Mill twoid

An Appeal to a Candid Publick

Sterling Ivie- Of this county living between West Harpeth and Murpheys fork and a foreman or overseer of Esq. Dickinson of a dark complection and crooked made the said Ivie he asserted insinuated and reported that myself or someone of the family has without any just clame taken one of his master or imployers hogs-which is a malitious falsehood- The same Ivie is hereby commanded to meet me at or near this place on the 4th of October 1828 at 9 o'clock a.m. or at any other time or place where him or his agent may notify me of and there deny the above accusations or substanted the same by evadence duly sworn to - or Justly merit from a deserving KNAVE-- and a VILLIAN

The candid public invited to attend Given under my hand this the 19th of Sept. 1828

Jonathan Carl

Dec. 3, 1870 William D. McNish vs. H. T. Mays and wife William D. McNish qualified as Admr. of the estate of Thomas F. McNish in Sept. 1870. Thomas F. McNish died in Davidson Co., Tenn. and during his lifetime he lived with his sister, Mrs. E. L. Mays in Williamson County and labored for her about three years. Many business transactions were made between said Thomas and his sister E. L. Mays during this time. E. L. Mays was a widow at this time and requested Thomas to make his home with her and help her all he was able to. He carried his livestock, consisting of 3 horses which were used on his sister's farm. E. L. sold two of the horses and received the money. Thomas entrusted all of his papers and notes to his sister's custody. Thomas died on 31 Dec. 1868 intestate and E. L. proceeded to sell the property which belonged to Thomas. She obtained possession of a memorandum kept by Thomas in regard to his dealings with his sister. Thomas had collected about \$500 and William D. believes his sister has used this money for her benefit. Thomas sold a tract of land to E. C. Wherry near Nashville in 1865 for \$2500 in notes and they were assigned by Thomas to obtain money to help his sister in her financial affairs and that she was to repay him. Thomas left a mother, two brothers and five sisters surviving him. She refused to account for any of Thomas' property.

Deposition of Mrs. J. A. McNish- Mrs. Owen, now Mrs. F. H. Mays, had a bank box and had papers and jewelry and a few dollars in gold and silver in the box. She seemed to be hard pressed for money all the time and had to borrow money to pay her debts.

Deposition of James McNish, aged about 25 years- I am a brother to Mrs. E. L. Mays and to Thomas McNish. He died about three years ago. We lived with my sister, Mrs. Mays. She told me before his death to come to Nashville and get an account book that Thomas had kept some accounts in and the papers in it and bring them to her. That was about a week before he died. I know of one time he collected \$100 from Wherry and he gave my sister the money. I don't know when the notes were transferred to my sister. He let my sister have \$125 that he got for a horse he sold to Mr. Carsey. I went to live with my sister in 1864 and stayed there six years. My brother lived there about three years. Thomas brought a mare, cow and some hogs to my sister's. I waited on Thomas much of the

S

time he was at my sister's. Dr. Owen and Crockett waited on him some and I bought some of his medicine. My sister was in Virginia part of the time. Thomas was able to ride his horse and see to the farm part of the time.

Deposition of Mrs. M. D. Carsey- I am a sister of Thomas McNish. He died at my house in 1868. Mrs. Mays, then Mrs. Owen, sent for the memorandum book. I saw the book but did not examine it. James McNish came and got the book about four weeks before Thomas died. He came from the south in '65 or '66 to our house and stayed about two weeks and then went to Mrs. Mays' house. A short time before his death, Mrs. Mays broke up keeping house and said she could not do it without him. My sister was in Virginia about six months and Thomas managed the farm for her.

Deposition of Mrs. S. V. Fulgham- Mrs. Mays told us that Thomas was dying and she had all of his property in her hands, that Ma should never have any of it. Thomas told me before his death that his property was worth \$3000.

Deposition of E. C. Wherry- I purchased a place on the Lebanon Pike from Thomas McNish and paid him \$2500 in 1865. This was to be paid in 3 notes and Thomas came to me and said he had to transfer the notes. He transferred them to Mrs. Owen. Thomas said Bettie was borrowing all the money he had. I was acquainted with Tom when he lived with his sister. She was single and traveled a great deal and he managed the farm.

Deposition of J. H. Carsey- James McNish got Tom's book while he was sick. Tom died at my house in Nashville. He did not have one dollar as I could find. I told Mrs. Mays Tom's estate owned some money and that I had paid his expenses while he was at my house. I think Tom was sick about two years. He was paralized from his hips down and had little use of his legs and could not walk without the assistance of a stick. I always understood Tom went to live with Mrs. Mays for her protection and to take care of everything in her absence.

Deposition of G. W. Hicks- I was counsel for Mayes and his wife in Chancery Court in Nashville in the case of Mrs. Mayes vs. E. C. Wherry.

Deposition of John Redmond, Sept. 7, 1872- I lived about & mile from F. H. Mayes and he lives at the place where his wife lived before their marriage. I lived on a portion of the land that Mrs. Mays owned and sold to L. H. Holt. There is about 100 acres in her tract of land that contains the dwelling.

Deposition of Thomas Holt- I saw the title bond for the 70 acres tract of land that Mrs. Mays sold to L. H. Holt. I have heard F. H. Mays say there was about 112 or 114 acres left in the original tract of land. Mr. Mays tried to sell me the land before I attached it and said he was trying to sell it to Esqr. Ferris in Nashville. I heard there were some men from Ill. and Ind. trying to buy it about the time of the Big Storm. My farm adjoins Mrs. May's land and I have lived neighbors to her since 1843. She married Mr. Mays two or three years ago and they still live at the same place. Cotton got a judgment on a debt due from Mrs. Mays before her late marriage. I was security for the Redmond debt of \$3000. L. H. Holt is my son. The \$3500 he paid Mrs. Mays for her land was applied to her debts.

ţ.,

Deposition of F. H. Mays- (about his wife and their debts.

Deposition of W. H. Kirkpatrick- I lived with Mrs. Mays 5 or 6 weeks in Dec. 1866 and Feb. 1867 and Thomas McNish also lived there. I have a suit against Mrs. Mays in Circuit Court. She refused to pay me for being a manager of her farm and as only a farmhand. Tom swore in the suit that he was the farm manager. Tom interferred with my business that I could not do my duty. I did not think he was physically able to attend to the farm as he was badly crippled and used sticks or crutches to get about.

Deposition of James P. McNish- About a month after Tom died, my sister told me she wished she had talked with Tom about what disposition he wanted to make of his money. I told her I thought Ma should get it and she said no, Ma shouldn't have it, that she thought Tom wanted her to have it. She said she would sacrifice all she had before she would give us anything.

Deposition of Hugh Duff, 29 March 1872- I was working at Mrs. Mays when Tom McNish broke his leg. He was taking his boot off when he broke his leg. You could hear him screaming all times of the day and night.

Deposition of Thomas G. Pointer- (He tells of Tom breaking his legs on several occassions.) He could only see to business of Mrs. Mays on horseback when he was able to ride.

Deposition of Mrs. E. L. Mays- Tom McNish was my brother. He came to live with me in May 1865 and left a few weeks before his death in 1868. He came to my house after the close of the War and was an invalid walking on crutches. I had never seen him after he came from the south until he came to my house. He continued to grow worse and the doctors called them "nervous spells". His attacks lasted about four weeks and required all my attentions at those times. He was continually trying some patent medicine and some shocks. He went to Springfield to try a machine of some kind and while there fell and broke one of his legs in two places. I went there and saw to him and when he was able, hired someone to bring him to a hotel in Nashville and then to my house on the cars. When I left home, I hired someone to look after him. He was 35 years old and kept his own books. I being the only solvent one had all of the family to support. W. D. McNish, his wife and 4 children lived at my house about 2½ years. I fed and clothed him and his family while they were there and were a very heavy expense to me. He has never paid me a dollar for this and has taken the bankrupt law and I can't get anything from him and he knows it and is trying to swindle me out of what I have left. I bought the Wherry notes from Tom.

Deposition of Thomas W. Dick Bullock

Deposition of Dr. J. B. Crockett- I have been a practicing physician since 1837. I treated Tom McNish for several days in December 1865. He was suffering from a spinal affection. He finally died from an aggravated and complicated attack of the same.

Deposition of Mrs. Thomas Holt- I knew Tom McNish 6 or 8 years. A portion of the time he was in the Post Office at Nashville with his brother W. D. McNish. That is where I first knew him.

He came to Mrs. Owen's before Esq. Owen was killed and left and returned. She gave him all attentions a sister could bestow. Esq. Owen, Mrs. May's first husband, was killed in the latter part of the War, I think.

Deposition of Thomas Holt

Deposition of Mary Owen- I am about 60 years old coming this January. I lived in Mr. Joshua W. Owen's house when he was killed, for about two years. Mr. Tom went there the next year and was not able to do anything.

Deposition of Dr. D. B. Cliffe- I have been a practicing physician for 29 years. I treated Tom McNish for a fracture of the thigh.

Deposition of Thomas H. Oden- I was acquainted with Tom McNish. His health was tolerably good up to the War but after the close of the War, he suffered great paid and was confined much of the time.

Filed Sept. 1881 George W. Pollard vs. John W. Cowles Exr. William King departed this life Nov. 1865 leaving a will which was probated Dec. Term 1865. He named his son, William King and a son-in-law, John Cowles, as Exrs. William King left 100 acres of land to Rebecca King for her lifetime, \$1000 and a negro girl for life. Rebecca was the widow of William. Rebecca applied to George W. Pollard to be appointed as trustee which he did. The Exr. gave the trustee the \$1000 and land and the slave was emancipated by the War. The trustee wants pay for acting as such.

Will of William King- Probated Feb. 1865

To Exr. 100 acres land for the benefit of my wife, Rebecca King, during her natural life, beginning on the south side of the road leading from Franklin to Murfreesborough to commence near John S. Claybrooks' northwest line...Thomas P. Buchanan...Methodist Church. The land I purchased of Thomas and Boyd, Edmondson's formerly William Edmondson's tract of land....Als0 \$1000-- a cross fence to be run between the 100 acre tract and the balance of the Edmondson tract of land which I leave to the heirs of my daughters, Martha S. McPherson(now deceased). Also my wife to have a negro girl Martha who is about 17 years old.

Son- Sebastian C. King, wife to live with him.

Heirs of my daughter, Lucy Scales (now dec'd.) two pieces of land I purchased of Benjamin J. Bass and on which Elsworth Scales (their father) now lives.

Heirs of my daughter, Nancy W. Bostick (now dec'd.) the land on which James A. Bostick (their father) now resides, it being part of a tract of land I bought of Nicholas Scales and containing 157½ acres, also ¼ undivided interest of 100 acres of cedar land I purchsed of Robert P. Currin.

Daughter, Mary Cowles the tract of land on which she now lives. Daughter, Sarah E. Johnson, tract of land near Franklin that I purchased of Cox and the 90 acre tract of land that I purchased of her husband William Johnson.

Son- William B. King, land on which he now resides that I purchased of James Alston and the adjoining piece of land I purchased of Robert C. Tulloss.