

On this 8th day of April 1844 come on this cause for hearing before the Honorable Thomas L. Williams, Chancellor &c upon the bill of complaint the answers of Defendants Thomas Hill, James P.H. Porter, John Sharp, Alexander Preston, William Henderson & Benjamin Brabson and the replication thereto and the Judgement pro confesso against Isaac Love & M.C. Rogers, and because it appears to the Court that it is necessary to take & State an account between the it is ordered and decreed by the Court that the Clerk and Master shall proceed to take and State an account and ascertain first at what time the donation for the Scite for the Nancy Academy was made by the Said Isaac Thomas & James McMahon and who were then the Trustees- 2nd. At what time adverse possession was taken of the same by other persons and how long Such adverse possession has been held. 3rd. The Value of said two acres conveyed for the Scite of Said Academy- Fourthly to ascertain and State what amount has been received in money or property by the Trustees for said Academy, the time when each Sum was received and by whom and the amount of each Sum and who were the Trustees of said Academy at the time each Sum was received and by whom ofx Said Trustees was the money received. Fifthly in what particular manner and for what purpose Said money or any part of it has been expended by the Trustees and who were the Trustees at the time when each expenditure was made and who assisted to each expenditure. Sixthly whether any money belonging to Said Academy has been Lost through the negligence or mismanagement of Said Trustees and who they were at the time- Eighthly whether Said Trustees wasted any of Said funds of said Academy in making unnecessary expenditures of the Same and for what and in what way and who were acting at the particular time- Ninthly and the Clerk and Master report every other matter and or thing connected with the management of Said funds that may be deemed necessary- and that he report to the next Term of this court, and all other matters and equity are reserved until the final hearing of this cause-

October Term 1844

In this cause a bill of review having been filed against James M. Sharp, Robert McCrosky & Samuel Pride praying that this cause may be reviewed against them as the personal representatives of said John Sharp and by consent of council process is waved and said cause is revived against said Executors and ordered to Stand in the condition it did at the death of said Sharp- and the decree of last Term of this court for an account is revived & the Clerk & Master directed to take the account and report to the next Term of this Court-

The Clerk & Master in obedience to the foregoing decrees Begs leave to report to this Honorable Court that after giving Legal notice to the parties by an order of Publication made in the Knoxville Register reports that the parties appeared before him with their processes &c in the foregoing cause at the time the notice directed-

1st. The Master reports that the donations made by James McMahon & Isaac Thomas was made to the Nancy academy of two Acres of Land for a Scite as appears from the records kept by the old Trustees which is referred to and on file in this report was made on the 20th day of June 1810. Then Trustees as appears also from this record: James Regin, Spencer Clack, Allen Bryan, Thomas Hill, William Mitchell, Isaac Love, Alexander Preston & James P.H. Porter.

2nd. It appears to the Master that from the deposition of Henry M. Thomas on file in this office that the Lots were enclosed in 1820 or 1821 by the

permission of James P.H. Porter one of the then Trustees- which is referred to in this report- the master reports further from said deposition that Henry M. Thomas became the occupant of said Tract of Land- adjoining Said Lots in the year 1828- and paid Taxes for Said Lot but that he did not claim adverse possession of it till after the 1st of January 1835, though it appears from said deposition that he had since made adverse claim but at what precise date said claim was first made does not appear. It further appears by the deposition of Abraham McMahan that the lot donated by his father James McMahan to the Trustees was enclosed about the year 1828 and from the deposition of John McMahan that adverse claim was set up to it by him about the 1st of March 1841- and in confirmation of this report the master refers to the said depositions of Abraham and John McMahan.

3rdly It appears to the Master from the depositions of A. Lawson sen., Abraham McMahan & John McMahan that the two acres conveyed for the site of said academy was worth from \$5. to \$10. each-

4thly- On taking the account it is agreed by both complainants and respondents that all monies received or donations made to the former Trustees of Nancy Academy prior to March 20, 1819, were judiciously applied and expended, except the two acres of land donated by McMahan and Thomas- From page 47 of the Records of N. Academy it appears that on the 26th of December 1819 Spencer Clack, Isaac Love, Thomas Hill, William Mitchell, James P.H. Porter, Nathaniel B. Buckingham, Hopkins Lacy, John Sharp, Richard Wood, Elijah Rogers, Pleasant H. Butler then composing the board of Trustees, Robert Lawson, Treasurer of the Board, by an order from the Board drew from the Treasurer of E. Tennessee \$100.00

From the Report of the Trustees to the legislature Oct. 30, 1827, it appears that August 1, 1822, Spencer Clack, Isaac Love, Thomas Hill, William Mitchell, James P.H. Porter, Nathaniel B. Buckingham, Hopkins Lacy, John Sharp, Richard Wood, Elijah Rogers, P.H. Butler, Benjamin Catlett, William Henderson, composing the Trustees, Micajah C. Rogers treasurer of the board by order of the board received from the Treasurer of East Tennessee \$200.00 and in 1823 from March 1st to August 7th from Jonas Moon, Elijah Rogers, Isaac Love \$35.25

It further appears from page 72 of the Records of N. Academy that March 17, 1831, the same individuals composing the board of Trustees as just above stated, Micajah C. Rogers, treasurer of the said Board by order of the board received from the Branch Bank of the State of Tennessee \$1311.85

It further appears from the discount book of the Treasurer of said Academy (the same persons constituting the board as before mentioned) that Micajah C. Rogers, Treasurer of the Board, received the following sums of interest at the following dates:

1831, Sept. 17	\$39.36
1832 March 17	39.36
" Sept. 15	40.22
1833 March 16	40.22
" Sept. 14	40.22
1834 March 15	40.20
1834 Sept 13	40.20
1835 March 14	40.22

1835 Sept 12	\$40.22
1836 March 12	40.22 (omitted in the dis. Book)
1836 Sept. 12	34.08
1837 March 18	34.64
	<u>2 1 4 6.26</u>
1837 Sept. 9	36 .10
1838 Mar. 11	37.000
1838 Sept. 8	44.48
1839 Mar. 9	45.85
1839 Sept. 14	45.85
1840 Mar. 14	45.85
1840 Sept. 12	45.85
1841 Mar. 13	45.85
	<u>\$2493.19</u>

The whole amt. recd. appears to the master to be ~~\$2493~~ \$2493.19. It also appears to the Master that Micajah C. Rogers took his seat as Trustee of the Academy 1835 December 10th.

5thly. From page 48 of the records of the Academy, it appears that June 10 1820, (Spencer Clack, Isaac Love, Thomas Hill, William Mitchell, James P.H. Porter, Nath. B. Buckingham, Hopkins Lacy, John Sharp, Richard Wood, Elijah Rogers, Pleasant H. Butler, composing the board of Trustees) at a meeting when Spencer Clack, Richard Wood, Thomas Hill, Elijah Rogers, and James P.H. Porter were present, it was ordered that James P.H. Porter be paid for stoves \$35.00

From page 54 of said Records it further appears that December, 1822 (the same persons previously named together with Benjamin Catlett & William Henderson, composing the Board of Trustees) at a meeting when Thomas Hill, Elijah Rogers, Isaac Love, James P.H. Porter, a contract previously entered into conditionally by Isaac Love, John Sharp, & James P.H. Porter, with Micajah C. Rogers, for the purchase of a brick House and lots in Sevierville for the sum of \$400. was confirmed and it was ordered by the board that said Rogers to paid out of the Treasury \$200.00

From page 55 of said Record it appears that (the same persons being then trustees) at a meeting held 1822, March 31, present, Isaac Love, Elijah Rogers, Benjamin Catlett, James P.H. Porter, it was ordered that John Davison be paid on his acct. now on file \$17.85

It further appears from page 59 of said records that (the same persons being trustees) at a meeting held Sept. 3, 1823, present, Thomas Hill, Isaac Love, Elijah Rogers, Benjamin Catlett, & James P.H. Porter, it was ordered that Hezekiah Cheque be paid on his account on file \$15.93 3/4
 also Samuel Henry for window Glass 5.00
 also James P.H. Porter for do 11.50

It also appears from page 68 of said Records that (the same persons being trustees) at a meeting held August 6, 1824, present Isaac Love, Thomas Hill, Elijah Rogers and James P.H. Porter, it was ordered that Micajah C. Rogers be paid \$30.00 for a frame building on the Academy lot in Sevierville and Andrew Bogle be paid on his account for work \$91.00 whenever funds should accrue for that purpose; and it further appears from said Bogle's receipt on file dated June 10, 1836, that he was then paid principal and

interest \$94.73

By page 74 of said records it appears that (the same persons being Trustees) at a meeting held June 12, 1832, present James P.H. Porter, William Henderson, Isaac Love, Elijah Rogers, it was ordered that Micajah C. Rogers be paid in part for the house & lot bought Dec. 4, 1822 \$119.94

Also at a meeting held (the same persons being Trustees) 10 Oct. 1833, present Thomas Hill, Isaac Love, William Henderson, Elijah Rogers, recognition was made of the accts. as per receipt filed, of Jacob Layman for \$7.68
John Catlett for 2.50

From page 75 of said records it appears that (the same persons being Trustees and also Benjamin D. Brabson) at a meeting held Dec. 15, 1834, present Thomas Hill, William Henderson, James P.H. Porter & Benjamin D. Brabson, it was ordered that Micajah C. Rogers be paid the balance due principal & interest on the house & lot and building previously sold to Trustees \$186.70½

It further appears from Benjamin D. Brabson's receipt on file that there was paid for registers fees this sum \$2.00
It further appears from the receipt of D.F. Caldwell & S.M. Creswell that there was paid them for repairs \$5.50

It further appears from the deposition of Andrew Lanning which is referred to in this report that said Lanning as teacher for his services received \$78.00
From an account on file it appears that M.C. Rogers & Sons received .87

From page 78 of the Records it appears that (the same persons before named with Micajah C. Rogers being Trustees) at a meeting held May 10, 1838, M.C. Rogers as Treasurer was allowed his expenditures for repairs \$17.52½ present Thomas Hill, William Henderson, Elijah Rogers & M.C. Rogers.

From page 80 of the Records it appears that (the same persons being Trustees) at a meeting held April 10, 1839- present Thomas Hill, Isaac Love, William Henderson, Elijah Rogers and M.C. Rogers, it was ordered that M.C. Rogers be allowed the sum of \$10. per annum for his services as Treasurer of said Board from the time of his first appointment. And from page 49 it appears he was first appointed Treasurer July 4, 1822, and from page 83 it appears that he resigned the office April 10, 1841, making 18 3/4 years, at \$10.00 per year \$187.50

From page 83 of the Records it appears that the Treasurer M.C. Rogers on going out of office delivered in notes to the newly appointed Trustees, April 10, 1841 \$1248.00
Also that Jno. Brabson on the new Trustees was owing the Treasury \$5.93

From the discount Book & the deposition of Jno. Mullendore which are referred to, it appears that M.C. Rogers as Treasurer had in his hands one note on And. Lawson Sen with Cumb. Clabaugh & Jacob Kifer securities dated March 13, 1841 payable six months after date for \$125.00
which the new Trustees refused to receive & which is now in the hands of

Jno. Mullendore; but in lieu of which it appears from Lawson's deposition which is referred to, they have since taken from Lawson a new note. Also one other note on Cumb. Clabaugh with And. Lawson Sen & Jacob Kifer securities dated & payable as the first for \$125.00 And another note on J.W. Low, Thomas Maples & Jno. Feazle payable to the Chairman of the Trustees of Nancy Academy for \$15.38 which came into the hands of said Mullendore as Trustee of M.C. Rogers, but whcih he was prevented from collecting by the new Trustees who claimed it as part of the Academy funds, as appears from the depositions of Mullendore & Jno C. Yett.

Also two notes on Andrew Lawson, Cumb. Clabaugh, & Jacob Kifer dated April 7, 1841 due one day after date for \$16.12 each which from the answer of M.C. Rogers were a part of the Academy funds, but refused by the new Trustees amounting to \$32.24
Also one other note on J.W. Low, Saml. Agnew and A.J. Low \$15.38

The Master caused to come before him Wm. R. Caswell, who being sworn & by (sic) of the nature of the services rendered by Micajah C. Rogers as Treasurer of the Board of Trustees of said Academy from & after March 19, 1831 deposed that he considered them worth at least \$20 or \$25 per a annum. It therefore appears to the Master that the said Rogers should be allowed in addition to what he has already received the further sum of \$10. per year from March 19, 1831 to the time he retired from office April 10, 1841 ten years \$100.00 Total \$2655.41 3/4

6thly. It does not appear to the Master from any proofs adduced before him that any money belonging to said Academy had been lost through the negligence or mismanagement of the old Trustees. From the deposition of H.B. Butler, Jno. Mullendore above referred to, it appears that the notes on And Lawson, Cumb. Clabaugh & Jacob Kifer, above specified in the fifth section of this report, which were refused by the new Trustees when tendered by M.C. Rogers Treasurer of the old Board were good & might have been collected. And from the deposition of Jno. Mullendore & Jno. C. Yett, above referred to, it appears that the note on J.W. Low, Thomas & John Feazle specified in the same part of this report, was good at that time & still is. About the note on J.W. Low, Samuel Agnew & A.J. Low for \$15.38, refused by the new Trustees, as appears by the answer of M.C. Rogers, there is no proof before thd Master- except the depostion of James Furguson.

8thly. From the deposition of Alexander Preston, Horatio B. Butler, Reps J. Davis Champion Cowan, Henry M. Thomas, P.H. Toomey, Abraham McMahan, A. Lawson Sen., Jno. Mullendore, Jno. Cannon, Ira H. Hill & J. M. Hammer, and the answers of Thomas Hill, James P.H. Porter and M.C. Rogers, which are all refered to, it appears to the master the principal expenditure made by the old Trustees, to wit for the two lots & the buildings thereon was prudent and necessary for the best interests of the Institution. Besides this there is no proof before the Master to show that either of the other expenditures was unnecessary.

9thly. It appears to the Master from a full examination of the bill answers and proof that there is no other matter or thing connected with the management of the said funds about which it is necessary for him to report.