has attained his majority since filing.

Death of Elizabeth Hamilton was suggested and proved in open court and she died without husband or issue.