

ESTATOEE

A QUARTERLY NEWSLETTER OF THE YANCEY HISTORY ASSOCIATION
Volume III, Number 1 March, 1988

ESTATOEE (ěs-tă-tō-ě): Also spelled Estootowie in early records. A Cherokee Indian place name, shortened to Estatoe/Estatoah, from which the Toe/Towe River designation is derived.

Officers of the Association (1987):

President: Kenneth Nelson
Vice-President and Program Chair: Lloyd Bailey
Treasurer: Paul Kardulis
Secretary: Theresa Blankenship
Directors: James Byrd
John Young
Parliamentarian: Bill Young

Correspondence with the Association:

Secretary: 108 Town Square,
Burnsville, N.C., 28714
Program Chair: 4122 Deepwood
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Minutes of the Previous Meeting:

The Fall meeting of the Association was held at the Yancey County Library in Burnsville on Sunday, Oct. 18, at 2 p.m. The program, presented by Edgar Hunter, Jr., concerned the history of the public schools in the County. A number of interesting documents were on display, and yet others had been gathered by the Program Chair for inclusion in the Newsletter (Vol. II, Numbers 3-4). Mr. Hunter has served as a teacher,

principal, and superintendent of public instruction for the County's schools.

Theresa Blankenship (Secretary) reported on her extensive conversations with Mary Louise Wray Wiggins (daughter of Rush Wray, who was instrumental in the formation of the Yancey History Association). This has resulted in a generous gift of \$60,000.00 to be used for the purchase of the J.W. McElroy house from heirs of Mrs. Winnie Lou Ray, provided that funds for half of that amount can be raised for purposes of repair and restoration by September 30, 1988. The structure would be used for a museum and archive for the preservation of the culture and history of Yancey County. (For a more detailed description of the project, see the issue of The Yancey Journal for Dec. 17, 1987, Section B, page 1.) Tax deductible contributions (or pledges) toward the actualization of this goal may be sent to the Secretary at the address shown in the left-hand column, above.

Following the meeting, a tour of the McElroy structure was conducted by the Secretary of the Association.

The Current Program:

A history of the County's courts (including interesting cases) will be presented by attorney Garrett Dixon Bailey. Toward that end, a number of related documents have been gathered by the Program Chair for inclusion in the current issue of the Newsletter.

Videotapes of the Association's programs:

Several of the previous programs have been recorded on videotape (VHS format) and copies can be provided to interested persons or groups for the cost of the cassette (less than \$10.00). Inquire of the Program Chair at the address shown.

The next program of the Association:

The Summer meeting of the Association will be held one week later than the regularly scheduled date. On June 26, at 2 p.m. in the Library at Burnsville, the topic will be "Railroading in Yancey County," with attention to the Black Mountain, Clinchfield, and Yancey lines, as well as logging operations of the Carolina Spruce and Brown Brothers companies near Pensacola (N.C.). The speaker will be John Beach of Massillon, Ohio, whose wife is from Mitchell County. He is preparing a history of the above-mentioned railroads (as they touch upon Yancey-Mitchell) and will show slides that relate to his talk.

Old Buncombe County Heritage, Volume II.

The first volume of this excellent project was published in 1981 and contained only a few items pertaining to the present Yancey County (see Estatooe, I, No. 2, p. 6). Vol. II (1987) is now available in the Avery-Mitchell-Yancey library system and contains at least 53 items of local interest. A list of them is given below.

Selected sources for a history of the courts/trials in Yancey Co.

1. Minutes of the County Court of Pleas and Quarter Sessions. Original hand-written volumes in the State Archives. Microfilm copies recently secured by local libraries.

2. Decisions of the State Supreme Court. Published annually as North Carolina Reports. Indexed by each of the parties in a given case. A large number have originated in Yancey County, but they can only be located by a seriatim reading of the cases to determine the county of origin. (A computerized index by counties, for the more recent years, is owned by some institutions, e.g., the Duke University School of Law.)

3. Bound volumes of courthouse records, e.g., Administrations of Estates (appointments; bonds); Apprentice and Bastardy Bonds; Minutes of the Superior Court; Criminal Action Papers (in the State Archives); Guardians Records (appointments; bonds). A list of the holdings of each county may be found in Wallace R. Draughon and William Perry Johnson, North Carolina Genealogical Reference (New Edition; Durham, 1966; 571 pages).

4. Diaries of judges and lawyers who travelled the circuit. Excerpts from those of judges Merrimon (1854) and Schenck (1879) are reproduced below.

5. Letter-books of the various governors, in the State Archives, wherein citizens appeal for assistance. Two cases addressed to Gov. Holden are reproduced below.

Articles in Old Buncombe County Heritage, II, that touch upon
Yancey families:

- pp. 60-61: "Toe River Valley and the Revolution"
69 : "The Rev. Stephen D. Adams"
79 : "Isaac and Nancy (Dyer) Anglin Family"
82 : "Ancil Murray and Lillie (Bailey) Bailey"
83 : "Pioneers Ansel and Elizabeth (Bradley) Bailey"
84 : "Ansel and Sarah (Honeycutt) Bailey"
84 : "'Yellow Jacket' John Bailey"
85 : "Lloyd R. Bailey, Sr."
86 : "William Bailey Family"
101 : "Pleasant and Elizabeth (Wilson) Blankenship"
103 : "John Greenleaf and Phoebe "meline (Peterson) Briggs"
104 : "Thomas and Jane (Wilson) Briggs"
122 : "George and Annie (Hutson) Byrd"
124 : "Samuel and Mary (Briggs) Byrd"
124 : "Dr. Thomas Fred and Annie Lou (Hogan) Byrd"
125 : "William Kinsey and Elizabeth (Williams) Byrd"
135 : "John Wesley Conley, M.D."
136 : "Sinclair B. Conley"
149 : "Nathan and Sarah (Knight) Deaton/Deyton"
172 : "Guthridge Garland"
193 : "Family of Ezekiel H. Hampton"
206 : "Moses Honeycutt Family"
208 : "Zephaniah and Jane (McCurry) Horton"
209 : "James Howell Family"
209 : "Swinfield W. Howell"
211 : "Col. Charles W. Hutchins, US Army Ret'd"
212 : "William Wright Hutchins"
218 : "Rev. William, Sr., and Dorothy ["Dolly"] (Hampton) Jones"
247 : "James L. McCourry Family"
247 : "Zephaniah McCourry Family"
248 : "Nelson E. and Dora (Moore) McCurry"
256 : "Lou Alice McMahan"
257 : "Stephen McMahan"
266 : "Capt. William M. Moore"
272 : "Stephen Morgan"
300 : "Ray-Anderson"
302 : "Ray"
302 : "Leander Ray and his Family"
302 : "Lorenzo Dow and Susan Jane (Parker) Ray"
303 : "Solomon L. and Elizabeth (Clark) Ray/Rhea"
304 : "William "Billy" Ray Family"
313 : "Hiram Riddle"
314 : "The Robertson Family"
334 : "Henry Taylor and Margaret J. (Shepherd) Shepherd"
335 : "John Wesley and Matilda L. (Riddle) Shepherd"
335 : "John and Dorothy (Jones) Shepherd"
335 : "Joseph and Elizabeth (Horton) Shepherd"
336 : "Mitchell Wilson and Clerissa (Arrowood) Shepherd"
337 : "Thomas and Nancy (Stanton) Shepherd"
346 : "The Richard and Melinda Lonan Sorrells Family"
361 : "Aaron Thomas Family"
384 : "John Jefferson and Susan (Dugger) Whittington"
373 : "Elizabeth Van Loon"

"The A.S. Merrimon Journal, 1853-1854," from The North Carolina Historical Review, VIII, pp. 327ff.

[Merrimon was a Superior Court Judge, a resident of Asheville, N.C.]

YANCY COUNTY COURT
January Term A.D. 1854.
Sunday January 22. 1854

This morning was excessively cold. Nevertheless I started from home at an early hour to reach this place, a distance of thirty eight miles from Asheville, during the day. I had a desperately cold ride over a worse rode, if possible.—I did not stop on the way for dinner, but ate a lunch that my good lady slipped into my saddlebags. I relished a bit of cold ham and bread very much. I pushed to reach this place before dark, but dark found me several miles from the village. I hurried on however, through the cold and reached here sometime after night. It was so cold that my boots were frozen to my stirups when I reached here. I found a warm fire in the Bar, or reception room and was soon warm and comfortable. ate supper and was then shown to my room, not a verry comfortable one indeed, but one with which I can afford to put up, if I can keep warm fires. This I shall do, if a clever negro boy can do it. The furniture of my room is worse than usual by a good deal. My table is so shackeling and crazy that I can barely make it stand, my bed is not of the best quality and my covering being to light, I find my over coat and blanket fine friends at night. I am thankful that my situation is as good as it is, for it might be worse this excessively cold weather.—Tonight I have read a portion of the Holy Scriptures, a duty that all ought to discharge, but which few do. I have also, amused myself with a pamphlet of trashy reading.—It is excessively cold tonight. It is late and I will retire.

Monday January 23. 1854.

Last night was probably the coldest night we have had this winter. It was cold indeed! This morning was so cold that every one stayed by the fire until a late hour At the breakfast table I recognized several legal gentlemen. At a later hour than usual the citizens of the County began to come into court. Quite a crowd had gathered by dinner time, and after dinner the Court organized for business. The Grand Jury was charged by A. M. Erwin⁵⁰ Esq. It was so cold I did not remain in the Court House to hear his Charge. I met B. M. Edney Esq. Z. B. Vance Esq. D Coleman Esq. J.[?] Neal Esq. E. Clewell Esq. B. S. Gaither Esqr. H. Gaither Esq. J.[?] C. W. Tate[?] Esq.

⁵⁰ Probably A. M. Erwin of McDowell County, who was a member of the House of Representatives in 1874 and of the Senate in 1879. *A Manual of North Carolina, 1813, 696.*

At the time of these journal entries, Augustus Merrimon was an attorney, traveling the circuit. He became a Judge in 1865, U.S. Senator in 1873, Associate Justice of the N.C. Supreme Court in 1883, and Chief Justice in 1889. He was born in Buncombe Co. (now Transylvania Co.), practiced law in Asheville, and is buried in Raleigh.

C. T. N. Davis Esq. John Dixon Esqr. John W. Woodfin Esq. and W^m. Williams Esq. in attendance upon the Court. This is quite an intelligent body of men, though, the older portion of them have not made a verry great manifestation of intelligence by riding through cold to a *little* County Court. The practice in county courts is trifling and lawyers that have a good settled practice are wasteing time in attending them. But I cannot compliment the older portion of this Bar by saying that they cared verry little about small fees, rather they are as anxious for them as most young men.—If I could have a good practice without, I never would appear in trifling suits. They trouble one greatly and improve and pay him but little. The greatest objection to the practice of the law in this country is, that the country is too poor to *pay*, the pay is wanting, one in order to make any thing worth the notice, is under the necessity of encumbering himself with more cases than he can do justice to. This is unfortunate, for industrious men, and men that might make great lawyers, do not have leasure to inform themselves and to think as they should. The rule laid down, that every man owes something to his profession, is not lived up to by many men in this country.

Little of importance has occurred today. There has been a gooddeal of noise kept up round a liquor wagon, and aside from this, the citizens have behaved as well as men do at meetings of this sort.—I would that old King Alcohol had never been born!—Tonight I have been engaged in examining my papers, conversation &c. It is cold tonight.

Tuesday January 24th. 1854.

This morning was cold, though not so cold as yesterday. Last night was excessively cold. Court met about 11 O'Clock and the State Docket was taken up. Several cases of little importance have been disposed of today, and the court is a perfect mockery of justice. I feel confident in saying that I have never seen a court behave so badly and *keep* such confusion. There is during the Session of the court a continual fuss, a continual talking, so that the Court, the Council nor the jury cannot hear the testimony. It is disgraceful, that in a country like our own, distinguished for its freedom and and equality, justice is permitted to be trampled upon. Men are placed in office, and that by the Legislature of our State, who are ignorant as heathen, and corrupt as demons, to adjudicate the rights of men and to administer the laws of our country. How can we hope to see a people flourish, when the dignitaries are ignorant and corrupt? Drunkenness will envelope the moreals and minds of a people while their public officers are ignorant and corrupt. It requires wise judges as well as wise and good laws, to make a people prosperous and happy. But unfortunately, we have not yet arrived at a modereate degree of perfection in legislation. Our public men are too selfish and think too little of the public interest, think too little of those great and fundamental principals of prosperity and happiness, that

apply to governments as well as to religious institutions. Men ought to think more of the general welfare. Selfishness is a dreadful evil, a crime to an individual, a curse to a country. Selfish men are of little use to a community or neighborhood and less to a whole nation. It is to be feared that the people of our own fair Columbia are becoming too sectional and selfish.—Union is our only hope for political safety and political prosperity. May the Union last forever, an eternal monument to the memory of the immortal men that formed it!!—I love the Union first, my State secondly and my mountain home last. I wish to see Columbia flourish, if Buncombe fade. This need not be, it will not be, both may, both will flourish.

There has been quite a crowd in attendance today and they have tried to see how badly they could behave themselves. Scores were drunk and tonight are snoozing away over the drunkenness of today. I saw two women drunk and one cursed and swore desperately and proposed to whip some of her male friends that did not please her. Oh, what a shocking sight to see a woman drunk. A woman! Ah, a woman drunk! Shame on the unfortunate wretch! Infamy and disgrace are indelibly enstamped upon the poor creature while she lives, and when she dies the world will be glad to be rid of a hateful pest and mankind soon forget that so mean a being lived. The men too, scores of them, have been drunk. At different times I noticed groups about over the Court Yard and in the center stood a large gawky looking fellow with a fiddle and he would *saw off* some silly ditty two or three drunken fools would dance to the same. One man became desperate this evening and the Sheriff failed to make him behave himself and brought him before the Court and the Court could but laugh in their *splendid* ignorance at the bruteish man and insted of sending him to jail ordered the Sheriff to turn him loose. Shocking! One man, a Client of mine, was anxious to inform me of some facts in the Court House, and put his head down to my ear and the miserable fellows breath affects my ear until yet. His mouth stunk with filth.

The day has been more calm than Yesterday.—The Democracy held a meeting in the Court House today after their usual manner. Tonight I have amused myself in conversation and reading. I read Jones's on Bailment⁵¹ this week. It is late and I will retire.

Wednesday January 25th. 1854.

I have seldom seen such scenes in a Court-House as I have seen today—Only two or three cases have been disposed of and they have been *hurdled* in the rudest manner. The more I see of the County Courts, the more I wish to see them abolished. Drunkenness has reigned today. A portion of the Court has been drunk all day. How shameful! A portion of the time, while suits were trying the whole court were off

⁵¹ William Jones, *An Essay on the Law of Bailments*.

of the bench. The populace have been unusually noisy today. The day has been dark and cloudy and this evening and tonight, it is raining. I have conversed tonight.—One can learn little by conversation here, save how depraved men are.

Thursday January 26th. 1854

This morning is cloudy and it rains lightly. The State Docket was cleared at 12 O'Clock M. After dinner the Civil Docket was disposed of. No litigated case on the Civil Docket was disposed of—all continued. Nothing unusual has occurred today. It rains tonight in torrents and the clouds look heavy. I anticipate a freshet in the streams.—The business of the Court has been badly conducted today, more so than usual. It is shameful for justice thus to be mocked at. Tonight I have read and conversed, conversed on various subjects, with different gentlemen. It is late and I will retire.

Friday January 27th. /54

This morning the Road Docket, after some motions were made was taken up. There were two or three cases on the Docket only and these of little importance Court adjourned at 12 O'Clock. After dinner W^m. Williams Esq. and myself set out for home.—The evening was cold. We found the streams full, some almost impassible. We pushed on however, and reach Joshua Young's after night.—Have ruff lodgings here. Such though, as we can verry well put up with. Williams and myself have kept up a general conversation this evening.

Saturday January 28th. 1854.

This morning was cold and the road, we found desperate. A thin crust had frozen over on top of the ground and underneath it was very soft. Our horses were constantly falling through A good portion of the road was washed away. The freshet has greatly injured the roads in this section. Reached home at 1/2 after 3[?] O'Clock, after having attended a Court, the like of which I never attended before. The week has been unpleasant and the Court and the people have done as badly as they could. This ends my winter circuit. I have about a month to spend in my office. This I want to devote to constant reading and legal study. My Winter Circuit had not been of the most pleasant character, nor yet of the worst.—I suppose I have no reason to complain at the share of practice I have received.—I have gotten far more or less at every Court, and the weather has been as good as one could reasonably expect at this season [torn] This closes my Journal on the Circuit at the Winter County Courts.

Details of cases tried in Superior Court. Reports found in Gov. William W. Holden's Letter Book, 1868-1870, in the State Archives.

1. State vs. L.D. King for rape, tried in Yancey Court in the Spring of 1869. Victim is King's niece, Malissa M. King, aged 15. (Her father, L.D.'s brother, died at Dalton, Ga. apparently in the Civil War; his wife then married _____ Cozzens; her name was Acshah.) The alleged act occurred at Elk Shoal. Found at pp. 183-189 of the Letter Book. Found not guilty.

2. State vs. Sandy Gardner for murder, tried in Buncombe Court at the Spring Term of 1869 (?). Victim is E.M. Shephard, who was killed with a blow to the head with a rock (his name was Manning). Found at pp. 194-199 of the Letter Book. Found not guilty. The act took place, apparently, about a mile west of Burnsville, near the Horton residence.

[Schenck, contd.]

boasted of the present achievement in very insolent language. The old man Banks bore it for awhile and then suddenly becoming furious, he rushed at the old man Tipton and they engaged in a fierce struggle and in it Banks bit Tipton in several places and literally gnawed his finger. They were parted; Erysipelas set in on the finger of Tipton and he died in three days. He was "hoist on his own petard"--Banks, whose name was Andrew, was afterwards killed near the town by one Edwards who cut him all to pieces with a knife.

Sam Boon, the father of the other Thomas Boon mentioned above, was before me this week as Prosecuting witness against one Hughes, his son-in-law. The evidence disclosed the fact that Boon and Hughes were in town Court week, both drunk, and Boon was trying to get Hughes home and they finally got to the foot of the hill east of the Court house, where Hughes set upon his father-in-law Boon, and in the altercation bit his thumb but not severely--Boon, so the evidence showed, drank freely, caught cold in the wound, and his right arm had to be amputated at the shoulder joint. The old man requested that Hughes should not be imprisoned, as he had a helpless family that would fall upon him for support, and he had now the family of his son Thomas Boon dependent upon his charity. These are a few of the incidents that mark the history of this County.

D. Schenck

P.S. These Boons are close collateral relations of the famous Daniel Boon and came to this County from Wilkes and Watauga.

Oct. 11th, 1879

Fox Hunt-

Saturday, 11th October, 1879--my landlord, Mr. Sol. W. Carter, kindly furnished me a horse and we joined three "Allens" in a fox chase east of here 1.5 miles this morning before day. The "Allens" had six well trained dogs and they took these through the broken ground bordering the foot of the Green Mountain and we rode around and climbed an eminence overlooking the valley and there sat on our horses to hear the race. The ground was damp and the trail fresh and in ten minutes after the trail was struck the pack was in full cry and the music glorious. They ran in a circumference of a mile or two around us where we could hear the "cry" all the time. The race was "fast and furious" for forty minutes when the fox was pressed so closely she put into a cliff of rocks but out of this the Allens soon forced [her] to retreat by means of poles and as she jumped

[Schenck, contd.]

"Lunar Phenomenon"

Looking eastwardly from Burnsville in Yancey County, you see, some 18 miles distant, down the valley, a conical shaped mountain called the "Sugar Loaf"--the moon often rises, when it is full, immediately over the pinnacle of this cone.

When I was in Burnsville two years ago, I was standing in the street and saw the clouds lighting up beautifully and splendidly, indicating the coming of the full moon. Soon I saw its round edges peeping over the top, and as it ascended the sky I thought the moon was singularly shaped, and as it presented its full orb above the mountain it seemed and looked oval in shape, as if the globe had been pressed on the top and extended its sides. It was twice as long as it was wide. I was startled at first by the curious phenomenon but a moments reflection taught me it was an optical delusion produced by the refraction of the moons rays of light. On calling attention to it, I was told that the full moon arising behind this mountain often produced this wonderful and curious appearance.

A very wicked old fellow, who was in town one evening, saw the moon arise in this way and became much alarmed and exclaimed, "Men, let's all pray. I have lived 65 years and I never saw the moon mashed before. The world is coming to an end sure."

Oct. 25th, 1879

D. Schenck

The Eighth District in the Supreme Court.

In the Supreme Court Thursday, all the justices present, cases from the eighth judicial district were called and acted upon as follows:

Daniel Wissenhunt vs. W. C. Jones, et. al., from Burke; argued, R. F. Armfield and Johnstone Jones for plaintiff, and G. N. Folk and John Gray Bynum, for defendants.

State vs. Hoke C. Secrest, from McDowell, certiorari ordered. Attorney-General Kenan for the plaintiff, and D. A. Covington for the defendant.

State vs. Thomas Boon, from Yancey; argued, Attorney-General Kenan for the plaintiff, and Reade, Basbee & Basbee for the defendant.

State vs. Sewell Gillespie, from Iredell; argued by Attorney-General Kenan for the plaintiff, no counsel for the defendant.

John Collett and wife et. al., vs. L. P. Henderson and wife, from Burke; argued. No counsel for the plaintiff. Jno. Gray Bynum, R. F. Armfield and Shipp & Bailey for defendants.

↑
Blue Ridge Blade,
2/15/1879
(Morganton, N.C.)

Asheville Journal: It is rather a remarkable coincidence that two young Thomas Boons are now closely confined in the iron cells of Burnsville jail, having both been convicted of murder in the 1st degree, the older having been convicted at Yancey county court a year ago, in which case and appeal was taken and the Supreme Court confirmed the judgement of the lower court. So he must die, and ere long—yes, before the dirt gets dry on his grave—another Thomas Boone must follow, as we are reliably informed that the appeal to the Supreme Court in the case just tried at Madison county court, was merely for time, as the evidence was short and hardly a single exception was taken. This being the case, the Supreme Court will hardly interfere, or order a venire de novo.

↑
Blue Ridge Blade,
7/19/1879
11/1/1879 →

Escape of Prisoners.

We learn from a reliable source that Thos. Boone, Sr., and Thos. Boone, Jr., both of whom were convicted of murder in Yancey county and sentenced to be hung, escaped from the jail of that county by overpowering the guard on the 22d instant.

We do not suppose that there is a similar case on record. Two men of the same name in the same county convicted and sentenced to be hung for the same crime and escaped at the same time too.

A Singular Presentiment.

Elias Stacey of this county died Oct. 16th and about three weeks previous to his death, he said he had a vision, in which, to use his own words "God told him that he would be taken sick on a certain day, and if he only used 'home medicines' he would live until the Monday following, but if he had a doctor he would live until a week from the next Thursday." A physician was called in and he did live until one o'clock P. M. Thursday that being the exact hour of the day on which he said God had told him he would die.

We clip the above from the Roan Mountain Republican. The deceased was a subscriber to the Blade and lived near the line of Burke and Mitchell counties.

The Roan Mountain Republican learns that Rev. George Randall, of Yancey county, has killed 1575 ground-hogs during the past summer and that on account of his mighty deeds as a hunter his church propose to retire him from the ministry.

Wonder if he did not kill some of those ground-hogs on Sunday?

According to Yancey Co. Criminal Action Papers (in State Archives): (1) a Thomas Boone was indicted for drowning Jane Wisenhurst in 1878; (2) a Thomas Boone was convicted of killing Samuel Butner, Jr., with a knife, and sentenced to be hanged (1879; much more in the 1880 file). One of them escaped from the jail in Burnsville, and Sheriff N.W. Wilson was accused of allowing him to get away (not a true bill; i.e., the Sheriff was charged, but not indicted).

From the Blue Ridge Blade (Morganton, N.C.), Oct. 12, 1878:

"Boone, who killed Woodfin in Yancey County, had his trial at Burnsville last week, and was found guilty and sentenced to be hung on the 7th of November next. [Copied from the] Bakersville Republican."

Yancey Co. Criminal Action Papers

(State Archives, 107.326; 10 large boxes)

These are excerpts of selected cases only; in most cases, I have not noted whether a "true bill" was returned by the grand jury or not. My own additions are in brackets.

- 1874: H.R. Peak [Hiram Rigney?] accused of forgery, and found guilty.
- 1875: State vs. Nancy Honeycutt for murder. [This was for the killing of a child at birth; she was unmarried; dau. of Samson, of Jacks Creek.]
- 1876: Death of James Howell by gunshot while being arrested by Samuel Byrd and John W. Deyton. Apparently, they were not convicted, since he was said to have resisted arrest. [A note about this appeared in the Roan Mountain Republican on 7/29/1876.]
- Marvel Henderson arrested for the burglary of the house of William Ray, Sr.
- accused of "a venereal affair" with a cow.
- 1878: Thomas Boone indicted for the drowning of Jane Wisenhurst.
- R.A. McMahan "exposed his private parts...in presence of Mary McClurd with intent to excite in her mind lewd and unchaste desires..."
- Thomas Boone [apparently not the one just mentioned: see the Blue Ridge Blade of 7/19/1879, for two persons of this name who are in the Burnsville jail, sentenced to die] killed Samuel Butner, Jr., with a knife.
- 1880: Much more on the Boone-Butner case; Sheriff N.W. Wilson charged with having let Boone escape; "not a true bill."
- James King arrested for the rape of Margaret Ann Robinson.
- 1882: A.J. Brown is killed in a dispute with Samuel P. and Montraville Ray; saw them in Burnsville, called them "Kirk's damned pups"; Brown had a store near Burnsville, and the fight was near it; Hiram Wheeler arrested along with the Rays; Mont used a knife, and disembowled Brown; Samuel P. used a pistol. Thick folder. [Note: the crime seems to have taken place much earlier: 1870??]
- 1883: Joseph Williams and Cornelius Phillips indicted for slandering Melissa Burton [wife of A.J., of Jacks Creek]: said she had intercourse with Backus Tipton and Peter Crites [boarders?].
- 1889: John Murphy fatally shoots John Hughes; involving Eliza Jane Bailey; on upper Pig Pen Creek, "on mountain above Sam Hughes". (She is the daughter of James Bave Bailey and Nancy Deyton.)
- 1892: [Green Mountain] accused of "a venereal affair... and there carnally knew said mare..." Not a true bill.
- State vs. Hiram Wilson for murder of Erwin Honeycutt, son of Joseph; Hiram's father was Sheriff N.W. Wilson. At issue was fact that Honeycutt had thrown a rock at Wilson's dog.
- 10/11/1892: John Fitzpatrick attempts to rape Addie Mae Dellinger.
- 1/1/1891: Jasper Silver accused of slander of Niagara Wilson (wife of W.W. Wilson): "Albert Wheeler has had to do with her three times in the strawberry patch."

Box # 3

Box # 4

- 3/1/1892: Richmond Wilson accused of attempted rape of Betsy Gouge.
- 2/17/1892: Alfred Hampton and A. Hampton (son of M.P.H.) accused of assault and robbery of J.C. Webb.
- 11/24/1892: Julia Roland assaults Bill Riddle with a razor.
- 7/17/1892: Columbus Miller assaults William Ray with a knife.
- 9/1/1894: James Ray charged with abandoning wife Hester and children.
- 5/26/1895: J.B. Ray killed Wayland Hoss with a pistol (several thick folders).
- 5/25/1896: (colored) accused of carnal knowledge of a cow.
- 4/1/1896: Thomas Honeycutt accused of assault with a razor.
- 5/1/1896: Manning Garland assaults Lawson Tipton with a knife.
- 1/24/1896: Andy Jack Crane kills Scott Wilson with a knife.
- 8/3/1896: Etta and Ellen Ledford accused of murdering Etta's newborn child (had head smashed, and jaw broken; she said she had fallen before it was born).
- 5/1/1896: Sam Williams accused of indecent exposure.
- 4/1/1897: Mark Bennett and Rannie Howell accused of cohabitation; not a true bill.
- 5/31/1897: accused of intercourse with a mule.
- Sept. Term, 1897: Plato Ray, Hiram Wilson, and Will Fender accused of procuring Hattie Phillips and Hettie Phillips "to have carnal intercourse" with Ray and Wilson "through sham marriages celebrated before a person not authorized, and thereby seducing the women..." Wilson sentenced to 3 years on the roads; appealed; new trial ordered.
- 4/23/1897: G.B. Woody aided in killing William Ray, on South Toe. Murder charged to John Gragg.
- 5/1/1897: George W. McCourry and Eugene Bailey assault each-other with guns. [Jacks Creek-Bailey Hill area.]
- 12/5/1897: Jackson and Tilmon Higgins assault William C. Lewis with knife and gun.

Box # 5

Yancey County Civil Action Papers

(State Archives, 107.325; 7(?) large boxes)

Excerpts from selected cases only. My additions in brackets.

- 1880: A.J. McCourry and wife Sarah C., vs. James L. McCourry.
Defendant spoke maliciously against S.C. McCourry to her son
Mc. McCourry, calling her "a damned old rogue, and so on."
Verdict for defendant. Many pages. [residents of Jacks Creek]
- 1885: J.E. Rheim is a J.P.; T.F. Roland is Sheriff.
- 1889: Commissioners of Indian Grave Turnpike Co. (formed in 1867)
were J.W. Garland, J.W. Burton, and S.S. Peterson; as they were
of the McDowell and Yancey Turnpike. Suit by O.B.D. Edwards,
for payment of his work on the road. \$413.57 granted; appeal
made.
- 1890, 1891: Henry Roland, vs. John Duncan, William Sorrels, and
Rutha Hampton Honeycutt. Plaintiff recovers land. [Jacks
Creek]
- 1899: J.W. Higgins and J.E. Evans, store owners in Burnsville,
sue county commissioners for debts. Commissioners are L.H.
Smith, M.P. Ray, and C.R. Bradford.

List (incomplete) of Solicitors who served the District in which Yancey County was located (gleaned mostly from the Minutes of the Court of Pleas and Quarter Sessions):

- Burgess S. Gaither, 183?-1840
- William W. Avery, 1840-184?
- N. Coleman, 184?-1850
- Todd Caldwell, 1850-185?
- * John Smith McElroy, 185?-1861, 1865 (son of John Wesley McElroy)
- David Coleman, 1861-1867? (served at same time as McElroy)
- Virgil S. Lusk, 1860's-1870's
- W.G. Chandler, 1870's
- Joseph Shephard Adams, 1880's (son of Rev. Stephen D. Adams of Burnsville)
- W.A. Bower, 1888-1890's
- J.F. Spainhour, 1896?-early 1900's
- James Madison Gudger, late 1800's (resident of Burnsville)
- * Gaston Ellis Gardner, 1899-early 1900's

List (incomplete) of early attorneys who had offices in Burnsville (gleaned mostly from Business Directories):

- Thomas Wilson, 1840's
 - David Coleman, 1850's (brother-in-law of Burnsville's Milton Penland)
 - John Burton Woodfin, 1850's (handled many pension cases for veterans of the War With Mexico)
 - * John Smith McElroy, 1860's
 - R.D. Wilson, 1860's-1870's (likely named Don)
 - William M. Moore, 1870's-1890's
 - James Madison Gudger, 1870's-1880's (also President of Burnsville Academy)
 - ? * Joseph L. Ray, 1870's
 - Hudgins and Watson, 1890's-1900's (E. Frank Watson and James? Hudgins)
 - * Gaston Ellis Gardner, 1898-1900's
 - * Hiram A. Whittington, 1890's (Cane River, N.C.)
 - A.B. Ryan (Bryan?), early 1900's
 - * J. Bispham ("Bis") Ray, beginning about 1904
 - W.S. Gardner, beginning about 1910 (later combined into Gardner and Gardner)
 - John A. Watson, beginning about 1912
 - ? * Charles Hutchins, beginning about 1912
 - ? * Robert ("Bob") Wilson, beginning about 1913
- Mention should be made of John B. Smith, buried in Burnsville's Academy Cemetery. His obituary (Asheville Highland Messenger, Sept. 8, 1843) says that he was a graduate of the University of N.C., had studied law under Judge Pearson, and had come to Burnsville "to spend the summer in the prosecution of his studies." [For more detail, see Lloyd Bailey, News From Yancey, p. 5.]

List of attorneys from Yancey who became judges of the superior court (likely incomplete):

- Joseph Shephard Adams
- * J. Bispham ("Bis") Ray
- * John Frank Huskins
- William ("Bill") Anglin

* = born in Yancey County