

Depositions taken before the clerk & master of the chancery court at Paris, on, Wednesday the 26th day of September 1860, at his office in Paris, by consent of parties, to be read as evidence on behalf of defendants in the cause pending in the circuit court of Henry County in which David R. Green admr. of David Settles decd is plaintiff and Delton A. French & others are defendants - The witnesses being of full age and duly sworn depose as follows -

Deposition of John Hilliard

Quest 1<sup>st</sup> by Depts Counsel. State whether or not you know who wrote the body of a paper writing bearing date ~~Sept. 5th~~ # "the fifth day of September ~~in~~ the year of our Lord one thousand eight hundred and fifty" signed "David Settles and purporting on its face to be his last will & testament and about which a suit is now pending in the Henry County Circuit Court. If yea who wrote the same?

Ans - I wrote the paper above described on the day it bears date. I wrote the whole of the same except the signature of David Settles.

Quest. 1<sup>st</sup> by plaintiffs counsel. Who wrote the signature of David Settles to said paper?

Ans. He did it himself in my presence and further this deponent saith not -

John Hilliard

1 day 13 miles from town

Deposition of Nathaniel Peoples

Quest 1<sup>st</sup> by Depts Court. State whether or not you know where the paper described in the Deposition of John Hilliard above

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and purporting to be the last will & testament of David Settles was found. If yea state where and under what circumstances  
Ans- After the death of Mr. Settles I was called on by Major Green to examine the papers of said Settles dec'd. I did so in company with Mr. Green and while examining a pocket book containing <sup>a note &</sup> some receipts & perhaps other papers ~~where~~ <sup>then</sup> engaged Mrs. Settles handed <sup>to or to Mr Green above</sup> me the paper described in Jno. Hilliard's deposition, I do not know where she got it.

Quest 2. by same. State whether or not you have examined the paper above described. If yea state whether the body of the same and the signature "David Settles" is in the same hand writing?

Ans I have examined the paper. The body of the same and the signature "David Settles" are not in the same hand writing. There is a difference in the shape and formation of the letters and the body <sup>of the said paper</sup> is in a smooth hand and the signature is a scratched and rough hand.

Quest 3 by same. State whether or not, ~~the two~~, the body of said paper and the signature thereto, were in your opinion, written by the same persons

Ans. As above stated I think the instrument is in one hand and the signature in another

Quest 1<sup>st</sup> by Plf counsel. State where Mrs. Settles was, at the time you were examining these papers above referred to and the will was presented as above described.

Ans. We were <sup>all</sup> sitting by the fire in the house formerly occupied by Mr. Settles. Mrs. Settles was present all the time we were ~~there~~

examining the papers and further this deponent saith not.

1 day 35 miles from Paris

Nath Pebles

Deposition of Solomon Grisham

Quest 1<sup>st</sup> by depts counsel. State whether or not you know where the paper

you were examining these papers above referred to and the will was presented as above described.

Ans. We were <sup>all</sup> sitting by the fire in the house formerly occupied by Mr. Settles. Mrs. Settles was present all the time we were ~~there~~

examining the papers and further this deponent saith not,  
being 35 miles from Paris

Nath Peebles

Deposition of Solomon Grisham

Quest 1<sup>st</sup> by depts counsel. State whether or not you know where the paper above described in the deposition of Jno. Hilliard purporting to be the last will & testament of David Settles was found. If yea state where & under what circumstances.

Ans. When Mr. Peebles and Mr. Green were examining the papers as stated in the deposition of Nath. Peebles I was present & saw Mrs. Settles take a paper from a bureau drawer and hand it to Squire Peebles stating that she supposed it was a land paper. Mr. Peebles examined the paper and said that it was a will. Mrs. Settles took the pocket book and the paper out of the drawer at the same time and first handed the pocket book and afterwards the paper to Mr. Peebles. The paper did not come out of the pocket book.

Quest 2 by same. Were there or not any valuable papers found besides those in the pocket book.

Ans. There were some accounts found not among those in the pocket book.

Quest 3 by same State whether or not you have examined the paper above described. If yea state whether any part of the body of the same and the signature "David Settles" is in the same hand writing?

Ans. I have <sup>examined</sup> the paper. The body of the same and the signature are not in the same hand. The body is written in a smooth even hand while the signature is rough & scratched. ~~and~~ further this deponent saith not

Quest by self counsel. State whether the signature you are acquainted

with the hand writing of David Settles and if so whether  
the signature to the said paper is <sup>in</sup> his hand writing?

Ans. I am acquainted with Mr. Settles hand writing and  
think that the signature is his genuine signature and  
further this deponent saith not.

1 day 13 miles from town

Solomon Gresham

Deposition of W. H. Thompson

Quest by depts. counsel. State whether or not you have examined the  
paper above described. If you state whether the body of the  
or any part thereof  
same and the signature thereto are in the same hand  
writing?

Ans. I have examined the paper. And think the two are <sup>not</sup> in the same  
hand writing. ~~They are not~~. There is a difference in the shape  
and formation of the letters.

Quest 2<sup>d</sup> by compt. counsel. State whether you are acquainted with  
the hand writing of David Settles and if so state whether  
the signature to the said paper is in his hand writing.

Ans. I think I am and think that the signature is his  
and further this deponent saith not.

1 day

W<sup>m</sup> H. Thompson

J. Isaac M. Hudson clerk & master of <sup>chancery at Paris</sup> said court do certify that the  
foregoing depositions of Geo. Hilliard, Nath. Peebles, Solomon Gresham  
& W. H. Thompson were taken by me on the day and at the place men-  
tioned in caption in the presence of J. N. Thomason counsel for plain-  
tiff & J. J. Lamb counsel for depts. that I reduced the same to writing & that they  
were signed by the witnesses in my presence, that they have not been out of my pres-  
ence or altered since they were taken and that they were delivered to clerk  
of said circuit court in person. Sept. 26<sup>th</sup> 1860. J. M. Hudson comm

8-30 Settles, David, 28 Nov 1859

I David Tuttle of the County of Henry and State of Tennessee Planter do make and publish this my last will and Testament hereby revoking and making void all former wills by me at any time heretofore made. And first I direct that my body be decently buried in a manner suitable to my Condition in life. And as to such worldly Estate as it hath pleased God to entrust me with. I dispose of the Same as follows first direct that all my Debts and funeral Expenses be paid as soon after my decease as possible out of any money that I may die Possessed of, or may first come into the hands of my Executors from any portion of my Estate real or personal. Secondly I give and Bequeath unto my wife Jane Tuttle all the lands that I am possess'd of to have and to hold induring her Natural life or widow hood and at her Death to be sold and divided between the following heirs, viz. Elizabeth Green, William Tuttle, John Tuttle, Mary Cole, Franky and Nancy. And I give unto my wife Jane Tuttle as much of my Stock as shall be deemed Necessary for her benefit and comfort and all my house hold & kitchen furniture to have and hold also one side Saddle one wagon and all my farming Tools. It is my wish and will that Nancy A. G. Davison have one bed and furniture provided she remains with my wife untill Married or of age. I do hereby make ordain and appoint my Esteem'd Neighbour and friend John William ~~Tuttle~~ Executor of this my last will and Testament in witness whereof I David Tuttle the said Testator have had this my will written on one Sheet of paper set my hand and Seal the fifth day of September

In the year of our Lord one thousand eight  
hundred and fifty  
Attest *David Settle*

State of Tennessee December Term County Court 1859  
Way County John Williams this day appeared  
in court produced and exhibited in open court a paper  
writing purporting to be the last will and testament of  
David Settle deceased whereupon appeared the said John  
Williams in open court and after being first sworn depose  
so and said that he was personally acquainted with  
the testator and heard him acknowledge that he had  
executed and saw him sign said instrument and that  
he believes that he was of sound disposing mind and mem-  
ory whereupon appeared Wm H Thompson James  
Laurie & Willis S Hooper in open court who being first  
sworn depose and say that said instrument of writing  
purporting to be the last will and testament of David  
Settle was found among the valuable effects of  
the said deceased and that they were well acquainted  
with the handwriting of the testator and believe the  
signatures affixed to the aforesaid instrument of writing  
to be genuine. Attest James W Hooper

John Williams saw him sign  
Wm H Thompson  
James Laurie *Wm* sound writing  
Willis S Hooper *Wm*

David Settles  
Last Will & Testament

David Tuttle  
To. Will.

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A. M. Hudson 4 Deps. 4.00  
Witness Thompson. 1 day from Paris  
" Sol. Graham 1 day 23 miles " "  
" Mrs. Hilliard 1 day 26 miles " "  
" N. Peebles 1 day 35 miles 70. "



State of Tennessee.

To the Sheriff of Carroll County; GREETING:

We command you to summon John Hilliard

personally to appear before the Judge of our Henry Circuit Court, at the Court House, in the town of Paris,

on 26th of Sept. 1859  
IMMEDIATELY, then and there to testify and the truth to say in a matter of controversy, pending in

our said Court, wherein N. B. Green, Adm'r.

is plaintiff, and Rector A. Church et al

defendant on behalf of the Defts

they shall in no wise omit under the penalty prescribed by law. Herein fail not, and have you then and there this writ. Witness, THOMAS H. CONWAY, Clerk of our said Court at office, this third

Sunday in Sept

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T. H. Conway Clerk,  
By N. B. Ballard A. C.

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D. R. Green. Chbr.  
15 P. P. P.  
Hollister's branch. stop  
Branch Sept 19th 1860  
Came to hand Sept 21 1860  
Alfred Brien's  
Executed in John's Hill and  
Sept 21st 1860  
Wm. H. Prince  
Special de off.

I hereby certify of W. Prince to  
Execute the within spec given under  
My hand & seal this Sept 21 1860  
Alfred Brien's off

(1)

State of Tennessee December Term  
Henry County ~~County~~ Court 1859

Be it Remembered that at a County Court  
legally held for the County of Henry and State of  
Tennessee at the Court house in the town of Paris  
on Monday the 5<sup>th</sup> day of December in the year of our  
Lord One thousand eight hundred fifty nine  
and 8<sup>th</sup> year of American Independence when  
were present the worshipful A S Davis chairman  
James A Goulet and Samuel Kindall Esqrs  
as Justices

Amongst other things the following proceedings  
were had in the words of figures following (Do not)

John Williard this day produced and exhibited  
in open Court a paper writing purporting to be the last  
will and testament of David Settle deceased wherein  
you appeared the said John Williard in open Court  
and after being first sworn deposed & said that he was  
personally acquainted with the Testator and heard him  
acknowledge that he had executed and saw him  
sign said instrument and that he believed that he  
was of sound disposing mind and memory. Whereupon  
appeared Wm McThompson James Lawrence and Willis  
P Meagler in open Court who being first sworn deposed  
and say that said instrument of writing purporting to be  
the last will and testament of David Settle was found  
amongst the valuable effects of the said deceased and that  
they were well acquainted with the handwriting of the  
Testator and believe the signature affixed to the aforesaid  
instrument of writing to be genuine. Whereupon  
appeared David R Green in open Court and was  
appointed Administrator with the will annexed

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8-30 Settles, David, 28 Nov 1859

(2)

of all and singular the goods and chattles rights & credits  
of the said deceased and that letters issue. And enter  
in into bond in the sum of four thousand dollars  
with O E Muzzler R N McFarlane and John  
McMillan as his security and was qualified accord-  
ing to law

To the worshipful County Court of Henry Coun-  
ty presiding at Paris Tennessee

Your Petitioners Charity French and her  
husband Nelson A French both of Benton County  
Tennessee Sarah Gresham of Henry County Tennessee  
respectfully represent to your worshipful that one David  
Settle late of said Henry County departed this natur-  
al life intestate as your Petitioners insets about the  
28<sup>th</sup> day of November 1857. That a certain paper writ-  
ing purporting to be the last will and testament of the  
said David Settle dec'd was produced and presented by  
one John McMillan for probate to the County Court of  
said Henry County at its December term 1857 which  
was then in and before said Court proven and probated  
in some way unknown to Petitioners and ordered by  
said County Court to be so certified and recorded  
That in and by said paper writing the said John McMil-  
lan was appointed Executor therein who renounced  
his said Executorship and refused to be qualified. Where-  
upon the said County Court at its December Term 1857 app-  
ointed one David R Green of Carroll County Tennessee  
administrator with the will annexed of the goods & chattles  
rights and credits of the said David Settle dec'd who gave  
bond and was duly qualified as administrator aforesaid  
and took upon himself the duties of said office

(3)

That said paper writing purporting on its face to convey  
& devise lands & personal property

Petitioners further represent to your worshipful that the  
said paper writing purporting to be the last will and  
testament of the said David Settle dec'd was not written  
by the said David Settle or in his hand writing nor  
was said paper writing found amongst his valables  
where or effects after his death

That in and by said paper writing the said James  
said was appointed Escutor therein who renounced  
his said Escutorship and refused to be qualified, where  
upon the said County Court at its December Term 1859 appo-  
inted one David R Green of Carroll County Tenn. as  
administrator with the wide annex of the goods & chattels  
rights and credits of the said David Settle dec'd who gave  
bond and was duly qualified as administrator aforesaid  
and took upon himself the duties of said office

(3)

That said paper writing purporting on its face to convey  
& devise lands & personal property

Petitioners further represent to your worship that the  
said paper writing purporting to be the last will and  
testament of the said David Settle dec'd was not written  
by the said David Settle or in his hand writing nor  
was said paper writing found amongst his valuable  
papers or effects after his death or lodged in the hands  
of any person for safe keeping but said paper write-  
ing was written by another and not by said David  
Settle dec'd

That said paper writing has no subscribing word or  
witness thereto and that the same was not witness-  
ed by any person whatsoever. Therefore Petitioners  
state that said paper writing is not the last will and  
testament of the said David Settle dec'd. Petitioners fur-  
ther state that when said paper writing was presented  
to said County Court for probate and was proved & de-  
clared as before stated. That they have no notice or  
knowledge of the fact and not until long afterwards  
and after the said Green had been appointed and qual-  
ified as administrator aforesaid.

That the Petitioners Charity French & Sarah Green  
have an two of the children heirs at law & distribu-  
tees of the said David Settle dec'd and the Petitioner  
Julien A is the husband of said Charity and that in  
case the said David Settle died intestate. Petitioners  
are entitled to a large portion of his estate consisting  
of real & personal property monies choses in action &c which  
is devised and given to others in said supposed will

The premises considered Petitioners pray your wor-  
ship to make the said David R Green a party defend-  
ant to this petition. That Copy & subpoena issued

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(A)

That he answer &c. That your worship will order  
 the probate of the said will and testament  
 of David Settle dec'd to be set aside and certify a full  
 and complete transcript of the record of the same  
 together with the said original will and testame-  
 nt of David Settle dec'd into the next Circuit Court to  
 be held for the County of Henry at Paris Tennessee  
 to be filed with the clerk of said Court when an issue  
 can be made up to try the same and for all such  
 other and further relief as your petitioners are entitled  
 and they will ever pray. B P H Lamb attorney for  
 Pts. State of Tennessee Henry County Personally ap-  
 peared before me J W Ray Clerk of the County Court  
 of said County Gideon A French who made oath that  
 the facts stated in the foregoing petition as of his own  
 knowledge are true and those stated from the informa-  
 tion of others he believes to be true. G A French  
 Sworn to & subscribed in open Court before me this  
 May 7<sup>th</sup> 1860. James W Ray clk. Charity French  
 Gideon A French et als vs David R Green Pet to  
 set aside probate filed in open Court this May 7<sup>th</sup>  
 1860. James W Ray clk.

State of Tennessee Henry County August Term Coun-  
 ty Court 1860 Be it remembered that at a County  
 Court began and held for the County of Henry and State  
 of Tennessee at the Court house in the Town of Paris  
 on Monday it being the 1<sup>st</sup> day of August in the year  
 of our Lord One thousand eight hundred and  
 sixty and 8<sup>th</sup> year of American Independence  
 when were present the worshipful James A  
 Yowell chairman C B Fowler and John  
 Martin Esquires Justices

(B)

Amongst other things the following order was  
 made in the records of the Court following (to wit)  
 Charity French  
 Gideon A French  
 Sarah Greenham  
 vs  
 David R Green  
 Petition to set aside the probate  
 of the will of David Settle dec'd  
 In this cause it appearing to the  
 satisfaction of the Court that the  
 petitioners on the 7<sup>th</sup> day of May 1860 filed their petition

of the Court house in the town of  
on Monday it being the 1<sup>st</sup> day of August in the year  
of our Lord One thousand eight hundred and  
sixty And 85<sup>th</sup> year of American Independence  
when were present the venerable James A  
Yauell Chairman C B Fowler and John  
Marten Esquires Justices

(8)

Amongst other things the following order was  
made in the records of the Court following (to wit)

Charity French

Golden A French

Sarah Gresham

Petition to set aside the probate  
of the will of David Settle dec'd.

VS  
David R Green  
In this cause it appearing to the  
satisfaction of the Court that the  
petitioners on the 7<sup>th</sup> day of May 1860 filed their petition  
on oath in the County Court of Henry County against the  
defendant in which they stated amongst other things that  
a paper purporting to be the last will and testament  
of David Settle dec'd was admitted to probate in  
and before the County Court of said County at its December  
term 1859. That the person appointed Executor therein  
renounced his said office and the defendant David R Green  
was appointed administrator of the estate of said dec'd.  
That said paper purporting to be the last will and testament  
of said dec'd was not written by the said David Settle or in his house  
or among his valuable papers or effects after his death  
and that the Petitioners are the heirs at law and dis-  
sentees of the said David Settle dec'd and interested  
in his estate. That it further appearing that subpoenas  
were issued on the 10<sup>th</sup> of May 1860 and were executed on the  
18<sup>th</sup> of May 1860 and a copy of the Petition delivered  
to him commanding him to appear and answer said  
petition &c on the 1<sup>st</sup> Monday in June 1860 and the  
Petitioners executed a bond with good security in the  
sum of five thousand dollars on the 7<sup>th</sup> day of May  
1860 conditioned as the law directs in such cases to  
contest wills. And the facts stated in said petition  
not being denied but the petition being taken for con-  
fession.

It is therefore ordered adjudged & decreed by the

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(6)

Court that the said prolate be set aside and that said proceedings be certified to the next Term of the Circuit Court to be held at the Court house in the town of Paris Tennessee the third Monday in September 1860 including a full perfect & complete transcript of the record in reference to said will together with the said supposed original will of the said David Settle dec'd. for an issue to be made to try the validity of said supposed will

Bona refered to in order of the Court as follows

We Delton A French Charity French Sarah Gresham & William J Priddy bind our selves to pay David R Green the sum of five hundred dollars the condition of this obligation is such that whereas the said Delton A French Charity French Sarah Gresham have commenced suit against the said David R Green as administrator with the will annexed of David Settle dec'd in the County Court of Meigs County at Paris Tenn to contest the supposed will of David Settle dec'd and asking that the proceedings be certified to the Circuit Court of Meigs County Tennessee at Paris and that the said supposed original will be sent up to said Circuit Court. Now if the said Delton A French Charity French Sarah Gresham shall faithfully prosecute their <sup>in said</sup> suit and in case of failure therein pay all costs that may accrue thereon then this obligation to be void otherwise to remain in full force and effect Given under our hands & this May 7<sup>th</sup> 1860 D. A French. Charity French Sarah Gresham W J Priddy

(7)

State of Tennessee ~~Meigs County~~ James W Ray Clerk of the Court Meigs County ~~Meigs County~~ by Court of said County hereby certify that the foregoing pages contain a true perfect & complete transcript of the record of the prolate of the Last will & Testament of David Settle deceased and also of the Petition heard & docketed of the County Court of said County at its August term thereof 1860 As fully as appears of record

David A Green as administrator with the will annexed of David Settle dec'd in the County Court of Henry County at Paris Tenn to collect the supposed value of David Settle dec'd and asking that the proceedings be certified to the Circuit Court of Henry County Tennessee at Paris and that the said supposed value will be sent up to said Circuit Court. Now if the said Settle & French Charity French Sarah Gresham shall faithfully prosecute their suit and in case of said will therein pay all costs that may accrue thereon then this obligation to be void otherwise to remain in full force and effect Given under our hands & this May 7<sup>th</sup> 1860. D. A. French. Charity French Sarah Gresham W J Price

(7)

State of Tennessee ~~James W Ray~~ Clerk of the Court Henry County ~~by~~ Court of said County hereby certify that the foregoing pages contain a true & perfect & complete transcript of the record of the probate of the last will & testament of David Settle deceased and also of the Petition heard & decreed of the County Court of said County at its August term thereof 1860 as fully as appears of record on file in my office.

Given under my hand at office  
September the 13<sup>th</sup> 1860. James W Ray Clerk  
By J. L. Remondelle

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David B Green Adm't  
with the will annexed of  
David Little dec'd

Delton A Griner  
Charity Griner and  
Saml Gresham

State of Tennessee  
Henry County  
Circuit Court  
September Term 1860

David B Green  
precedes here in Court a paper writing,  
purporting to be the last will and testament  
of David Little dec'd dated the 5<sup>th</sup> day  
of September 1850 not witnessed by any one  
in which one John Hillmore is named  
as Executor; and the said David B Green  
avows that the said John Hillmore renounces  
his said office of Executor, and refuses to  
be qualified as such and that the said David  
B Green was appointed administrator of  
the goods and chattles, rights and credits  
which were of the said David Little dec'd  
with the will annexed; and the said  
David B Green further avows that the said  
paper writing is the last will and testament  
of the said David Little dec'd.

J N Hornsby Atty  
for Plff.

And the said Delton A Griner, Charity Griner  
and Saml Gresham being at law and dis-  
tributors of the said David Little dec'd come  
and say that the said paper writing is not

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the last will and testament of the said David  
Settle decd, and of this they put themselves  
on the country  
B H I I Lanta  
Attorneys.

And the Plaintiff doth the like.

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James M. Green  
as executor  
of the will of  
David Settle decd

Decd Sept 17th 1859  
J M Green  
J M Wood

Ernestus in  
Berk G. P. 200  
4 1/2 to 4 2/3 in the  
wills

1859

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State of Tennessee  
Henry County Sept term County Court 1868

Sarah Gressom  
David R Green  
Elizabeth Green  
John W Vanhook  
Frances Vanhook  
John A Comer  
Wm B Cole  
Against  
John W Forest  
Sarah A Forest  
James R Cole  
Mary J Cole  
Florence J Cole  
Carity C Cole  
George W Greer  
Anna J Greer

Upon this day this Cause came on to be heard before the worshipful County Court of Henry County sitting at Paris in said state upon the petition and answer orders pro Confesso & proof. And it appearing to the Court that David Settles late of said County departed this life in the year 18- leaving the petitioners and defendants his heirs and only heirs at law that David R Green was appointed by the County Court of Henry County Administrator of the personal assets of the said David Decd and that there was sufficient assets to pay the outstanding debts against the said estate and that he died seized and possessed of five tracts of land lying and being in the County of Henry and State of Tennessee District No 19 containing 215 3/4 acres Bounded as follows Colwit, One tract Beginning at the North East corner of Entry No 1470 for 80 acres in the name of Charles Brainer thence west 83 poles to a stake with post oak pointers thence North 48 poles to a gum with gum pointers thence East 83 poles to a stake with red oak and maple pointers thence South 48 poles to the Beginning

One other tract containing 28 acres situated in Henry County District No 19 and State of Tennessee Range Six and Section five and bounded as follows - Beginning at the South East Corner of Entry No 1741 thence west 32 poles to a stake two hickory pointers thence South 80 poles to a stake post oak pointers thence East 61 poles to a stake two post oak pointers thence North Eighty three and a half poles to a stake black gum pointers thence 39 poles to a stake post oak and red oak pointers thence South to the beginning

One other tract lying in Henry County State of Tennessee & District No 19 containing 118 acres and bounded as follows Beginning at the NW corner of Entry No 1420 for 30 acres in the name of Charles Barnes runs East 50 poles to a dogwood with gum pointers the the NE corner of the same thence North 40 poles to a post with red oak & dogwood pointers in W<sup>m</sup> Settles line thence West 30 poles to his corner thence North 53 poles to a stake in a field thence West 60 poles to a dogwood with pointers thence North 116 poles to a stake in Barberough line thence West 110 poles to a dogwood with pointers in the line of Cherrys 274 acre tract, thence South 237 poles to a stake with red oak pointers thence East 140 poles to Barnes line thence North 28 poles to the Beginning including & excluding Eighty Nine acres

One other tract lying in said County and said District Beginning at a stake with one black gum & white oak

as pointers thence North 26 poles with Maple pointers thence South black oak and one hickory & west one degree North to the whole 87 1/4 acres Also one acres bounded as follows Standing Eighty poles North Entry No 761 for 274 acres in the East 50 poles to a dogwood the oak thence 50 poles to a stake to the Beginning embracing on a stake & three with South & 105 poles East of Entry 761 for 274 acres in running North 30 poles to west 48 poles to a stake with thence South 30 poles to a stake to the Beginning. And Court that there are several said Settles Dec<sup>y</sup> and the in pieces without man and that John A Corner owner of the undivided Vanhook, that W<sup>m</sup> B Cole owner of the undivided Charty & Delton H French adjudged and decreed by Surveyor & Willis H Hagler

25 acres situated  
of and state of same  
and bounded as  
East Corner of Entry No  
two hickory pointers  
oak pointers thence  
to a stake black  
state post oak and  
the beginning

County State of Tenn  
118 acres and bounded  
Corner of Entry No 1470  
Barnes runs East  
pointers the the N E  
40 poles to a post  
in W<sup>m</sup> Settles line  
thence North 53 poles  
60 poles to a dogwood  
to a stake in yard  
a dogwood with pointers  
4 acre tract, thence  
red oak pointers thence  
North 28 poles to the  
ing Eighty Nine acres,  
and said District  
black gum & white oak

as pointers thence North 26 poles thence East 50 poles to a stake  
with Maple pointers thence South 30 poles to a stake with one  
black oak and one hickory & one dogwood pointers thence  
west one degree North to the Beginning making in the  
whole 8 3/4 acres Also one other tract containing 39  
acres bounded as follows Beginning on a black oak  
standing Eighty poles North of the South East corner of  
Entry No 761 for 2 1/4 acres in the Name of Dan Cherry thence  
East 50 poles to a dogwood thence South 80 poles to a white  
oak thence 50 poles to a Spanish oak & thence North 80 poles  
to the Beginning embracing one other tract Begin-  
ning on a stake & three W.C. pointers standing 10 poles  
South & 105 poles East of the South East Corner of  
Entry 761 for 2 1/4 acres in the Name of Daniel Cherry  
running North 30 poles to a large Black oak thence  
west 48 poles to a stake with two post oak pointers  
thence South 30 poles to a W.C. thence East 48 poles to  
The Beginning. And it further appearing to the  
Court that there are seven heirs and legatees of the  
Said Settles Dec<sup>d</sup> and that the said land can be divided  
in pieces without manifest injury to the parties  
and that John A. Comer is by purchase the legal  
owner of the undivided interest of John & Frances  
Vanhook, that W<sup>m</sup> B. Cole is by purchase the legal  
owner of the undivided interest of W<sup>m</sup> Settle &  
Charty & Delton A. French it is therefore ordered  
adjudged and decreed by the Court that W<sup>m</sup> C. Swor  
Surveyor & Willis H. Hagler & Meamassah C. Cheek

He and the same are hereby appointed Commissioners  
 to survey and set part and divide said Estate into  
 Seven equal parts according quantity & quality  
 and to make their report to the next term of this  
 Court.

James W. Ray Clerk

You to view

At a meeting of

M. L. Cheek

Do Comm. of view

Divide

Storrie's Little Acorns

Small Dept 12 1/2 88

James W. Ray, Clerk

400 p. of 100 \$ 3.00

100 p. of 100 10.00

100 p. of 100 10.00

100 p. of 100 3.00

100 p. of 100 3.00

100 p. of 100 3.00

100 p. of 100 3.00

8-30 Settles, David, 28 Nov 1859

Wm C Swor  
H J Hagler &  
McC Cheek  
To Commission

David

David Settles Land

Issued Sept 12<sup>th</sup> 68

James W. Bayall

Geo Porter	\$ 3.00
Wm J Hagler com	10.00
McC Cheek com	10.00
E C M Swift	3.00
Doak Myrtle	3.00
Wm C Swor	25.00
	<u>00</u>

8-30 Settles, David, 28 Nov 1859

John Williard this day produced and exhibited in open court a paper writing purporting to be the last will and testament of David Little deceased whereupon appeared the said John Williard in open court and after being first sworn deposed and said that he was personally acquainted with the testator and heard him acknowledge and saw him sign said instrument and that he believed that he was of sound disposing mind and memory whereupon appeared Wm McThompson James Lister & Willie T Hoagler in open court who being first sworn deposed and say that said instrument of writing purporting to be the last will and testament of David Little was found amongst the valuable effects of the said deceased and that they were well acquainted with the hand writing of the testator and believe the signature affixed to the aforesaid instrument of writing to be genuine. whereupon appeared J. McThompson whereupon appeared David R Green in open court and was appointed administrator with the will annexed of all and singular the goods and chattels rights and credits of the said deceased and that letters issue and enter into bond in the sum of four thousand dollars with O G Muzzle RP N McFarland and John Williard as his security and was qualified according to law.



Daniel Settles  
Last Will & Testament  
copy Dec 1859

8-30 Settles, Davi

8-30 Settles, David, 28 Nov 1859

To the worshipful county Court of Henry county  
previding at Paris Tennessee

Your Petitioners Charity French and her  
husband Dettou A French both of Bert's county Tennessee  
Sarah Gresham ~~and her husband James Gresham~~  
~~both~~ of Henry county Tennessee respectfully represent  
to your worships that one David Settle late of said  
Henry county departed this mortal life intestate as  
your Petitioners insist ~~intestate~~ about the 28<sup>th</sup> day  
of November 1859. That a certain paper writing  
purporting to be the last will and Testament of the  
said David Settle deed was produced and presented  
by one John Hilliard for probate to the county  
Court of said Henry County at its December Term  
1859 which was then in and before said court proven  
and probated in some way unknown to Petitioners  
and ordered by said county Court to be certified  
and recorded. That in and by said paper writ-  
ting the said John Hilliard was appointed executor  
therein, who renounced his said executorship and  
refused to be qualified whereupon the said county  
Court at its December Term 1859 appointed one  
David N Green of Carroll County Tennessee adminis-  
trator with the will annexed of the goods & chattles, rights  
and credits of the said David Settle deed, who gave  
bond and was duly qualified as administrator of said  
and took upon himself the duties of said officer. That  
said Paper writing purports on its face to convey & devise lands  
& personal property. Petitioners further represent to your  
worships that the said paper writing purporting to be the  
last will and Testament of the said David Settle deed  
was not written by the said David Settle or in his hand  
writing, nor was said paper writing found amongst  
his valuable papers or effects after his death or lodged in

8-30 Settles, David, 28 Nov 1859

The hands of any person for safe keeping, but said paper writing was written by another, and not by said David Settle deed. That said paper writing has no subscribing witness, or witnesses thereto, and that the same was not witnessed by any person whatsoever. Therefore Petitioners state that said paper writing is not the last will and testament of the said David Settle deed. Petitioners further state that when said paper writing was presented to said county Court for probate and was proven & probated as before stated that they have no notice or knowledge of the fact and not until long afterwards and after the said Green had been appointed and qualified as administrator aforesaid. That the Petitioners Charity French, & Sarah Greenham are two of the children, heirs at law and distributers of the said David Settle deed and the Petitioners Dellow A & Lawrence <sup>is the</sup> ~~his~~ husband <sup>of said Charity</sup> ~~of said Charity~~ and that in case the said David Settle deed indebted Petitioners are entitled to a large portion of his estate consisting of real & personal property, monies due in action &c. which is devised and given to others in said supposed will

The premises considered and considered Petitioners pray your worship to make the said David R. Green a party Defendant to this Petition, that copy & subpoena issue. That he answer. That your worship will order the probate of the said supposed last will and testament of David Settle deed to be set aside, and certify a full and complete transcript of the record of the same together with the said original supposed will & testament of David Settle deed into

the next Circuit Court to Henry at Paris Summers said Court when an issue the same and for all of your Petitioners are ent

State of Tennessee }  
 Henry County }  
 Court of said County,  
 made oath that the  
 petition as of his own  
 throo states from the  
 believes to be true.  
 sworn to & subscribed in  
 Open Court before this the  
 Day 7-1860

James W Ray clk

...ing, but said  
and not by vice  
... writing has no  
... that the same  
... therefor  
... iting is not the  
... David Pettit  
... that when vice  
... county court  
... as before stated  
... of the fact  
... after the vice  
... qualified as  
... Petitioners  
... two of the child  
... the same David  
... on A & Lawrence  
... that in case  
... Petitioners are  
... lab consisting  
... in action  
... others in vice

... residence Petition  
... said David R  
... tions, that copy  
... That your  
... said suppose  
... Pettit deed to be  
... complete transcript  
... with the said origin  
... Pettit deed into

the next Circuit Court to be held for the county of  
Henry at Paris Tennessee to be filed with the clerk of  
said court when an issue can be made up to try  
the same and for all such other and further relief  
of your Petitioners are entitled, and they will ever pray  
D. H. J. Lamb  
Attys for Petrs.

State of Tennessee } Personally appeared before me  
Henry, County } Jas. W. Ray clerk of the county  
Court of said county, I John A. French who  
made oath that the facts stated in the foregoing  
petition as of his own knowledge are true and  
those stated from the information of others, he  
believes to be true. Det. J. French  
Witness to & subscriber in  
Open Court before this this  
May 7 - 1860  
James W. Ray clk

Charity Stroud, Debtor  
A Stroud et als

Pet to set aside  
judgment

David R Green

15

Filed in Open Court  
This May 1860

James W Ray Clerk

Bill of cost not made  
but by Ray

Recorded Enroll  
Book Page 426.47

James W Ray  
Clerk

Scout

8-30 Settles, David

8-30 Settles, David, 28 Nov 1859

David N Green Administrator  
with the will annexed of David  
Settle deceased

Delton A French-Charity  
French & Sarah Kresham

Contested Will

This day came the  
parties, and also a jury  
to wit ( here give the  
names of the jury)  
who being elected tried  
and sworn the truth to

speak on the issue joined, upon their oath do say  
that the writing mentioned in the issue is not the last  
will and Testament of the said David Settle decea-  
sed. It is therefore adjudged by the Court, that  
the said writing is not the last will and Testam-  
ent of the said David Settle deceased; and further  
that the Defendants recover of the <sup>Plaintiff the</sup> costs of this  
suit.

8-30 Settles, David, 28 Nov 1859

The allot & set apart to John A. Garner  
lot No. 6 as shown by Exhibit 4, and bounded  
as follows = Beginning at a stake with two  
Spanish oak & three gums as pts standing in a  
hollow in the East line of No. 3. and the  
S<sup>W</sup> corner of lot No. 5 = Thence South 25  
fols to a stake with one white oak & one  
post oak as pts = Thence East 177 fols to a  
stake with 1 gum & 2 red oak as pts = Thence  
North 25 fols to a gum near a Spring with  
two gum & one maple as pts = Thence West  
177 fols to the beginning containing 27 acres  
and 105 fols

The allot & set apart to Sarah Grierson  
lot No. 7 as shown by Exhibit 5 and  
bounded as follows = Beginning at a  
stake with oak & dogwood pts the S. East  
corner of lot No. 3. = Thence North with East  
boundary line of same 31 fols to a stake  
oak pts. The S<sup>W</sup> corner of lot No. 6 = Thence  
East with same 177 fols to a stake with  
one black gum & 2 red oak as pts = Thence  
South 14 fols to a rock with 1 white oak  
post oak = Thence West with sharp line  
82 fols to a stake in a hollow with 2  
post oak as pts = Thence South 17 fols to  
dead dogwood with 1 dogwood & one red  
oak as pts = Thence West 95 fols to the  
beginning containing 25 acres & 93 fols

And we the Commissioners aforesaid  
 would state to your Worshippful Court  
 that the foregoing allotments embraces all  
 the lands which we found to be claimed  
 as the lands of David Settles Decd; and  
 all lying in Henry County Tennessee = all  
 of which is respectfully submitted for  
 the consideration of your Worshippful Court  
 This October 3<sup>rd</sup> 1868

M<sup>rs</sup> Wood D<sup>s</sup>  
 M. J. Magler } Com<sup>s</sup>  
 M. G. Chute }

Recorded in  
 Small Book B  
 Page 844 & 380  
 James M. Magler

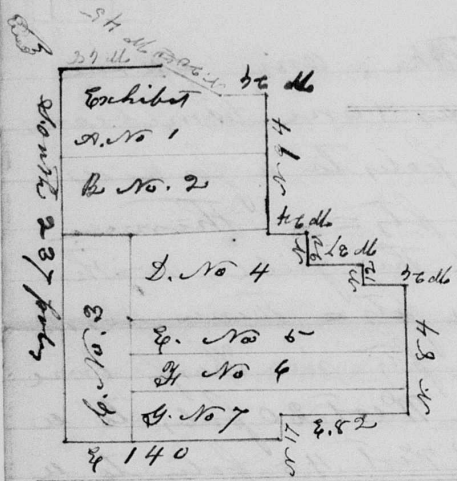
8-30 Settles, David, 28 Nov 1859

We allot & set a part of Sarah A. Hunt Wife of  
John A. Hunt, James R. Cole & Mary J. Cole &  
Marance P. Cole & Charity C. Cole as heirs at  
Law of Mrs. Cole Dec'd & the Grand children  
of David Vetterle dec'ds Lot No 3 as shown by  
Exhibit C. and bounded as follows

Beginning at a Stake & Black Oak & 1  
Spanish Oak as per the South West corner  
of lot No 2 thence East 45 poles to a Stake  
In a field - thence South 137 poles to a Stake  
With 1 Oak & dogwood as per - thence West 45  
poles to the South West corner of the original  
tract thence North with the West boundary  
line of the same 137 <sup>to the beginning</sup> containing 33 acres &  
 $\frac{85}{160}$

We allot and set a part to Elizabeth Green Wife of  
David Green Lot No 5 as shown by Exhibit E and  
bounded as follows - Beginning at a Stake with a  
White Oak & 2 dogwoods standing in the East  
line of lot No 3 and South West corner of lot No 4  
Running thence South with the East boundary  
of Lot No 3 25 poles to a Stake in a hollow with  
one White Oak and 1 post Oak as per the N West  
corner of lot No 6 thence East with same 177  
to a Gum near a Spring with 2 Gums & 1 Maple  
thence North 25 poles to a Stake with 3 Gums  
& one 1 Maple as per - thence West 177 to the  
beginning containing 27 acres and  $\frac{104}{160}$

8-30 Settles, David, 28 Nov 1859



Scale 100 poles for inch

State of Tennessee  
Henry County

The undersigned commissions  
to appointed at the last  
term of the County  
Court of Henry County

To survey and set apart and divide the  
lands of David Settles, Dec into seven  
equal parts according to to quality and  
quantity & report the same to the said  
Court at its next term, would state  
that we met according to appointment  
and after being duly sworn proceeded  
to survey said lands, and after consolidating  
them all into one tract, find the said  
consolidated tract to contain two hundred  
and fifty acres, bounded as follows.

Beginning 29 poles north of Mc Cook's  
South E. Corner, thence south 237 poles to  
a stake in John Mc Comers line with  
three red oak as pts = thence east 140 poles  
to a dead dogwood with red oak and  
dogwood pts = thence north 17 poles to a  
stake in a hollow with two foot oak as  
pts = thence east 82 poles to a rock in  
Sarah Stephens line with one white oak  
point = thence north 84 poles to a stake  
in a gully in a field with oak & mulberry  
as pointers = thence west 26 poles to a stake  
with 2 gum & 2 maple as pts = thence north  
12 poles to a stake, Hornbeam & maple as  
pointers =

= Thence West 37 poles to a Stake; one gum  
two black oak, one Saparas, & one Homebeam  
as ft<sup>s</sup> = Thence North 20 poles to a forked  
maple with two maple as ft<sup>s</sup> = Thence  
West 24 poles to a Stake in the field with  
two red oak & one maple as ft<sup>s</sup> = Thence North  
45 poles to a red oak with ft<sup>s</sup> in sharp line  
(~~thence ft<sup>s</sup> to a Stake~~) Thence West 30 poles to a  
Stake = Thence North 20<sup>th</sup> West 45 poles to a  
Stake near Sharp fence = Thence West 68 poles  
to the beginning containing two hundred  
and acres as aforesaid; which we then  
proceed to divide into seven equal parts  
in value as shown by plat and drawings  
marked exhibit A, B, C, D, E, F, G

We allot and set apart to Anna J. Green  
wife of George W. Green; lot no 1 as shown  
by exhibit A, and bounded as follows.

Beginning at the extreme North  
West corner of said tract, running Thence  
South 50 poles to a Stake with 2 Spanish oak  
pointers = Thence East 135 poles to a gum  
with 2 gum pointers = Thence North 22 poles  
to a red oak with ft<sup>s</sup> = Thence West 30 poles  
to a Stake = Thence North 20<sup>th</sup> West 45 poles  
to a Stake near Sharp fence = Thence West  
68 poles to the beginning containing 35 acres  
and 30 poles

We allot and set  
lots no 2 and no 4 as  
D. = say lot no 2 bound  
Beginning on  
in E. A corner line  
no 1 = Thence South  
Spanish oak, and black  
135 poles to a Stake with  
red oak as ft<sup>s</sup> =  
a gum with two  
of lot no 1 = Thence  
beginning containing  
And lot no 4  
Beginning at a Stake  
South line of lot no  
of lot no 3 = Thence South  
white oak & dogwood ft<sup>s</sup>  
to a Stake with 3 gum  
= Thence North 17 poles  
in a field with one  
as ft<sup>s</sup> = Thence West  
two gum & one maple  
12 poles to a Stake with  
as ft<sup>s</sup> = Thence West  
two gum & two black  
North 20 poles to a  
maple ft<sup>s</sup> = Thence  
in the field with 2  
ft<sup>s</sup> = Thence North 14  
persimmon & one red  
40 poles to the beginning  
and 32 poles

One gum  
 as one homebeam  
 poles to a forked  
 ft<sub>s</sub> = Thence  
 the field with  
 ft<sub>s</sub> = Thence North  
 ft<sub>s</sub> in sharp line  
 West 30 poles to a  
 West 45 poles to a  
 West 68 poles  
 Two hundred  
 e: Which we then  
 even equal parts  
 and drawings  
 3.3

To Anna J. Spurr  
 lot no 1 as shown  
 as follows -  
 extreme North  
 running Thence  
 with 2 Spanish oak  
 poles to a gum  
 North 22 poles  
 Thence West 30 poles  
 to 20<sup>th</sup> West 45 poles  
 = Thence West  
 containing 35 acres

The allot and set apart to Mrs B Cole  
 lots no 2 and no 4 as shown by Exhibits B and  
 D. = say lot no 2 bounded as follows,

Beginning on a stake with oak fence  
 in E. N. corner line the S. W. corner of lot  
 no 1 = Thence South 50 poles to a stake with  
 Spanish oak, and black oak ft<sub>s</sub> = Thence East  
 135 poles to a stake with persimmon & one  
 red haw as ft<sub>s</sub> = Thence North 50 poles to  
 a gum with two gum ft<sub>s</sub> the S. E. corner  
 of lot no 1 = Thence West 135 poles to the  
 beginning containing 42 acres & 30 poles

And lot no 4 bounded as follows  
 Beginning at a stake in the field in the  
 south line of lot no 2 and the N. E. corner  
 of lot <sup>no 3</sup> = Thence South 57 poles to a stake with  
 white oak & dogwood ft<sub>s</sub> = Thence East 177 poles  
 to a stake with 3 gum & one maple as ft<sub>s</sub>  
 = Thence North 17 poles to a stake in a gully  
 in a field with one mulberry & one red oak  
 as ft<sub>s</sub> = Thence West 24 poles to a stake with  
 two gum & one maple as ft<sub>s</sub> = Thence North  
 12 poles to a stake with homebeam & maple  
 as ft<sub>s</sub> = Thence West 37 poles to a stake with  
 two gums & two black oak as ft<sub>s</sub> = Thence  
 North 20 poles to a forked maple with two  
 maple ft<sub>s</sub> = Thence West 24 poles to a stake  
 in the field with 2 red oak & one maple as  
 ft<sub>s</sub> = Thence North 14 poles to a stake with  
 persimmon & one red haw as ft<sub>s</sub> = Thence West  
 40 poles to the beginning containing 53 acres  
 and 32 poles

We allot & set a part of Sarah A Forest Wife of  
 John H Forest = James R Cole & Mary J Cole &  
 Clarence P. Cole & Chaitey C Cole as heirs at  
 Law of M<sup>rs</sup> Cole Exec<sup>rs</sup> & the Grand childing  
 of David Settles decians Lot N<sup>o</sup> 3 as shown by  
 Exhibit C. and bounded as follows  
 Beginning at a Stake & Black Oak & 1  
 Spanish Oak as per<sup>s</sup> the South West corner  
 of lot N<sup>o</sup> 2 Thence East 45 poles to a Stake  
 In a field = Thence South 137 poles to a Stake  
 With 1 Oak & dogwood as per<sup>s</sup> = Thence West 45  
 poles to the South West corner of the original  
 tract Thence North With the West boundary  
 Line of the same 137 <sup>to the beginning</sup> containing 38 acres &  
85  
160

We allot and set a part to Elizabeth Green Wife of  
 Dana<sup>sr</sup> Green Lot N<sup>o</sup> 5 as shown by Exhibit E and  
 bounded as follows = Beginning at a Stake With 2  
 White Oaks & 2 dogwoods standing in the East  
 Line of lot N<sup>o</sup> 3 and South West corner of lot N<sup>o</sup> 4  
 Running Thence South With the East boundary  
 of Lot N<sup>o</sup> 3 25 poles to a Stake in a Hollow With  
 One White Oak and 1 coast Oak as per<sup>s</sup> the N West  
 corner of lot N<sup>o</sup> 6 Thence East With same 177  
 to a Gum Near a Spring With 2 Gums & 1 Maple  
 Thence North 25 poles to a Stake With 3 Gums  
 & 1 Mapl as per<sup>s</sup> = Thence West 177 to the  
 Beginning containing 27 acres and 104  
160

8-30 Settles, David, 28 Nov 1859

8-30 Settles, David, 28 Nov 1859

When of David Settle late of Henry County  
Tennessee died about November 1859 and whereas  
a paper writing was found with the name  
of the said David Settle assigned thereto date  
the 5<sup>th</sup> day of September 1850 purporting on its  
face to be the last will and testament of the  
said David Settle dead which was admitted  
to probate in some shops or pretended to be ad-  
mitted to probate in and before the County Court  
of Henry County Tennessee about 1<sup>st</sup> December  
Term 1859 that one John Kellison was  
appointed Executor therein who refused to  
accept the same and one David R. Green  
was appointed Administrator of said estate  
with the will annexed and we the under-  
signed children, heirs, and distributees of  
the said David Settle dead and devisees  
under said supposed will, admit that  
the said paper writing purporting to be the last  
will and testament of the said David  
Settle dead has no subscribing witnesses or  
witnesses thereto. Nor was the body of said  
supposed will or any part thereof written by the  
said David Settle dead. Neither was the same  
found after his death among his valuable  
<sup>papers</sup> or lodged in the hands of another for safe  
keeping, or proved by three credible witnesses  
that they verily believe the said paper writing  
and every part of it to be in his hand and  
we further admit that the said David Settle  
did intend and agree that the said  
supposed will may be set aside and  
the estate of the said David Settle dead real  
& personal may be distributed according

to the laws of Scunpus in such cases. Given  
under our hands. This April 30 1860

Setts.

J. N. Thompson

M. D. Crawford

Alexander Bell R. H. Smith

<sup>W. A. Green</sup>  
J. C. Green

Martha White

Solomon Gresham

M. P. Wainwright

Alexander Bell

~~Best~~

W. W. Jordan

Jonathan Jordan

~~Best~~

Solomon Gresham

W. J. Gresham

Wm  
N. Settle

Henry Dole

~~Henry~~ Cole

Jane Settle

Elizabeth Green

John T. Vanhook

Frances Vanhook

J. W. Greer

Jane Greer

D. A. French

Charity French

So Val Gresham

State of Tennessee  
Henry County Monday Sept 28 1859

Abraham Grissum  
David R. Green  
Eliaboth Green  
John J. Vanhook  
Francis Vanhook  
John A. Corner  
Wm B. Cole

Against  
John A. Furnish  
Azroth A. Furnish  
James R. Cole  
Mary J. Cole  
Morace J. Cole  
Charity C. Cole  
George W. Gried  
Anna J. Gried

Upon this day  
this cause  
came in to be  
heard before  
the Worshipful  
County Court  
of Henry County  
sitting at Paris  
in said State  
upon the petitions  
and answers & or-  
ders pro confesso  
& resp.  
And it appearing  
to the Court that said Settles late of said  
County departed this life in the year 18...  
leaving the petitioners & defendants his  
heir & only heir at law, that David R.  
Green was appointed by the County Court  
of Henry County Administrator of the per-  
sonal assets of the said David dec'd, and  
that there was sufficient assets to pay  
the outstanding debts against the said  
estate, and that he did raise & pass  
ed of five tracts of land lying & being  
in the County of Henry State of Tennessee  
District No 19 containing 215  $\frac{3}{4}$  acres -  
Bounded as follows, to wit: one Tract begin-

8-30 Settles, David, 28 Nov 1859

8-30 Settles, David, 28 Nov 1859

and legatees of the said letters are and that  
the said land can be divided in species with-  
out manifest injury to the parties, and that  
John & Homer is by purchase the legal owner  
of the undivided interest of John & Francis  
Vanhook, that Mrs. Cole is the by purchase  
the legal owner of the undivided interest of  
Mrs. Suttle & Charity & Hittan A. French; it is  
therefore ordered adjuged & decreed by the  
Court, that Mr. Surr Surveyor & Willis J.  
Hogler & Manassas, checks be, and the same  
are hereby appointed Commissioners to  
survey & set apart & divide said estate into seven  
equal parts according quantity & quality &  
to make their report to the next term of this  
Court.

Sarah Garrison

& others

vs

Geo W Grier & others

Deeds.

Recorded in

Book L

Page 374

Sarah Gressum  
David R Green  
Elizabeth Green  
John J. Vanhook  
Francis Vanhook  
John A. Corner  
Wm B. Cole  
Against  
John A. French  
Sarah A. French  
James R. Cole  
Mary J. Cole  
Morner J. Cole  
Charity C. Cole  
George W. Gried  
Anna J. Gried

Upon this day  
this cause  
came in to be  
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the Worshipful  
County Court  
of Henry County  
sitting at Paris  
in said State  
upon the petitions  
and answers ad-  
vers pro confesso  
& proof.

And it appearing  
to the Court that said Settles late of said  
County departed this life in the year 18...  
leaving the petitioners & defendants his  
heir & only heir at law; that David R  
Green was appointed by the County Court  
of Henry County Administrator of the per-  
sonal assets of the said David deca<sup>d</sup>, and  
that there was sufficient assets to pay  
the outstanding debts against the said  
estate, and that he did raise & possess  
ed of five tracts of land lying & being  
in the County of Henry State of Tennessee  
District No 19 containing 215 3/4 acres -  
Beginning <sup>bounded</sup> as follows, to wit: on each begin-

8-30 Settles, David, 28 Nov 1859

ing at the South East Corner of Entry No. 1470 for 30 acres in the name of Charles Barnes thence West 83 poles to a Stake with Post Oak pointers, thence North 48 poles to a Gum with Gum pointers, thence East 83 poles to a Stake with Red Oak & Maple pointers, thence South 48 poles to the

Beginning

One other track containing 25 acres situated in Henry County District No. 19 & State of Tennessee range Six Section five & bounded as follows; Beginning at the South East Corner of Entry No. 174 thence West 52 poles to a Stake two Hickory pointers, thence South 30 poles to a Stake Post Oak pointers, thence East 61 poles to a Stake two Post Oak pointers, thence North 83 1/2 poles to a Stake Black Gum pointers, thence West 39 poles to a Stake, Post Oak & Red Oak pointers, thence South to the Beginning.

One other track lying in Henry County State of Tennessee District No. 19, containing 18 acres and bounded as follows. Beginning at the N.W. Corner of Entry No. 1470 for 30 acres in the name of Charles Barnes, Run East 30 poles to a Dogwood with Black Gum pointers the N.E. Corner of the same, thence North 40 poles to a Post Oak with Red Oak & Dogwood pointers in Middle line, thence West 30 poles to his corner, thence North 53 poles to a Stake in a field, thence West 60 poles to a Dogwood with pointers, thence North

116 poles to a Stake in Garden  
West 110 poles to a Dogwood  
two in the line of Charge 2,  
South 237 poles to a Stake  
thence East 140 poles to 12  
28 poles to the Beginning  
ing 89 acres)

One other track lying in  
District, (containing 30 acres)  
Stake with one Black Gum  
thence North 26 poles, to  
a Stake with Maple pointers,  
to a Stake with one Black  
Dogwood pointers, thence West  
to the beginning - making in

Also one other track contain  
ed as follows Beginning on  
Eighty poles North of the same  
No. 761 for 274 acres in  
thence East 50 poles to a Dog  
80 poles to a White Oak, &  
Red Oak & thence South  
Embracing one other tra  
& Stake thence West pointers  
& 105 poles East of the same  
761 for 274 acres in the na  
Beginning North 30 poles to a  
West 48 poles to a Stake ve  
ters, thence South 30 poles  
48 poles to the Beginning,  
bearing to the Creek, that is

... of Entry No.  
... of Charles  
... to a stake with  
... with 48 poles to a sum  
... 83 poles to a stake  
... tus, thence South

25 acres situated  
... 19 of State of Tennessee  
... bounded as follows;  
... corner of Entry No. 1741  
... the two hickory poin-  
... to a stake Post Oak  
... to a stake two Post  
... 83 1/2 poles to a stake  
... West 39 poles to a  
... corner, thence South

... County State of  
... containing 118 acres  
... beginning at the N.W.  
... 30 acres in the name  
... East 30 poles to a  
... corner the N.E. corner  
... 40 poles to a Post  
... and pointers in Mr. Little  
... to his corner, thence  
... a field, thence West  
... corner, thence North

116 poles to a stake in Garbrough's line, thence  
West 110 poles to a Dogwood with pointers - poin-  
ters in the line of Cherry. 274 acre tract; thence  
South 237 poles to a stake with Red oak pointers:  
thence East 140 poles to Barnum line; thence North  
28 poles to the Beginning, (including & includ-  
ing 89 acres)

One other tract lying in said County & said  
District, (containing 34 acres) Beginning at a  
stake with one Black Gum & White Oak as pointers  
thence North 26 poles, thence East 50 poles to  
a stake with Maple pointers, thence South 30 poles  
to a stake with one Black Oak & one Hickory & one  
Dogwood pointers, thence West one degree North  
to the beginning - making in the whole 8 3/4 acres.

Also an other tract containing 39 acres, bound-  
ed as follows Beginning on a Black Oak standing  
eighty poles North of the South East corner of Entry  
No. 761 for 274 acres in the name of Land Cherry  
thence East 50 poles to a Dogwood, thence South  
80 poles to a White Oak, thence 50 poles to a Span-  
ish Oak & thence North 80 poles to the beginning.

Embracing an other tract Beginning on a  
stake & one W.O. pointers standing 10 poles South  
& 105 poles East of the South East corner of Entry  
761 for 274 acres in the name of Daniel Cherry  
running North 30 poles to a large Black Oak, thence  
West 48 poles to a stake with two Post Oak poin-  
ters, thence South 30 poles to a W.O., thence East  
48 poles to the Beginning; and it further ap-  
pearing to the Court, that there are seven heirs

and legates of the said Settles are and that  
the said land can be divided in species with-  
out manifest injury to the parties, and that  
John A. Corner is by purchase the legal owner  
of the undivided interest of John J. & Francis  
Vaughan, that Wm. B. Cole is by purchase  
the legal owner of the undivided interest of  
Wm. Settle & Charity & Milton A. French; it is  
therefore ordered adjured & decreed by the  
Court, that Wm. Swan Surveyor & Willis J.  
Hogler & Manassas, Clerks be, and the same  
are hereby appointed Commissioners to  
survey & set apart & divide said estate into seven  
equal parts according quantity & quality &  
to make their report to the next term of this  
Court.

Sarah Crismon  
& others

vs

Geo W. Griest & others

Deens.

Recorded in

Book L

Page 374

8-30 Settles, David, 28 Nov 1859

The joint & separate answers of Mary, J. Dorothea, J. & Charity C. Cole, <sup>W. B. Cole</sup> minors  
by their guardian ad litem J. Thomson to the petition of Sarah  
Crispin et al filed in the County Court of Henry vs. these  
Respondents et al. These Respondents - Answering  
& say: They admit the death of decessed R. Sittles & that they are  
his grand children, - but know nothing of the appointment  
of decessed R. Broad as admr of S<sup>d</sup> Sittles estate, nor the  
settlement of S<sup>d</sup> estate, nor amount of assets thereof, nor  
the amount of real estate of which he died seized & paper  
nor the transfers made thereof, as stated in S<sup>d</sup> petition  
nor of any other matters set forth in said petition, and  
therefore require strict proof of same and throw  
the burden upon the petitioner of the Court.  
Now having fully answered my to be here & disposed  
with them reasonable cost in this behalf expended  
J. Thomson guardian  
ad litem

8-30 Settles, David, 28 Nov 1859

Settles, David

as 3 Amurly  
3 Guorun

Settles, David

State of Tennessee

Henry County

To the Sheriff of Benton County  
You are hereby commanded to summon  
James R Cole Mary J Cole - Florence J Cole, & Chanty C Cole  
George N Grew & Anna J. his wife formerly Anna Settles ~~Wom~~  
B Cole personally to appear before the Hon J. J. Hunt  
County Court Judge at the August term of said Court  
to be held at Paris to answer the Petition of Sarah Rippon  
vs James R Cole & others

A copy of which is herewith  
sent you not. And have you show and then that  
not possess James W Ray Clerk of said Court  
at office the first Monday in June AD 1868  
And 93 years of American Independence  
James W Ray CLK

Sarah Gibson  
& others  
vs Spaulderson  
James R. Cole & son

Filed June 18<sup>th</sup> 1868  
J. M. S. R. C.

come to hand June the  
24<sup>th</sup> 1868

executed on J. R. Cole  
Mary S. Cole Florence S.  
Cole Charity C. Cole &  
Wm B. Cole others not  
Citizens of Benton  
County a copy of Bill  
left with J. R. Cole  
July the 17<sup>th</sup> 1868  
at H. Kenzie Shiff  
Benton County

8-30 Settles, D

8-30 Settles, David, 28 Nov 1859

Sarah Gresson et al } But it remembered that on this day  
John H. Lott et al } this cause come on to be  
 } finally heard upon the  
 } report of Commissioners before  
the Mississippi County Court of Henry County Tenn  
Settles at Paris in 5<sup>th</sup> State  
and appearing to the court that the tract of land of  
which the 5<sup>th</sup> State Settles were seized and  
resurveyed after having been consolidated  
amounted to two hundred fifty acres lying in  
Henry County Tenn Civil District 19.  
and bounded as follows

Begin 29 poles north of M. checks S E corner, thence S  
237 poles to a stake in the corner line with 3 red oak  
as pts. thence E 140 poles, to a dogwood with red oak & dog-  
wood pts. thence north 17 poles to a stake in a hollow with  
2 post oak pts, thence E 82 poles to a rock in Sarah Gresson's  
line with one white oak pts. thence north 84 poles to a stake  
in a gully in a field with oak & mulberry as pts.  
thence west 26 poles, to a stake with 2 gum & 2 maple as pts  
thence north 12 poles to a stake Horn beam & maple  
thence west 37 poles to a stake, 2 black oak & 2 sassafras as  
thence north 20 poles to a fake maple with maple pts,  
thence west 24 poles to a stake in the field with 2 red oak  
& maple as pts. thence north poles to a red oak  
thence west 30 poles to a stake thence  
North 20' West 45 poles to a stake near Hooks line  
thence west 68 poles to the beyond Contain 250 acres  
as appraised. which was surveyed in the same shows  
12 posts which is shown by plat made Exhibit  
of A. B. C. D. E. F. G. H. I. J.

Lat 08<sup>o</sup> 1 as shown by Exhibit A was set on part to Anna  
Greene wife of Geo W Green & bounded as follows  
Beginning at the extreme W corner of 3<sup>rd</sup> tract running

thence south 50 poles to a stake with  
to a gum with 2 gum pts. thence  
oak with pts. thence west 30 poles  
20<sup>o</sup> West 45 poles to a stake  
West 68 poles to the beyond  
Lat 08<sup>o</sup> 1 as shown by  
William B. Call. Lat 08<sup>o</sup> 2  
Beginning on a stake with  
the South W corner of lat 08<sup>o</sup>  
a stake with spanish oak  
135 poles to a stake with persimmon  
to a gum with 2 gum pts the  
thence W 135 to the beyond Contain  
Lat 08<sup>o</sup> 1 bounded as follows  
in the field in the south  
of lat 08<sup>o</sup> 3. thence south 57 poles  
dogwood pts thence E 177 poles to  
maples as pts, thence north 14  
in the field with one maple  
thence west 26 poles to a stake  
thence north 12 poles to a stake  
thence west 37 poles to a stake  
thence north 20 poles to a stake  
thence west 24 poles to a stake  
as pts. thence north 16 poles  
one red oak as pts thence  
contain 53 acres & 32 poles  
Lat 08<sup>o</sup> 3 as shown by Exhibit C  
H. Lott James R. Mary J. Lott  
is thus set a part they being the 5<sup>th</sup>  
Settles 5<sup>th</sup> & Bounded as follows  
2 black & spanish oaks as pts  
08<sup>o</sup> 2 thence E 45 poles to a stake  
poles to a stake with 1 oak & dogwood

...umbered that on this day  
...come on the land  
...upon the  
...Commissioners before  
...County  
...acts of land of  
...and  
...Consolidated  
...in  
...19.

S.E. corner, thence S  
line with 3 reed oak  
one with reed oak & dog-  
wood in a hollow with  
oak in second grass  
the 84 poles to a stake  
mulberry as pts.  
my 2 maples as pts  
on beam & maple  
oak & sassafras as  
with maple pts.  
one with 2 reed oak  
to a reed oak  
to a stake thence  
or thence line  
containing 250 acres  
in the same shows  
marked Exhibit

set apart to Anna  
... as follows  
... tract running

thence south 50 poles to a stake with 2 spanish oak pts, thence E 135 poles  
to a gum with 2 gum pts, thence north 22 poles to a reed  
oak with pts thence west 30 poles to a stake, thence north  
20° west 45 poles to a stake near the fence thence  
west 60 poles to the Beyer Containy 35 acres & 30 poles  
Lots of 2nd & 4th as shown by Exhibits B & D. Set apart to  
William B. Call. Lot of 2 Bounded as follows  
Beginning on a stake with oak pts in E.A. corner line  
the South W. corner of Lot No 1. Thence south 50 poles to  
a stake with spanish oak & black oak pts, thence  
135 poles to a stake with sassafras pts, thence north 50  
to a gum with 2 gum pts in S.E. corner of Lot No  
thence W 135 to the Beyer Containy 42 acres & 30 poles -  
Lot No 4 bounded as follows Beginning at a stake  
in the field in the South line of Lot No 2 & the N.E. corner  
of Lot No 3. Thence south 57 poles to a stake with white oak &  
dogwood pts thence E 137 poles to a stake with 3 gum & one  
maple as pts, thence north 14 poles to a stake in a field  
in the field with one mulberry, reed oak as pts  
thence west 26 poles to a stake with 2 gum, maple as pts  
thence north 12 poles to a stake with Horn beam as pts  
thence west 37 poles to a stake with 2 gum & 2 black oak as pts  
thence north 20 poles to a stake with 2 maple pts.  
thence west 22 poles to a stake in the field with 2 reed oak & 1 maple  
as pts, thence north 16 poles to a stake with sassafras &  
one reed oak as pts thence west 9 poles to the Beyer  
containing 53 acres & 32 poles  
Lot No 3 as shown by Exhibit C to Sarah A. Forest wife of Jn  
H. Forest James R. Mary J. Florence J. & Charity B. Call  
is thus set apart they being the grand children of David B.  
Settles, 2d & Bounded as follows. Beginning at a stake  
2 black & spanish oaks as pts the South W. corner of Lot  
No 2 thence E 45 poles to a stake in a field, thence south 137  
poles to a stake with 1 oak & dogwood as pts thence west

8-30 Settles, David, 28 Nov 1859

45 poles to the south West Corner of Oregon tract  
thence north with the West boundary line of same 137  
poles to the beginning containing 38 acres & 8 poles -

Lat 05<sup>o</sup> 5' as shown by Exhibit E is  
set a point to Elizabeth Green wife of David B. Green  
& Annecia as follows. Beginning at a stake with  
white oak & dogwood in the East line of lot 03 & South  
West Corner of lot 04 running south with the East boundary  
of lot 03. 25 poles to a stake in the hollow with 1 oak as  
pts the N W Corner of lot 06 thence E with same 174  
poles to a gum near a spring with 2 gum & 1 maple  
thence north 25 poles to a stake 3 gums & 1 maple  
as pts thence West 174 poles to Beginning containing 27  
acres & 102 poles -

Lat 06<sup>o</sup> as shown by Exhibit F is set a point to John  
A. Connor is bounded as follows  
Beginning on a stake with 2 Spanish oak & 3 gums as pts  
standing in a hollow in the East line of lot 02 & S W  
Corner of lot 05 thence south 25 poles to a stake  
with 1 white & post oak as pts, thence E 174 poles to a stake  
with 1 gum & 2 red oaks as pts, thence north  
25 poles to a gum near a spring with 2 gums &  
one maple as pts thence West 174 poles to the beginning  
containing 27 acres & 102 poles -

Lat 07<sup>o</sup> as shown by Exhibit G is set a point to  
Smith Grissom & boundary as follows Beginning at  
a stake with oak & dogwood pts, the S E Corner of lot  
03 thence north with the E boundary line of same 31 poles  
to a stake oak pts, the S W Corner of lot 06, thence East with  
same 174 poles to a stake with 1 black oak & red oak as pts  
thence south 14 poles to a stake with 1 white oak pts  
thence W with sharp line 82 poles to a stake in the hollow  
with 2 post oak pts thence south 14 poles to a dogwood  
with dogwood & red oak pts thence West 95 poles to the Beginning

8-30 Settles, David, 28 Nov 1859

Damaged Document(s)

In the Worshipful Court  
 Henry County Settles  
 one May 23<sup>rd</sup> 1859  
 The petition of Sarah  
 Sarah Settles, David R  
 aboth, formerly Elizabeth  
 Vanhook & wife Francis  
 Settles & John A Con  
 Against  
 & wife Charity formerly  
 John H. Forrest &  
 Sarah A. Cole, Jan  
 A. Cole, Clarence L  
 and Geo W Ervin &  
 formerly A Settles,  
 zeus of the State of  
 H. Forrest & wife, & Geo W. Ervin & wife &  
 Wm Settles, non residents, Adm'r A French  
 & wife citizens of Gibson Co, all the other  
 defendants citizens of Benton Co Tenn  
 Your petitioners would respectfully  
 represent & shew unto your Worship  
 that one David Settles late of the County  
 departed this life the year 18- leaving  
 petitioners & defendants his children  
 and Grand children & only heirs at  
 law. Petitioners would further state  
 that one David R. Green Administ'ed on  
 said estate & that there was sufficient  
 assets to pay off all of the indebtedness of the  
 said estate, and that the said Settles did

of his own free will & of his own knowledge  
 with made such that  
 Henry County  
 State of Tennessee

**Damaged Document(s)**

8-30 Settles, David, 28 Nov 1859

custom of  
Richland  
William Branch  
& others

Filed May 23<sup>rd</sup> 1868  
James W. Ray, clk

Recorded in Enroll  
Book Page 344 to 349  
James W. Ray, clk

**Damaged Document(s)**

8-30 Settles, David, 28 Nov 1859

State of Tennessee  
County of \_\_\_\_\_  
Personally appeared before me James W Ray Clerk  
of the County Court of said John A Comar  
and made oath that the facts stated in the within Bill are correct  
of his own knowledge - & upon the information of others to the  
best of his belief and knowledge  
Sworn to and subscribed before  
me May 23<sup>rd</sup> 1868.  
James W Ray  
John A Comar  
Clerk

8-30 Settles, David, 28 Nov 1859

signed & possessed of two hundred & fifteen  
7/8 Acres (215 3/4) Acres of land being  
situated in Henry County Tenn, distric  
NO 19 included in 5 different tracts for a  
more complete description, for which refer-  
ence would be had to exhibit A.B.C.D. & E  
herewith filed but not to be copied,

Petitioners would further shew that there  
are seven heirs & distributees, & owing to  
that number & character of the soil, some  
parts of the same being very poor, that it  
can not be divided without manifest injury  
to both petitioners & defendants, and that petition-  
er Leamer has bought the undivided interest of Mrs J.  
Francis, Kershner in P. Estate, & that defendants Mary

" L. Harvance J. & Leanty C. Cole are minors under the  
age of <sup>21</sup> years & that Wm B. Cole is their regular Guar-  
dian, & that they are the children of Mary J. Cole  
formerly Mary J. Settles & Grand Children of David Settles

Petitioners would therefore pray your worship to  
make all of the parties defendants to this petition,

that Capias & Subpoena issue, that a <sup>21</sup> laud be ~~made~~  
~~divided~~ between petitioners & defendants,  
for ~~division~~ & that the proceeds be paid to each her  
according to their ~~respective~~ <sup>respective</sup> interest, & that the in-  
terest of John & George Banker  
be ~~divided~~ <sup>divided</sup> & restored  
Mrs J. Leamer & that grant each other & further relief

Or. divided

as in duty bound your petitioners would ever pray

J. H. McCampbell  
for Petitioners

George L. Garrison, 40c  
vs  
James B. Cole 40c

This day appeared  
in open court J. B. Cole  
one of defendants in  
petition and asked  
to be made a petitioner

which is granted

The Deacon A French Charity French, Sarah  
Graham & William J. Riddle

bind ourselves to pay David R Green  
the sum of five hundred dollars  
The condition of this obligation is such  
that whereas the said Deacon A French, Charity  
French & Sarah Graham have commenced  
suit against the said David R Green as admin-  
istrator with the will annexed of David Settle  
decd in the Circuit Court of Henry County at  
Paris to contest the supposed will of David Settle decd.  
Paris Ten to contest, ~~and suppress~~ ~~will~~ and  
asking that the proceedings be certified to the  
Circuit Court of Henry County, Tennessee at  
Paris, and that the said supposed original  
will be set up to said Circuit Court  
Now if the said Deacon A French, Charity  
French & Sarah Graham shall faithfully  
prosecute their said suit and in case of fail-  
ure therein pay all costs that may accrue  
thereon, then this obligation to be void, otherwise  
to remain in full force and effect. Given under  
our hands & this May 7, 1860

D A French  
Charity French  
Sarah Graham  
W J Riddle

8-30 Settles, David, 28 Nov 1859

Jacob Gussow & others } It is ordered by the  
vs } Court that the  
James R. Gale & al } The clerk of this  
} Court will issue an  
alias subpoena to Boston County Jail  
for J. R. Gale, guardian of the property of  
Gale & al and also an attachment therefor to answer the  
Bill in the above cause

State of Georgia }  
Henry County }

Martha J. Stetson a single woman  
who came before me voluntarily on Examina-  
-tion declared on oath that John H. Warren Jr is  
the father of the bastard child of which she was  
delivered on the 3 day of August 1850

Taken before me on the 12 day of August 1850

G. M. Arnett J. P. H. C.

State of Tennessee

Meigs County

To the Sheriff of Meigs County

Summon Daniel R Green to appear on or  
before the 10th day of June next before the County  
Court at Purbis to answer the bill of Debt to A  
French & Charity his wife & Sarah Kershum and have  
you then and there this writ. witnes James W  
Ray clerk of our said Court at office This the 1<sup>st</sup>  
Monday in May 1860

James W Ray C & M  
By J. Simon C & M



8-30 Settles, David, 28 Nov 1859

Chas French  
Delton A French  
Sarah Kresham

Petition to set aside the probate  
of the will of David Settle decd.

David N Green

In this case it appearing to  
the satisfaction of the Court that  
the Petitioners on the 7<sup>th</sup> of May 1860 filed their  
petition <sup>on oath</sup> in the County Court of Henry County  
against the Defendant in which they state among  
other things that a paper writing purporting to be  
the last will and Testament of David Settle  
decd was admitted to probate in and before the  
County Court of said County at its December Term 1859  
that the person appointed Executor there in renounced  
his said office, and the Defendant David N Green  
was appointed administrator of the estate of said  
decd. that said paper writing had no subscribing  
witness thereto, nor <sup>was it</sup> written by the said David Settle nor  
in his hand nor found among his valuable papers or effects  
after his death and that the Petitioners are the heirs  
at law and distributees of the said David Settle decd  
and interested in his estate. And it further appearing  
that subpoena issued on the 10<sup>th</sup> of May and was executed  
upon the said David N Green on the 18<sup>th</sup> of May 1860  
<sup>and a copy of the petition delivered to him.</sup>  
commanding him to appear and answer said petition  
before the 1<sup>st</sup> Monday in June 1860 and the  
Petitioners executed a bond ~~payable to the~~ with  
good security in the sum of five hundred dollars  
<sup>on the 7<sup>th</sup> of May 1860</sup>  
conditioned as the law directs in such cases to contest  
wills, and the facts stated in said Petition not being  
denied, but the Petition being taken for confessed.

It is therefore ordered adjudged and decreed by the  
Court that the ~~probate of the~~ said probate be set  
aside and that said proceedings be certified  
to the next Term of the Circuit Court to be held  
at the Court house in the Town of Paris Tennessee on

8-30 Settles, David, 28 Nov 1859

The third Monday in September 1860 including  
a full perfect & complete transcript of the record in ref-  
erence to said will together with the said supposed  
Original Will of the said David Little decd. for  
an issue to be made to try the validity of said  
supposed will

Done for August  
Term, 1860.