

# ANDREW TAYLOR: MAN OF MYSTERY



A rough sketch of the Taylor's Spring House circa 1836.

**By Michael T. Slaughter**

*Genealogist for Allan Jones & Researcher for the Allan Jones Foundation*



## ***Foreword***



Allan Jones

Our family foundation is pleased to provide the story of “Andrew Taylor, Man of Mystery.”

I initially read that Andrew Taylor was the first citizen of Bradley County - and that Cleveland was formerly known as Taylor’s Place - by reading three Bradley County history books.

One by John Morgan Wooten (“A History of Bradley County”), one by Roy G. Lillard (“The History of Bradley County”), and one by William R. Snell (“Cleveland the Beautiful”).

Prior to 2015, history had simply recorded our first citizen, Taylor, moving to Indian territory and marrying an “Indian princess.” He also operated a trading post known as “Taylor’s Place.”

Andrew Taylor supposedly lived where the old post office is in downtown Cleveland, directly across from the county courthouse. And somewhere nearby, a spring that seemed to no longer exist was mentioned in the historical accounts.

Family folklore rumored that my great great grandfather, Joseph R. Taylor - who once lived and owned the property where Arnold School is located - was a descendant of Andrew Taylor.

I wondered whatever happened to Andrew Taylor - there must be a lot of people related to him? Where is the spring that was so important to the location?

I asked lots of people, even historians. Nobody seemed to know where the spring was. Finally, someone - I don’t remember who - told me it was in the basement of attorney James (“Jim”) S. Webb’s building at 283 1<sup>st</sup> Street NW.

It turned out that the old spring nobody could seem to find was actually built over in the early 1940’s by Gannaway Hardware.

How could a historic spring that made Cleveland locate here now be in the basement of a lawyer’s building that was once a hardware store?

One winter in the early 1990’s, I started researching my history to see if I could tie our family into Andrew Taylor. The line started with me, went to my mother Virginia Slaughter Jones (1925-2003), her mother Marie Elizabeth Schultz (1899-1965), my great grandmother Annie Lyda Taylor (1872-1943), to my great great grandfather Joseph R. Taylor (1832-1910), and then my great great great grandfather Larkin C. Taylor (1802-1845).

I found to my surprise that Larkin Taylor was a contemporary of Andrew Taylor and was not related. I could not tie myself with the line.

I learned that Larkin Taylor was from Burke County, North Carolina, and Andrew Miller Taylor was probably from Blount County, Tennessee. We found that Andrew Taylor’s

father, Thomas Taylor, was born in Orange County, Virginia, and died Nov. 22, 1810 in Blount County, therefore I was not related.

After spending years researching on my own, I hired a professional genealogist, Susan King of League City, Texas. Ms. King discovered the lawsuit you will read about in this book.

I then hired a very distant relative of mine, Michael Slaughter of Elizabeth City, North Carolina, who has pretty much worked full time researching the Jones family and Andrew Taylor from 2011 until the date I am writing this, April 13, 2015.

Historian Debbie Moore of Bradley County has also provided valuable research to this book, by discovering the 1836 property assessment, Evaluation #282, that gave a detailed description of the assets of Andrew Taylor for the Tennessee archives, and the first-ever published list of Taylor's assets!

I learned from the researchers that Andrew Taylor was a man of mystery and Taylor's Place was not just a cabin in the woods but a complete compound of over 23 structures. There were over 6 houses, which means 6 different families were living there. Each house had its own barns and corncribs etc.

I also learned by finding the survey used in the lawsuit, that his house was not located at the old post office. It was actually located on the corner of Worth and Central Avenue NW probably facing toward the "stagecoach road."

I also learned that apparently Andrew Taylor started selling off land as settlers moved in to the Cherokee Nation before the Ocoee Purchase was complete. He had worked hard building Taylor's Place, and for several years he benefitted by selling land to newcomers around downtown.

The lawsuit that started around 1846, which was ruling by court of appeals, declared that under the treaty, any land disputes had to be resolved under Cherokee law and according to Cherokee Law, the woman was head of household. Therefore, the land did not belong to Andrew but to his wife, Jane "Jennie" Bigby. Since the government bought all the land from the Indians, Andrew could not own the land and had to refund the money.

You can see how unfair that was to Andrew Miller Taylor and why he would have left town in a huff in the late 1840's. The following research will prove my conclusion that Taylor and his entire family moved from Cleveland to Stilwell, Oklahoma, never to return. He was angry because he had lost his land that he had worked so hard for and perhaps embarrassed from the McJunkin affair.

Taylor continued battling the government to be paid for his land, finally prevailing in 1855 when he and his brother, David, got \$26,000 each (\$600,000 in today's dollars). David returned to Murphy, North Carolina, with his family. Andrew apparently absconded with the money to never be seen or heard from again by his family.

I remember the first day Jim Webb took me down to show me where the spring was. I was amazed to see the center of Cleveland - *the spring that caused Cleveland to become Cleveland* - hidden away in a basement and long forgotten.

I mentioned to Mr. Webb how important the spring was to the city's history. I was surprised that he agreed because a few years earlier we had gotten into a big disagreement about the exit on Harrison Pike. Despite our disagreement, he still allowed me to come see the spring a couple of times.

Mr. Webb surprised me again a couple of years ago when, upon his retirement, he made an unannounced gift and donated his building that contained the spring to the city of Cleveland.

After much work by City Councilman Richard Banks and the rest of the Council, the city was convinced to tear the building down and buy the building next door in order to create the Taylor Springs Park I had dreamed about for the past 30 years.

Jim and Jo Webb's generosity encouraged me to donate the research you see in this book and finally solve the mystery of what happened to Andrew Taylor once and for all. Because of this, I wish to honor Jo and Jim Webb for their contribution by doing this research in their honor.

I hope you enjoy seeing the mystery resolved!



Allan Jones

April 13, 2015



## PREFACE

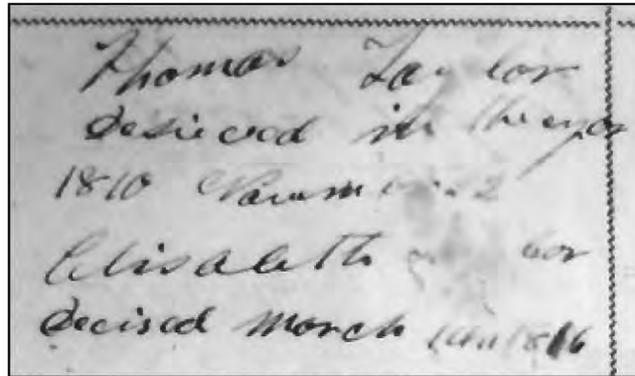
Andrew Miller Taylor is a man of mystery. The only commonly known fact about him is that he owned the property that is now downtown Cleveland, Tennessee. It is not recorded exactly when and where he was born or when and where he died. This book reveals the scandals and documented facts about the life of Andrew Taylor.

In early 2012, Allan Jones gave me the task of researching Andrew Taylor. Much of the research time was spent sorting out conflicting genealogical information. I also needed to find out exactly where he lived and why he chose the location of his home and trading post. There was also the unsolved mystery about what happened after Andrew and his brother David finally won their government settlements. David Taylor went back to his family in Cherokee County, North Carolina, but Andrew Taylor kept his settlement money, never went back to his family in Oklahoma, and disappeared from all records.

This book will cover Andrew Taylor's background, family, and life story chronologically as far as possible.

## THE TAYLOR FAMILY

Andrew Miller Taylor was born about 1797 in eastern Tennessee, probably in Blount County. He was the son of Thomas Taylor and Elizabeth Miller. Thomas Taylor is said to have been born about 1748 in Orange County, Virginia. He may have been born farther west in Augusta County, which was created from Orange County before he was born. Thomas died on November 22, 1810 in Blount County, Tennessee. Thomas's and Elizabeth's death dates are noted in their son Isaac's family Bible.<sup>1</sup>



Death of Thomas Taylor and wife, Elizabeth,  
as listed in their son Isaac's family Bible.

Thomas Taylor's ancestry has not yet been traced. On the Family Tree DNA website, there is a listing of Taylor's whose descendants have had tests done.<sup>2</sup> Thomas Taylor's numbers

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<sup>1</sup><http://www.tngennet.org/monroe/Bible/itaylor/taylor.htm>. April 2, 2015.

<sup>2</sup><https://www.familytreedna.com/public/taylorfamilygenes/default.aspx?section=yresults>. April 2, 2015.

match in all but one position with those of an Isaac Taylor, who was born October 8, 1710 in Ireland and died 1781 in Montgomery County, Virginia. Montgomery County is an area that formerly was in Botetourt County, which was formed from Augusta County, which in turn was formed from Orange County. I received an email from a Taylor descendant who had DNA testing done. He said he had matches to Andrew Taylor's family. His earliest confirmed ancestor is Andrew Judson Taylor, who was born about 1837 in Pennsylvania. Many of the immigrants from Ireland arrived in this country at the port in Philadelphia. It is likely that these three families are related and are Irish.

The ancestry of Andrew Taylor's mother, Elizabeth Miller, has been traced. Elizabeth was born about 1774, probably in Mecklenburg County, North Carolina. She died March 14, 1816 in Blount County, Tennessee. Her father, David Miller, was born about 1740 in Mecklenburg County and died April 3, 1819 in Blount County. Her mother, Martha Isabella Harris, was born about 1731 in Virginia and died 1811 in Blount County.

David Miller's parents were Andrew Miller, who was born about 1710 in Pennsylvania and died 1776 in Mecklenburg County, North Carolina, and Elizabeth Rutledge, who was born about 1723 in Pennsylvania and died 1798 in Mecklenburg County. Martha's parents were James Harris, who was born about 1701 in Ireland and died October 14, 1779 in Mecklenburg County, and Jane B. Mcilhenney, who was born about 1700 in Ireland and died 1735 in Virginia.

There is an interesting document in Roane County, Tennessee which gives us some genealogy information, as well as a timeline, concerning the Miller family. This document is in the Roane County Chancery Book for 1824-1845 and concerns the estate of James Wyley. It was summarized in the *Roane County Historical Newsletter*, Vol. 4, Issue 8, November 1973, page 53, which summary I found online.<sup>3</sup> Roane County Chancery Court covered a number of counties, including Blount County. James Wyley was the first husband of Martha Isabella Harris. He was born about 1724 in Mecklenburg County, North Carolina and died January 1772 in Mecklenburg County. His father, James, was born about 1710 in Ireland.

James Wyley, who was living in Mecklenburg County, North Carolina, had property and slaves there and also in Botetourt County, Virginia. He wrote his will December 31, 1771 and died a few days later in January 1772. He left his widow, Martha, eight living children, and one unborn child. One or two years later (1773 or 1774), Martha married David Miller. They lived in Mecklenburg County a couple of years and then moved to Botetourt County (1775 or 1776). About 1780 or 1781, they then moved to Washington County, Tennessee. Then about 1795 or 1796, they moved to Blount County, Tennessee. David and Martha had three children, Andrew, Elizabeth, and Isabella. Andrew died without children, Elizabeth married Thomas Taylor, and Isabella married, as his second wife, Col. Baldwin Harle, Jr. of Jefferson County, Tennessee. Baldwin Harle, Jr. was the son of Col. Harle by his first wife, Rosanna Huffman, and was the father of Baldwin Harle, III, noted businessman of Cleveland, Tennessee. Baldwin Harle, III was one of the people who vouched for Andrew Taylor, as noted by him in Appendix A. Even though he was not related to Andrew by blood, he was still counted as such as all of his brothers and sisters were first cousins to Andrew.

Elizabeth Miller was born about 1774, and according to the above timeline, that would have been in Mecklenburg County, North Carolina. Elizabeth married Thomas Taylor about 1790. According to the timeline, Elizabeth was living in Washington County, Tennessee. Therefore, Thomas Taylor was probably also living there. Their first child, David Taylor, was

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<sup>3</sup><http://www.roanetnheritage.com/research/court%20records/01.htm>. April 2, 2015.

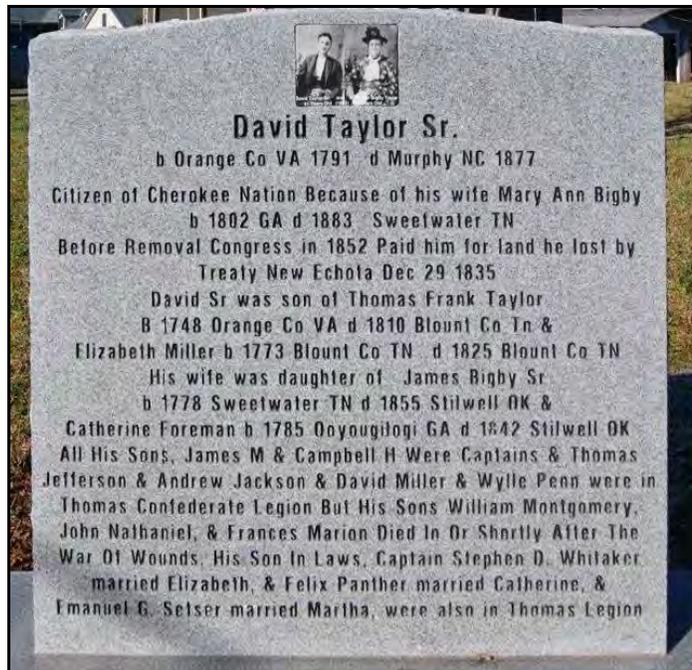
born in 1791, so he was probably born in Washington County. The younger children were most likely born in Blount County.

Thomas Taylor and Elizabeth Miller had the following ten children: David Taylor (born December 16, 1791), Isaac Taylor (born February 10, 1793), Martha Taylor (born about 1795), Andrew Miller Taylor (born about 1797), Campbell Taylor (born about 1801), Amanda Taylor (born about 1803), George Washington Taylor (born about 1809), Baldwin Harle Taylor (born about 1810), Thomas Jefferson Taylor (born about 1811), and Henderson Taylor (born about 1813).

David Taylor reported on the 1860 Census for Cherokee County, North Carolina that he was born in Orange County, Virginia. Also, his gravestone in Murphy, North Carolina states the same. As shown previously, he was probably born in Washington County, Tennessee, since his parents had already moved from Virginia to Tennessee before they married.

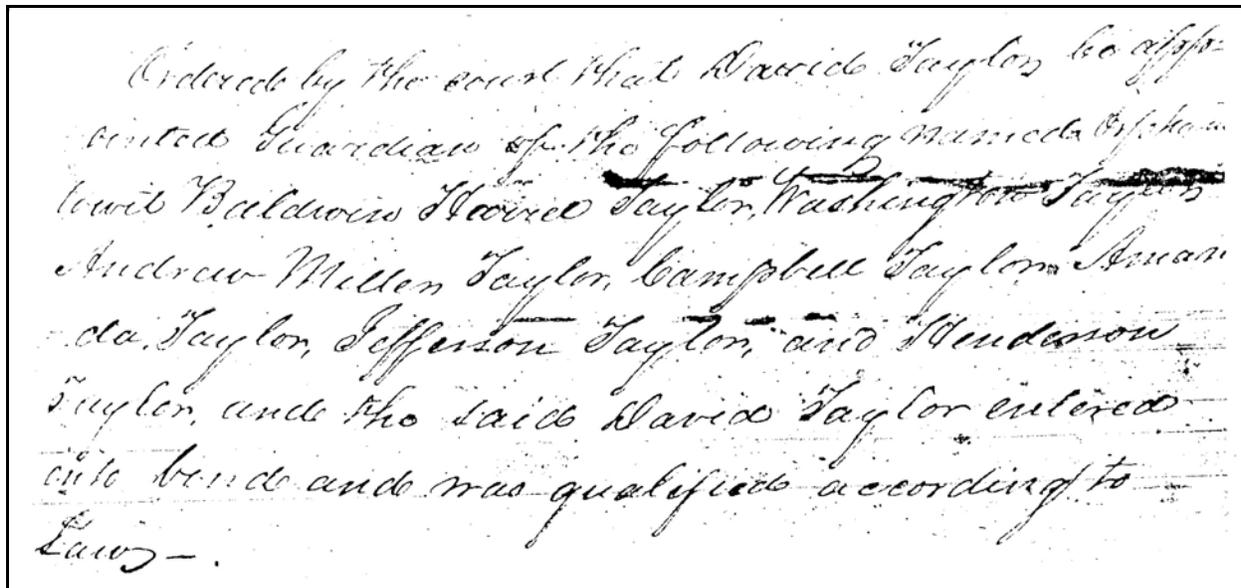


David Taylor's original tombstone in Murphy, Cherokee County, North Carolina.



David Taylor's new tombstone (c. 2013) in Murphy, Cherokee County, North Carolina.

Thomas Taylor died November 22, 1810, and Elizabeth died March 14, 1816. This orphaned the seven youngest children. The oldest child, David, was married September 11, 1817 and became the guardian of his younger siblings as ordered by the guardianship order of September 23, 1817 shown below. It confirms the names of David's minor siblings. It also confirms Andrew Taylor's middle name, Miller, and the fact that he was still a minor (under 21 years) in 1817, meaning that he was born no earlier than 1797.

A handwritten document in cursive script, enclosed in a black rectangular border. The text is written on lined paper and reads: "Ordered by the court that David Taylor be appointed Guardian of the following named children Lewis Baldwin George Taylor, Washington Taylor Andrew Miller Taylor Campbell Taylor Annan- da Taylor Jefferson Taylor, and Henderson Taylor, and the said David Taylor entered into bond and was qualified according to Law -".

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Guardianship order of September 23, 1817, which made David Taylor guardian of his seven youngest siblings.

### ANDREW TAYLOR'S FIRST RESERVATION

Andrew Taylor's brother, David, married an Indian girl named Mary Jane "Polly" Bigby on September 11, 1817. She was the daughter of James Bigby and Catherine Foreman. James and Catherine were both of Indian ancestry. Not long after this, perhaps a couple of years, Andrew Taylor married Polly's sister, Jane "Jennie" Bigby.<sup>4</sup> A deposition by W. H. Thomas on May 13, 1853, states that Jane Bigby married Andrew Taylor, brother of David Taylor, in Blount County, Tennessee.<sup>5</sup> Polly and Jennie were both about 3/8 Cherokee, as their father was about 1/4 Cherokee and their mother was about 1/2 Cherokee. David's marriage was just two months after a treaty between the Cherokees and the United States dated July 8, 1817. Andrew's marriage seems to, perhaps by coincidence, occur around the time of a subsequent treaty dated March 27, 1819 between the same parties. David and Andrew both acquired reservation certificates for property, which it seems they had not lived on prior to the treaty dates. These properties were both 640 acres. I believe these properties are the same ones for which David and Andrew finally won settlements. Here is the text from three pages of a petition by Rev. Gideon Morgan dated October 16, 1821.

As a citizen of the State of Tennessee, I deem it my duty to communicate to the Committee on Hiwassee Lands, of which you are Chairman, the following facts and information.

The treaty of the 8th of July 1817 between the Cherokee Nation and the United States gives to the head of each Indian family the privilege of entering 640 acres of land in which they hold a life estate with dower to the widow and to descend to his children in fee simple, provided he continues to reside on the same during life, otherwise to revert to the United States. It is necessary that he

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<sup>4</sup>Emmet Starr. *History of the Cherokee Indians and Their Legends and Folk Lore*. 1921. p. 363.

<sup>5</sup>Bureau of Indian Affairs North Carolina File T195-54.

should have an improvement which shall as near as practicable be the center of his reservation. The same privilege is continued by the treaty of the 27th March 1819 concluded at Washington City between the same parties. It was however perfectly understood that this provision gave no claim to life estate reservations which they did not hold under the treaty of the 8th of July 1817. Consequently, no person who was not the head of an Indian family and who had an improvement and resides on the ceded land was entitled to a reservation. It was well settled and understood by the treaty of 8th July 1817 that the reservation was to be made on the improvement on which they then lived and at no other spot. Shortly after the treaty of the 8th July, David Taylor, who then resided in Blount County, went into the Cherokee Nation and married an Indian girl, the daughter of James Bigbey. Some time following, Andrew Taylor also visited the Nation from Blount County and married David Taylor's wife's sister. They both applied to the Cherokee agency and procured certificates for reservations of land other than that on which they then resided, which will more clearly appear from the affidavits and a letter of their father-in-law, Mr. Bigbey, to William Dixon accompanying this communication. The remarks on the back of each are correct.

They were, however, able to procure such written testimony (whether false or true) as induced the Surveyor General to survey their reservations, one for Andrew Taylor at Citico where he never resided until the winter of 1820, the other for David Taylor for a place different from that called for in his certificate, but where he had previously lived. The Surveyor, I have good reason to believe, was imposed upon and now thinks they have no good claim to the land and that it ought to be sold for the benefit of the State. The land is good and if sold with their incumbrances it will bring a . . .

You can see from this petition that one of the first places Andrew Taylor and his new wife, Jennie, lived was at Citico. Citico was an ancient Cherokee town in the area of present day Monroe County, Tennessee, which is adjacent to Blount County. Citico was flooded when the Tellico Dam was completed and the gates shut in 1979.

As a result of this petition, the General Assembly of the State of Tennessee, on November 10, 1821, passed an act ordering both 640-acre reservations, which were claimed by David Taylor and Andrew Taylor, to be sold at Knoxville for not less than \$1.25 per acre.<sup>6</sup> At some point, Andrew Taylor's claimed reservation was bought by Matthew W. McGhee. On August 13, 1822, the General Assembly authorized and required the Register of East Tennessee to make out and deliver a grant for the property to Mr. McGhee.<sup>7</sup>

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<sup>6</sup> *Acts Passed at the First Session of the Fourteenth General Assembly of the State of Tennessee.* Heiskell & Brown, Knoxville, TN, 1821, pp. 163-164.

<sup>7</sup> *Acts Passed at the Second Session of the Fourteenth General Assembly of the State of Tennessee.* Heiskell & Brown, Knoxville, TN, 1822, pp. 52-53.



David Taylor, brother of  
Andrew Taylor



Mary Ann "Polly" Bigby,  
wife of David Taylor

### JENNIE BIGBY FAMILY

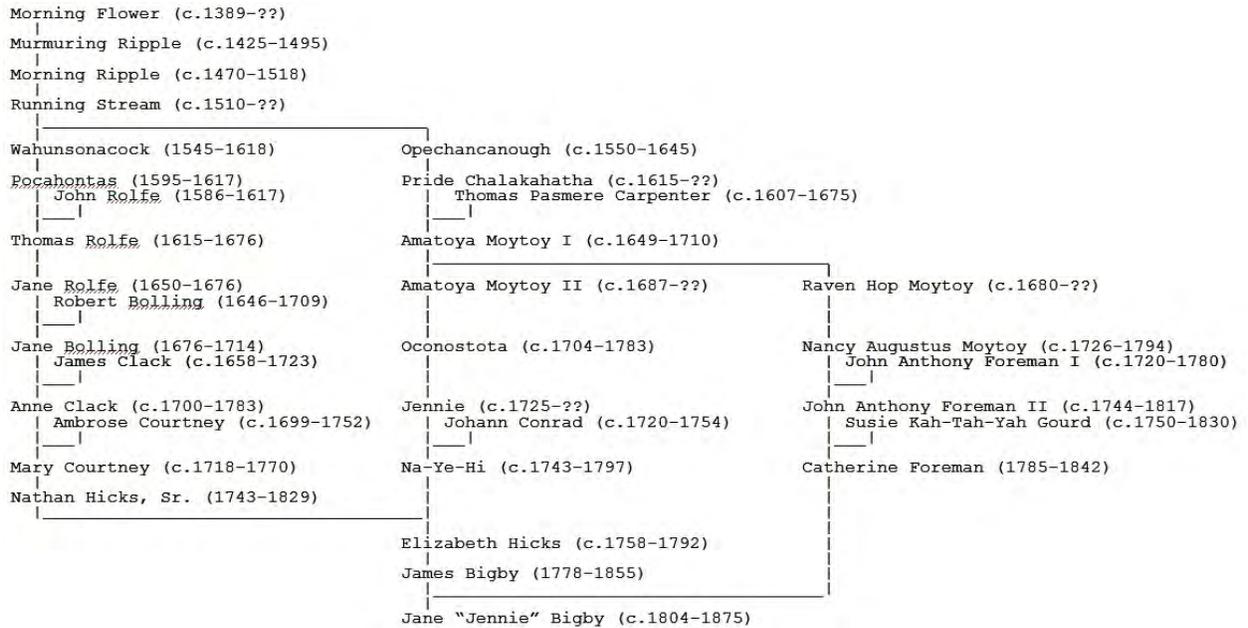
Jane "Jennie" Bigby was born about 1804 in the Cherokee Nation East, in eastern Tennessee, and died February 27, 1875 in Stilwell, Adair County, Oklahoma. Her sister, Mary Ann "Polly" Bigby, was born August 9, 1802 in the Cherokee Nation East, in northern Georgia, and died November 2, 1885 in Sweetwater, Monroe County, Tennessee.

Jennie's parents were James Bigby, Jr., who was born September 6, 1778 in the Cherokee Nation East and died November 16, 1855 in Stilwell, and Catherine Foreman, who was born April 17, 1785 in the Cherokee Nation East and died November 23, 1842 in Stilwell.

James Bigby, Jr. was the son of James Bigby, Sr. and Elizabeth Hicks. Elizabeth Hicks was the daughter of Nathan Hicks, Sr. and Na-Ye-Hi, a Cherokee Indian. Nathan's ancestry has been traced back to the famous Pocahontas, daughter of the Powhatan chief, Wahunsonacock. Na-Ye-Hi's ancestry has been traced back to Opechancanough, brother of Wahunsonacock.

Catherine Foreman was the daughter of John Anthony Foreman II and Susie Gourd (Indian name: Kah-Tah-Yah). Susie was a Cherokee. John's ancestry has also been traced back to Opechancanough, brother of Wahunsonacock, the Powhatan chief.

Here is a chart showing some of Jennie's Indian ancestry.



**Tombstone of Jane Taylor (Jane "Jennie" Bigby), Stilwell Cemetery, Stilwell, Adair County, Oklahoma.**

## TAYLOR'S PLACE AND TAYLOR'S SPRING

In the early 1800s, and for centuries before, southeastern Tennessee was Cherokee Indian territory. The area, which is now Bradley County, was a series of ridges with dozens of creeks and old growth forests. Many of those old growth forests were kept cleared of undergrowth and were kept in an almost park-like condition by the Cherokee. This made moving through the forests easier for hunting and traveling.

The Cherokees owned their territory as a whole. They did not have individual ownership of acreage as did white men. They could build anywhere they wished as long as it didn't conflict with other settlements or homes. When Andrew Taylor, a white man, married Jennie Bigby, a Cherokee Indian, he gained the rights of being a Cherokee. This meant that he could build his home anywhere in Indian territory that was not already occupied.

Andrew Taylor's original claimed property in what is now Bradley County was 160 acres, and measured 2,640 feet square (or one-half mile on each side). It was the southwest corner of Section 27, in Township 2, Range 1 West in the Ocoee District of Tennessee. The southwestern corner of the property was next to Little Mouse Creek. There was a spring on the property, and Andrew built a log house north of the spring. The area was a major crossroads. Andrew at some point had become a trader, and his trading post was known as Taylor's Place.

A number of things guided Andrew Taylor in choosing the location of his new home in Cherokee territory. First, either he was already a trader or he was planning on becoming one. That is evident in his choice of a location near the intersection of two major trading paths. One was a north-south path, probably the present location of the Lee Highway. The other was an east-west path, probably present U.S. Highway 64. His choice would correspond today to a motel, restaurant, or truck stop choosing to build at the intersection of two interstate highways.

A second guiding principle in choosing a site in the wilderness would be access to water. The site Andrew chose was near a spring and a small creek, Little Mouse Creek.

The next choice was based on several things. Andrew Taylor chose to build his home and trading post on a site that was elevated. The first reason was the possibility of flooding from the creek. If he was not familiar with the site, he wouldn't know where flooding could occur, so he chose the high ground. Also, pioneers would not choose low ground close to water because of mosquitoes and other insects. A location on high ground would also catch summer breezes.

Today, it seems like his home was a long distance from the spring, but it was only about 700 feet, and the difference in elevation was only about 30 feet. So it was only a short walk to get water. The pioneers did not use as much water as we do today. They only needed water at the house for cooking and drinking, and they didn't bathe nearly as often as we do. Laundry was often done in the local creek. Later on, the pioneers might dig a well closer to the house to make things easier.



Cleveland resident Will Jones, working with the Allan Jones Foundation, is pictured here viewing the historic spring once owned by the city's first settler, Andrew Taylor. This is the last photo taken before the spring was uncovered in the basement of attorney Jim Webb's law office at 283 1st Street NW - July 3, 2013.

Here is a newspaper article about Taylor Spring.

### **Taylor Spring uncovered Planning underway for park**

**Posted Wednesday, March 25, 2015 11:00 am**  
**By JOYANNA LOVE, Banner Senior Staff Writer**

Ideas are forming for a park to preserve Taylor Spring, said to be the reason people settled in what eventually became Cleveland.

The Taylor Spring committee met for the first time at the 1st Street site on Tuesday.

Committee members include City Councilman Richard Banks, city historian Bob George, Public Works Director Tommy Myers, Jeff Morelock and businessman Allan Jones.

Part of Taylor Spring became visible last week when the two buildings built on top of it were demolished.

While part of the spring can be seen through well-type openings in a cement pipe, the actual starting point of the spring still remains under concrete.

Myers said a drainage pipe running through the property will be rerouted so as not to pollute the spring.

Myers suggested doing work that needs to be done on the edges of the property before fully uncovering the spring.

"I just don't want it to get damaged," Myers said.

The committee has not decided whether to have the spring featured as a pond or as a brook. Banks suggested having plaques in the park recounting the history of the spring. Planting trees in the area was also suggested.

Uncovering the spring was made possible through the donation of a building owned by Jim Webb and the city's purchase of an adjoining building.

Banks asked Jones, who has financed research done on the spring, what the spring would have originally looked like. He said some comparing of information between what he has and other history would have to be undertaken to determine an answer.

"Do we build an old springhouse here? Do we dam this up and make it a big pool? These are some of the questions we need to try to figure out," Jones said.

The spring was closed in 1940 and the buildings built on top. Jones said the owner at the time used the spring to cool his building by pumping the water to a radiator with a fan.

Before the committee's next meeting, the water will be tested for temperature and volume of water being pumped out per hour.

The spring is named for Andrew Taylor. Taylor owned what is now downtown Cleveland.

Researcher Michael T. Slaughter, hired by Jones to find out more about the Taylor family, has found the names of some living descendants of the family. None of them live in Cleveland or Bradley County.

"David and Andrew (Taylor) married (Cherokee) Indian sisters. They were the Bigby sisters. They were three-eighth Cherokee," Jones said.

David and his wife, Polly, are buried in North Carolina.

When the Cherokee removal started in 1836, Andrew Taylor began trying to sell pieces of his land.

"Sometime around 1840, somebody sues him and says, 'You can't sell the land because it has already been sold,'" Jones said.

Documentation from the state court of appeals hearing has been found.

"In the court of appeals ... it is ruled that he doesn't own the land," Jones said. "Under the treaty, the Ocoee purchase treaty, anything has to be resolved under Cherokee law, and under Cherokee law the women is the head of household. That means the women own the land ... now he has to pay the money back. Instead of paying the money back he heads off to Oklahoma."

Later, Taylor petitions the federal government for payment for 160 acres he owned, which he receives.

Bradley County was a part of the Cherokee nation at the time Jones thinks the area traditionally called Taylor's Place may have had more than one house, with both brothers living on the same property.

When I first saw a survey of the property claimed by Andrew Taylor in court documents, I wondered why, if he chose property in the wilderness, his property lines weren't exactly north-south and east-west. The lines were tilted 20 degrees to the east.

The State of Tennessee in 1833 declared that their laws and jurisdiction "extended to the southern limits of the State, over that tract of country now in the occupancy of the Cherokee Indians," which let Andrew Taylor know that he might not have his home for much longer. So by the time of the 1835 Indian census, he had started selling lots around his trading post.

In 1806, Congress passed "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle claims to the vacant and unappropriated lands within the same." Part of this act specified the laying out of Surveyors' Districts. Prior to 1806, property in Tennessee was surveyed using the "metes and bounds" system, which used landmarks, such as trees and streams to mark the bounds of a property. These properties were very rarely rectangular and didn't necessarily have boundaries that ran exactly north, south, east, or west. The 1806 Act required the newly formed Surveyors' Districts to be laid out in range and section lines six miles apart. This created townships that measured six miles on each side. Each township was required to have 640 acres, or one square mile, reserved for schools.

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<sup>8</sup><http://clevelandbanner.com/stories/taylor-spring-uncovered,5376?>. April 8, 2015.

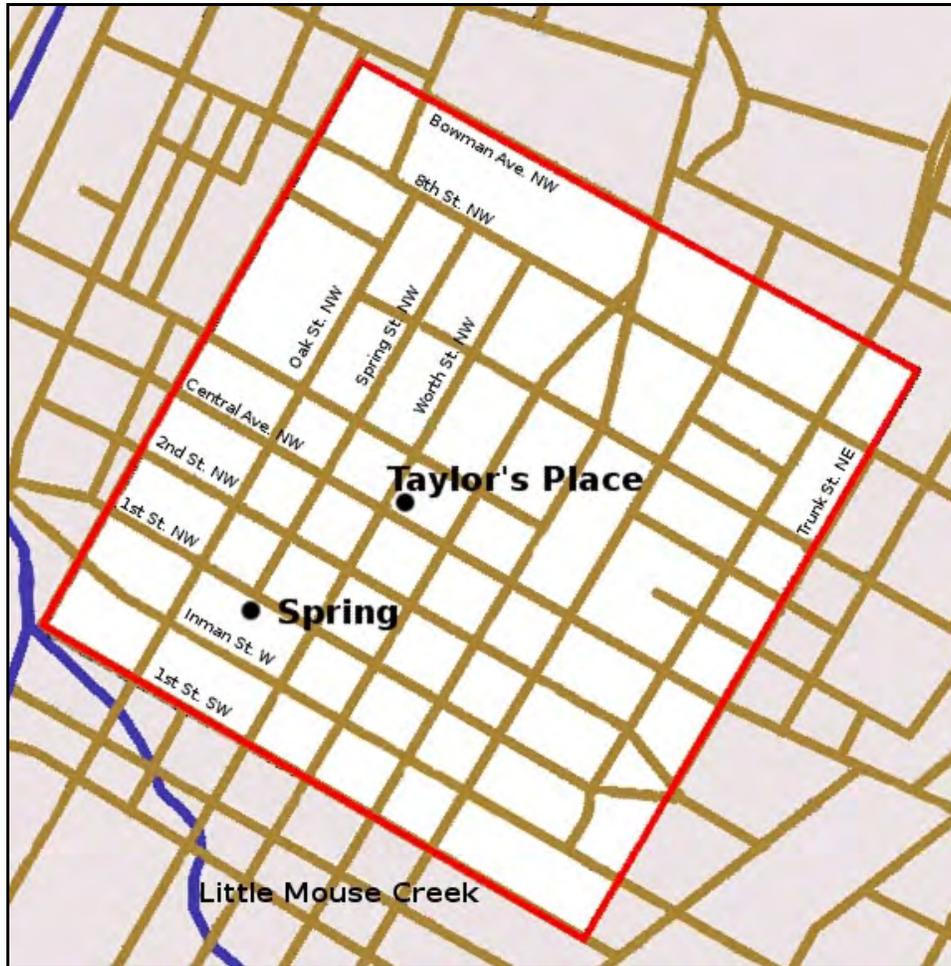
There are few original maps of the Surveyors' Districts, but research indicates that most of the districts' range and section lines were laid out in a true north-south and east-west grid. One exception was the Ocoee District, which was created by the 1836 Treaty of New Echota. Its boundaries were the state lines to the east and south, and the Tennessee and Hiwassee Rivers to the west and north. The grid in this district was tilted 20 degrees to the east. Some writers have surmised that this was done to align with the Tennessee River. I have looked at topographical maps of the area and found that the Tennessee River meanders and is only roughly aligned to 20 degrees east of north. But I saw that the ridges in the area were almost exactly aligned to 20 degrees east of north. I would imagine that surveyors would find it much easier to lay out lines parallel to the ridges.

The 1836 Treaty of New Echota ceded the Cherokee lands in southeastern Tennessee to the U.S. government. At this point, Andrew Taylor no longer owned the property around his trading post. But the treaty contained a section that said Cherokee families that didn't want to relocate westward and wanted to remain where they were could do so. They were allowed "pre-emption right to one hundred and sixty acres of land, or one-quarter section, at the minimum Congress price, so as to include the present buildings or improvements of those who now reside there." This meant that Andrew Taylor, if he still lived at his original home, could stay there, and his property at that time would be the 160-acre section of the surveyed grid that included his home and trading post. By the time of his lawsuit, in about 1843, his property had already been taken up by the new town of Cleveland, which was founded in 1838. Thus, the survey map included in his lawsuit and reproduced later in this booklet shows the quarter-section of land that he would have had if the town of Cleveland had not taken it.

I wondered if Andrew Taylor's claimed 160 acres, his house, and his spring could be located on the ground. The spring had been located under a building at the end of Spring Street in Cleveland, so I had one fixed landmark. Another landmark was Little Mouse Creek. Andrew Taylor's quarter-section was shown on his survey touching Little Mouse Creek at the property's southwestern corner. Using the Google Earth program, I located the remnants of Little Mouse Creek just south of the spring location. The third landmark was the layout of the streets in downtown Cleveland. They were oriented, more or less, to the original surveyors' grid of 1836, which grid survey began in the spring of 1837. The slight difference in street orientations on modern maps is due to the change in magnetic north over the years, plus the original survey stated that no magnetic variance was allowed for.

I printed out a map of downtown Cleveland from Google Maps and marked the locations of the spring and Little Mouse Creek. A map of Andrew Taylor's claimed property was included as Exhibit B with his court filing and is shown in Appendix A. I printed out a copy of that survey map to the same scale and overlaid the two. I moved the survey map so that it would align with the streets and so that the spring would be over the location of the actual spring. When I did that, the southwestern corner of the survey touched Little Mouse Creek, showing that my proposed location of the tract is correct. As a result of this experiment, I found that the location of Andrew Taylor's trading post, Taylor's Place, was roughly near the intersection of Worth Street and Central Avenue, based upon the survey map's overly large representation of Andrew's house.

The map I created, shown below, is oriented to true north. The property was originally tilted to the east by 20 degrees, but is tilted slightly more here because of changes in magnetic north over the years.



Map of downtown Cleveland, Tennessee showing the approximate location of Andrew Taylor's 160-acre claim (highlighted and outlined in red), his home, and the spring that was on his property.

By 1835, Andrew had been selling lots around his home. He is shown in the 1835 Census of Cherokees East of the Mississippi as living on a 55-acre farm with six houses on it. The six houses are no doubt the six houses shown on the October 12, 1836 evaluation of his property's improvements. The 1835 Census also indicates that he had probably sold over 100 acres in lots. Of the six people listed in his household, four were Cherokee females, one was a Cherokee male and one was a white male connected by marriage. The white male was Andrew. The Cherokee male was Andrew's son, David. The females were Andrew's wife, Jennie, and their three daughters, Minerva Jane, Elizabeth, and Isabella.

#282

And Taylor (white man) Mouse Creek Bradley Co. TN

+ Appraisal 12th Oct. 1836

160 Acres upland good fencing 800 \$1280

1011 Peach Trees at 50 each 505 50

Hewed Log Cabin 20 20 60 00

Round Log Cabin 18 20 35 00

2 Hewed Log Corn Cribs \$25 each 50 00

Round Log Stable 18 14 30 00

do do do 18 20 50 00

Round Log Stable 18 20 35 00

Round Log Stable 12 12 30 00

Another Improvement near the above \$2085 50

Double Hewed Log Cabin 16 46 75 00

Round Log Smoke House 12 12 15 00

do do Stable 14 14 30 00

do do Corn Crib 30 7 15 00

do do Hen House 12 12 3 00

128 00

Another Improvement near the above

Hewed Log Cabin 18 20 50 00

do do Smoke House 18 10 40 00

Total 2520 50

Examined & Allowed by the comrs.

Suspended by the superintendent

First page of Evaluation #282, for improvements made by Andrew Taylor.

Amount Past Improvement but unpaid = 70 00

Round Log B & Shop 12 12 25 00

do do Corn Crib 8 18 20 00

Round Log Spring House 12 12 40 00

Another Improvement near the above 12 00

Round Log Cabin 18 20 35 00

do do Smoke House 15 13 20 00

do do Stable 15 15 35 00

Another Improvement near the above 80 00

Hewed Log Cabin 18 18 25 00

Round Log Cabin 18 13 15 00

50 00

Total amount of debts \$2520 50

Examined & allowed by the comrs.

Second page of Evaluation #282, for improvements made by Andrew Taylor.

The above are copies of the evaluation of Andrew Taylor's property improvements. The evaluation was done October 12, 1836. At the end of the second page, it says "Examined & allowed by the comrs [commissioners]." But there is a note along the left-hand edge of the first page that says "Suspended by the superintendent."

Debbie Moore, a Cleveland historian, has transcribed the above evaluation.

Evaluation #282

Andrew Taylor (white man) Mouse Creek, Bradley County, TN		
Appraised 12th Oct. 1836		
160 Acres upland good fencing	8.00	\$1280.00
1011 Peach Trees	.50	505.50
Hewed Log Cabin (20x20)		60.00
Round Log Cabin (18x20)		35.00
2 Hewed Log Corn Cribs	\$25 each	50.00
Round Log Stable (18x14)		30.00
Round Log Cabin (18x20)		50.00
Hewed Log Stable (18x20)		35.00
Round Log Stable (12x12)		30.00
		<u>\$2085.50</u>
Another Improvement near the above		
Double Hewed Log Cabin (16x46)		75.00
Round Log Smoke House (12x12)		15.00
Round Log Stable (14x14)		30.00
Round Log Corn Crib (30x7)		15.00
Round Log Hen House (12x12)		3.00
		<u>128.00</u>
Another Improvement near the above		
Hewed Log Cabin (18x20)		50.00
Hewed Log Smoke House (18x6)		40.00
Round Log Blacksmith Shop (12x12)		35.00
Round Log Corn Crib (8x18)		30.00
Double Round Log Stable (30x12)		40.00
Round Log Spring House (12x12)		12.00
		<u>187.00</u>
Another Improvement near the above		
Round Log Cabin (18x20)		35.00
Round Log Smoke House (13x13)		20.00
Round Log Stable (15x15)		25.00
		<u>80.00</u>
Another Improvement near the above		
Hewed Log Cabin (18x18)		25.00
Round Log Cabin (18x13)		15.00
		<u>40.00</u>
Total Amount of Impts.		<u>\$2520.50</u>
Examined & Allowed by the comrs.		

Looking through the evaluation, I found one cabin larger than all the others. It was 16 feet by 46 feet. I think that would be Andrew Taylor’s house. I discussed this with a friend who is well-read in history. As soon as I told him the dimensions and where the house was, he immediately said “dog-trot.” The dog-trot style of house is indigenous to the Appalachian region. It consists of two separate log cabins with a breeze-way or dog-trot between them. A roof is built over both structures together. Below is a rare example of a two-story dog-trot house in excellent condition.<sup>9</sup>



**The John Looney House in Alabama, a rare example of a two-story dog-trot house.**



**Example of an early pioneer log cabin with log chimney.**

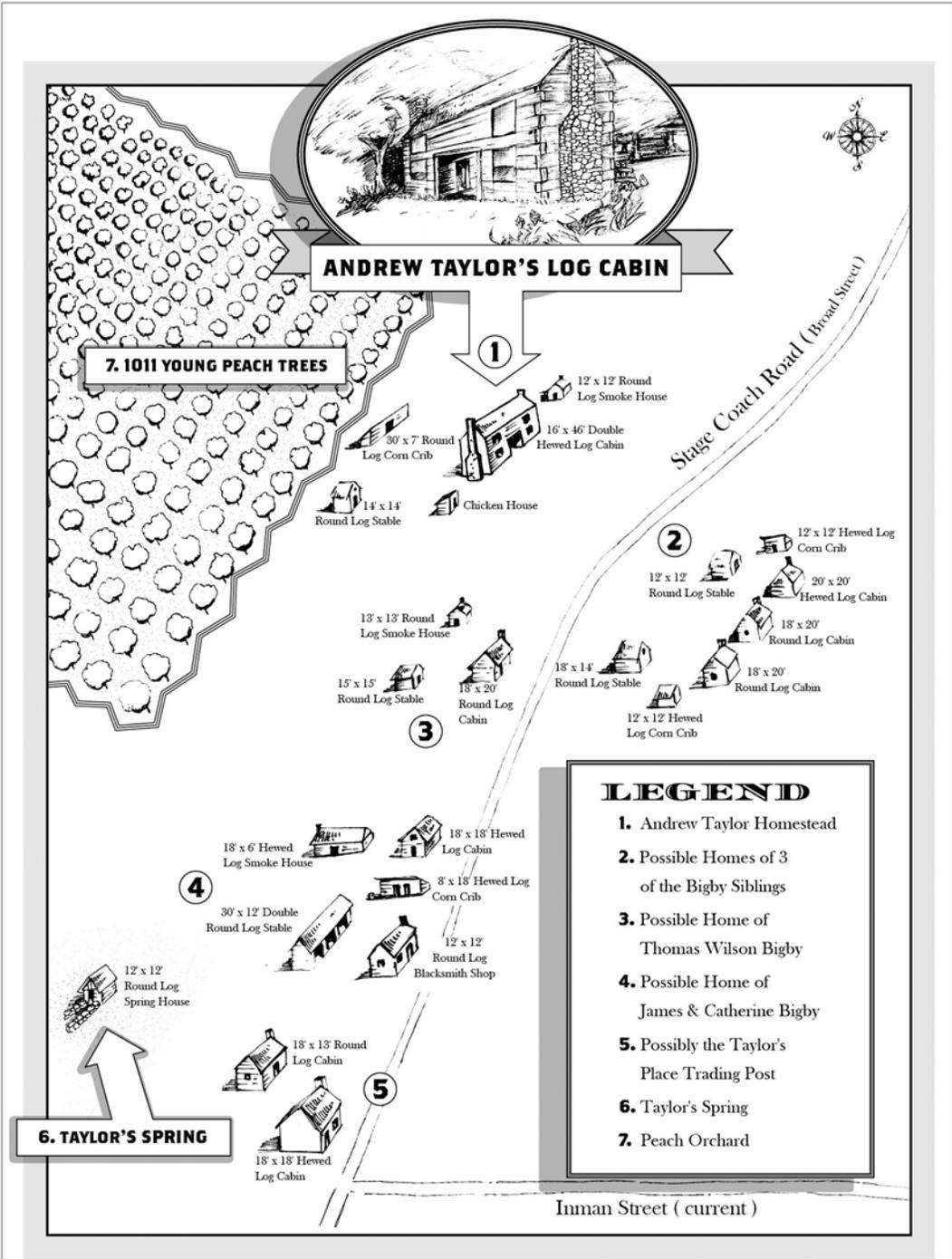


**Example of a more refined log cabin with stone chimney, along with an outbuilding.**

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<sup>9</sup><https://www.flickr.com/photos/36319440@N05/4293451021/>. April 2, 2015. Posted by username Geopungo, usage allowed by Creative Commons License linked at <https://creativecommons.org/licenses/by/2.0/>, which license includes commercial usage.

Based on the listings of buildings and their sizes, and the fact that Andrew Taylor had sold over 100 acres of land before the evaluation, yet still had all the houses, here is a rough sketch of how those buildings might have been laid out. The individual groupings are laid out as typical farm yards of the period might have been.



**HISTORIC**  
**TAYLOR'S PLACE, TENNESSEE**

Based on the 1836 Property Assesment, Evaluation #282

Bradley County was created in 1836 from Indian lands. The town of Cleveland was established January 20, 1838.

At the first term of the county court an election was ordered for the selection of a seat of justice, and two places, Andrew Taylor's and "Deer-in-the-Water", were put in nomination. The former place was chosen and named Cleveland, in honor of a Revolutionary hero. Soon after the town was laid off and a log courthouse erected upon the southwest corner of the public square.<sup>10</sup>

The following quote describes the location of Andrew Taylor's house.

Cleveland was laid off and the streets surveyed by John C. Kennedy in 1836 upon land occupied by Andrew Taylor, who had come into the Nation some time before, and married a Cherokee woman. His house stood about where Hartsell's store now is, on the west side of the public square.<sup>11</sup>

The above quote does contain an error. The survey was not done until 1838.

Later in 1838, Andrew Taylor's certificate of United States citizenship was approved. That certificate referred to him as "a white man, having Cherokee rights."

### **THE McJUNKIN AFFAIR**

Scandal found Andrew Taylor in 1841 when Samuel McJunkin filed for divorce from his wife, Elizabeth, on the grounds that she and Andrew were having an affair. The court papers mention that Andrew's wife, Jennie, found him with Elizabeth and punished them with a horse whip. Samuel McJunkin later remarried and moved to Polk County, Tennessee. Here is a quote from the final divorce decree:

Be it remembered that on the Twenty third day of August Eighteen hundred and forty one this cause came to be finally heard and determined, upon bill publication Judgment pro confesso and proof before the honorable Charles F. Keith Presiding and because it does appear to the Satisfaction of the Court from the proof in this Cause that the said Elizabeth McJunkin has been Guilty of adultery with one Andrew Taylor as Charged in the bill the Court is therefore pleased to order, adjudge, and Decree and does order, adjudge and decree that the bonds of marriage here to fore existing between the said Samuel McJunkin and Elizabeth McJunkin be in all things dissolved and that the said Samuel McJunkin be entirely freed and absolved from the said Elizabeth and from his said marriage with her and that the Complainant pay the cost for which execution may Issue.

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<sup>10</sup>*History of Tennessee, Vol. 2, Goodspeed, 1867, page 800.*

<sup>11</sup>*History of Tennessee, Vol. 2, Goodspeed, 1867, page 802.*



Catherine Elizabeth McJunkin,  
wife of Samuel McJunkin.



Original tombstone of  
Samuel McJunkin, located at  
McJunkin Cemetery, Polk County,  
Tennessee.

There are two sides to most stories, and this is no exception. One side says that Elizabeth McJunkin was having an affair with Andrew Taylor and that Andrew's wife, Jennie, caught them and horsewhipped them. The other side says that Samuel McJunkin abused his wife. She said that Samuel "would get drunk, tie her to a chair and threaten to cut off her hair, then go outside and shoot at the moon!" According to descendants of Samuel's second wife, he never drank.<sup>12</sup>

There are also claims that Elizabeth McJunkin was a cousin to Jennie Taylor. Catherine Elizabeth Kerr was born December 1, 1800 in South Carolina and died on January 30, 1871 in Franklin County, Arkansas. In her divorce papers, she says her father was William Kerr, Sr. Elizabeth's son, Thaddeus Turk McJunkin, made a claim that he was Cherokee. He said that his grandfather was the medicine man, Bark Foreman, who wrote a book about Cherokee medicine. Richard Bark Foreman was a brother of Catherine Foreman, mother of Jennie Taylor.

The name of my ancestor through whom I claim a right to share in this fund is my grandfather, Bark Forman, better known as Dr. Bark Foreman he was an Indian Doctor, and had quite a reputation in Polk and Bradley Counties, Tennessee, and also in other Counties, as a Doctor. He made his own medicine, mostly from herbs, roots and bark. He also wrote a book on medicine, which was used quite extensively through this country for many years, and some of these books are still in this country and could be found if it is necessary.<sup>13</sup>

He was mistaken, because Richard Bark Foreman was born about 1787-1790, and thus could not be the father of Elizabeth McJunkin, who was born in 1800.

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<sup>12</sup><http://trees.ancestry.com/tree/28181849/person/13884305395/media/5?pgnum=1&pg=0&pgpl=pid%7cpgNum>. March 31, 2015.

<sup>13</sup>Guion Miller Application #44919 for Thaddeus Turk McJunkin, as quoted at <http://trees.ancestry.com/tree/17918900/person/29775127909/media/7?pgnum=1&pg=32914&pgpl=pid%7cpgNum>. April 2, 2015.

## ANDREW TAYLOR'S LAWSUIT

According to a booklet titled "*Memorial of Andrew Taylor, to the Hon. Edwin Hardin and Benjamin H. Brewster, commissioners under the Cherokee treaty of 1835, now in session in Washington City*,"<sup>14</sup> Andrew Taylor, in about 1843, filed a claim with the Commissioners of the Cherokee Treaty of 1835 to be compensated for his 160-acre plot of land. The introductory documents in the booklet established his right to claim compensation. The amount requested was the value of the improvements (\$6,200) at the time that it was confiscated by the State of Tennessee and used for the creation of the town of Cleveland. The Commissioners (Eaton and Hubley) ordered an appraisal, but failed to put it on the list of the valuing agents. At some point, they were replaced with new Commissioners (Washington and Mason). Andrew Taylor's attorney, William H. Thomas, withdrew the claim papers so that he could study them.

Even though the previous Commissioners (Eaton and Hubley) seemed to agree with Andrew's claim in that they had ordered an appraisal, the new Commissioners (Washington and Mason) proceeded to issue an opinion which was contrary to previous actions on their part. Thomas believed that the opinion was signed by the Commissioners, but was actually written by Col. S. C. Stambaugh, counsel for the Western Cherokees. Thomas said that he thought Stambaugh was working to get more money for the Western Cherokees at the expense of the Eastern Cherokees.

The booklet was addressed to new Commissioners (Hardin and Brewster) who were in session in Washington, DC.

Since the collection of documents stops at the end of the attorney's argument, I would think that Andrew Taylor did not prevail with his claim. That may be why he later went to Washington, DC, filed a different claim, and won that one.

## ANDREW TAYLOR'S FAMILY MOVES TO OKLAHOMA

By 1851, Andrew Taylor's family had moved to Indian Territory (the Cherokee Nation West, now Oklahoma). The 1851 Drennen Roll was the first census of Cherokees who were moved to Indian Territory on the "Trail of Tears" or who came soon afterwards. It listed only Indians, and thus did not show Andrew. But it did show Jennie (as Jane Taylor) with her children, who were all married by this time and living in Going Snake District. Minerva Jane was married to Robert Wesley Walker, Elizabeth was married to William Covington Ghormley, and Isabella was married to Abijah B. Akins. Some genealogists list additional children for Andrew and Jennie, but none of them appear on the Drennen Roll. Jennie's parents, James Bigby, Sr. and wife, Catherine, were also listed in Indian Territory.

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<sup>14</sup>See the entire text of the booklet in the Appendix.

Jane Taylor, her son David, and his family are listed in the right-hand column of this page from the 1851 Drennen Roll of survivors of the Trail of Tears.

GOING SNAKE			
GROUP	NAME	GROUP	NAME
	Doo-chas-ter	401	Nancy
	Alecy Doo-chas-ter		Aleck
386	Te-sah-umh-wah-te-ske	402	Twist 1891?
	Cho-cho-he		
	Cah-te-oloh-a	403	Toh-gu-ne-se Twist
	Cah-ka-ich-stah		
386	John Sleeve	404	John Twist
387	Oo-sah-yah-ste	405	Smoke-house
	Oo-wah-le-nah-ste		
388	Smoke	406	Jane Taylor
389	Moses Alberty, Jr. 5392	407	David Taylor 82
	Ann Alberty 5392		Gladborn C. Taylor
	Peggy Alberty 5392		Leonora Taylor
	Jane Alberty 5392		
	Catharine Alberty 5392	408	Ska-quah 6966
390	Aggy Alberty		Sch-ko-my 6966
391	Ah-na-wa-ke Wofford 2692	409	Elizabeth Ghemly 2216
392	Andrew Wofford		Isabella Jane 11247-2216
			Mitchel 10783-2216
393	Alexander Wofford 2592		David V.
394	John Wofford	410	Robert W. Walker (not inc)
			Minerva I. Walker 266
			LaBeyette
			Louisa Caroline
395	Andrew Cordery 9912		Caleb Love
	Mary Cordery		Jared Love 8795--929
	Lovely Cordery	411	Archer Love
396	Eliza Cook		Margaret Love
			Elizabeth Love
			Henry Love 987
			Sarah Love
397	Wilson Cordery 4025	412	Isabella Alkin 774
	Hanny Cordery 4025		Mary A. Alkin
	Lewis Cordery 4025		Louisa G. Alkin
	Thomas Cordery 4025		Tennessee Alkin
	Cornelius Cordery 4025		Cleora T. Alkin
			Andrew T. Alkin
398	Alfred Miller 163, 827	413	Andrew Dick-e-ske 2039
	Hanny Miller 163		Mary Dick-e-ske 2039 - 71
	Martha Miller		Celly 2039
	Lucinda Miller		Washington
	Ellen Miller		
	William Miller		
	Rufus Miller 163	414	Janes Crittenden
399	Mary Miller (Not inc.)		
400	Cah-nal-ay		
	Natty Cah-nal-se		
	Cah-nal-ay		

Page from 1851 Drennen Roll showing Jane Taylor and her son, David Taylor, with his family in the Going Snake District in Oklahoma

### ANDREW TAYLOR SUES AGAIN

In 1855, Andrew went to Washington, DC where his brother, David Taylor had been for the previous ten years. David had moved to Cherokee County, North Carolina by 1840, as his son, Francis, was 20 years old in the 1860 Census and was listed as being born in Cherokee County. Andrew and David were trying to get compensation for the 640 acres each was due by right of their Cherokee wives. These reservations were most likely the same reservations they had claimed based on the 1817 and 1819 treaties mentioned earlier.

In that same year (1855), the United States Treasury paid Andrew and David each nearly \$26,000. That would be worth over \$600,000 in today's dollars (2015).

Jerry L. Clark, who is a descendant of Andrew Taylor through Andrew's daughter, Elizabeth, wrote a paper a few years ago. He mentions the following in the footnotes:

The government agent to the North Carolina Cherokees observed that the entire Taylor family was "characterized by considerable persistency, some cunning, and a total disregard for veracity." Fierce tribal politics resulted in the expulsion of the Taylor family from the Eastern Band's rolls in the 1870's.<sup>15</sup>

He also mentions in another footnote about a file in records of the Second Auditor's Office. He writes that the cover page of the file has a note handwritten by President Franklin Pierce that says: "Pay this man and get rid of him!" This may be sole reason Andrew Taylor and David Taylor finally prevailed in their almost 40-year quest.

### **ANDREW TAYLOR DISAPPEARS**

David Taylor's son, James Madison Taylor, was a Washington, DC lobbyist. He last mentioned Andrew in his writings in 1858. Jennie Taylor died February 27, 1875 and was buried in Stilwell, OK. The only other member of the family buried there was Andrew's daughter, Minerva Jane, who was buried beside her mother.

Jerry L. Clark, in 2012, told me what his father knew from family stories<sup>16</sup>. He said that Andrew "absconded" with a large sum of money and was never seen again.

So Andrew Taylor allegedly not only cheated on his wife and used her Indian status to get government money, but he kept all the money himself, and his family got nothing.

Perhaps further research will clear up this mystery and someday reveal how and where Andrew Taylor spent the rest of his days and spent all of that government money.

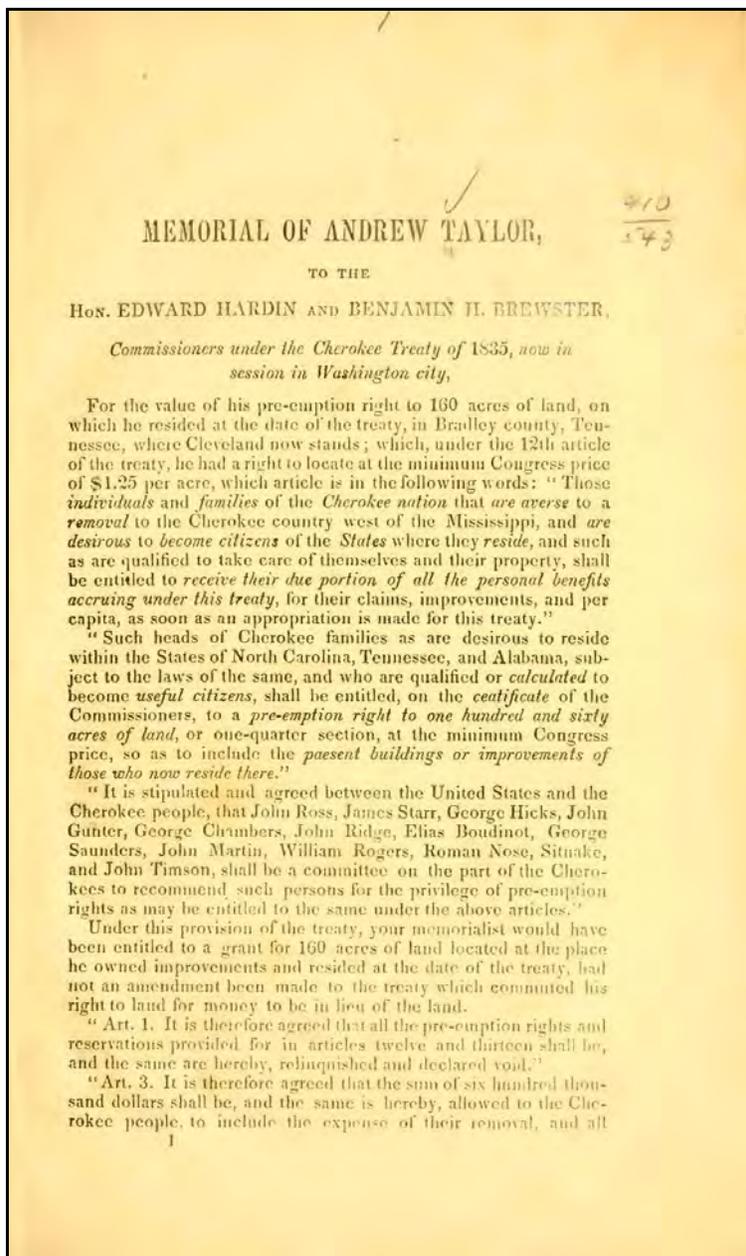
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<sup>15</sup>*Cherokees, Wantabees, and Outalucks*. Jerry L. Clark, 2007.

<sup>16</sup>Personal telephone conversation with Jerry L. Clark, November 8, 2012.

## APPENDIX A

On the following pages is the entire text of "Memorial of Andrew Taylor, to the Hon. Edwin Hardin and Benjamin H. Brewster, commissioners under the Cherokee treaty of 1835, now in session in Washington City" as referenced above. It was published in 1846 as a limited printing booklet. Here is an image of the first page of the booklet. The first section is Andrew Taylor's claim. After that are the exhibits for his claim followed by an exhibit for the attorney's argument, which follows that.



MEMORIAL OF ANDREW TAYLOR,  
TO THE  
Hon. EDWARD HARDIN and BENJAMIN H. BREWSTER,

*Commissioners under the Cherokee Treaty of 1835, now in session in Washington city,*

For the value of his pre-emption right to 160 acres of land, on which he resided at the date of the treaty, in Bradley county, Tennessee, where Cleveland now stands; which, under the 12th article of the treaty, he had a right to locate at the minimum Congress price of \$1.25 per acre, which article is in the following words:

*Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty, for their claims, improvements, and per capita, as soon as an appropriation is made for this treaty.*

Such heads of Cherokee families as are desirous to reside within the States of North Carolina, Tennessee, and Alabama, subject to the laws of the same, and who are qualified or *calculated* to become *useful citizens*, shall be entitled, on the *certificate* of the Commissioners, to a *pre-emption right to one hundred and sixty acres of land*, or one-quarter section, at the minimum Congress price, so as to include the *present buildings or improvements of those who now reside there*.

It is stipulated and agreed between the United States and the Cherokee people, that John Ross, James Starr, George Hicks, John Gunter, George Chambers, John Ridge, Elias Boudinot, George Saunders, John Martin, William Rogers, Roman Nose, Situake, and John Timson, shall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption rights as may be entitled to the same under the above articles.

Under this provision of the treaty, your memorialist would have been entitled to a grant for 160 acres of land located at the place he owned improvements and resided at the date of the treaty, had not an amendment been made to the treaty which commuted his right to land for money to be in lieu of the land.

Art. 1. It is therefore agreed that all the pre-emption rights and reservations provided for in articles twelve and thirteen shall be, and the same are hereby, relinquished and declared void.

Art. 3. It is therefore agreed that the sum of six hundred thousand dollars shall be, and the same is hereby, allowed to the Cherokee people, to include the expense of their removal, and all *claims of every nature and description against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions*.

The undersigned, as you will perceive in the certificate annexed, (marked A,) on the 16th day of February, 1837, made application to the committee appointed under the 12th article to recommend him and his family to the Commissioners acting under the authority of that and the 17th article as "being qualified or calculated to become useful citizens;" which recommendation was obtained and filed with the Commissioners, and was by them approved, and their certificate annexed thereto on the 14th of May, 1838. Also annexed, (marked B,) is the plat and certificate of survey of 160 acres of land, including his dwelling-house and improvement, where he resided at the date of the treaty.

Annexed, (marked C,) deposition of Messrs. Baldwin Harle and Alex. A. Clingan, (certified to be respectable citizens,) who prove that they were acquainted with your petitioner prior to and at the date of the treaty of 1835; that he was the head of an Indian family, and occupied the land, described in the plat annexed, at the date of the treaty, which was selected by the State for a county seat, and on which the village of Cleveland now stands. This is followed by the annexed deposition of Messrs. P. J. G. Lea and James Berry, (marked D,) who are certified to be respectable persons by statement of Hon. Spencer Jarnagin, (marked E,) and are the same who acted as Commissioners of the State in locating the town of Cleveland, on the quarter section occupied by Andrew Taylor, prior to and at the date of the treaty; which quarter section they prove to have been worth, at the date of the treaty, without the improvements, \$40 per acre — \$6,400; deduct the minimum Congress price, (\$1.25 per acre — \$200,) would leave the pre-emption right to land, commuted for money, worth \$6,200, on which your memorialist requests a decree to be entered in his favor, and, at the proper time, a certificate on the Treasury of the United States to be issued therefor."

Respectfully submitted.

ANDREW TAYLOR.

December 14, 1846.

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A.

*Certificate of citizenship for Andrew Taylor.*

I certify, that on the 16th day of February, 1837, Andrew Taylor, a white man, having Cherokee rights, was recommended by the committee to the United States Commissioners as capable of becoming a citizen of the United States, and that his name stands on the records of the committee.

L. ROGERS,  
*Secretary to Committee.*

Commissioners' Office, *May 14, 1838.*

I certify that the recommendation of the committee for the above-mentioned Andrew Taylor was reported by the committee to the Commissioners, and is on file in the Commissioners' office.

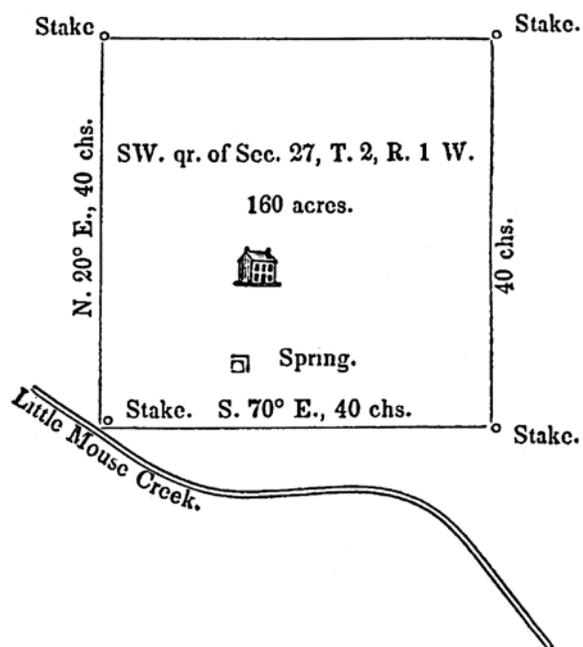
JNO. C. MULLOY,  
*Secretary to Commissioners.*

Approved, May 14, 1838:

TH. W. WILSON,  
*One of the Commissioners.*  
JAMES LIDDELL,  
*Commissioner.*

---

B.



No magt. var allowed. Scale of 20 chs. per inch. [scale approximate]

State of Tennessee, *Bradley county*:

The above plate represents the southwest quarter of section twenty-seven, in township two, range one west, in the Oco-ee district, in said State, containing one hundred and sixty acres, formerly occupied by Andrew Taylor.

Given under my hand, the 26th July, 1843.

JOHN C. KENNEDY,  
*Late Deputy Surveyor General of the Oco-ee district, Tenn.*

C.

*Deposition of B. Harle and A. A. Clingan.*

State of Tennessee, *Bradley county*:

This day came before me, James Mitchell, an acting Justice of the Peace in and for said county, Baldwin Harle, forty-eight years of age, and Alexander A. Clingan, forty-two years of age, both respectable citizens of said county, and, being duly sworn, say: that they are well acquainted with Andrew Taylor, and with the southwest quarter of section twenty-seven, in township two, range one west of the basis line, in the Oco-ee district, and that the said Taylor was in the actual possession of and resident upon the said quarter section of land at and before the treaty of 1835-6, and up to the time of the action of the legislation of said State which disposed of said quarter section to said county, for the use of the town of Cleveland, and that the same was afterwards sold for several thousand dollars, and the said Taylor was thereby dispossessed and denied the right of entry on said quarter; and he, the said Taylor, was the head of an Indian family, and that the town of Cleveland now stands on the identical same quarter section of land.

BALDWIN HARLE.  
ALEXANDER A. CLINGAN.

Sworn to and subscribed before me, this 20th day of July, 1843.

JAMES MITCHELL,  
*Justice of the Peace.*

---

D.

*Deposition of P. J. G. Lea and James Berry.*

State of Tennessee, *Bradley county*:

This day came before me, James Mitchell, an acting Justice of the Peace in and for said county, P. J. G. Lea, aged about thirty-five years, and James Berry, aged about fifty-two, both respectable citizens of the aforesaid county, and, being duly sworn, say: that they are acquainted with Andrew Taylor and with the southwest quarter of section twenty-seven, township two, range one west of the basis line, in the Oco-ee district, and that this said quarter section of land was taken by act of the Legislature of Tennessee for the use of the town of Cleveland, and that said quarter section of land was actually entered by the Commissioners of said town, and that we, the said Lea and Berry, compose part of the Board of Commissioners for said town of Cleveland, appointed by the Legislature of this State, and are yet acting Commissioners for said town, and that we would value the land aforesaid at forty dollars per acre, by reason of the town having been

located on said quarter section of land at the time the said land was entered by said Commissioners; and, also, it was worth the said forty dollars per acre immediately on and after the passage of the law authorizing the entry of the Oco-ee lands.

P. J. G. LEA.  
JAMES BERRY.

Sworn to and subscribed before me, this 25th day of July, 1843.

JAMES MITCHELL,  
*Justice of the Peace.*

State of Tennessee, *Bradley county*:

I, John H. Robertson, clerk of the Bradley county court for the county of Bradley aforesaid, do certify that James Mitchell, whose name appears to the foregoing affidavit is an acting justice of the peace for said county. He was duly elected, commissioned, and sworn, and faith and credit is due to his official acts.

Given under my hand, at office in Cleveland, July the 25th, 1843.

J. H. ROBERTSON, *Clerk.*

State of Tennessee, *Bradley county*:

I, Robert M. Swan, Chief Presiding Justice for the county of Bradley, aforesaid, do certify that John H. Robertson, whose name appears to the foregoing certificate, is the clerk of the county court for said county, and his certificate appears in due form of law.

Given under my hand and seal, this 26th day of July, 1843.

ROBERT M. SWAN, [L. S.]  
*Chief Presiding Justice for said County.*

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E.

Washington, *9th June*, 1844.

Dear Sir: Your note of yesterday has been received, requesting me to state whether I am not acquainted with Dr. Pleasant J. G. Lea and James Berry, Esq., of the town of Cleveland, Bradley county, Tennessee, and what I know of the intelligence, judgment, and veracity of those gentlemen.

I have known both of them long and intimately, and I take pleasure in stating I feel myself honored by their acquaintance and confidence. As to their intelligence, judgment, and veracity, no one can be entitled to higher standing than they possess in the particulars to which you refer. I have myself the utmost confidence in the correctness of any thing either of them would say or do, and this confidence does not rest alone upon my personal knowledge of those gentlemen, but upon the reputation they have among their neighbors and acquaintances.

Yours, &c.,

SPENCER JARNAGIN.  
[*U. S. Senate.*]

Mr. Andrew Taylor.

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F.— Docket No. 1.

*Copy of the proceedings of the Commissioners in the pre-emption claim of Andrew Taylor.*

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Docket of Messrs. Eaton and Hubley. — Pre-emption claims.

No. 9	<p>[Examined.] <span style="float: right;">20th June, 1843.</span>                  " Andrew Taylor.                  " Appraisement ordered.                  " A copy,                    " W. D. MILLER, <i>Secretary</i>" [<i>of the Board.</i>]</p>
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Docket of Messrs. Washington and Mason. — Pre-emption claims.

No. 9.	<p><span style="float: right;">20th June, 1843.</span>                  " Andrew Taylor.                  " Appraisement ordered.                  " Received the papers in the above claim November 25, 1844.                    " WM. H. THOMAS.                  " A copy,                  " D. W. MILLER, <i>Secretary</i>" [<i>of the Board.</i>]</p>
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Entry on Judge Hubley's notes of the proceedings of the Board.

318.	<p>"Andrew Taylor.                  " Pre-emption.                  " 22d August, 1843, examined papers and valuation ordered.                  " A copy,                    "W. D. MILLER, <i>Secretary</i>" [<i>of the Board.</i>]</p>
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ARGUMENT

*In support of the accompanying claim of Andrew Taylor, and in reply to the previous opinion of Messrs. Washington and Mason.*

Andrew Taylor )  
vs. ) *For a Pre-emption.*  
The United States, )

This case was submitted to the former Commissioners, Messrs. Eaton and Hubley, by whom an examination was had, and an appraisal ordered, as appears by the record. They omitted, however, to place it on the list furnished to the valuing agents; and thus it remained, when replaced on the docket of their successors, Messrs. Washington and Mason.

The undersigned, being subsequently employed in the case, obtained leave to withdraw the papers, for the purpose of examining them, and gave his receipt therefor, dated November 25, 1844.

The late Commissioners, however, proceeded to draw up an opinion, or signed one, which was drawn up for them, on this case, notwithstanding it had already been adjudicated by their predecessors, and the papers were at the time withdrawn from before the Board, by permission granted by themselves. This opinion was entered on the record, as a decree against pre-emptions generally, under date the 26th November, 1844.

As soon as this came to the knowledge of the undersigned, he applied to the Board for a rehearing, which was granted, as appears from the following quotation from the records:

*"December 7, 1844. A motion having been made by W. H. Thomas for a reconsideration of the decree averse to pre-emption rights; and his motion is on file, and is granted." (See Docket No. 1, on file in your office.)*

On this state of facts, the case is now submitted to the present Board. The accompanying memorial briefly but fully explains its character.

But there are some positions, taken in the before-mentioned opinion, so peculiar and wholly untenable, that it seems proper to the undersigned to take a short review of them. It would be useless to follow this opinion through all its forward and retrograde movements, its repetitions, misstatements, and contradictions. When sifted, the following are the chief arguments in opposition to the claim:

I. That "a claim could only vest on a full compliance by the pre-emptors with the treaty stipulations of 1835, had they remained in force;" that those stipulations (which were, that the claimants should obtain the certificate of the Commissioners, that they were qualified or calculated to become useful citizens, and pay the minimum Congress price, \$1.25 per acre, for the land) could not be complied with; because, pre-emptions and reservations having been surrendered by the supplemental article, there existed no tribunal legally authorized to grant such

certificates; and that "such certificates were illegal and void, if intended to convey any privilege or right not conceded by the treaty."

It seems to have been forgotten by those who signed this opinion, that the claim now under consideration is not for the land itself, but for the money allowed by the supplemental article in lieu of pre-emption rights, to those to whom said rights were secured by the 12th article of the treaty. It is labored to prove what is not denied or controverted, namely: that no certificates could be granted to entitle the holder to the land itself — when the claim is not for the land, but for the money, which was allowed in lieu of the land, or *in consideration for* the rights of pre-emption surrendered. Admitting that such certificates would be of no value, so far as they went to entitle the holder to the land, they were yet legal, good, and valid, so far as they went to designate those who, having been entitled to the land under the 12th article, were entitled to the money allowed by the 3d supplemental article for the land which they were forced to surrender.

It will be freely admitted that "a claim could only vest on a full compliance with the treaty stipulations of 1835, *had they remained in force.*" But so far as the payment of the minimum Congress price (\$1.25) is concerned, they *did not* remain in force; and the undersigned is really at a loss to imagine the purpose, object, or bearing of the assertion, that "there is not a shadow of evidence to show that, in a single instance, any patent for any such land was ever demanded, or one cent ever tendered to the United States Land Office, or to the States within whose limits the lands were located, in payment of the same." Of course no patent was demanded and no money paid, because the stipulations of the treaty, which permitted and required that, *did not remain in force*; the right to buy land at the minimum Congress price having been surrendered, and a sum of money allowed to those entitled to that privilege, *in lieu thereof.*

II. It is argued that the sum of \$600,000, allowed in the 3d supplemental article "to include the expense of removal and all claims of every nature and description, and to be in lieu of the said reservations and pre-emptions, and of the sum of \$300,000 for spoliations," is too small to admit the presumption that any part was to be paid in lieu of pre-emption rights, though so expressly and positively stated in the treaty; "it being well known that the expense of removal and spoliations far exceeded the whole \$600,000 thus appropriated," in the words of those who signed this opinion. They add, that spoliations and removal should be preferred claims, and that, "if any residue of the sum appropriated was even intended to apply to pre-emption privileges, none such exists, for the fund above mentioned is exhausted."

Here it may be remarked, that in the quotation in the opinion, of "all claims of every nature and description," the important qualification, "not herein otherwise expressly provided for," ought not to have been omitted, if the intention was to make a fair quotation. It must also be remarked, that an important fact seems here to have been either forgotten or purposely overlooked, namely: that by act 12th June, 1838, \$1,047,000 was appropriated, in addition to the above-named sum of \$600,000, to be applied to the objects and purposes specified in the 3d supplemental article. And in reply to this argument of the opinion, the undersigned must quote the next page of the same opinion, where it is asked: "Is it for a moment to be imagined that the (government of the United States, in dealing with a weak tribe of Indians, would tarnish its character for liberality and fair dealing by an act of such injustice?"

The case is this: The Government of the United States, in the opinion, determined to force a weak tribe of Indians, against their will, to make a treaty ceding to it their lands. The Indians insisted that to those of their people who remained in the States and became citizens, the same liberality should be extended as had been shown to other Indian tribes, their neighbors, to whom reservations of 640 acres had been allowed. The United States Commissioner, admitting the force and justice of this demand, proposed, as a compromise, to give to those who remained the same privilege which white citizens of the United States have, to retain a small quantity of land, cultivated and improved by their own labor, on the payment of \$1.25 per acre; which compromise was accepted, and a treaty concluded.

A delegation of the Indians was appointed to accompany the Commissioner to Washington, with instructions to use their best influence with the Red Clay delegation to sign this treaty, and to do what might be necessary to secure its ratification by the Senate. The President, however, and not the Senate, insisted upon a surrender of the pre-emption rights. It is very doubtful, to say the least, whether the delegation had any authority to consent to such surrender. To obtain their consent, however, and make a show of fair dealing, a sum of money was promised to be allowed *in lieu of* and *in consideration for* these rights, which the Indians were forced to surrender, and of other claims. But the sum allowed was insufficient, and the argument is, that "it is therefore to be presumed that it was not the *intention* of the Government of the United States to pay any thing for the surrender of pre-emption rights thus obtained. But if those who signed this opinion be correct in this, then it necessarily appears that the President and Senate of the United States intended to overreach the Indians by naming an insufficient sum. The Indians were forced, at the point of the bayonet, to stand by the surrender, though the *consideration* has failed. The consideration promised, as the opinion argues, is and was intended to be insufficient and a cheat, and the Government of the United States is made to appear to the Indians, to its own citizens, and to the world, in the light of a knavish and fraudulent bankrupt, who, claiming that his assets have been exhausted by preferred creditors, pleads bankruptcy to avoid payment of what he had promised, while he, or his family holding for him, are still in enjoyment of the land for which payment is claimed.

But the imputation here cast upon the Government of the United States by those who signed this opinion is wholly without foundation; for, by the act of the 12th June, 1838, as before stated, \$1,047,000 was appropriated for the objects and purposes specified under the third supplemental article, part of which is now, or ought to be, in the Treasury.

The third objection to this claim, which indeed seems to be the chief objection, and is argued backwards and forwards throughout the opinion, is, that the money allowed by the third supplemental act was given to the Cherokee nation, and not to any individuals. It would be an unnecessary waste of time to notice all the views taken in support of this position. The absurdity of most of them is apparent. Some are directly contradictory and refute each other. As, for instance, it is argued that "the Cherokee lands were held " by the people of the nation in common, and with them there " were no exclusive or privileged classes, who could claim title to "one acre of land more than the humblest citizen of the nation." Now this, if it has any meaning or application to the question, means that there were no *exclusive* or *privileged classes*, without reference to the qualification added of "claiming title to more land than the rest." Yet, in the very next sentence, it is said that the 12th article was introduced to conciliate the *wealthier* and *more*

*influential classes* to a sale of the country, which the Government had determined to force upon them." And on the second page following express reference is made to an *exclusive* and *privileged* class, who have been paid for "improvements abandoned," which payments were made to the *individuals*, and not to the nation.

But the chief argument relied on to prove that this was a national fund is, that it is allowed to the "Cherokee people." Now, if this is so as to that part of the \$600,000 which was to be *in lieu* of pre-emptions and reservations, it also applies to that allowed for removal and all other claims, &c., and to the \$300,000 for spoliations. If so, why were some *individuals* allowed a commutation in money for the expense of their removal, and why were claims for spoliations, &c., allowed and paid to *individuals*, when the whole sum was allowed to the Cherokee people collectively, as a nation, and for a national fund? Will not the Government of the United States, which, if this position be tenable, who has paid to individuals for removals, spoliations, and other claims, a large sum belonging to the nation, be compelled to refund to the nation the amount which it, as trustee, has wrongfully paid to those not entitled to it? But besides that, the practice as to one part of this fund of the same Commissioners who signed this opinion, contradicts the position, they now assume as to another part of the same fund. Their position in this matter is otherwise almost too absurd to merit a serious refutation ; the more especially as the very words of the 2d article, quoted by them as an explanatory preamble and introduction to the 3d supplemental article, on their very face utterly refute the position taken by those who quote them, as follows:

"That the \$5,000,000 allowed to the Cherokee people for their" lands was not intended to include the amount required to remove "them, nor the value of certain claims of *many of their people*."

Here the very words quoted by the opinion to prove that the \$600,000 was a national fund, plainly show that it was intended *for many of* the people, and not for the nation.

The argument that, because the surplus left, if any, after payment of the claims of individuals for removal, spoliations, pre-emptions, &c. &c., was to be turned over and belong to the education fund, that therefore the whole sum was a national fund, is on a par with the rest. For this very application of the surplus of the small sum so soon exhausted, as alleged by the opinion, proves that the *surplus* only, had any remained, was to be a national fund, and that only after the claims of individuals had been first paid.

Again : The opinion quotes United States Commissioner Schermerhorn, in which, speaking of those Cherokees who were to remain east, he says: " They will have paid to them here all that is due them from their claims, improvements, and per capita allowance, *removal*, and *subsistence*, but they must purchase their own lands like other citizens, and settle where they please, subjects of the laws of the country where they live."

Upon this it is remarked that "there is not one word here said about pre-emptions." Ergo, the claim should be rejected.

Now, it must be remembered that Mr. Schermerhorn made two reports :

The first was the proposition of the Government of the United States, which submitted to the Cherokees, in council, convened for the purpose of deciding on the propositions, which they refused to accept. (See report referred to in Senate Doc. 120, page 459.)

In his second report, which accompanied the journal of the negotiation of the treaty, he says the Cherokees insisted on reservations being granted in favor of such of their people as desired to remain in the States; in order to get over this difficulty, and remove their opposition, he had substituted for that class a limited number of pre-emption rights, not to exceed in all four hundred, (See Senate Doc. No. 120, page 513.)

That, subsequently to the first report, it was agreed that pre-emptions should be allowed to certain of the Cherokee people, and the treaty so concluded; and that, subsequently again to that, a new arrangement was entered into, and money allowed in lieu of pre-emptions, which were surrendered. Now, when these facts are borne in mind, the quotation of Mr. Schermerhorne's first report, in the connexion in which it is used, necessarily strikes the reader with surprise. It is not to be presumed that those who signed that paper could be guilty of intentional injustice or misrepresentation, or that, if they were aware of the second report, they would quote the first and omit or suppress the second. It is, therefore, to be presumed that this seeming improper quotation of the first and suppression of the second report, like the other errors of this opinion, is rather to be attributed to the facts that those who signed it did not take the trouble to investigate the question, and were sadly ignorant of the material facts of the case upon which they were giving an opinion. But if the omission of the first report to mention pre-emptions is good evidence to prove that the money subsequently allowed in lieu of pre-emptions was only intended by the President and Senate of the United States as a mere bait to cozen the Indians, to whom pre-emption rights were secured by the 12th article of the treaty, into a surrender of those rights, and that the Commissioners, in deciding upon these claims, are to act on such a supposition, his subsequent report is good evidence to prove that pre-emptions were granted in the treaty. At the same time the words of the 3d supplemental article, and the act of 12th June, 1838, show that, although the Government of the United States forced those Cherokees, to whom the treaty granted pre-emptions, to surrender their rights under the treaty, yet, mindful of its high character for justice and fair dealing, a liberal allowance of money was made to that class as a compensation for this surrender of their rights. And if he, who made both reports and concluded the treaty, and was familiar with the whole proceedings, may be deemed a competent exponent of what were the intentions of the parties to this treaty between a great and powerful Government on the one part, and a weak tribe of Indians, who were to be forced to surrender their homes and the graves of their fathers, on the other; or if he may be taken as a proper exponent of what honor and good faith and a decent regard for the character of the President and Senate, who made this treaty, require of the Commissioners appointed to decide justly on these claims, then the undersigned begs to submit his express and positive statements to rebut the inferences improperly drawn from his first report. In a written statement on this subject, speaking of one of this class of claimants, he says: "He is one of the 'heads of a Cherokee family' who, by the 12th article of the treaty, became a citizen of the United States, and one whom I consider, in virtue of this 12th article and 3d supplemental to it, entitled to a fair compensation for his pre-emption right to 160 acres of land, and all the personal benefits arising the treaty." (See statement, in his own handwriting, in the case of David Taylor, on file.)

There is another position taken in this opinion, which is worthy of notice only that from it we may judge of the rest. It is as follows:

As we have before remarked, when this supplement was agreed upon, the land had already been ceded to the United States by the 1st article of the original treaty, which was subsequently ratified by the President and Senate. Not a vestige of title remained in Cherokees, collectively or individually. It was exclusively the property of the United States, for whom it was purchased.

From this it would seem that the persons who signed this opinion held that the treaty had full force and effect from the moment of its being signed by the United States Commissioners and the Indian delegates, and before it was submitted to and ratified by the Senate, and signed by the President. It is difficult to reconcile this position with the conclusion to which the opinion finally comes. If the treaty was binding as to part, it was binding as to the whole, and the same instrument which divested the Cherokees, individually and collectively, of every vestige of title to their lands, and made them exclusively the property of the United States, as asserted, gave certain rights of pre-emption to this class of claimants, which became as fully and exclusively their property by a vested title. By what right, therefore, could the President of the United States insist upon a surrender of these rights, or refuse to recognise them? And since, in order to obtain the consent of the delegation to this surrender, it became necessary to promise, and was promised, that money should be given to those whose rights were surrendered, in lieu of those rights, how can this claim be now rejected, unless, indeed, it be upon one of the suppositions of this opinion, to wit: that the sum of money promised was purposely insufficient, a mere shadow and bait held out for the purpose of deceiving a weak tribe of Indians into a sale of their lands, of which the great and magnanimous Government of the United States had determined, by force and fraud, to get possession? It is needless to repeat before this Board that this supposition should be indignantly rejected.

Again: The late Commissioners say:

But does it come even within the range of probability that the Cherokees, as a nation, would ever have consented that a few hundred fortunate individuals of their tribe, who succeeded in obtaining recommendations from the Indian committee and certificates from the United States Commissioners, should have and exercise a privilege to the exclusion of the nation; and the general fund intended for the benefit of all the people, and which was to be distributed per capita among them after the liquidation of certain claims, should thus, and to so large an amount, be charged on that fund, and be diverted from its general and equitable application.

The undersigned is at a loss to understand the meaning of this very complex sentence. Can it be seriously asked whether the Cherokees could ever have consented to pre-emption rights in favor of those who remained in the States? Does not the treaty, and the report of the Commissioner who made it, directly prove that the Cherokee nation not only consented that "a few hundred fortunate individuals" should enjoy the privilege of pre-emption, but even insisted very strenuously on their being allowed a greater privilege, to wit: reservations of 640 acres, as was

promised by the 8th article of the treaty of 1817, when the remainder should be ceded to the United States, and only consented to reduce their demands to the lesser privilege of pre-emptions as the best compromise that, in their weakness and destitution, they could obtain of the liberality of the Government of the United States.

The last part of the sentence above quoted and the succeeding passages are almost unintelligible. The purport of the latter is to show that pre-emption claims, if admitted, would number one thousand, and amount to \$2,400,000. This estimate is admitted to be extravagant. Its falsity is exposed by the report of the Commissioner, which expressly stated that the number of pre-emptions was not to exceed four hundred. The fact is that they do not number more than about half as many as was contemplated, and less than \$100,000 will cover the whole amount.

But the most surprising objection of the late Commissioners to this claim is, that the claimant is a white man, married to a Cherokee woman, and therefore not entitled to the rights secured to "heads of Cherokee families," under the treaty. This objection is not only at variance with the well-established construction given to the treaty by the Government and by the former Commissioners, but herein the late Commissioners are surprisingly inconsistent with themselves, they having repeatedly recognized the Cherokee character of white men married to Cherokee women, and having allowed and caused to be paid other claims to the present claimant himself, amongst others. But it is needless to pursue this matter further, the present honorable Board having already been called upon to express their disapprobation of the views of the late Commissioners on this point. (See pamphlet of Cherokee laws, page 10, quoted in Wheeler's case.)

Equally surprising is the citation of "the interdictions of the intercourse law," by which, the undersigned supposes, is meant the law of 1834. For it is matter of astonishment that the late Commissioners should be ignorant of repeated decisions by the Government to the effect that that law applied only to the Cherokee country west, and not to the country east. (See letter of C. A. Harris, acting Secretary of War, to General Wool, dated August 13, 1836, in which it is said: "In relation to the confinement or removal of Mr. Jones, or any other white person, I have to observe that, as the intercourse act of 1834 does not extend to the Cherokee country, I am not aware of any law authorizing either measure.")

As to the remark that the claimant, being a white man, "already had a right to locate on any of the unappropriated public domain, and become a pre-emptor under the laws of the United States," the undersigned cannot conceive how his rights, as a white citizen, can, with a decent regard to good faith, be permitted to restrict or prejudice his rights as an acknowledged head of a Cherokee family, contemplated by the treaty. Had such a doctrine been promulgated by the Commissioners sent to make the treaty, no treaty would have been made. And it would be as just now to refuse payment of a pre-emption claim to a full-blooded Cherokee on the ground that, having been made a citizen of the United States by the treaty, he has thereby acquired a right to locate on any of the unappropriated public domain.

But if, by this remark, it is meant that the claimant, as a white man, might have taken a pre-emption to 160 acres of land, on which he lived at the date of the treaty, and which he had cultivated and improved by his labor, it is incorrect. For, under the treaty, as amended by the

supplemental act, commuting the pre-emption rights of the Cherokees who remained east into money, the lands were claimed exclusively by the States which passed laws for the sale thereof without pre-emption privileges (at \$1.25) either to white men or Cherokees. And in the case of this claimant particularly, by act of the State of Tennessee, the land which he had settled, cleared, cultivated, or improved, and to which by the 12th article of the treaty he was entitled to a pre-emption, as the head of a Cherokee family, was taken from him and located as a town site for the county seat of Bradley county.

In conclusion, the undersigned must be permitted to say, that he has good reason to believe that this opinion, though signed by the late Commissioners, was in part, if not all, penned for them by Colonel S. C. Stambaugh, the counsel for the Western Cherokees, who asked permission to appear before the late Board, as he has done before the present, in opposition to the claims of the Cherokees east, basing his request upon the ground that he was employed as counsel for the Western Cherokees, and therefore desired to increase their amount by diminishing the sum to be paid east. He therefore proposed to divert from its proper application, and have paid to the Western Cherokees, the sum which was allowed to the Cherokees who remained east, in lieu of pre-emptions. For this reason, the undersigned feels called upon to notice the fact, that Colonel Stambaugh was previously employed and filed written arguments in several claims similar to the present, which were allowed and paid. \*\*\*\*\* These arguments, however, have been abstracted from the files of the Board; had they not been so abstracted, the arguments of Colonel Stambaugh, both pro and con, would have been before the Board, and this long review of his later efforts might have been unnecessary.

The proceedings had on this claim by Messrs. Eaton and Hubley are contained in paper marked F, referred to, which shows that the claim has already been examined and ordered to be valued, and the last Board having left this case where they found it, the present Commissioners are requested to enter a decree *nunc protunc*, unless it be determined to commence *denovo* on all the claims that have been examined by your predecessors. The papers withdrawn by me in this case on the 24th of November, 1844, are herewith returned, and respectfully submitted for your consideration and decision thereon.

Respectfully submitted.

WM. H. THOMAS,  
*Attorney for Claimants East.*  
 December 14, 1846.

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 See claims on file in your office, viz :

Gideon F. Morris, (white man.)	book F, page	-	-	-	-	- 12
David Taylor, (white man.)	do.	-	-	-	-	- 23
Wacheecha, (or Grasshopper.)	do.	-	-	-	-	- 31
Nancy Calatahe,	do.	-	-	-	-	- 32
Lucy Teseskec,	do.	-	-	-	-	- 39

In which Colonel Stambaugh and Judge Bryan acted as counsel for the claimants, and received ten per cent, each for their services on the sums allowed.

## APPENDIX B

### DESCENDANTS OF ANDREW TAYLOR

Andrew Taylor b.c. 1799 (TN) d. after 1858 m.c. 1819 (Blount Co., TN) Jane “Jennie” Bigby b.c. 1804 (Washington Co., TN) d. 2-27-1875 (Stilwell, Adair Co., OK), daughter of James Bigby, Jr. and Catherine Foreman.

- I. Minerva Jane Taylor b. 5-24-1820 (NC) d. 10-18-1885 m.c. 1845 Robert Wesley Walker b. 2-3-1815 (NC) d. 5-21-1898, son of Robert K. Walker and Elizabeth Cole.
  - A. Lafayette C. Walker b. 3-13-1846 d. 4-4-1861.
  - B. Louisa Caroline Walker b. 6-15-1851 d. 3-22-1869.
  - C. Robert Andrew Walker b. 4-13-1855 d. 1-20-1887 m. 12-16-1873 Sarah Elizabeth Trammell b. 9-1-1856 (Cherokee Co., NC) d. after 1906, daughter of Newell Trammell and Christina Johnson.
    1. Sarah Walker b.c. 1874 d. 1880-1890.
    2. Frederick L. Walker b. 4-3-1876 d. after 1906 m. Indianola Lowrey.
    3. Etta Walker b. 10-1883 d. after 1906 m. Ira G. Moore b.c. 1881.
- D. Ellen Isabel Walker b. 12-23-1856 (Tahlequah, Cherokee Co., OK) d. 4-25-1898 m. 9-4-1874 (Going Snake District, Cherokee Nation West) John Henry Abbott b.c. 1857 (FL) d. (Tahlequah, Cherokee Co., OK).
  1. Ethel Louise Abbott b. 10-5-1875 (Flint District, Cherokee Nation West) d. 5-12-1922 (Vinita, Craig Co., OK) m. 1-13-1892 (Stilwell, Adair Co., OK) Juan Newton Corn b.c. 1870 (GA) d. 1-13-1952 (Stilwell, Adair Co., OK), son of Solomon Smith Corn and Lydia Berrong.
  2. Eugene Michael Abbott b. 11-25-1877 (Flint District, Cherokee Nation West).
  3. John Wesley Abbott b. 9-28-1879 (Flint District, Cherokee Nation West) d. 1927.
  4. Caroline Minerva Abbott b. 12-23-1880 d. 8-23-1953 (Flint District, Cherokee Nation West).
  5. Nora Abbott b. 11-20-1882 (Flint District, Cherokee Nation West) d. 9-2-1898.
  6. Fannie Edith Abbott b. 2-15-1885 (Tahlequah, Cherokee Co., OK).
  7. Mabel Abbott b.c. 1888 (Tahlequah, Cherokee Co., OK).
  8. Butler Telfeat Abbott b. 7-24-1889 (OK).

9. William Ghormley Abbott b. 10-20-1893 (Oklahoma City, Oklahoma Co., OK).
  10. Jennie Ellen Abbott b. 11-13-1895.
- E. Fannie Jennie Walker b. 5-12-1858 d. 8-15-1883.
- F. Jonathan Walker b. 12-23-1859.
- G. Senora Adelaide Walker b. 12-23-1859 d. after 1906 m. 1st 6-16-1878 (Cherokee Nation West) Morgan Lemuel Pyeatt b. 12-19-1850 (Washington Co., AR) d. 4-29-1889; m. 2nd 1-6-1891 (OK) William Ferguson Pevehouse b.c. 1855 (AR)
1. Fannie Caledonia Pyeatt b. 9-10-1879 d. 5-15-1898.
  2. Bessie Leora Pyeatt b. 11-29-1883 (Tahlequah, Cherokee Co., OK) m. Reuben Harris b.c. 1876 (NE).
  3. Margie Elnora Pyeatt b. 9-2-1886 (Cherokee Nation West) m. 9-30-1905 (Claremore, Rogers Co., OK) John Goodwin, Jr. b.c. 1877 (Going Snake District, Cherokee Nation West).
  4. William A. Pevehouse b.c. 1892 (OK).
  5. Emma Pevehouse b.c. 1896 (OK).
- H. Mary Malinda Walker b. 10-6-1861 (Flint District, Cherokee Nation West) d. after 1906 m. 3-26-1879 Jeremiah Young Stokes b. 1-25-1852 (Calloway Co., MO).
1. Ewing M. Stokes b.c. 1880 (Cooweescoowee, Cherokee Nation West).
  2. Herschael Vetrans Stokes b. 9-21-1882 (Cooweescoowee, Cherokee Nation West).
  3. William T. Stokes b. 10-16-1884 (Cherokee Nation West).
  4. Maud May Stokes b. 5-11-1886 (Cherokee Nation West).
  5. Robert Y. Stokes b.c. 1888 (Cherokee Nation West).
  6. Jannie C. Stokes b.c. 1894 (Cherokee Nation West).
  7. Carl N. Stokes b.c. 1900 (OK).
- I. James Lee Walker b. 2-24-1865 (Flint District, Cherokee Nation West) d. after 1906 m. 9-4-1887 (Flint District, Cherokee Nation West) Lillian A. Johnson b. 5-22-1869 (GA).
1. Lelia Elizabeth Walker b. 7-26-1888 (OK).
  2. Esther J. Walker b.c. 1890 (OK).
  3. Grover Harris Walker b. 6-8-1892 (OK).
  4. Minerva C. Walker b.c. 1895 (OK).
  5. Josie V. Walker b.c. 1897 (OK).

6. Lillian L. Walker b.c. 1903 (OK).
  7. Clover B. Walker b.c. 1906 (OK).
- J. William Haywood Walker b. 6-24-1866 (Washington Co., AR) d. 1941 m. 1st 11-20-1887 (Flint District, Cherokee Nation West) Lucy Jane Johnson b. 12-7-1867 (Cherokee Nation West) d. 7-20-1902 (OK); m. 2nd 11-1-1903 Rachel Ratliff b. 12-20-1883 (Payne Co., OK) d. 1928 (OK), daughter of Daniel Ratliff and Annie Ballard.
1. Robert Wesley Walker b. 12-26-1889 (Flint District, Cherokee Nation West).
  2. Frank Lee Walker, Sr. b. 8-1-1891 (Flint District, Cherokee Nation West) m. Clara B. ----.
  3. John W. Walker b.c. 1895 (Cherokee Nation West).
  4. Louie E. Walker b.c. 1900 (Cherokee Nation West).
  5. unknown daughter of 2nd wife.
  6. unknown daughter of 2nd wife.
  7. unknown son of 2nd wife.
  8. unknown daughter of 2nd wife.
  9. Bluie G. Walker b.c. 1907 (OK).
  10. Francis Walker b.c. 1909 (OK).
- K. Cora Augusta Walker b. 7-28-1869 (Going Snake District, Cherokee Nation West) d. 4-3-1889 (OK) m.c. 1888 William Henry Watt Pyeatt b. 5-8-1862 (Washington Co., AR) d. 10-7-1906 (OK), son of Stevenson Pyeatt and M. M. ----.
1. Cherokee Ella "Cherry" Pyeatt b. 12-9-1888 (OK) d. 8-1-1972 (OK) m. 12-17-1907 Walter J. Crittenden b.c. 1886 (Tahlequah District, Cherokee Nation West), son of Richard Crittenden and Martha Crockett.
- L. Cherokee Caledonia Walker b. 2-8-1871 (Going Snake District, Cherokee Nation West) d. 1907 m.c. 1885 George W. Johnson b.c. 1863.
1. Alta L. Johnson b.c. 1886 (OK).
  2. Beulah M. Johnson b.c. 1892 (OK).
  3. Bessie Johnson b.c. 1894 (OK).
  4. Cherrie Johnson b.c. 1894 (OK).
  5. Samuel W. Johnson b.c. 1895 (OK).
  6. Susie M. Johnson b.c. 1895 (OK).
  7. Robert E. Johnson b.c. 1897 (OK).

8. Louis C. Johnson b.c. 1901 (OK).
  9. Percy L. Johnson b.c. 1905 (OK).
- II. Isabella Taylor b.c. 1822 d. after 1872 m. Abijah B. Akins b.c. 1817 d. 7-9-1875.
- A. Mary Ann Akin b. 8-31-1843 (Cherokee Nation East) d. 7-1-1911 (Adair Co., OK) m. 2-23-1881 William Henry Snow b.c. 1850 (TX) d.c. 1892.
  - B. Louisa Caroline Akin b. 11-14-1844 d. 8-6-1898 (Adair Co., OK)
  - C. Cicero Tipton Akin b.c. 1848.
  - D. Margaret Tennessee Akin b. 10-1-1849 d. after 1906.
  - E. Andrew Taylor Akins b. 1-7-1851 d. 12-31-1912 (Adair Co., OK) m. Jennie Foreman.
    1. Ellis Abijah Akins b. 5-13-1883 d. 1922.
    2. Mary Akins b. 3-2-1887 d. 1959 m. D. E. Hamlin b.c. 1880.
    3. Watie Taylor Akins b. 2-19-1889.
    4. William Orlando Akins b. 2-27-1891 d. 1953.
    5. Thomas Frank Akins b. 5-24-1893 d. 1907.
    6. Mabel Thelma Akins b. 10-3-1895 (Adair Co., OK) d. 4-22-1958 (Grove, Delaware Co., OK) m. Fred Williams b. 6-5-1881 d. 11-28-1958.
    7. Jennie Louise Akins b. 4-13-1898 d. 1974 m. Walter Edwin Fickel b. 3-28-1881.
    8. Maggie B. Akins b.c. 1903 d. 1974.
  - F. Minerva Isabel Akin b. 6-7-1852 (Going Snake District, Cherokee Nation West) d. 7-30-1906 (Adair Co., OK) m. 9-3-1874 Henry Newton Addington b. 10-14-1848 (Union Co., GA) d. 4-27-1925 (Waleska, Cherokee Co., GA), son of Joseph Huckabee Addington and Martha Susanna Addington.
    1. Cicero White Addington b. 6-7-1875 (Going Snake District, Cherokee Nation West) d. 1-12-1941 (Adair Co., OK) m. Mary Louvenia Adair b. 12-19-1875 (Going Snake District, Cherokee Nation West) d. 4-13-1952 (Adair Co., OK).
  - G. David Henry Akin b. 9-24-1853 d. 1-17-1870.
  - H. Francis Russell Akins b. 9-24-1855 (Cherokee Nation East [GA]) d. 1-29-1912 (Adair Co., OK) m. 1-7-1886 (Adair Co., OK) Eudora Annie Adair b.c. 1868 (Cherokee Nation East [GA]) d. after 1906, daughter of Virgil Adair and Talitha Bates.
    1. Jesse Orlando Akins b. 11-22-1886 (Flint District, Cherokee Nation West) d. 3-16-1969 (Stilwell, Adair Co., OK).

2. Cicero Akins b. 5-11-1888 (Flint District, Herokee Nation West) d. 6-5-1888 (Flint District, Cherokee Nation West).
  3. Robert Lee Akins b. 3-20-1889 (Flint District, Cherokee Nation West) d. 11-11-1959 (Piney, Adair Co., OK) m. Kate Crozier b. 6-29-1898 (AR) d. 3-7-1966.
- I. Abijah Orlando Akin b.c. 1860 d. 1880-1902 m. Nannie Louvenia Dannenberg b.c. 1857 d. 1896-1902.
- III. Elizabeth Taylor b. 3-23-1824 (Cherokee Nation East [area of current Bradley Co., TN]) d. 10-25-1863 (TX) m. 5-6-1845 William Covington Ghormley b. 3-25-1817 (Tellico Plains, Monroe Co., TN) d. 9-10-1898 (Going Snake District, Cherokee Nation West [OK]), son of Michael Ghormley and Malinda Vaught. William Ghormley was also known as Willy Te-lula-squit and Billy Bow Legs.
- A. Jane Isabel Ghormley b. 2-21-1846 (Tellico Plains, Monroe Co., TN) d. 3-3-1918 (Vinita, Craig Co., OK) m. 3-25-1864 (OK) Felix Nelson Witt b. 5-6-1839 (Monroe Co., TN) d. 4-8-1933 (Vinita, Craig Co., OK).
1. Mary Elizabeth Witt b. 3-20-1866 (Paris, Lamar Co., TX) d. 1962.
  2. John Wesley Witt b. 9-17-1867 (Indian City, Payne Co., OK) d. 1918 (Vinita, Craig Co., OK).
  3. Michael Orlando Witt b. 9-17-1867 (Indian City, Payne Co., OK).
  4. William Felix Witt b. 8-24-1869 (Indian City, Payne Co., OK) d. 2-16-1951 (Vinita, Craig Co., OK).
  5. Nancy Catherine Witt b. 3-14-1873 (Stilwell, Adair Co., OK) d. 5-5-1957 (Chelsea, Rogers Co., OK) m. 2-15-1892 (Indian City, Payne Co., OK) Claude Wilson b. 3-16-1872 (Farmington, Washington Co., AR) d. 12-18-1962 (Chelsea, Rogers Co., OK).
  6. David Taylor Witt b. 3-4-1874 (Indian City, Payne Co., OK) d. 7-25-1943 (Vinita, Craig Co., OK).
  7. Rachel Matilda Witt b. 9-24-1876 (Indian City, Payne Co., OK) d. 1976.
  8. Anna Belle Witt b. 7-22-1878 (Indian City, Payne Co., OK) d. 9-5-1937.
- B. Michael Orlando Ghormley b. 4-1847 (Going Snake District, Cherokee Nation West) d. 1-18-1940 (Tahlequah, Cherokee Co., OK) m.c. 1872 Nancy David b. 4-7-1854 d. 2-16-1927 (Tahlequah, Cherokee Co., OK), daughter of Stephen David and Elmira Spears.
1. Don Carlos Truman Ghormley b. 10-20-1873 d. 2-11-1943 (Upland, San Bernardino Co., CA) m. Dolly Franks b.c. 1886 d. 1963 (Upland, San Bernardino Co., CA).
  2. William C. Ghormley b. 1-22-1876 (Cherokee Nation West) d. 3-10-1936 m. Elizabeth Foreman b.c. 1880.

3. Anna E. Ghormley b. 3-22-1878 d. 2-3-1961.
  4. Sarah E. Ghormley b. 10-10-1880 d. 1-31-1947.
  5. Michael A. Ghormley b. 1-25-1883 d. 1-19-1940.
  6. Lorenzo Delano Ghormley b. 10-6-1886 d. 7-6-1910.
  7. Nancy Isabelle Ghormley b. 2-10-1889 (Cherokee Nation West) d. 3-1974 (Ventura, Ventura Co., CA) m. 3-8-1911 Clinton Augustus Ferguson b. 7-23-1882 (Harrison, Boone Co., AR) d. 6-30-1932 (Tahlequah, Cherokee Co., OK), son of James Lafayette Ferguson and Julia Ann Houston.
  8. Rachel C. Ghormley b. 4-6-1891 d. 8-26-1977.
  9. Lillie Myrtle Ghormley b. 8-15-1891 (Tahlequah, Cherokee Co., OK) d. 8-31-1956 (Coweta, Wagoner Co., OK)
  10. Stephen Napoleon Ghormley b. 11-9-1895 d. 9-11-1973.
- C. David Vanwick Ghormley b. 2-16-1850 d. 1903.
  - D. Mary Malinda Ghormley b. 2-21-1852 d. 3-14-1932.
  - E. William Andrew Ghormley b. 10-24-1853 d. 7-19-1874.
  - F. Erastus Duncan Ghormley b. 9-8-1855 d. 7-14-1865.
  - G. Ewing Capers Ghormley b. 10-31-1857 (Going Snake District, Cherokee Nation West) d. 4-11-1931.
  - H. Rachael Matilda Ghormley b. 5-19-1859 d. after 1906.
  - I. Abraham Ghormley b. 5-31-1861 d. 3-19-1883.
- IV. David Taylor, Jr. b.c. 1825 (Cherokee Nation East [area of current Bradley Co., TN]) d. 4-20-1900 (Vinita, Craig Co., OK) m. 1st 2-2-1845 (Monroe Co., TN) Ellen R. P. Hide b.c. 1830; m. 2nd c. 1852 Sarah Ann Adair b.c. 1817 (Adairsville, Bartow Co., GA) d. 3-7-1893 (Evansville, Washington Co., AR), daughter of Calvin Sequoyah Adair and Lucinda Miller; m. 3rd c. 1880 Fannie Jones Long; m. 4th c. 1890 Elsada Allen b. 11-22-1841 (Overton, TN) d. 1906 (OK), daughter of Josiah Allen and Sarah Dale. David Taylor is reported to have had at least six wives.
- A. Clayborne Cass Taylor b.c. 1844 d. 1900 m. 1st c. 1872 Laura Thomas; m. 2nd c. 1875 Eliza A. Fields.
    1. David Taylor b. 8-1873 m. Myrtle Schultz b. 11-1875 (MO).
    2. Timothy William Taylor b. 11-15-1876 d. 11-22-1952 (Borger, Hutchinson Co., TX) m. 1-1900 Maud May Blagg b. 4-1880 (KS) d. before 1930.
  - B. Lorena Adelaide Taylor b.c. 1848 (Going Snake District, Cherokee Nation West) d. 1879 m. 1st c. 1866 Leonidas Henson b. 2-11-1843, son of Joseph Henson and Selina Warlick; m. 2nd c. 1867 James Vann Hildebrand, Jr. b.c. 1842 (Delaware

District, Cherokee Nation West) d. 1881, son of James Vann Hildebrand and Sarah Elizabeth Fields.

1. Laura Henson b.c. 1867 m. George W. Clifton b.c. 1860.
  2. Ellen Hildebrand b.c. 1868 (Canadian District, Cherokee Nation West) d. 3-8-1890 (Canadian District, Cherokee Nation West) m. 8-3-1884 (Cooweescoowee District, Cherokee Nation West) William Washington Dudley b. 4-1842 (Sampson Co., NC) d. 11-1925 (Maricopa Co., AZ).
- C. Charlotte Taylor b. 7-15-1853 (Flint District, Cherokee Nation West) d. 12-5-1913 (Pryor, Mayes Co., OK) m. 1st c. 1875 Dudley Sears b.c. 1846 d. before 1890; m. 2nd c. 1895 James L. Townsend b.c. 1850.
1. Ida Sears b. 12-19-1876 d. after 1906 m. Joseph Mayor, Sr. b. 4-1862 (France).
  2. Calvin Sears b.c. 1877.
  3. Mary Sears b.c. 1878 d. 1895-1902 m.c. 1894 ---- Potter.
  4. Joseph Sears b.c. 1880 d. 1880-1890.
  5. Stephen Sears b. 3-23-1881 d. after 1906 m. before 1906 Ada Chandler b.c. 1874 d. after 1906.
  6. Samuel Sears b. 3-22-1884 d. after 1906.
  7. David Sears b. 12-25-1885 d. after 1906.
  8. Joel M. Sears b. 1-5-1888.
  9. Charlotte Townsend b. 1-13-1896.

## APPENDIX C

### DESCENDANTS OF DAVID TAYLOR

David Taylor b. 12-16-1791 (TN, probably Washington Co.) d. 9-1877 (Murphy, Cherokee Co., NC) m. 9-11-1817 (Blount Co., TN) Mary Ann "Polly" Bigby b. 8-9-1802 (Cass Co., GA) d. 11-2-1885 (Sweetwater, Monroe Co., TN), daughter of James Bigby, Jr. and Catherine Foreman.

- I. Thomas Jefferson Taylor b. 6-14-1818 (Macon Co., NC) d. 1908 (OK) m. 1st 11-17-1854 Martha Ann Bradley b. 1-12-1833 (Cherokee Co., NC) d. 11-4-1868; m. 2nd 9-22-1870 Cynthia Melvina Walker b. 1-8-1839 (Gilmer Co., GA) d. 4-4-1886.
  - A. James Elbert Taylor b. 9-10-1855 d. 1918 m.c. 1878 Louisa Jane Dinsmore b.c. 1864 (TN)
  - B. Zachariah Xerxes Taylor b.c. 1857 d.c. 1900 m. before 1890 Jennie Columbia Beavert b. 11-1861 d. after 1906, daughter of Lachlan Beavert and Charlotte Gourd.
  - C. Rebecca Adelaide Taylor b.c. 1858 (NC) d. after 1906 m. Robert C. Johnson b.c. 1852 (NC) d. after 1906.
  - D. William Francis Taylor b. 6-5-1861 (NC) d. after 1906 m. Rachel A. ---- b.c. 1862.
  - E. Margaret Annie Taylor b. 1-1864 (NC) d. after 1906 m. Allen Woodard b.c. 1851 d. 1890-1902, son of Jackson Woodard and Eliza Smith.
  - F. Thomas David Taylor b. 12-3-1873 d. after 1906 m. 8-7-1894 Jessie Chestnut b. 9-25-1874 (Labette Co., KS).
  - G. John Oscar Taylor b. 7-3-1875 (GA) d. after 1906.
  - H. Minnie Louisa Taylor b.c. 1878 d. after 1906 m. ---- Minor b.c. 1870.
- II. Elizabeth Taylor b. 10-18-1820 (Cherokee Nation East [area of current Polk Co., TN]) d. 6-30-1891 (Cherokee Co., NC) m. 4-2-1834 Stephen Decatur Whitaker, Sr. b. 2-9-1814 (Cherokee Co., NC) d. 1900, son of James Whitaker and Mary Walker.
  - A. David Lafayette Whitaker b. 1-31-1838 (Cherokee Co., NC) d. 1912
  - B. Mary Catherine Whitaker b. 3-24-1839 (Valley Town, Cherokee Co., NC) d. 2-22-1899 m. Eli Ingram b.c. 1836 (Sweetwater, Monroe Co., TN) d. 9-22-1899, son of Isaac Ingram and Esther ----.
  - C. Lydia Emeline Whitaker b. 2-22-1841 d. 1923 m. 1st before 1861 Zed R. Cromwell b.c. 1836 d. before 1901; m. 2nd before 1872 Samuel James Wakefield b.c. 1836.
  - D. Martha Annie Whitaker b. 10-22-1842 d. 1906
  - E. Margaret Polina Whitaker b. 7-12-1844 m. James D. Crummel b.c. 1840

- F. James Maxwell Whitaker b. 8-23-1846
  - G. Sarah Amanda Whitaker b. 3-27-1848
  - H. Joshua Walker Whitaker b. 78-28-1840 d.c. 1906 m. 1st before 1878 Elizabeth Case b.c. 1856; m. 2nd c. 1891 ---- ----.
  - I. Adaline Elizabeth Whitaker b. 4-30-1852 (NC) d. after 1906 m. William Battle b.c. 1846.
  - J. Caroline Elvira Whitaker b. 4-30-1852 d. 7-2-1880.
  - K. William Thomas Whitaker b. 2-14-1854 (Andrews, Cherokee Co., NC) d. after 1906 m. 4-25-1875 (Cherokee Co., NC) Stacy L. Hood b. 10-25-1860 (Turtletown, Polk Co., TN).
  - L. Stephen Decatur Whitaker, Jr. b. 8-12-1855 (NC) m. 4-1-1875 (Cherokee Co., NC) Catherine E. Phillips b. 1857 (Cherokee Co., NC).
  - M. Eliza Jane Whitaker b. 8-29-1857 d. 7-29-1891 m. 4-4-1878 Andrew Jackson Colbert b. 4-12-1858 (Graham Co., NC) d. 2-13-1892.
  - N. Safronia Whitaker b. 6-14-1860 d. 6-16-1860.
  - O. Jefferson Davis Whitaker b. 4-26-1862 d. 7-1-1862.
- III. Capt. James Madison Taylor b. 10-25-1821 (Cherokee Nation East) d. 1-14-1907 (OK) m. 1st c. 1835 Martha Beasley b.c. 1820; met 2nd c. 1844 (Cherokee Co., NC) Elizabeth Ann Parker b.c. 1826 (Haywood Co., NC) d. 1-19-1882, daughter of Jonathan Parker and Leona Blythe; met 3rd c. 1845 Nicey D'Armond b.c. 1826, daughter of Samuel D'Armond and Stacy Blythe; m. 4th 1-8-1855 (Murphy, Cherokee Co., NC) Hanna Addie Manchester b.c. 1830 (Providence, Providence Co., RI) d. 12-31-1884 (Murphy, Cherokee Co., NC), daughter of William M. Manchester.
- A. Mary Ann Taylor b. 2-4-1836 d. 10-16-1925 (Madison Co., GA) m. Martin McElreath b.c. 1830.
  - B. Elizabeth Ann Taylor b. 9-17-1846 (Cherokee Co., NC) d. 1-20-1929 (Cherokee Co., NC) m. 8-20-1868 (Cherokee Co., NC) William H. Hardin b.c. 1841.
  - C. Martha Ann Taylor b.c. 1850 d. 1903 (Cherokee Co., NC).
  - D. Iva Ann Taylor b. 12-7-1851 (Cherokee Co., NC) d. 3-22-1917 (Mayes Co., OK) m. 2-19-1878 (Cherokee Co., NC) Robert Welch Powell b.c. 1843 d. 1890-1900, son of John Powell and Mary Welch.
  - E. Ida Taylor b.c. 1856.
  - F. Laura Alice Taylor b. 6-10-1846 (Cherokee Co., NC) d. 9-18-1938 (Pryor, Mayes Co., OK) m. 10-13-1867 (Walhalla, Oconee Co., SC) John Henry Dege b. 1-4-1845 (Bassum, Hanover, Germany).
  - G. Charles Taylor b. 4-4-1857 d. (infant).

- H. John Manchester Taylor b. 8-14-1860 (Murphy, Cherokee Co., NC) d. 1934 m. 2-23-1893 Bertha E. McCutcheon b.c. 1873.
  - I. James Lincoln Taylor b. 2-8-1864 (NC) d. 1951 (Detroit, Wayne Co., MI) m. 4-1-1895 Dora B. Carty b. 2-1872 (AR).
  - J. William Thomas Taylor b. 11-4-1866 (Jackson Co., NC) d. 1955 (Claremore, Rogers Co., OK) m. Jennie Bivins b.c. 1870.
  - K. Madora Susan Taylor b. 10-1-1868 d. 3-19-1952 (Pryor, Mayes Co., OK) m. 9-14-1884 Frank Marshall Rucker b. 7-23-1866 (Randolph Co., MO).
  - L. Hiram Taylor 8-8-1869 d. (infant).
  - M. Nina Adelaide Taylor b. 6-13-1872 (Washington, DC) d. 1963 (Claremore, Rogers Co., OK) m. 12-17-1890 David Jackson Matthews b. 9-17-1861 (Cherokee Co., GA).
- IV. Catherine Taylor b. 3-6-1823 (Mouse Town, Cherokee Nation East) d. 11-1-1915 m. 1st c. 1838 (Cherokee Co., NC) Felix Panther b.c. 1822 d. 1856; m. 2nd before 1884 Jonathan McDonald b. 4-28-1816 d. 1892, son of Angus McDonald and Sally Blythe.
- A. Lucinda Panther b.c. 1839 m. before 1860 John Virgil McPherson b.c. 1835 (Cherokee Nation East) d. after 1906, son of John McPherson and Susie McCoy.
  - B. David Panther b.c. 1841.
  - C. Mary Panther b.c. 1843 (Cherokee Co., NC) d. after 1910 m. 1st before 1862 Ephraim Talent b.c. 1840, son of Lemuel Talent and Lucinda ----; m. 2nd 5-1870 (Cherokee Co., NC) John McDonald, Sr. b.c. 1849 (Cherokee Co., NC) d. after 1911, son of Jonathan McDonald and Harriett ----.
  - D. Alrilda Panther b. 2-14-1845 (NC) d. 6-13-1910 (OK) m. 1st 9-10-1866 James Christopher Kidd b.c. 1845; m. 2nd before 1902 William Henry Caudill b.c. 1840.
  - E. Jane Panther b.c. 1847 d. (infant).
  - F. Martha A. Panther b.c. 1848 d. 4-25-1906 m. Haziel C. Payne b.c. 1840 d. after 1906, son of Henry Payne.
  - G. Octavia Panther b. 5-30-1853 d. after 1906 m. 1-31-1870 Dock Jabez Hartness b. 10-9-1842 (Cherokee Co., GA) d. 9-23-1901, son of James Hartness and Barbara ----.
- V. Andrew Jackson Taylor b. 10-12-1824 (TN) d. 2-21-1895 (Tahlequah, Cherokee Nation West) m. 1-13-1857 (Cherokee Co., NC) Martha R. Moss b.c. 1836, daughter of Henry Moss and Martha ----.
- A. Mary Emmeline Taylor b. 5-28-1858 (Marble, Cherokee Co., NC) d. 11-12-1892 (Carbon Hill, Walker Co., AL) m. 7-30-1874 (Valley River, Cherokee Co., NC) Thomas Clingman Dale b. 1-8-1850 (Valley River, Cherokee Co., NC) d.c. 1901 (Walker Co., AL), son of William Dale and Mary York.

- B. Martha Ann Taylor b. 3-28-1859 (Cherokee Co., NC) d. 5-23-1882 (Cherokee Co., NC) m. 6-30-1878 (Cherokee Co., NC) Samuel H. Dean b.c. 1853 (TN) d. after 1907.
  - C. Melvina Jane Taylor b. 8-28-1861 (Cherokee Co., NC) d. 9-4-1916 m. 4-7-1880 John Q. Adams b.c. 1856.
  - D. Frances M. Taylor b. 2-13-1863 (Cherokee Co., NC) d. before 1910 (TN).
  - E. Cordelia R. Taylor b. 9-28-1865 (Cherokee Co., NC) d. after 1910 m. 1st before 1886 ---- Freeland b.c. 1860; m. 2nd before 1901 ---- Lane b.c. 1860; m. 3rd before 1906 ---- Gibbons b.c. 1860.
- VI. David Miller Taylor II b. 3-13-1826 (Cherokee Nation East) d. after 1906 m. Laura Elizabeth Welch b.c. 1840 (Cherokee Nation East) d. 3-3-1907, daughter of Edward Welch and Emily Vannoy.
- A. Edward Taylor b. 1-16-1860 (Cherokee Co., NC) d. after 1906 m.c. 1888 Cornelia Cromwell b.c. 1861 d. after 1902, daughter of Zed Cromwell and Lydia Whitaker.
  - B. John Francis Taylor b. 12-3-1861 (Cherokee Co., NC) d. 11-6-1932.
  - C. Mary "Mollie" Taylor b.c. 1865 d. 2-1889 m. ---- Brown b.c. 1860.
  - D. Alfred Taylor b. 2-22-1867 d. after 1906.
  - E. David Taylor III b. 2-9-1868 d. 4-16-1901.
  - F. James Maxwell "Mac" Taylor b. 2-25-1869 d. 12-24-1905.
  - G. Lieu A. Taylor b.c. 1877 (NC) d. after 1906.
  - H. Robert V. Taylor b.c. 1879 d. after 1906.
  - I. William Mack Taylor b. 2-19-1881 (NC) d. after 1906.
  - J. Lillie Taylor b.c. 1885.
- VII. Wyley Penn Taylor b. 10-1-1827 (Cherokee Nation East) d. 5-20-1920 m. 1st before 1855 Christiana Tipton b.c. 1838 d. before 1882; m. 2nd after 1883 Annie Smith b.c. 1840.
- A. John David Taylor b.c. 1855 (IN) d. after 1906.
  - B. Mary Annie Taylor b. 11-1856 (KY) d. after 1906 m. ---- Hovermale b.c. 1856.
  - C. Missouri Jennie Taylor b.c. 1860 d. after 1884 m. ---- Montjoy b.c. 1856.
  - D. Adeline Taylor b.c. 1862 d. after 1884 m. ---- Carter b.c. 1860.
- VIII. Mary Jane Taylor b. 2-4-1829.
- IX. William Montgomery Taylor b. 11-30-1833 d. 1863 m.c. 1863 Caroline Taky Gordon b. 9-25-1846 d. 3-3-1910.
- X. Martha Ann Taylor b. 4-2-1835 (Cherokee Nation East) d. after 1906 m. Manuel Setser b.c. 1830.
- A. David Christopher Setser b.c. 1858 m.c. 1886 Sarah ---- b.c. 1868 d. after 1906.

- B. Francis Manuel Setser b.c. 1861 d. after 1906.
  - C. Annie Malinda Setser b.c. 1865 d. after 1906 m. ---- Caldwell b.c. 1860.
  - D. Anna Eldorado Setser b.c. 1870.
- XI. John Nathaniel Taylor b. 12-25-1836 (Cherokee Nation East) d. after 1910 m. Corinne Abigail Barnes b. 2-19-1840 (Cherokee Nation East) d. 11-20-1891, daughter of Thomas Barnes and Mary Foreman.
- A. Anna W. Taylor b. 5-8-1861 (Sallisaw, Cherokee Nation West) d. after 1909 m. William R. Fortner b.c. 1862 d. after 1906.
  - B. Mary Elizabeth Taylor b. 9-23-1862 d. after 1906 m. 1-14-1889 John Abbott Stevenson b. 5-29-1864 (Decatur Co., IA).
  - C. Jane Martha Taylor b.c. 1866 d. 1892-1902 m. before 1891 Robert Andrew Hosey d. 1857.
  - D. William H. Taylor b.c. 1868 d. after 1906.
  - E. Albert A. Taylor, Sr. b.c. 1870 d. after 1906 m. 10-6-1893 (Tahlequah District, Cherokee Nation West) Lillie Matherson b.c. 1874.
  - F. John W. Taylor b.c. 1872 d. after 1906 m. Eva McFarlin b.c. 1878 d. after 1902.
  - G. Catherine Taylor b.c. 1874 d. after 1906 m. before 1893 Frederick McEnery, Sr. b.c. 1870.
  - H. Margaret Stapler Taylor b. 1-15-1876 d. after 1906 m. ---- Thorne b.c. 1870.
  - I. Thomas Fox Taylor b. 6-2-1878 d. after 1906.
  - J. Allie F. Taylor b.c. 1881 d. after 1890.
  - K. Campbell H. Taylor b.c. 1882 d. after 1906.
  - L. Robert Ross Taylor b. 1-29-1882 d. after 1906.
  - M. Alexander F. Taylor b.c. 1886.
- XII. Campbell Harrison Taylor, Sr. b. 3-1-1838 (Cherokee Co., NC) d. 10-9-1912 m. 1st 5-14-1860 Stacy E. Welch b. 3-15-1840 (Cherokee Co., NC) d. 7-10-1888, daughter of John Welch and Elizabeth Blythe; m. 2nd 8-13-1889 Minnie R. Grayson b. 3-15-1869.
- A. Elizabeth Haseltine Taylor b. 5-30-1861 (Cherokee Co., NC) d. after 1906 m. Lewis Shell Keys, Jr. b. 5-5-1855 d. after 1906, son of Lewis Shell Keys, Sr. and Catherine McDaniel.
  - B. Cora Taylor b. 1863 d. 1866.
  - C. Ruth Taylor b. 1865 d. 1866.
  - D. Kate Taylor b. 1867 d. 1869.
  - E. Xerxes Taylor b. 1872 d. 1873.
  - F. Benton Taylor b. 1874 d. 1878.

- G. Polly Taylor b. 1876 d. 1888.
  - H. Stacy Belle Taylor b. 10-11-1892.
  - I. Cambell Harrison Taylor, Jr. b.c. 1893.
  - J. George A. M. Taylor b.c. 1895.
  - K. Grayson F. Taylor b.c. 1899.
  - L. Regina N. Taylor b.c. 1902.
  - M. Millard Brown Taylor b.c. 1905.
  - N. Mildred B. Taylor b.c. 1905.
- XIII. Frances Marion Taylor b. 3-4-1841.

## ABOUT THE AUTHOR

Michael T. Slaughter is a professional genealogist and historical researcher. He was born October 19, 1953 in New Bern, North Carolina and now lives in Elizabeth City, North Carolina with his wife, Mary Louis Slaughter.

He started his first genealogy research in 1966 as a health class assignment in eighth grade. Thereafter, he was always quizzing his older relatives about family connections.

Mr. Slaughter attended the University of North Carolina at Chapel Hill. He spent much of his spare time there researching in Wilson Library's vast collection and learning about available reference materials. In the mid-1970s after college, he started researching family trees for others professionally. He also started serious research on the Slaughter family.

In 1988, the Slaughter family voted him to be the family genealogist and gave him the task of having his research published. The first edition of "The Slaughter Family" was self-published in 1989. There have been two subsequent editions, and work is ongoing for a future fourth edition. He has also self-published "The Kinton Family" and has several other works in progress.

Keeping up with the times, he has become proficient in online searching and has memberships in a number of online genealogy databases. He also has a number of web sites and blogs dealing with genealogy, history, and other subjects. His latest website is the genealogy site Wikikin.com, which went live early in 2015.

Mr. Slaughter retired from a large law firm in 2004 and now devotes most of his time and energy to genealogy, historical research, and writing.



