

PREFATORY REMARKS

Many years ago WILL BOOK D (1845-1852) of Haywood County, Tennessee disappeared from the record room of the county court clerk's office of that county, thereby creating a genealogical quandary for individuals interested in the last wills and testaments and other probate records of that period in this west Tennessee county. As the book itself was gone, by whatever means, were researchers at a complete loss for information for the county's probate records during those years?

Some fifty-six last wills/testaments were recorded in Haywood County over the six and a half year span of this particular will book. It was a traditional policy for clerks to keep the original last wills/testaments among their loose records, a policy dating to old English procedures.

The last will recorded in Will Book C of Haywood County was that of Joel Mann, probated in December 1844 (pages 472-473); the first will recorded in Will Book E of this county was that of Sally Jones, probated on May 3, 1852 (page 1).

Ann D. Medford, incumbent county court clerk of Haywood County, generously allowed the present compiler to search among the old wills/testaments kept in metal files in her record room, so arranged with some degree of alphabetical (but not consistently so) order years ago; with the express intention of locating and photocopying the last wills/testaments that were once recorded in Will Book D, arranging them for publication (as the clerk wrote on each will/testament the will book and page upon which it had been recorded), making the information in these old documents available to researchers.

Of the whole number (56) of last wills/testaments recorded in Will Book D, ten could not be found, ostensibly having disappeared by various means; two documents are now missing but photographic copies had been made of them before they disappeared, leaving a majority of the original wills/testaments extant. (In order to better preserve the latter the county court clerk has filed them together in her record room.)

The present compiler has gone through Haywood County Court Minute Books D (Oct. 5, 1840-May 6, 1850) and E (June 3, 1850-March 8, 1854), noting the pages on which the probate dates of these old wills/testaments were entered. In the present compilation, he uses these entries, matching them with the wills, numerically (except for one will/testament on which the clerk failed to write the page upon which it was copied in the will book).

Littleton Joyner (born 1782) was county court clerk of Haywood County, 1834-1852; he seems to have been a fairly conscientious official but towards the end of his long term in office he became lax, leaving out at least one probate date in which an executor was appointed; appointments of several guardians were not recorded, frequently ink was smeared on the pages and in one case, after he had left office, a correction had to be made in a probate procedure that he had carelessly handled. The compiler mentions this not to tackily reproach a long-dead official but to explain why considerable information relevant to genealogists' interests is just not available because of the clerk's negligence. In all fairness, one should keep in mind that after Joyner left office in the spring of 1852, he survived only into December thereafter; perhaps he was long ill and because of that possible factor he wasn't as proper a document recorder as he should have been.

Besides the last wills/testaments the preponderant entries made in Will Book D, dealing with specific probate/estate matters would have included guardians' reports (usually submitted annually) and settlements filed with the court of those persons who died testate and intestate. These earlier kind of records (1846-1850) are irretrievably lost. One can imagine the volume of paper included in such records over the years. Fortunately some of these type records had begun to be transcribed into a "Guardians, Administrators" 1850-1863 volume, an extant source for genealogical purposes.

It may also be mentioned here that the marriage books of the county prior to March 1859 were purloined many years ago (or so reported), providing another significant gap in its genealogical resources. (Haywood County was created by legislative act in November 1823.)

The older loose records, other than wills, are missing from the county court clerk's office, reportedly stored nowhere else in the courthouse, so that one may assume that these records were simply destroyed many years ago, perhaps as a means of coping with "clutter." There was no law requiring their preservation in this form, then, as there are now state regulations regarding the disposition of such records.

Besides the county court clerk, the present compiler is obliged for assistance of a varied sort to Steve Smith, Haywood County Register of Deeds and Reese Jacocks M. Scallions, who has done so much for the preservation of Haywood County's genealogical heritage; these three as well as a blanket expression of gratitude for favors rendered by several librarians, officials and private individuals.

AS FOR FORMAT

The page in the county court minute book is given, followed by the name of the testator, then the date the last will/testament was proven, i.e. probated; then the names of the witnesses to the documents; followed by photographic copy of the will and its transcript and then by incidental information the compiler has garnered.