

State of Tennessee)
Sevier County)

I have on this 7th day of April 1843 at the House of Richard Lanning in the Town of Sevierville in the County of Sevier, proceeded to take the depositions of Andrew Lawson senr. about the age of 59, Andrew Lawson Jr. about the age of 32 years, Jonathan M. Hammer about the age of _____ years, John Mullendore about the age of 42 years, John Cannon about the age of 66 years & Ira H. Hill about the age of 38 years & John McMahan about the age of 36 years to be read as evidence in a Suit now pending in the Chancery Court of Sevier County wherein John Brabson Charman of the Board of new Trustees of the Nancy Academy, and others are complainants, Thomas Hill Chairman of the Board of old Trustees of said Academy are Respondents- in the presence of John Brabson, Samuel Pickens & George McCown complainants and James P.H. Porter, Alexander Preston & William Henderson Respondents. The Said witnesses being sworn on the Holy Evangelist to Speak the truth the whole truth and nothing but the truth concerning the matters in dispute between the parties deposes as follows.

Andrew Lawson Jr being first called deposeseth & saith:

1 quest. By Respondent, Porter. Had you the copies of the Bill & suppoena against all the defendants put in your hands at the same time. Answer- I recollect of the Clerk & Master Duggan- handing me the copies of the Bills together with the Subpoenas all- that he did give me at the same time, and I also recollect that he sorted them out and directed me to give them out to certain ones of the Complainants and- that if he give all of the Bills and Subpeneas to me I have lost oen of them(to wit, the one vs. Col Rogers and it seems to me that if I had lost one of the Prosesses I should have lost all of them, for I was verry carefull in keeping all of them together and tied in a Book to themselves.

2nd quest by Respt. Porter- State whether or not at any time while the processes were in your hands in this case, that you Stated that you had none against M.C. Rogers and did you enquire the reason. Answer: Said he served Bill and Subpoena on Major James P.H. Porter Senr., and saw none for Col. M.C. Rogers.

3rd quest. by Respt. Porter, Did M.C. Rogers one of the respondents at any time apply to you, to know whay Process had not been served upon him and wished it to be done. Answer. I recollect that M.C. Rogers came to me in Sevierville, I think at the door of Mr. Lannings Tavern, and asked me the reason that I had not served a Bill and subpoena upon him, and I told him that I had _____ in my possession for him- and he said that he was sorry for that- or some language to that effect, for he wantd glad to have an opportunity to answer the Bill- and I also recollect that M.C. Rogers at the same time or shortly after- either brought the Clerk and Master to me, or was there at the same time, and we all talked about the Bill and subpoena, and the Clerk said he would issue one for him, M.C. Rogers.

1 question by Complainat Brabson: I want to know of you how long it was before Col. M.C. Rogers made application to you for this writ- that he left the Country. Ans. I do not recollect how long it was before he left the Country, but not a great lenth of time before I should suppose.

Andrew Lawson senr., stated that he was acquainted with "old sight" of Academy, and that such land in his neighborhood would be worth \$5. to \$10 per acre; also stated that he was acquainted with "lots on which the new Academy now stands and the building," and believed that \$100.00 was the "best they could do at that time and that was the general understanding in the neighbourhood there was some objection to the Location being in Sevierville." But he also said that he thought the "old sight" preferable "on the account of the Location being higher and out of Town." Said it was better to improve the "Brick wall" in Rogers building than to build new house on old site. Said he had frequently heard people say the brick wall was not a good one. Said that Col. Rogers' father and Major Porter members of Board that made purchase, and that some people said that if it "had belonged to any other person the purchase would not have been made." Said he thought old location a bad one if water could not be had.

John Mullendore: "I have some acquaintance with what is called the old Academy Lot, and when a very small boy went to school in the old Academy." "From my present recollection, it was difficult for us to get water, we sometimes got it at our place & some times at others."

"What time I went to school there I think we could get no water on the old Lot. There was a well of considerable depth dug on that lot at that time I think without success."

"Very nearly Joining the old Academy Lot an attempt was made by Ellis Thomas that was successful, as to getting good water, my recollection is the family very seldom used it." Also said the old lot not worth more than \$5. to \$10. per acre. Said he was acquainted with the "Brick Academy," and lot and that he taught a school for twelve months in this building. Thought Trustees could not have done better when they purchased the new site, and that it had served for a school from that time (20 year before) until the present except for "short intervals." "I think the house is in very nearly the same condition, with the exception of a crack in the wall, & some brick of, off the top of the chimney." Brick building was "eighteen by Twenty eight feet in the Clear, or thereabouts, and a two story house." "At the time of the purchase I think the Academy was the upper house in Town. And more convenient for the town children than the old site. The street passes the present Academy- And the public road passed through the Old Academy Lots." Said Col. Rogers left country on "the night of the fourteenth of March 1842." Said well on old site was dug "a little below the house on the point of the ridge." But said "There was lower land on the lot which looks more favorable." Did not know of any attempt to get water on lower part of lot. Said Henry Thomas had a well near old site "with as good water as common but how plenty I do not." Also "there is as low land on what I understand to be the Academy lot as it is at Thomas' Well, but whether the chance for water is as good, I am not able to say." Did not know whether they dug well deeper after he quit going to school or not. Would not say whether the Trustees acted wisely in giving up the old site and buying the new lots and building from M.C. Rogers. Said he never considered the brick wall to have been made out of good brick. "I know I have seen better, and I think I have seen worse."

John Cannon: Said purchase of new lots and brick building made between 1820 and 1823. Question: "From your knowledge of Town property what would

you think said brick House & two Lots purchased from Macajah C. Rogers worth at that time to be paid one hundred dollars down & the ballance to be paid by the interest that might accrue from the Academy funds coming to the institution but not then received." Said "naked Lot" at that time would be worth from fifty to sixty or seventy dollars so I think the two Lots would be worth from one hundred & forty to fifty dollars." And that "such a house put up out of good material could not have been put up for less than from five to six hundred dollars, at that time." But had never examined house and did not know its worth. Thought the house could be rented "from twenty five to thirty dollars yearly," if it could be rented at all. Liked new site but from looks of wall would not want to spend money to finish it. Said school been taught in new building most of time since it was bought but did not know whether it was a "common school," or "Academy." Question: "had you have been a trustee at of the Academy at the time the purchase was made by the trustees of M.C. Rogers & had have had a contract with a first rate teacher & no house to commence the school in would you have thought it for or against the interest of the institution to have made the purchase." Would not say what he would have done at the time.

Ira H. Hill: Said he was acquainted with the brick school and thought it a "comfortable & convenient building" for the school. Had known building since it was built: "it answers the purpose of a school as well but time has injured it some."

At the House of Richard Lanning in Town of Sevierville, 7 April 1843, depositions of Andrew Lawson senr. about the age of 59, Andrew Lawson Jr., age 32, Jonathan M. Hammer, age, John Mullendore, age 42, John Cannon, age 66, Ira H. Hill, age 38, John McMahan, age 36, above depositions taken.

At Courthouse in Sevierville, 4 Oct. 1843, before William S. J. Ford, Clerk & Master pro tem, depositions of Haratio B. Butler, age about 46, James Furgason, age 52, Alexander Preston, age 60, Andrew Lanning, age 56, in presence of John Brabson, ^{Como} Chairman Board Trustees Nancy Academy, James P.H. Porter, William Henderson, Respondents.

Alexander Preston: Became Trustee 19th June 1810 and resigned 13th Jan. 1819, which was before purchase of Brick House from M.C. Rogers. Did not think Trustees paid too much for this house and lots and did not think they could have done better at that time. He was Trustee when Academy stood on acre lots donated by Isaac Thomas and James McMahan, and believed it was burned down in 1815 or 1816. Also said he was Trustee when "the House was built on the Lots given by James McMahan & Isaac Thomas." Said he favored building here because the land was donated. Said Trustees thought this was as good a place as could be found "in the neighborhood of Sevierville." Said "The Trustees was discouraged from building there in consequence of the scarcity of water & threats made by an individual that if the house was built there it would be destroyed." Also stated that it "might have better provided they could of had any security of the house not being destroyed as the former one had been destroyed." "It was reported that a certain person was offended because a certain man was going to teach school in it he was not offended at any of the Trustees as I heard of." Question: "Do you or do you not believe that the Trustees would be in the same danger to put the same teacher any other place that they would of been to put him there. Ans.

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That might have been the case if the same man had of been here but he left the Country I think about 1816." Said Trustees could have built after he left "without any fear." Does Brick building have a "poor shabby wall." "I do not consider it to shabby for it has stood for twenty years or upwards." Some people have said the wall "was a shabby and indifferent wall, but "It has been the opinion of some but not generally." Said because of the scarcity of water he would have preferred buying new lots and building to rebuilding on old site. "Was or was not that a vary desirable situation where the two acres of ground was to put buildings on. Ans. The Situation was vary good it was handsome enough." He said the well was dug "not on the pint it was a little lower there was Lower ground they could of dug." Said he had seen crack in west end of brick house above the window. Said "I would prefer the lots given by McMahan & Thomas fer a Scite but fer convénces I would prefer the lots in Sevierville." Said he judged the lots given by Thomas and McMahan to be worth \$5. to \$10 each, and the lots bought from Rogers in Town to be worth \$75.00 each. Said such a brick house could not have been purchased for this price at the time. He also said, "I know there was a fair experiment made to get water and failed to get plenty of good standing water-- they never tried but one place." "Do you not know that there was two or more experiments made in the flat land of I Thomas Tract adjoining the lots given by I. Thomas & McMahan & that they failed to get good standing water." "I do not know how many trials there was made I think there was one trial made, and failed get good water." "Was or was not Henry Thomas a good well in a few rods of there two acres of ground. Ans I think he has a well as to the goodness of the water I do not know anything about." Do or do you not know there is ground as Low on these two lots, as Henry Thomas'es well is and as likely to get water if dug fer as it. Ans. There is land there as Low as Henry_'s Well is and from the appearance of the ground as likely to get water."

Andrew Lanning: Said as teacher in Nancy Academy in 1839 he was to get "the interest of thirteen hundred dollars, fer one year to the best of my recollection."

Horatio B. Butler: Said he had seen Brick House ever since built, and did not considier \$100.00 and extravagant price. Thought Jacob Kifer was solvent until Brabson & McCown levied on his property two years ago.

James Furgason: Said that Jacob W. Low was solvent until about two years ago. Latter's land was sold by an execution.

6 March 1843, before Wilson Duggan, Clerk & Master, Sevier County Chancery Court, at Courthouse in Sevierville, depositions of Abraham McMahan, Reprs J. Davis, Champion Cowan, P.H. Toomey, Henry M. Thomas, in presence of John Brabson, Chairman new Board Trustees, Nancy Academy, George McCown & Saml. Pickens, Compts., and Alexander Preston & William Henderson, Defendants.

Reprs. J. Davis: Had been acquainted with Brick Building for twenty years or more. "I consider the brick to be very indifferent. they are soft & not well burnt-- I do not consider the building or house worth anything-- I suppose the two lots be be worth about one hundred dollars." Does not think building worth repairing. Wm Henderson's question: "state how long it is Since that house was built, and has it not been used for a school House up to the present time. Ansr. As before stated I have been acquainted with

the house for twenty years, and I think there has been a school kept in it occassionally ever Since up to this winter."

Champion Cowan, aged about 36: "I have been acquainted with the Building for fifteen years or upwards- the house is built of Brick- the Brick I consider not good, they crumble, they are not well burnt- as to the value of the Building I consider it not worth anything I suppose the lots could have been sold for seventy five dollars each- between the time of the purchase by the trustees- and the present time- but they could not I believe be sold for that price at this time." Said he would not have finished the building. "Would or would you not have been a fraid to risk yourself in that house in a ~~Star~~ heavy Storm. Ans. I do not Know what my feelings would have been in a Storm- but I do not consider the house a permanent Building." Said he thought the two acres donated by Thomas and McMahan were "as Suitable a Situation as any in the neighborhood." Thought the two acres more suitable than the Town lots. Said "I do not Know the lines of the land, but I believe any where in the level near Sevierville- water could be had by digging- and if I was Shown correctly where the lines are water I believe could be got on the two acres by digging." Quest. "What have you heard Maj. Thomas or the McMahans say about having possession of the land & intending to hold on to it. Ans. I never hear McMahans say anything about it. I heard Maj. Thomas say that he intended to hold it, that the Trustees should not have it- that he did not believe that his father had ever made the Trustees a deed for the land." Stated that "The principal part of land as Shown to me has been enclosed Since my acquaintance with it, which is about fifteen years." Said he thought they should have spent the \$100.00 building a new building on the two acres doanted by Thomas and McMahan.

Henry M. Thomas: He said the "in the winter of 1820 or spring of 1821 said lots was enclosed by his brother John Thomas as he was enclosing said lots asked his said Brother John Thomas why he was enclosing said lots he said it was by the permit of James P.H. Porter then one of the trustees." "In the year 1828 I purchased the said tract of Land from John Thomas and has been in possession ever Since and paid Taxes for the Same." He also said that "James P.H. Porter never named the Lots to me. Benjamin Brabson & M.C. Rogers Some years since came to me in the field where I was plowing and proposed to Swap me the accadamy Lots for a Situation on my farm to plan an accadamy which they said was much preferable- I told them I was willing to make the Exchange, but when they told me the bounds they wanted it made (sic) and I told them I would see Them in hell firs." Said he did not know the time when this proposition was made but was after Benjamin Brabson was appointed to the Board. Stated that he had said he would not give up possession, but no demand made by Trustees for him to give it up. Said that he had heard John McMahan say that the length of time they had held possession would give them title and they would not give it up. Question: "Do you or Do you not believe that there are parts of the two acres of land donated by I. Thomas & J. McMahan on which it would be as likely to get water as where you live- and have you not good water there. Ans. from the Situation of the Lots I would suppose there might been water got by diggang. I have plenty in my well and as good as common." Said he had known Brick building since it was built, and never considered the brick very good. quest. "have or have you not Sent to school in Said Brick house." Said that he had and "I have told my children if there was much wind and they were afrail to come home."

Said he would have finished the brick building at the time the Trustees bought it. When asked the worth of the acre donated by his father, he said "I would consider it worth but verry little as the public Road takes something like one third." Said all the acre enclosed except "the public Road." When asked if he thought the Trustees could have done better than make the purchase of Rogers when first school was burned, he stated "at the time the house was burnt I was quite young I know not the value of building at that time Since that time I have thought the preasent Situation is generally preferable as such Situation is generally occupied by the Citizens of the town and here there is Borders they generally board in town, and the way from the town to the Lots Spoked of is verry wet and muddy in the winter Season." quest. "When the proposition was made you to swap that acre of land was you not willing to swap them land near a Spring- only the Trustees & you could not agree as to the boundery & quantity. Ans. I was willing to swap the same quantity of Land where they wanted it but they ast much more and we disagreed." Said he considered the two town lots worth more than the acres given by father and McMahan. When asked if Trustees built on acres donated he said "there was a house built on the Land donated by my father by some persons or persons which was stated Nancy acadamy."

P.H. Toomey: Stated that he went to school in the Brick school in the years, 1838 & 1839, and that there was a bad crack in one end of wall. He was asked "did you and others when there was the appearance of a Storm coming up- from fear of the weakness of the wall," leave the building. Ans. "I have Sometimes left it on that account others done So too- others stayed." Stated that Abner J. Lowe, Jacob W. Lowe, & John Ferguson were sued by Wm Henderson, Chairman of Board Trustees, 1841, and he as J.P. sustained John Ferguson's plea of non est factum, and that property of Lowes was levied on but nothing made, and that he believed both Lowes insolvent at the time. When asked by Wm. Henderson if the Lowes insolvent in 1839, stated that he thought both were solvent at that time.

John Ferguson: Stated he was sued by Henderson as security for sd Lowes, and his plea of non est factum sustained, but although Lowes insolvent in 1841 he signed note for \$100.00 payable to Nancy Academy in 1836 and were solvent at that time.

Abraham McMahan: Stated that his family had the acre donated by his father enclosed for about 15 years. Stated that he had heard brothers say they would hold it by right of possession, "and I heard my father say thirteen or fourteen years ago Several times that he would hold it and would not give it up." Said that his father wanted Trustees to rebuild on old site rather than purchase two town lots from Rogers, and that his father told the family that it was a bad purchase. quest. "Did or Did you not hear John Thomas as well as your father Say he was willing the truste Should Build back on the two acres of land, after the house was Burnt. Ans. I did hear John Thomas & my father both Say So and I heard my father complain about the trustees buying the Brick house and Say that they had give too much for it- and that no otherman but Col Rogers could have Sold it to them for the amount they give." Said the Rogers house "Built of Brick- but the Brick are not well Burnt- that the winter after it was Built there came a frost- and the Brick Scaled off." Said he believed it would have been better to spend the \$400.00 on the two acres. Stated about

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the brick building, "It is cracked at one end- from the bottom up to the window, then from one window to another- and then from there to the top- I was wanted to Subscribe to a school there- and not for fear the house would fall down." Said he would not have done the inside work if such a wall had been given to him. Said that trustees dug a well "on the acre donated by my father." "When it was first dug it did not hold water at all Seasons of the year." "I suppose ~~the~~ down lower it would have been easier got- the well was dug upon a ridge." Said that he knew of no reason his father claimed the land "except he had planted fruit trees near there and when he was fencing in the land he Said he expected the trustees would have the land back again- and my Brother James Said he reckoned they would let him have the rails- again." quest. "State if you know how the house on the two acres of land came to be Burned. Ans. It must have been Set on fire of design because- there was no school there at the time but a school was to commence there on the next day and a man in the immediate vicinity Swore the day before it was burnt that the teacher Should not Keep the school there. quest. Did not the man who was judged to have Burned the house continue to live there for Some time after the house was burnt. Ans. he did. Thought the two ~~lots~~ acres were worth nearly as much as the upper lots in Town- unimproved. He stated that the part of the two acres over which the road passed had never been enclosed. quest. "Have you any Knowledge of lightening Striking a poplar by Col. Rogers House, near the Brick Academy- and if So when was it- and did you ever See the crack Spoken of in the Academy before that event. Ans. I recollect of the poplar being Stricken by lightening near Col. Rogers- I think it happended more than twelve years ago- I do not recollect to have Seen the crack in the house before the event Spoken of, but I have Seen it Since." Said his father owned lots in Town near Academy, and sold "three or four lots for a horse beast rated at \$30." Said his father owned lot on which brick Academy situated, and sold them but always said he never was paid for them. Said his father lost these lots by "adverse possession." Said that Rogers bought the lots about six or seven years after his father sold them for horse.

Ira H. Hill: "I give three hundred dollars for a Lot Joining the Academy Lot which has a drean running through it and not as good a house as there is on the Academy Lot, & John Jenkins gave five hundred dollars for a house & one half acre of land about twelve months ago out of Town & I think that the house is not worth as much as the house of the Academy; also Johathan M. Hammer give two hundred & seventeen dollars for two naked Lots not worth as much as the naked Lots of the Academy." Said he lived on lot adjoining Academy and thought "it perfectly safe to keep a school in." Thought very little difference in value of lots where Academy now located than two acres where it was first located.

John McMahan: Said old lots not worth more than \$10.00 per acre. Said he was too small to remember trustees digging the well, but remembered "the schollars come to my fathers House for water." Said trustees never had claimed the land since they enclosed it about 15 years ago. Said that he intendd to keep it. Said about $\frac{1}{4}$ acre of the two acres not enclosed by either him or Thomas, but cut off by road. Said Henry Thomas first told him that they could hold the land.