

State of Tennessee.

Be it remembered that on the 10<sup>th</sup> day of June, in the year of our Lord one thousand eight hundred and twenty three, there was filed in the clerks office of the circuit court of Knox county, a transcript, in the words and figures following, to wit. "State of Tennessee &c. Be it remembered that on the thirtieth day of March, in the year of our Lord one thousand eight hundred and twenty one, the copy of a caveat was filed in the office of the clerk of the circuit court of Blount county in the words following.

State of Tennessee, Second Judicial circuit  
Blount county Viz.

Surveyor Generals office  
for the Westwage District to wit.

Samuel Gould and James Logan enter a caveat in the office of said Surveyor General to caution and prevent Henry Logan, and all and every person or persons, claiming under him, by a claim, by him lately set up, from obtaining a grant for a tract of land, containing six hundred and thirty four acres & a quarter of an acre, situated in said county, near the mouth of Pine Mills creek, adjoining that part formerly claimed by said Logan or others under him, which tract hereby cavauted, is bounded as follows to wit. Beginning at a stake on John Sawyers line, on the bank of the Tennessee river, thence north with said line, one hundred and sixty chains to a stake, thence east fifty four chains to a stake, thence north fifty four chains, forty two chains to a stake, on the old Indian boundary line



thence with said line, south twenty nine east, one  
hundred and seventy nine chains to a stake, thence  
south twenty chains to a stake, thence west eighty  
chains to a stake, thence south forty six chains  
to a stake on the bank, on the Tupper river  
thence down the meanders of said river, one  
hundred chain to the beginning, surveyed  
the 9<sup>th</sup> September 1820, which tract of land  
the said Samuel Gould and James Logan, the  
caveators, claim under, and as purchasers of the  
right of occupancy & pre-emption from Andrew  
Cowan and John Trimble, who claimed as  
purchasers under and of the right of William  
Stuart and James Stuart who claimed under  
Isaac Upton, who claimed under James Blair, who  
claimed under and as purchaser from the said  
caveator, Henry Logan, long before the claim lately  
set up by the said Henry Logan, by reason of which  
said several transfers of the right of occupancy, vesting  
the same in caveators, and by reason of their own  
rights of improvements, occupancy and pre-emption  
and by virtue of the constitution and laws of the  
state, the said caveators Samuel Gould and James Logan  
say they are vested with a good and valid right of  
occupancy and pre-emption, wherefore, and by reason  
of the premises, and upon proof of facts in support  
of their right, they pray that the said Henry Logan  
may be forever barred from obtaining a grant  
for the said survey of six hundred and thirty four  
acres, and one fourth of an acre of land, and that  
the said caveators may be adjudged the right of occupancy  
and pre-emption & that the same may be granted



to them

James Logan  
Samuel Gould


A true copy of the original, filed in my office  
this 15<sup>th</sup> day of March 1821.


Joseph Calloway principal  
Surveyor of the Highways  
District

Also a bond in the words & figures following to wit.

Know all men by these presents, that we Samuel  
Gould, James Logan & James Lupton, all of the State  
of Tennessee are held and firmly bound, our heirs &  
unto Henry Logan in the sum of five hundred  
dollars, void on condition, that the said Gould and  
Logan shall, with effect, prosecute a caveat by them  
instituted against the said Henry Logan, otherwise  
to pay and satisfy all costs and damages, that may  
accrue for failure. Witness our hands and seals  
this 30<sup>th</sup> day of March 1821.

Samuel Gould 

James Logan 

James Lupton 

And on the said thirtieth day of March next  
hundred and twenty one, a subpoena was issued  
in the words and figures following to wit.

The State of Tennessee

To the Sheriff of Blount county Georgia

We command you to summon Henry Logan  
to appear before the Honorable circuit court of Blount  
county, at a court to be holden, at the court house in  
Maryville, the fifth Monday of July next, then and  
there to answer the complaint of Samuel Gould and  
James Logan, in a caveat filed by said Gould and  
Logan, and this he shall in no wise omit, and



have you then, here this writ, and how you have  
executed the same. Witness Agariah Shelton Clerk  
of our said court, at office the fifth Monday of  
January 1821.

Agariah Shelton Clerk

On which said subpoena, are the following endorse-  
ments to wit. D<sup>o</sup> 30<sup>th</sup> March 1821. Executed 30<sup>th</sup>  
March 1821

Charles Danvers Shiff

And at a circuit court, begun and held for the county of  
to wit, at the court house in Maryville, on the first  
Monday after the fourth Monday of July in the  
year of our Lord, one thousand eight hundred  
and twenty one, and on Monday the first day  
of said term, "On motion of the plaintiffs by  
attorney, leave is granted the surveyor General to  
correct the copy of the caveat, by him given in this  
case, which was done accordingly as follows, by  
inserting twenty instead of sixty chains, and  
stake instead of Red oak, and forty six chains,  
instead of six chains" -

And the said case was continued, until, at a  
court as aforesaid, begun and held as aforesaid  
on the first Monday after the fourth Monday of  
February, in the year of our Lord, one thousand eight  
hundred and twenty two, and on Tuesday, the second  
day of said term, On motion of the defendant, by  
his attorney, a rule is granted him, to show cause  
why this case should be stricken from the docket,  
because the plaintiffs had failed to file in the clerks  
office with the clerk, a certified copy of this caveat  
within thirty days from the filing thereof. And on  
Saturday, the sixth day of the term last aforesaid,  
came on to be argued, the defendants rule, to show  
cause why this case should be dismissed, and



any amount of counsel being heard & mature consideration  
had thereon, it seems to the court, that the motion ought  
to be overruled. And on affidavit of Samuel Gould  
this cause is continued, on the plaintiffs paying all  
costs that have now accrued thereon, and commissions  
are awarded the plaintiffs to take the deposition  
of William Stuart, Sally Stuart & George Stuart of  
Clarion County, Penn, before any Justice of the peace  
of said county, on giving the defendant ten days  
notice of the time and place of taking the same, also  
the deposition of Baracus Cook of Clarion County, on  
giving the defendant the same notice, before one  
Justice of the peace, which depositions, when so taken  
may be read as evidence, on the trial of this cause.  
And the cause aforesaid was continued as aforesaid,  
until at a court as aforesaid, began and held as  
aforesaid, on the first Monday after the fourth  
Monday of July, in the year last aforesaid, and  
on Monday the first day of the term, "On affidavit  
of Samuel Gould, one of the defendants, commissions  
are awarded them to take the depositions of John  
Hunt and William Stuart of Clarion County  
Pennsya, giving the defendant ten days notice  
of the time and place of taking the same, and  
also the depositions of Esaias Bowman of Washing-  
ton or Scott county, Virginia, giving the defendant  
thirty days notice of the time and place of taking  
the same, which depositions, when so taken before  
any Judge, or two Justices of the peace of the counties  
in which the witnesses reside, may be read as



witnessed, on the trial of this cause - And by consent  
of the parties, leave is granted the defendant to take  
the deposition of Squire Handricks, before any Justice  
of the peace of Blount county, and the plaintiff by  
Attorney notice of the same, but reserves all  
other manner of advantage, or exception to  
said deposition, when so taken, which deposition  
when so taken may be read as witness, on  
the trial of this cause - And on Thursday, the  
fourth day of the term last aforesaid, came the  
parties, and on affidavit of the defendant a  
commission is awarded to take the deposition  
of Thomas K. Myley of Jackson County, Alabama  
on behalf of the defendant, before any one judge  
or two Justices of the peace of said county, and  
state, giving the plaintiff thirty days notice  
of the time and place of taking the same,  
which said deposition, when so taken may be  
read as witness, on the trial of this cause;  
and on affidavit of Samuel Gould, one of the  
plaintiffs, a commission is awarded them to take  
the deposition of Samuel Vance de bene esse, before  
any two Justices of the peace of Blount county,  
giving the defendant ten days notice of the time  
and place of taking the same - And a commission  
is also awarded them to take the deposition of  
Mary Lowmyer of Monroe County Tenn, before two  
Justices of the peace, giving the defendant ten  
days notice of the time and place of taking the  
same, which said depositions, when so taken  
may be read as witness, on the trial of this cause.



And the said cause was continued as aforesaid until, at a court as aforesaid, began and held as aforesaid, on the first Monday after the fourth Monday of January, in the year of our Lord one thousand eight hundred and twenty three, and on Tuesday the second day of the term, "Came the parties, by their attorneys, and thereupon came a jury to wit, Isaac Trotter, Taylor Sneed, David Dearmond, William Brown, Robert Sedford, James McSarahan, Matthew Boyle, Robert Dixon, Joseph Nolan, James Glap, William Thompson, and William J. Miller, who being elected and sworn well and truly to try such facts as may be submitted to them in this cause, from rendering a verdict in this cause are respited until tomorrow morning - And on Wednesday the third day of the term aforesaid, Came the parties by their attorneys, and thereupon came the same jury who from rendering their verdict on yesterday were respited until to day to wit Isaac Trotter Taylor Sneed, David Dearmond, William Brown Robert Sedford, James McSarahan, Matthew Boyle Robert Dixon, Joseph Nolan, James Glap, William Thompson and William J. Miller, who being elected and sworn, on yesterday, well and truly to try such facts as may be submitted to them in this cause, and the following issues were submitted to them to wit - Spent <sup>to</sup> the land claimed by the caveator, the same residue of an occupant claim, a part of which was granted, as mentioned in the preamble to the act of Assembly, passed the 23<sup>rd</sup>



of July 1820, entitled, An act for the relief of Henry Logan & Co and if so, have the curators derived a title to said residue from said Logan the curators Issue 2<sup>d</sup> Were the curators, or any under whom they claim in possession of the land surveyed for the curators, or of any part of an occupant claim of which said land is parcel, on the sixth day of February 1796, or at any time thereafter and if so, of what part, and at what time? To which said issues the jurors of our aid, upon their oaths of our aid, do find the following facts to wit "To the first issue, We find it to be the same land claimed by the curators, that was given to the curators by the act of a assembly referred to in said issue, and the right was conveyed by parole from the curators to the curators - And to the said second issue tendered to the jury of our aid 2<sup>d</sup> We find that Henry Logan, the curator was in possession of the whole land claimed, on both sides of the Indian line February 6<sup>th</sup> 1796 - And on Thursday the fourth day of the term of our aid, the defendant in this cause by his attorney entered a rule to show cause why the verdict of the jury should be set aside - And on Friday the fifth day of the term last of our aid, came the parties by their attorneys and thereupon came on the defendants rule to show cause why the verdict of the jury in this cause should be set aside, to be argued and considered, and after argument of counsel being heard and on a more deliberation thereon



had by the court. It is considered by the court that the rule be made absolute, the verdict in this cause set aside, and a new trial granted. And it appearing to the satisfaction of the court by the affidavit of the defendant, that a fair and impartial trial of this cause, cannot be had in the county of Blount, and that the like objections extend to the county of Sevier and that the county of Knox is the nearest adjoining county free from the like objections as stated in said affidavit - It is therefore considered by the court, that the venue of this cause be changed to the county of Knox aforesaid, and it is ordered that the clerk of this court make out and transmit a true copy of the record and proceedings of this cause to the clerk of the circuit court of said Knox county, on or before the second Monday of August next -

Bill	
Clerk	\$14.07 <sup>1</sup> / <sub>2</sub>
Thos. McAllister	1.26 <sup>1</sup> / <sub>2</sub>
James Henry (S.R.)	25
James Henry (B.C.)	25
William H. Brown	1.00
Lewis Bailey	25
James Barnes	25
Alexander Coulter	25
Witness James H. Brown	1.50
Squire Handcock	11.17 <sup>1</sup> / <sub>3</sub>
William Loring	2.50-



Agnes Downey	\$ 2.00
John Downey	7.48 1/2
John Williams	1.50.
William Logan	6.01
Andrew Cowan	3.50
Barneas Cook	2.00
Justices. William Hill	2.00
Wm Williams & S. Hamill	66 2/3
James Chandon	66 2/3
John McGhee	66 2/3
Wm James & Jos. Stephenson	66 2/3

State of Tennessee Act.

I Daniel D. Fante Clerk of the Circuit Court of Blount County, do hereby certify that the foregoing is a true copy of the record and proceedings in the case of Samuel Gould and James Logan against Henry Logan in the court of our said taken from the original now in my office

*(Signature)*

Given under my hand and (private, having no public) seal of office at office in clayville the 17<sup>th</sup> day of June A.D. 1823, and 47<sup>th</sup> year of American Independence.

Daniel D. Fante Clerk



And afterwards to wit at a Circuit Court held for the County of Knox at the Court house in Knoxville on the second Monday of August 1824. - On Motion of the Defendant by Consent of the plaintiffs Commissioners are awarded him to take the Depositions of Samuel Howard Yn A. Moore, John Euf Giv Henry Pizney Stephen L Ewing James M. Chung and Robert D. Purdom before any Justice of the Peace for Madison County Alabama by giving the plaintiffs thirty days notice of the time and place of taking the same, to be read in evidence on the trial of this cause - (And) On Motion of the plaintiffs Commissioners, by Consent of the Defendants, are awarded them to take the Depositions of Isaiah Bowman of Washington County Virginia before any Justice of the Peace of said County - and Joseph Ghornley Sr. Joseph Ghornley Jr. Michael Ghornley Joseph Cartland John Wright John E. Taylor Lawrence Harper William Cartland, Daniel Wright George Morrow and Joseph Masan, before any Justice of the Peace for Madison County Alabama by giving the Defendants thirty days notice of the time and place of taking the same to be read in evidence on the trial of this cause -

And afterwards to wit at a Circuit Court begun and held for the County of Knox at the Court house in Knoxville on the second Monday of February 1825. - For reasons appearing to the Court from the Affidavit



of the Defendant Commissions an award  
did him to take the depositions of James  
McClung Thomas Brandon, Joseph Criss  
Thomas Linnman John Lewis, Thomas  
K Coovley Isaac Hickey David  
Walker William Horton Stephen M.  
Brown John Derrick David Wood  
and Stephen Neal - before any Jus-  
tice of the Peace for the County of Mad-  
ison State of Alabama, by giving  
the plaintiffs thirty days notice of the  
time and place of taking the same  
to be read in evidence on the trial  
of this cause -

And afterwards to wit at a Circuit -  
Court begun and held for the  
County of Knox at the Court house  
in Knoxville on the second Monday  
of August 1825 - "Came the parties by  
their Attornies and thereupon came  
a Jury to wit, James M. Tate, Alexander  
Stovall Samuel Fleming Elijah Nel-  
son Isaac E. Warrick Joseph Woods  
Joseph Nymatt Robert Sumner, Par-  
ham Wall, John Campbell, Help Rud,  
Samuel Bell who having been  
sworn and charged and sworn well and  
truly to try the following facts submit-  
ted to them, to wit -

First Issue - "That the Land claimed by the Com-  
plainant, the same residue of an In-  
complete Claim, a part of which was  
granted, as mentioned in the preamble  
to the act of Assembly passed the



23<sup>rd</sup> day of July 1820 - entitled an act for  
the benefit of Henry Logan, and if do-  
have the Caveator derived a title  
to said residue from said Logan  
the Caveator?

Issue 2<sup>nd</sup> Were the Caveator or any under  
whom they claim, in possession of the  
Land surveyed for Caveator - or of any  
part of an Occupant Claim of which the  
Land is parcel on the sixth day of Febru-  
ary 1796 - or any time thereafter and if so  
of what part and at what time?

And afterwards to wit at the same  
Term - came again the parties by their  
Attornies as well as the Jury Room in  
this Cause - Who upon their adjourned  
Oaths do say as to the issues submitted  
to them as follows - to wit -

To the first issue - That the Land claimed by the  
Caveator is a part of an Occupant Claim  
a part of which was granted as menti-  
oned in the preamble to the act of As-  
sembly passed the 23<sup>rd</sup> of July 1820, en-  
titled an act for the benefit of Henry  
Logan, and that the Caveator have  
derived no title thereto from Logan  
the Caveator -

To the second issue - That neither the Cave-  
ator, nor any under whom they claim  
were in possession of the Land surveyed  
for the Caveator - or of any part of  
an Occupant Claim, of which the Land  
is parcel on the sixth day of Febru-  
ary 1796 - but that Henry Logan was  
in possession thereof in the summer  
of 1796



And now to wit at a Circuit Court began  
and held for the County of Knox at  
the Court house in Knoxville on the  
second Monday of February 1826 - Came  
the parties by their Attornies, and the  
Record in this cause and the facts as  
found by the Jury having been seen  
and inspected by the Court - It is or  
and by the Court that the Cause  
be dismissed - And It is further  
considered by the Court that the  
Cause be heard and recover a  
judgment the Caveator his costs &  
leave his defense in that behalf  
expended -

And It is further Granted by the Court  
that the Dismissal of the Cause  
in this Cause, be certified to the  
Sergeant General of the High  
walled District - And the Ca  
veator by their Counsel having  
prayed for and applied in the  
nature of a writ of Error to  
the Supreme Court of Error &  
appeals - and having entered  
into Bond with James Cowan  
Security said appeal is allowed -

Which Bond is in the words and  
figures following to wit -

Know all men by these presents that  
we James Gould & James Logan An  
drew Cowan, are held and firmly bound  
unto Henry Logan in the penal sum  
of One thousand dollars for which



payment well and truly to be done  
and made we bind ourselves our  
and each of our heirs, Executors or ad-  
ministrators jointly and severally finally  
by firmly bound by this presents - signed  
with our hands sealed with our seals  
dated this 21<sup>st</sup> day of February 1826 -

The condition of the above Obligation  
is such that whereas the above bound  
Samuel Gould James Logan have this  
day prayed for and obtained an ap-  
peal in the nature of a writ of Error  
from the judgment of the Circuit Court  
of Knox County rendered in the  
Cause in said Court in which said  
Gould Logan are Executors and  
Henry Logan is Co-executor and  
Treasurer of the Superior Court to be held  
for the 2<sup>d</sup> Judicial Circuit at the  
Court house in Knoxville - now  
if the said Gould Logan shall with  
effort prosecute said appeal - otherwise  
pay and satisfy all costs and dam-  
ages that may be awarded against  
them for failure and abide by and  
perform the judgment that said  
Superior Court may render in said  
Cause then this obligation to be  
void

Witness  
my hand  
this 21<sup>st</sup> day of February 1826

Samuel Gould Seal  
James Logan Seal  
Chas. Coward Seal



William Swan Clerk of the Circuit Court for the County of Kern in the State of California certify that the foregoing transcript is truly copied from the Record in my Office -

Given under my hand and private seal having no seal of Office at Office in Broomfield the 9<sup>th</sup> day of May 1886 -

Chas M. Blund  
clerk

By his Depy Wm Swan

And the Appellants by attorney, come and say that in the record, proceedings and judgments in this case there is error in this, that the judge, was given for the cause, that when it should have been for the Cause - for which reason they pray that said judge, may be reversed - and such judge be removed as may be consistent with law -

Myor Lea also

R. Mulla et maritum - Whited Lawrey

Filed the 9<sup>th</sup> May 1886

Wm Swan  
clerk

James J. G. G. G. G. G.

Francis G. G. G. G.

2028203  
206



Henry Logan  
or  
Samuel Gould  
James Logan &  
A Cowan

Tax	-----	1.00
black		
transcript	1.60	
judgment	1.60	
copy	50	
fi. fa	40	
1 con.	40	4.50
atto white		6.25
		<hr/>
		11.75

Pa. Aug 11. 1827



Box 237 / RC  
2028 203 / 6720  
6743

206

Henry Logan (93)

vs  
Samuel Gould &

James Logan

H. Logan

S. Gould

J. Logan &

ed Logan

Bills of costs in my court

For costs below see Swan's  
docket

1826

Mary