

**EARLY JACKSON COUNTY,
ALABAMA BOOKS**

Volume V

**By
Lewis Wendell Page, Sr.**

Deed Book B

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Introduction

The following information may be helpful in understanding conditions in Jackson County, Alabama, during the 1840's. Bellefonte was the county seat of justice. Other villages were Santa, Woodville, Larkinsville, Camden, Bolivar, Beech Grove, Coffectown, and Larkins Landing. There were other communities known as Coffee's Store (Birmingham), Berry's Store, Long Island, and Jones Cove. The two major transportation routes were the Huntsville Stage Road and the Winchester Road. (*Editor's Note: See "History of Jackson County" by John R. Kennamer for more details.*)

The courthouse at Bellefonte was isolated from other areas of the county. This was especially true for the citizens living on Sand Mountain, In Paint Rock Valley, and in the Crow and Widow's Creek areas.

This isolation is reflected in the Probate Court Minutes, Deed Books, and Circuit Court Records. The Justice of the Peace was a very important official in each community. The JP almost without exception could read and write. He knew the people living in the community personally. He wrote the wills, deeds, promissory notes, and other legal papers and attested to the signing of the same. He explained legal papers to those who signed with a mark. In most cases there was a time lag between the certification and the registration of the paper at the courthouse. Isolation, poor roads, slow mail service, and distance all contributed to this problem. In some instances, documents were never registered at the courthouse.

The period in the history of the United States known as the "Westward Movement," is reflected in the wills and deeds of this time. The pioneer settlers moved often. If he had property, it was usually heavily mortgaged. Since there were no lending agents in the county, the mortgage was a "deed of trust" in favor of a merchant, or a large land owner. If the holder of the mortgage needed his money before the date due, he might sell the mortgage at a discount. Documents such as promissory notes and mortgages became mediums of exchange.

The problem of collection is reflected in attempts at foreclosure. The chattel given as security was easy to move. The real estate created many headaches for the legal system. Deed Book B has many records of JP's in Mississippi, Arkansas, Missouri, Texas, and Tennessee, preparing deeds and certifying signatures of citizens of Jackson County who had suddenly "gone to Texas."

In preparing this index, the compiler has not listed the name of each county official each time he signed a document. Each indenture--deed--in Book B consists of three parts, namely, the deed with the grantor signing the document signifying the transfer to the grantee. All of the grantor, grantees and others named in the text of the deed are listed in the Index. The second part of the indenture was the certification of the signers--grantors--by a local official, usually a Justice of the Peace. The JP's are in the index with the abbreviation JP following their name. The third part of the indenture was the registration at the courthouse by the proper official. This would be the County Judge, or the Clerk of County Court. The names of these officials will appear in the Index once.

The following named officials will appear in the index. The name of the official will be followed by an abbreviation designating the office held. The page number will be last.

C.A. Chadwick TC	85	Tax Collector
James Potter TC	208	Tax Collector
Lorenza Russel TC	27	Tax Collector
John F. Cowan Sh	142	Sheriff
Elijah Hansbrough Sur	223	Surveyor
Joshua L. Martin Gov.	27	Governor of Alabama
James M. Greene JCC	26	Judge of County Court
Wylie M. Mason RCC	65	Register in Chancery Court
Samuel Norwood TC	96	Tax Collector
Mose Jones CCC	21	Clerk of County Court
James M. Hudgins CCC	22	Clerk of County Court
John B. Cook CCC	86	Clerk of County Court
John G. Dixon CCC	256	Clerk of County Court

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Prior to 1850, most of the above named positions in the courthouse were filled by appointments approved by both houses of the General Assembly of Alabama. Several of the above named individuals were building a political base for the time that they would go to the people of Jackson County for their support. After 1850, the Judge of County Court became an elective office of Probate Judge. The Clerk of County Court became the elected Clerk of Circuit Court. Mose Jones served many years in the office of Commissioners Court. James M. Hudgins later became Probate Judge.

Jackson County had a pioneer or subsistence economy during the 1830's and 1840's. Slavery, as an institution, did not play a major role in the labor force. This fact is reflected in Deed Book B. Very few slaves were listed as chattel in the deeds of trust. With the development of a market economy--when roads were improved, river transport flourished, and the cotton gin introduced--cheap labor was needed. The Indexes for the public records of the 1850's will show the increased reliance on slaves.

Some of the slaves listed in Deed Book B are found in the index. The follow list of slaves includes those slaves and others.

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The following pages are missing; 1 - 20, 157 - 205, and 216 - 217. The first indenture on page 21 is the last part of a deed. The deed was signed but not dated. The first dated document was a certification of the grantors' signature by a Justice of the Peace on May 27, 1846. The deed was registered in the office of the County Court in Bellefonte on June 24, 1847.

This thirteen months' time lapse may be accounted for as follows; the grantors and the Justice of the Peace were resident of the northern part of Paint Rock River Valley. Poor road and mountainous terrain would discourage frequent trips to the courthouse at Bellefonte. The Justice of the Peace would not make the thirty miles round trip until he had several documents to register. Mail service during the 1840's was unreliable. The County Court Clerk had other business interests. There are many reasons he would have an accumulation of unregistered documents.

In addition to deeds of conveyance, several other kinds of legal documents are recorded in Book B. They are:

1. Deeds of Trust or Mortgages on real estate and Chattel. Next to deed of conveyance these deeds are second in number. A wide range of Chattel was listed.
 - a. A detailed list of hand tools P. 360
 - b. Rent income from use of slaves P. 374
 - c. Drugs, medicine, and furniture P. 431
 - d. Walnut, Pine Cherry and Mahogany lumber P. 339
 - c. Livestock of all kinds.
2. A deed of Chattel--slave--to a minor child. P.83
3. Proceedings in Orphan's Court. P. 56, 58, 137, 257, 277
4. Proceedings in Chancery Court. P. 65
5. Trusteeships for minor heirs P. 25, 486
6. Bond and certification for officials P. 27, 208, 481
7. Contract for partnership for a sawmill p. 218

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8. A plat showing land ownership to the North of the Harlin, Morgan and Riley Reservations. The map was prepared by Elijah Hansbrough. P. 225
9. A deed to land on which to erect a building to serve as a schoolhouse and a place of worship for Bethlehem Church of Baptist. P. 262
10. Orders for the sheriff to sell land for taxes. P. 86, 91
11. Power of Attorney. Attorney-in-Fact. P. 103

A study of the various deeds reveals many other items of interest:

1. Fifteen building lots, in Bellefonte, some with buildings, changed ownership. P.72, 133, 141, 248
2. Four businesses in Bellefonte were named.
 - a. Wildbahn, Coffee and Co. P. 144
 - b. King and Caldwell P. 25
 - c. Austin and Hunt P. 382
 - d. The Jackson County Democrat P. 86
3. Miscellaneous Items
 - a. Corporate limits of Bellefonte P. 246
 - b. Meets and bounds on Little Raccoon Creek P. 77
 - c. Waters of Mud Creek. P. 74
 - d. Mud Creek Association P. 262
 - e. Liberty Meeting House. P. 32

Afterthoughts

The four pages numbered 481, 482, 483, and 484 bound at the end of Deed Book B do not belong there. These pages have dates for 1946, but the date of the last entry in Deed Book B is 1849. The information on pages 481 and 482 is not related to that found on 483 and 484. The following evidence indicates that these pages are part of the missing pages from the front of the book. Pages 1- 20 are missing.

- A. The style of writing.
- B. The dates.
- C. On page 483 someone has partially marked out the number 13
- D. Page 482 has a marked out number.

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