

Charles Denny vs B.F. Atwood Decree

Decree in the Benjamin Denney estate. 9 August 1852. (Deed Book X p. 82)

Tennessee Be it remembered that at a chancery court began and held at the court house in the Town of Carthage for the County of Smith in the State of Tennessee on the second Monday in August it being the Ninth day of said month Anno Domino Eighteen hundred and fifty two & of the independence of the United States the Seventy Seventh Present the Honorable Broomfield L. Ridley Chancellor &c When Court was duly Opened &c Be it remembered that the cause came on again to be heard on this the 9th day of August 1852 before the Honorable B. L. Ridley chancellor &c the presence of Solrs on both sides upon the report of the Clerk and Master made in pursuance to an interlocutory decree pronounced at the last term which report it appears to the court is unexcepted to the Court therefore affirms the same in all things Said report is in the wards and figures following, to wit, pursuant to a decretal order of the chancery court at Carthage made in the case of Charles Denney vs James Rollins 7 others the undersigned proceeded to sell the tract of land at the Court house in the Town of Carthage on the 10th March 1852. When the same was Struck off to Evaline Harris she being the highest bidder for the same at the sum of fifteen hundred and Eighty dollars \$1580.00 and she gave up her bid to Benjamin F. Atwood who paid the sum of Eighty five dollars in Cash and Executed his two notes for the balance of said purchase money of seven hundred and forty seven dollars & 50 cents Each the first due in twelve months and the second note due in two years & with good security herewith filed all of which is respectfully submitted to the Honorable Jurist.

A. Moore C & M

From which report it appears that Benjamin F. Atwood became the purchase of the tract of land after it had been bid off by Evaline Harris.

It is therefore ordered adjudged and decreed by the court that all the right title and interest of all the parties to the suit the Legatees of Benjamin Denny Deceased be divested out of thence and rested forever in Benjamin F. Atwood his heirs and assigns subject to a lien for the purchase money. Said tract of land containing one hundred and fifty acres more or less of which Testator Benjamin Denny died seized and possessed and lies in Smith County Tennessee on the waters of Mulherrins Creek bounded on the west by Barnett & D. T. Cardwells land and on the East by the lands of George Walker on the East and North by the lands of Thomas Kitchens on the South by Barnetts it is further ordered that the clerk and Master furnish certified copy of this decree for registration & is further ordered that the Clerk & Master pay all costs including complainants solicitors out of the funds in his hands and distribute the balance proceeds of the sale of the lands among those entitled in cash or notes that is to say to B. F. Atwood Guardian of the minors upon his receipting for their part as guardians and to D.B. Harris & wife Amelia [sic, should be Evaline] or their assigns upon their receipt or that of their assigns Tennessee Smith County.

I Armistead Moore Clerk & Master of the Chancery Court at Carthage fore the county of Smith and State aforesaid do certify that the forgoing is a true copy of the decree in the aforesaid case made (August 1852. Vesting title of land in Benj. F. Atwood. In Testimony whereof I have hereunto set my hand & affixed the seal of said Court at office in Carthage. 16th April 1856. A. Moor. C & M. Recd. April 16, 1852 at 2 p.m.

Juda Allen to William Denney

Interest in the estate of Kerrenhappuch Denney. 1855. (Deed Book X p. 85)

State of Tennessee Smith County I Juda Allen have this day bargained and sold and do hereby transfer and coming to William Denney and his heirs forever for the considerations of fifty dollars to me in hand paid by _____ share of my interest of a certain tract of land and undivided a tract on which Carron Denny now lives on which fell to the said Juda Allen widow of William Allen from Benjamin Denny deceased lying in the State of Tennessee Smith County on the Waters of Mulherrin Creek in District no 17 and bounded as follows to wit on the South by Rebecca Davis Northly Thomas Kitchens and on the East by Richard Belchers West by Lemuel Barnett containing by Estimation ninety five acres be the same more or less now I do covenant and bind myself my heirs and representations to warrant and forever defend the title of said land or so much there of may be conveyed to me when divided to William Denney his heirs and assigns forever against any claims to be made by myself or any persons claiming through as under me but no further given under my hand and se_____

This 12th Sept 1855

Test W.W. Seay

Judee Allen (her mark)

Evaline Harris to James W. Denny

A tract of land on Mulherrin Creek. 1 April 1858. (Deed book Y pp. 328-329)

State of Tennessee Smith County Witnesseth that I Evaline Harris have this day bargained & sold to James W. Denny & by these presents doth bargain sell & convey to the said James W. Denny for & in consideration of the Sum of five hundred and thirty Dollars to me in hand paid the Receipt whereof is hereby acknowledged a certain tract or parcel of land of land lying & being in the State of Tennessee & County aforesaid in Civil district No 17 and on the waters of Mulherrins Creek Butted and bounded as follows viz Beginning on a Stake on the East Bank of Said Creek Thomas Kitchens corner running up said creek with its meanders 66 ½ poles to a stake on the Bank of said Creek near an oak marked as a pointer thence north 67 ½ poles to a Stake on the Bank of said Creek near an oak marked as a pointer thence North 67 ½ west 11 ½ poles to a stake on the Branch thence 21 west 3 poles to a stake thence north 61 west 8 poles to a stake thence North 49 west 15 poles to a stake thence North 27 west 15 poles to a beach thence North 81 west 16 ½ poles to a walnut thence North 67 West 80 poles to a Beach thence North 78 West 28 poles to a mulberry thence North 58 West 33 poles to a beach on Brink of the hill thence North 70 West 12 poles to a Stake near an ash thence East with the widow Barnett line 94 ½ poles to a Beach thence North 77 E with Kitchens line 58 poles to the Beginning containing by estimation twenty six & one half acres be it the same more or less I do further bind myself my heirs my administrators or executors to the said James W. Denny his heirs or assigns to forever warrant & defend the title to the above described tract of land against the lawful claims of all persons whatever in Testimony where of I have this day set my hand & Seal in the year of our lord Eighteen hundred & fifty Eight this the first day of April.

Evaline Harriss (Seal)

Witness
J Kitchens
Wm Merriman
James Agee

Tennessee Smith County Personally appeared before me David C. Sanders clerk of the county court of Smith County James Agee and Thomas Kitchens who being first sworn depose and say that they are acquainted with Eveline Harris the bargainer & that she acknowledged the same in their presents to be her act & deed for the purposes therein contained Witness my hand at office the 11th May 1858.

Recd 11th May 1858 at 1 oclock p m Registered the 14th May 1858.

D. C. Sanders Clerk

S.R. Samson Reg.

James W. Denney to Evaline Harris

A female slave named Amanda. 17 May 1858. (Deed book Y p. 340)

I James W. Denney have this day bargained and sold and do hereby transfer and convey unto Evaline Harris her heirs and assigns for ever for the consideration of nine hundred and fifty dollars to me paid a negro girl named Amanda about ten years of age which I warrant to be a slave for life given under my hand and seal this 17th day of may 1858.

James W. Denney (Seal)

Tennessee Smith County Personally appeared before me David C. Sanders Clerk of the county Court of Smith County James W. Denney with whom I am personally acquainted and who acknowledged that he executed the foregoing bill of Sale for the purposes therein contained. Witness my hand at office the 22 may 1858 Recd 22 may at 2 o'clock p m

D.C. Sanders Clerk

S.R. Samson Register

Thomas Springs to William Denney

76 acres in District No. 12. 24 June 1857. (Deed Book Y pp. 397-398.)

I Thomas Springs have this day bargained and sold and do hereby transfer and convey to Wm C. Denney and his heirs forever for the consideration of Nineteen hundred Dollars to me in hand paid a tract of land in the State of Tennessee Smith County in District No 12 containing by estimation Seventy Six Acres 2 Roads over 19 _____ be the same more or less and bounded as follows beginning at a Hickory on the South bank of Cumberland River running thence South 36 degrees west 126 poles to a Rock Wm C. Denney corner thence East 28 ½ poles to a beech thence South 57 1/5 poles to a Stake thence west 94 ½ poles to three small walnuts thence north 158 poles to the River near the _____ end of the old fish dam thence up the River with its meanderings to the beginning to have and to hold the Samson to the said Wm C. Deney his heirs and assigns forever covenant and _____ for my self and heirs to warrant and defend the title to said tract of land to the said Wm C. Denney and his heirs against the lawful claims of all persons whatsoever this June 24th 1857.

Thomas B. Springs (Seal)

Attest. H. T. Rucks
H.T. Rucks

Tennessee Smith County Personally appeared before me David C. Sanders Clerk of the County Court of Smith County Howell T. Rucks, Jr. & Howell T. Rucks, Sr. who being first sworn Depose & say that they are acquainted with Thomas B. Springs the bargainer and that he acknowledged the Execution of the within Deed for these purposes to be his act and deed for the purposes therein contained. Witness my hand at office the 24 July 1858.

Recd. the 27 July 1858 at 8 pm

D.C. Sanders Clerk

S.R. Samson Register

William D. Agee and others to William Denney

Interest in the estate of Benjamin Denney. 1859. (Deed Book Z pp. 269-270)

William D. Agee William Deney James Barnett and William D. Agee as administrator
Debons now with the will anexed of Benjamin Deney Decest.

Vs Final Decree

Jarushie Agee, John & Eliza Deney _____ Deney
who's name is not known but an heir of Samuel Deney Decest Willim Barnett Casiah
Barnett Malissa Spencer and Nelson Spencer

Be it remembered that this cause came on to be finally heard by the worshipful county court of Smith County Tennessee on this 5th day of July 1859 upon the report &c of the Clerk of this court made in pursuance to an Interlocutory Decree pronounced at the may term 1859 of this court which report is in the wards and figures following the undersigned would respectfully Report to the worshipful Court that ___ a decree of Smith County Court he proceed on the 9th of June 1859 to sell the land mentioned in the petition when & where William Deney become the purchaser at the price of Twenty five hundred & five Dollars he paying in cash at the time of sale Eighty nine Dollars and Executing his two _____ notes Due 12 & 24 months after Date with Nathan Kent & Lemuel Barnett his securities for the sum of Twelve Hundred & Eighty Dollars Each all of which is Respectfully submitted to the Court.

D. C. Sanders

Which report being unexcepted to is in al things confirmed when upon it appears to the satisfaction of the court that the clerk of the Court D. C. Sanders proceeded as directed by a degree in the court at the May term 1859 of this Court to sell the land in the pleading mentioned and described whereupon William Deney became the purchaser he being the highest bidder at the sum of Twenty five hundred and five Dollars executing his two notes Due on 12 and the other 24 months after date with Nathan Kent and Lemuel Barnett his security for twelve hundred & eighty dollars each and paying in cash eighty nine Dollars it is therefore ordered adjudged & Decreed by the court that all the right title and interest that the parties in the suit to wit William D. Agee in his own right and as administrator is aforesaid and his wife Jerushua Agee James Barnett John Deney Eliza Deney Decd whos first name is unknown to the parties William Barnett Casiah Barnett Malissa Spencer Nelvin Spence have in and to the tract of land of which Benjamin Deney decd owned lying in Smith County Tennessee Civil Dist No 17 and bounded of Richard Belcher land on the east and by Rebecca Davis on the South and by Lemuel and Nancy Barnett on the west and by Thomas Kitchens on the north containing by estimation 95 acres more or less be Divested out of them and rested in William Deney his heirs or assigns forever It is therefore ordered by the Court that a lien be retained on said land for the purchased money and that the East cost be paid out of the proceeds of the sale of the same it is further ordered that the clerk furnish a certified copy of this decree to the register for Registration

State of Tennessee Smith County I David C. Sanders Clk of Smith county Court do hereby certify that the within Transcript is a true copy from the minutes of the Court Given under my hand at office the 8 July 1859.

D. C. Sanders Clerk

Recd the 8th July 1859

At 8 o'clock am

S.R. Samson Register

(the following comes from the Smith County Court Records)

State of Tennessee Smith County at a County Court began and held for the county of Smith & State of Tennessee at the court house in the town of Carthage on the in July it being 4th day of said month Anno Domino one thousand eight hundred fifty nine the 84th year of American Independence present worshipful J. R. James, B. J. Vaden & James C Saunders quorum N.B. McDonald, A.H. King, O. J. Lemons, E.W. Cornwell, Jo. C. Dickens, E.S. Bradley, D.W.C. Johnson, Junr, T. Sutton, Rich Stalian, Charles McMurry, John W.. Richmond, B.E. _____, Lewis Franklin, A.W. Allen, Soloman Dice, J.B. Norris, J.B. Andres, C.C. Ford, N. Ward, J.B. Shepherd, John W. Paty, John Hall, Isaac Jones Justices present. Proclamations being made court was duly opened.

William D. Agee, William Denney, James Barnett, and William D. Agee as administrator demons non wilts he the will annexed of Benjamin Denney decd vs [Final Decree] Jurusha Agee, John & Eliza Denney _____ Denney who's name is not known but an heir of Samuel Denny Decd, William Barnett, Casiah Barnett & Malisa Spece and Melvin (?) Spence be it remembered that this cause came on to be finally heard by the worshipful county court of Smith County Tennessee on this the 5th day of July 1859 upon the report and of the clerk of this court made in pursuance an interlocutory Decree pronounced at the may term 1859 of the _____ which report is in the words and figure following

The undersigned would respectfully report to the worshipful that by a decree of Smith County Court he proceeded the 9th June 1859 to sell the land mentioned in the petition when and where William Denney became the purchaser at the price of twenty five hundred and five dollars he paying in cash at the time of sale eighty nine dollars and executing his two several notes due 12 & 24 months after date with Nathan Kent and Lemuel Barnett his Securities for twelve hundred and eight dollars each all of which is respectfully submitted to the court.

D.C. Sanders clerk

Which report being unexcepted in is as all things confirmed. Whereupon it appeared to the satisfaction of the court that the clerk of this court D.C. Saunders proceeded as directed by a decree in his case at the may term 1859 of this court to sell the land in the pleadings mentioned and described. Whereupon William Denney became the purchaser he being the highest bidder at the sum of twenty five hundred and five dollars executing his two notes due one 12 and the other 24 months after date with Nathan Kent and Lemuel Barnett his securities for twelve hundred and eight dollars each and paying in cash eighty nine dollars It is therefore ordered adjudged and decreed by the court that all the right title and interest that the parties to this suit to wit William D. Agee in his won

right and as administrator as afore said and his wife Jurusha Agee James Barnett, John Denny, Eliza Denny and minor Denny heirs of Samuel Denny Decd whose first name is unknown to the parties, William Burnett, Casiah Barnett, Malissa Spencer and Nelson Spencer have in and to the tract of land of which Benjamin Denny deceased owned, lying in Smith County, Tennessee, Civil District at No 17 and bounded by Richard Belchers land on the east and [p. 123] by Rebecca Davis on the South and by Lemuel and Nancy Barnett on the West and by Thomas Kitchen on the North containing by estimation 95 acres more or less _____ and of him and _____ in William Denney his heirs and assigns forever. It is heretofore ordered by the court that a lien be retained on said land for the purchase money and that the costs be paid out of the proceeds of the sale of the land. It is therefore ordered that the clerk furnish a certified copy of this decree to the Register for Registration.

State of Tennessee Smith County I Samuel Allison Clerk of the County court of the county and state aforesaid do hereby certify that the foregoing is a true and perfect copy of the final decree in the above cause as the same appears of record now on file in this office

Samuel Allison Clerk

By A. A. Allison dcl

Witness my hand at office this 29th day of November 1876.

Recorded November the 30th 1876 at 9 oclock A.M.

A.N. Williams Register

William Denny to William Owen

100 acres. 19 January 1859. (Deed Book Z p. 400)

This Indenture made and entered in to this 19th day of January 1859. Between Wm Denny of the County of Smith and State of Tennessee of the one part and Wm Owen of the county and State aforesaid of the other part witnesseth that the said Wm Denny for and in consideration of the sum of six hundred dollars to him in hand paid the receipt whereof is hereby acknowledged that he granted bargained and sold aligned and confirmed and by these presents do bargain sell alien and confirm to the said W Owen his heirs & assigns to a certain tract or parcel of land containing one hundred acres the same more or less lying and being in the county and state above written and bounded as follows Beginning at a poplar thence South one hundred and sixty five pole to a hackberry and elm on the bank of fall Creek thence down the said creek with its meanders to a white oak walnut & sugar tree thence north one hundred & thirty seven poles to a red oak thence west one hundred poles to the beginning to have and to hold the aforesaid land together with all and singular the appurtenances thereunto belonging an in any wise appertaining unto him the said W Owen his heirs an assigns forever and I Wm Denney for my self and my heirs will warrant and defend the aforesaid land against our selves forever in witness I have hereunto set my hand and affixed my seal this day and date a have written signed sealed & delivered in presence of

William (his x mark) Deney (Seal)

Robert Burton
Bazzel Talley

Tennessee Smith County Personally appeared before me David C. Sanders clerk of the County Court of Smith County Robert Burton & Bazzel Talley who being first sworn depose and say that they are acquainted with William Deney the bargainer & that he acknowledged the same in their presents to be his act and deed for the purposes therein contained witness my hand at office 5 October 1859.

D.C. Sanders Clerk

For more information on the Denney family go to STEVENDENNEY.COM