

Circuit Court Enrollment, 1825-1842, Smith County, TN

p. 305 (abstract)

Luncinda Herod vs Isham Herod - Divorce - She was married in October 1832 to Isham Herod in Smith County, Tenn. - has resided since upward of two years - said Herod went off from this state and stayed nearly 12 months - believes him married or living with a woman in Arkansas. Dated October 1835.

Circuit Court Enrollment, 1843-1855, Smith County, TN

p. 13 (abstract)

James Green vs Elizabeth Green - Divorce - States he married Elizabeth Day in October 1840 in Smith County, Tenn. 31 Aug. 1843.

p. 409 (abstract)

Nancy R. Gregory vs Silas F. Gregory - Divorce - Nancy R. Gregory, a citizen of Smith County, Tennessee and Silas F. Gregory of DeKalb County, Tennessee, married 9 Oct. 1844 in Smith County, Tennessee. In summer of 1850 the defendant went to DeKalb County to live with one Sarah Rigsby. 11 Sep. 1852.

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WHITE COUNTY PUBLICATIONS AVAILABLE

The White County Retired Teachers' Association has published their second booklet, "It Happened in White County," which contains 51 stories of unusual happenings in the history of White County, Tennessee. The stories are from books, newspapers, theses, magazines and the material gathered by the late T. L. Leonard in his research about White County schools. The paper-back book is available for \$10.00, plus \$1.50 for postage and handling fees, from Mrs. Anna G. Bandy, Editor, 411 Gaines Street, Sparta, TN 38583. Their first booklet, "Fieldtrips into White County History," is still available for \$3.05 plus \$1.00 for postage and handling; however, the supply is limited.

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FERGUSON'S CAVALRY COMPANY

The following article is contributed by John L. German, 2631 Kittley Road, Wana-maker, IN 46239. Mr. German sites as his source: Records of the Judge Advocate General, Trial of Champ Ferguson, Case File.

Champ Ferguson, a native of Clinton County, Kentucky, achieved his notoriety early in the Civil War by savagely killing his personal enemies and by terrorizing Union sympathizers along the Upper Cumberland region of the Kentucky-Tennessee border. He served as a scout for General John H. Morgan's raids into Kentucky in May and July of 1862, and by the end of that summer Ferguson had a "command" of about twenty men riding with him. His company of independent cavalry became a formality after Bragg's army retreated from Kentucky. Generally, it is assumed that no records of Champ Ferguson's band of Confederate guerrillas survived the war - if indeed any had ever existed. However, a muster roll of this company did exist and has survived, although it is not among the National Archives collection of Confederate records.

At the end of the war Ferguson was captured and taken to Nashville to be tried before a military commission on charges of being a guerrilla and on fifty-three counts of murder. (Actually, Ferguson could probably be credited with over a hundred killings.) The defense strategy was to try to prove that Ferguson was a commissioned officer and as such entitled to the general immunity from prosecution that had been extended to officers and soldiers of the Confederate forces.

Ferguson claimed that he had been authorized by Kirby Smith to raise a company of independent cavalry for service on the Kentucky border and that his certificate was taken by Yankee soldiers. Testimony included statements from a witness who had seen Ferguson display his authorization while recruiting in Livingston, Tennessee, in the fall of 1862. Ironically, however, the best evidence was presented by a Union officer and prosecution witness, Captain Rufus Dowdy, who was also a resident of Clinton County (KY.)

In August of 1864 General Joseph Wheeler's cavalry division went up from Georgia on a raid through Tennessee. A brigade of this force was composed principally of men from the Upper Cumberland area. This brigade broke off from the main body, and the men went to their homes to gather winter clothing. When leaving they also took with them many stragglers and guerrillas including Champ Ferguson.

Dowdy and his company paid a visit to Ferguson's farm in White County, Tennessee, late that August. (For safety reasons Ferguson had moved his family out of Kentucky.) Of that visit Dowdy gave this testimony, "We found some bolts of flannel outside of the Ferguson farm in the woods, also some cashmeres, silk, some coffee, some soda, some shoes and some sutler's goods. Some sandpaper, some calico, and other articles were found in the house. The goods that we found in the woods were concealed in hollow trees and under logs and under rocks where they could be kept dry."

This was when Ferguson's muster roll was captured by Dowdy; "I got hold of some blanks in form of a muster roll and payroll with some names written on it. I got it out there in the woods near Ferguson's house, at the time I got the goods I spoke of. It was in a box packed up in the hollow of a chestnut tree. The box was held up by some poles punched up the hollow of the tree, and when the boys pulled the poles out the box fell down...I found three sheets, or I and some others did." Dowdy did not know who got the other two, but he gave his sheet to Ferguson's lawyers.

Was this a genuine muster? General Wheeler, as a defense witness, confirmed that it has "the appearance of the printed muster rolls furnished the captains in the Confederate service." Commenting upon the roll itself Dowdy made this statement, "Here is Sublett, one who was represented as First Lieutenant. Abner Hildreth, 4th Corporal, was one of my neighbors; I understand him to be one of Ferguson's men. Richard Burchett is represented on the roll as being killed in June, 1863, in Wayne County, Kentucky, when in fact he was killed in October, 1862, in Clinton County, Kentucky. I was along when he was killed. Burchett was killed before Ferguson appears in the roll as having been mustered, and such is my recollection. I knew J. T. Smith who is represented on this roll as having been killed about July 12, 1863; I understood him to be one of Ferguson's men. I know A. H. Foster; he was regarded as Second Lieutenant in Ferguson's company. I also know W. R. Latham who is put down as Third Lieutenant; he was regarded as a Lieutenant in Ferguson's company. G. W. Twifford told me he was Orderly Sergeant. I knew Philpot; he belonged to Ferguson's company. Some few of the men I didn't know. Most of them I do know and they were reported belonging to Ferguson's company."

In his closing argument the Judge Advocate did not discuss the roll's authenticity, but he did manage to turn its existence to the prosecution's advantage: "Now, gentlemen, is the prisoner a guerrilla? If he was ever an officer there is no proof of it prior to August, 1864. Before this he had been a common robber. He commenced in 1861 by the robbery of Wright's store in Albany. He was

a general plunderer in all that region. He stole Dr. (Jonathan) Hale's property, and sold his piano and appropriated the money to his own use. He robbed the residence of John B. Rogers. And then take Captain Dowdy's testimony of the finding of the goods concealed about Ferguson's premises. It won't do, gentlemen, for the soldiers to deny that he had charge of those goods. This remarkable muster roll is found with the other property. If the roll is Ferguson's, the goods are Ferguson's. If those goods were concealed there in the woods on Ferguson's premises, he was a guerrilla."

Champ Ferguson was hanged in the yard of the Tennessee State Penitentiary at Nashville on Friday, October 20, 1865. In his final newspaper interview Captain Ferguson expressed few regrets and concluded, "I will repeat that I die a Rebel out and out, and my last request is that my body be removed to White County, Tennessee, and be buried in good Rebel soil. My own witnesses were true to me."

The muster roll was labeled "Document 'P'" and laid to rest with the trial case file. The handwriting, which is not Ferguson's, is difficult to read and some names have been obliterated by folding and deterioration. The men of Ferguson's company were from Kentucky and Tennessee. Morgan took forty of Ferguson's men on the Indiana-Ohio Raid; prisoner of war records may exist for them, but for the others this muster roll might be the only evidence of their Confederate service.

Muster Roll of Champ Ferguson's Company

Names	Rank	When	Enlisted		Period
			Where	By Whom	
Champ Ferguson	Capt.	Nov. 19th '62	Overton Co. TN	John H. Morgan	3 yr.
H. W. Sublet	1st Lieut.	"	"	"	"
A. H. Foster	2nd Lieut.	"	"	"	"
W. R. Latham	3rd Lieut.	"	"	"	"
G. W. Twiford	O. S.	"	"	"	"
R. H. Philpott	2nd Serg.	"	"	"	"
<u> F t</u>	3rd Serg.	"	"	"	"
F. Burchet	4th Serg.	"	"	"	"
E. Crabtree	1st Corp.	"	"	"	"
W. W. Parker	2nd Corp.	"	"	"	"
J. Holsopple	3rd Corp.	"	"	"	"
A. Heldreth	4th Corp.	"	"	"	"
Ard, R. S.	Private	"	"	"	"
Aberson, John	"	"	"	"	"
Braswell, H. D.	"	"	"	"	"
Burchett, R. A.	"	"	"	"	"
Barnes, W.	"	"	"	"	"
Barnes, J. M.	"	"	"	"	"
Barnes, Francis	"	"	"	"	"
Barton, B. F.	"	"	"	"	"
Berry, B. W.	"	"	"	"	"
Boston, G. W.	"	"	"	"	"
Barnes, James M.	"	"	"	"	"
Brooks, John	"	"	"	"	"
Bellen(w?), A.	"	"	"	"	"
Burk, John	"	"	"	"	"
Bradley, S. I.	"	"	"	"	"

Cogher, W. H. ⁴	"	"	"	"	"
Cowain, J. T.	"	"	"	"	"
Denton, John	"	"	"	"	"
Elder, John	"	"	"	"	"
Franklin, Jeff	"	"	"	"	"
Frost, F.	"	"	"	"	"
Franklin, I. M.	"	"	"	"	"
Franklin, Sheby	"	"	"	"	"
Gregry, John	"	"	"	"	"
Grayham, Durham	"	"	"	"	"
Grisham, O. H.	"	"	"	"	"
Guinn, S. T. ⁵	"	"	"	"	"
Horsup, John	"	"	"	"	"
Hickey, B(enson?)	"	"	"	"	"
Haynes, John	"	"	"	"	"
Holsopple, W.	"	"	"	"	"
Johnson, H. ⁶	"	"	"	"	"
Jones, John	"	"	"	"	"
Jones, T. S.	"	"	"	"	"
Kelly, Thomas	"	"	"	"	"
McGinas, J. H.	"	"	"	"	"
Moles, Hansel	"	"	"	"	"
Marchbanks, C.	"	"	"	"	"
McGee, J. M.	"	"	"	"	"
Orness(?), Silvers	"	"	"	"	"
Owens, J. B.	"	"	"	"	"
Pruet, Henry	"	"	"	"	"
Pagett, S. M.	"	"	"	"	"
Potter, M. A.	"	"	"	"	"
Petage, W. W.	"	"	"	"	"
Ritchinson, R. H.	"	"	"	"	"
Rumen(?), I.	"	"	"	"	"
Rigney, G. W.	"	"	"	"	"
Russel, Fount	"	"	"	"	"
Shelton, T. A.	"	"	"	"	"
Smith, J. T. ⁷	"	"	"	"	"
Singleton, J. S.	"	"	"	"	"
Sharp, D. E.	"	"	"	"	"
Talent, I(J?)	"	"	"	"	"
Taylor, John	"	"	"	"	"
Taylor, C. N.	"	"	"	"	"
Taylor, A. J.	"	"	"	"	"
Turpin(?), E	"	"	"	"	"
Troxdale, Granvill	"	"	"	"	"
Vaughn, G. B.	"	"	"	"	"
Vann, T. C.	"	"	"	"	"
Wheeler, Silas	"	"	"	"	"
Wade, John	"	"	"	"	"

Remarks

1. Killed in Wayne Co., Ky. Jan. 21, 1863
2. Killed in Wayne Co., Ky. Jan. 21, 1863
3. Killed in Wayne Co., Ky. Jan. 21, 1863
4. Killed in Jackson Co., Tenn. Decmb. 1st, 1862
5. Killed in Overton Co., Tenn. Feb. 1st, 1863
6. Killed in Wayne Co., Ky. Jan. 21, 1863
7. Killed in Wayne Co., Ky. Feb. 12th, 1863