

***NOTE: The surname & lineage of Candis/Candace Holleman is established within the following text. She was the wife of Davidson Willoughby (c1810 – bef 1870), son of Isaac Willoughby (c1850 – abt 1851). Davidson & Candace were born in Jackson County, removed to Butler Co., KY by 1840, and were present for the 1850 Census in Grayson Co., Texas. Candace died of “Winter Fever” November 1859 in Decatur, Wise, Texas. Davidson passed between the 1860 & 1870 Census periods.**

PEOPLE MENTIONED

Davidson & Candis (nee Holleman) Willoughby, Mary S. Maxwell & Wm. H. Maxwell, John Holleman/Holoman/Holliman, Nancy Holleman, Joel P. Holleman, Harmon Holleman, James Holleman, George R. Holleman, Thomas Holleman, Agnes Holleman, J. G. Holleman Mary Polly (nee Holleman) Burgess, Josiah Burgess, Wm. C. Trousdale, S. K. "King" McDonald B. W. "Buck" Robert, James Roberts, R. A. Cox, Nathan M. Cox, John P. Murray E. L. Gardenhire, Larkin Ferrell, James Brooks, W. C. Lundy, A. A. Swope, H. H. Dillard R. S. Alcorn , Louis K. Smith, J. M. Morgan, W. C. Morgan ,M. B. Young, John P. Murray, J. J. McClelland

Jackson Co., TN Loose District/Chancery Court Papers Reel #99

Maxwell - Montgomery

Genealogical Abstracts by [Mary Lu Johnson](#)

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[NEW] MAXWELL, W. H. et ux vs McDONALD, KING Circuit, 1875

DEPOSITIONS to take proof & supply lost Record... 4 June 1874. Present are R. A. Cox atty for Plaintiffs & R. P. Brooks for Defendants:

Wm C. Trousdale, age 53, defendant.

Ques: Was the land in dispute originally laid off to **Mary F. Burgess daughter of John Holoman** [Holliman/Holleman], deceased?

Ans: Myself & brother bought the land at a sale of Jackson Co. Court, 50-60 acres, do not know exact boundaries. Me and my brother divided it. I am claiming a small portion, King McDonald has the remainder. Part is bounded by the Cumberland River on the east, south by lands of John Holliman, deceased. King McDonald owned the land that I and my brother bought.

Ques: Was or not Mary F. Burgess the mother of Plaintiff Mary S. Maxwell, a daughter and heir at law of John Holoman dec. and was not said parcel allotted her out of the estate of her father John Holoman and by her and her husband Josiah Burgess conveyed to their daughter Mary S. Burgess now Mary S. Maxwell...

Ans: She was said to be one of John Hollimans daughters... I never knew him. Mary F. Burgess was the mother of Mary S. Maxwell, the Plaintiff.

s/s W. C. Trousdale

King McDonald, age 64... I was acquainted with the land in question when it was occupied by Mary F. Burgess and her husband Josiah Burgess... lived close, not over a quarter of a mile. I have part of the land in possession... can't say how much Mary F. Burgess got from her father John Holliman's estate. Land bounded east by Cumberland River, south by other lands of the Estate of John Holliman, deceased... west by lands of John Holeman's estate... Wm C. Trousdale on the North which was also a part of the old John Holiman tract. I purchased the land I claim and have in possession from Berry Bush... more than half the Mary Burgess tract. Wm C. Trousdale claims the balance.

s/s S. K. McDonald

B. W. Roberts [No age given]... live one-fourth to one-half mile from the land... passed it frequently going to Granville and to Mill. I was raised within a mile or a little over from **John Holeman... he had six children to my recollection.**

I heard Mary F. Burgess say her husband Josiah would keep Tipling [tippling; selling liquor illegally] Whiskey until they got up finds [fines] against him and her land would go to pay for them... said she would make a deed of gift to her daughter Mary... Mr. McDonald said he would have me served... told him he better not... told him what Mary F. Burgess said about 18 years ago.
s/s B. W. Roberts [Bill of Cost listed him as Buck Roberts].

DEPOSITION 13 May 1875:

R. A. Cox: Was original counsel for Plaintiff... papers destroyed by Court House fire August 1872.
s/s R. A. Cox

DEPOSITIONS 9 Oct 1876, residence of Mrs. Nancy Holleman of Jackson Co., TN:

Nancy Holleman age 64. Know land laid off to **Mary S. Polly Burgess** in the estate of her father John Holleman. Lots were surveyed and numbered and the numbers put in a hat and a little girl drew them out for the heirs.

Ques: What was the name of your husband and is he living or dead.

Ans: **Joel P. Holleman.** He is dead he was a **son and heir of John Holleman.**

Ques: Were the heirs all present at the division.

Ans: All but two **Candis Willoughby, Davidson Willoughby's wife;** and **Harmon Holleman**

Ques: State if Mary S. Maxwell is a daughter of Mary F. Burgess by her marriage with Josiah Burgess.

Ans: She is a daughter of hers... was born on the land and lived there with her parents, lived there with her mother going on three years. **Mary S. Maxwell was Born in May 1848 I think the 3rd day.**

Ques: How long did John Holleman own the land...

Ans: ...from 1826, as far back as I remember... it was bounded on the north by James Holleman where George R. Holleman now lives, on the east and south by the Cumberland River on the West by Larkin Feril [sic; Ferrell/Farrell] the place was called Brookses [Brooks'] Bend.

s/s Nancy Holleman

Mary F. Burgess, age about 62.... am **mother of Mary S. Maxwell. She is going on age 28.** I was married to **Josiah Burgess. He has been dead 22 or 23 years.**

I was married after the land of John Holleman was divided between heirs... I am a daughter of his. I drew the one next to the lower one, Brother Thomas drew the lower one, and Agnes drew the one next to mine I think **Candis Willoughby** drew the next one... Brother John drew the next one and Brother Joel drew the next. These are all the heirs of my father. We made our daughter **Mary S. Burgess** a deed of conveyance...**(*B.W. Roberts stated on the first page that there were 6 heirs and Mary F. Burgess names 6 here. Who is Harmon, though, listed above as a missing heir in Nancy Holleman's deposition...a child of one of the 6? ~Sherry Bivin)**

My father owned the land since I was big enough to recollect... under a purchase and deed from **James Brooks.**

Ques: Who were the witnesses on the deed to your daughter Mary S. Burgess.

Ans: James Spurlock...gone from the State a good many years, and Silas Cornell [Cornwell]... he is dead.
Mary F. [her X] Burgess

MAXWELL, W. H. & wife vs TROUSDALE & others and 1880 COX vs MAXWELL

[Separate folder, more on the above case; mostly concerning attorney fees to be awarded to R. A. Cox].

BILL OF COMPLAINT of R. A. Cox, a surviving partner of Cox & DeWitt against Mary S. Maxwell, formerly Mary S. Burgess and her husband.

About 1852 Burgess & wife conveyed to the said Mary S. Burgess a tract of land in Jackson County, TN on the Cumberland River adjacent land of George R. Holleman & others.

Afterwards James A. Spurlock was appointed guardian to said infant [under legal age of 21] Mary S. Burgess, filed his petition... was an illegal sale... land purchased by one Bush and probably others... afterward sold to S. K. McDonald.

Court House fire August 1872 destroyed papers. About that time Mary S. Burgess intermarried with W. H. Maxwell. A suit was brought... A. W. DeWitt, attorney, died 1872... case appealed to Supreme Court, heard 8 Jan 1887. S. King McDonald has died since the final decree and J. J. McClelland was appointed Executor. J. J. McClelland as Executor filed against W. C. Trousdale & others for the purpose of winding up the estate and selling land to pay debts. W. H. & Mary S. Maxwell purchased the Bush tract for \$1250 with proceeds of decree in their favor, confirmed September term 1888, recorded M.D. FF [Minute Docket Book FF], p. 33.

Mary S. Burgess was a very poor girl and had nothing left except land adversely held and stubbornly litigated by S. K. McDonald and W. C. Trousdale... she married after the suit commenced.

DEPOSITIONS 29 January 1883:

George R. Holliman age 69. Gave my deposition 22 Dec 1882. I was along when E. L. Jackson made a survey and boundary when the land was laid off. There was a turn row between Aggie and Polly - that is Mary S. Burgess' share...

G. R. [his X] Holleman

PROSECUTION BOND:

S. K. McDonald and W. C. Trousdale as Principals and V. D. Kent and J. P. Keith as Security for \$500 to W. H. Maxwell and wife, 19 Nov 1883.

FIFA LEVIED 26 May 1887, estate of S. K. McDonald, deceased, suggested insolvent.

BILL OF COMPLAINT of William H. Maxwell and Mary S. Maxwell his wife against William C. Trousdale of Jackson Co. and J. J. McClellan Executor of S. K. McDonald, a resident of Smith Co. Recovered on [blank] January 1887, Tennessee Supreme Court, a tract of land and judgment of \$2946.16 debt and costs of suit, remains due and unpaid.

NOTICE TO SHERIFF:

R. A. Cox filed Bill of Complaint against W. H. and Mary S. Maxwell, W. C. Trousdale and J. J. McClelland, Executor of S. K. McDonald... legal fees. Attach land in 5th District, North side of Cumberland River. 4 January 1889

AMENDED BILL OF COMPLAINT of W. H. and Mary S. Maxwell against W. C. Trousdale and J. J.

McClelland, Executor of S. K. McDonald... the debt of liability on which their judgment is founded accrued in 1849 and they [Maxwells] are entitled to the land levied on and sold belonging to said Trousdale free from any Homestead right... by decree rents began in the year 1850 & continued until about 1882. Dated this [blank] February 1889.

DEPOSITIONS 16 Oct 1889:

W. C. Trousdale age 68: Received notice sale to be 27 Sept 1887, land where I lived in 5th Dist. Was head of family and occupying land.

s/s W. C. Trousdale

W. C. Morgan age 40. Was sheriff of Jackson County in the year 1887. Got my deputy W. M. Brown to deliver notice to W. C. Trousdale.

s/s W. C. Morgan, Sheriff

Nathan M. Cox, age 44. I wrote Exhibit A, attached to W. C. Trousdale's deposition.

s/s Nathan M. Cox

DEPOSITION 27 & 28 December 1890:

John P. Murray... I was 60 years old the 27 July 1890. I was admitted to the bar in the year 1851 and have been practicing law ever since.

s/s John P. Murray

[RETURNS TO MAXWELL vs et al, COX vs MAXWELL]

COMPROMISE AGREEMENT: Cox to recover \$150 legal fees.

DEPOSITIONS, Filed 28 December 1890:

R. A. Cox, lawful age. Brought action of Ejectment for Mary S. Burgess in 1868 or 1869. The mother of Mary was very poor. Mary S. Burgess was a minor at that time... 16 or 17 years old. They had no property whatever and lived in a little house on John Pharris land.

s/s R. A. Cox

M. B. Young, age 45.... licensed lawyer 20 years or more.

s/s M. B. Young

J. M. Morgan, age 57... have been a practicing solicitor before this bar since the [Civil] War.

s/s J. M. Morgan

Louis K. Smith age 30... have been practicing at this bar several years.

s/s Lewis K. Smith

R. S. Alcorn age 66, occupation farmer. Known W. H. Maxwell all his life, his wife 18-20 years. Heard him talk about the lawsuit.

s/s R. S. Alcorn

DEPOSITIONS 29 January 1891:

W. H. Maxwell age 50. I married Mary S. Burgess. I dismissed R. A. Cox as attorney and employed A. A. Swope of Smith Co. and H. H. Dillard of Putnam Co. Judge Sam Fite was present.

Ques: Why is your wife not here to give her deposition.

Ans: She is not able... because of a child birth.... Thomas King & Matt Anderson are relatives and friends to my wife [King & Anderson advised Maxwell to discharge R. A. Cox].

Ques: How old was your wife when you and she married?

Ans: She was about 18 years old... We were **married in February 1868.**

s/s Wm H. Maxwell

A. A. Swope age 71. Practiced [law] with Dillard]... four counties. Were employed by Wm H. Maxwell.

s/s A. A. Swope

H. H. Dillard, lawful age. Hired by W. H. Maxwell, made him a party to suit... he filed pauper oath [eliminated Court costs, no bond required].

s/s H. H. Dillard

DEPOSITION 13 May 1891:

E. L. Gardenhire, witness for defendant: Was employed by W. H. and Mary S. Maxwell as defendants, law suit of S. K. McDonald & W. C. Trousdale. I and Major Swope drew the papers. I and Maj. Swope lived at Carthage about 25 miles away. Capt. Dillard lived at Cookeville about 19 miles from Gainesboro. Capt. Cox lived at Gainesboro.

I am now 75 years and six months old yesterday.

s/s E. L. Gardenhire

DEPOSITION 30 June 1891:

Mary S. Maxwell [No age given], taken at the Store house of Fred Kelly in Granville: I am the wife of W. H. Maxwell and a defendant in this suit... Was not quite 16 and was a single woman when Cox & DeWitt began a suit about my land. My mother took me to Gainesboro to his office at his dwelling house. Went once after my marriage to have Wm Maxwell made a party to the suit so I wouldn't have to go so much. After we married we employed Dillard & Swope.
Mary S. [her X] Maxwell

DEPOSITION 23 Sept 1891:

James Roberts: States he has worked and ploughed the land, was raised on a river bottom farm adjacent or near the land, owned by his father Buck Roberts.
s/s James Roberts

DEPOSITION 23 Sept 1891:

W. C. Lundy: Lives adjacent farm, lived near it some two years. s/s W. C. Lundy

DEPOSITION 25 Sept 1891:

J. G. Holleman: Was born and raised on adjacent farm, knows all the land in dispute. I am now about 49 years old.
s/s J. G. Holleman

http://www.tngenweb.org/jackson/court_reels/court_reel_99.htm