

Henry Kirby
b. 1740 Lunenburg
Co. Va.
d. ca. 1803
Rutherford Co. TN

Parents: John Kirby and
Joanna Owens

Resided: Lunenburg Co., Va.
Halifax Co., Va.

Married:

Ann _____
b. 1744
Lunenburg Co., Va.
d. after 1803

Parents:

Deed records, Halifax Co., Va., Bk B-55, pg. 79, 17 May, 1764,
gift to son Henry of 100 acres on Dan River.
Deed Bk 7, p 328, Vol. Co. 6 Mar, 1769, Henry Kirby & wife Ann
sell 100 acres on Dan River to Thos Derrick Carter.
1790 census of Surry Co., N.C.
Henry 441 acres on 18 Nov. 1795 to Jesse Franklin with
Christopher Kirby as witness
Henry in Halifax Tax List, May Court, P-4, 273

Issue: 4 Children Kirby

1. Christopher
b. 10 Sep. 1760, Halifax Co., Va.
d. 1837, Cane Hill, Washington
Co., Ark.
md.

2. Philip
b. 1763, Halifax Co., Va.
d.
md. 29 July, 1785
Jerial Petter

3. Josiah
b. 1766, Halifax Co., Va.
d.
md.

4. Joseph
b. 1770

Christopher Kirby

b. 10 Sep., 1760
Halifax Co., Va.

d. 1837
Cane Hill
Washington Co., Ark.

Parents: Henry Kirby and
Ann —

Resided: Halifax Co., Va.
Surry Co., N.C.
Green Co., Tenn.
Washington Co., Ark.

Married:

b. ca. 1764, Surry Co., N.C.
d.

Parents:

Issue: 8 children

1. Jesse
b. 1786, Surry Co., N.C.
d. 29 Oct., 1853 Jackson Co., MO
m. 16 Mar., 1811, Green Co., Tenn.
Nancy Davis b. 1792 Green Co., Tenn.
d. 4 Oct. 1837 Jackson Co., MO
Both buried in New South FC cemetery
2. Sarah
b. 1789, Surry Co., N.C.
d. 25 Dec., 1806, Green Co., Tenn.
Thomas Pogue
3. Patsy Kirby
b. 1793, Surry Co., N.C.
d. 22 Sep., 1813, Green Co., Tenn.
Philip — Babb
4. Andrew
b. 1796, Green Co., Tenn.
d. 9 Jan., 1817, Green Co., Tenn.
Nancy Roberts
5. Elizabeth
b. 1798, Green Co., Tenn.
d. 11 Nov., 1811, Green Co., Tenn.
Benjamin Brotherton
6. Nancy
b. 1800, Green Co., Tenn.
d. 1 July 1822, Green Co., Tenn.
Adron Hughes (Br. Francis?)
7. Mary Jane
b. 1806, Green Co., Tenn.
d. 27 Mar., 1823, Green Co., Tenn.
John Stout
8. Henry Franklin
b. 1812, Green Co., Tenn.
d. 8 Jan. 1867
m. Rebecca Coulter

Pension # 5-32356; land grant, Green Co., Tenn. 1797.
Christopher is a vet of Revolution
Co. Ct. proceedings, Green Co., Tenn., Earl Richardson, pub. 1955,
Pg 16 pertaining to Kirby.
1850 census Washington Co., Ark

Mr. William Franklin Carter Jr.
c/o Surry County Historical Society
Mount Airy, NC 27030

16 July 1984
404 E. Green
Urbana, IL 61801

Dear Mr. Carter,

Attached are some random notes on Franklins in Eastern TN and W. NC which I assembled in the process of tracing the trail of Christopher Kirby (1760-1837), a son of Henry Kirby (1740-1803) and Ann (Witt?).

It seemed possible that Christopher's wife was a Franklin because he named a son born in 1812 "Henry Franklin Kirby" and because his last act in leaving NC was to sell his land to Jesse Franklin.

Christopher was later J.P. and clerk of the Green Co. TN court. About 1830 he moved on to Cane Hill, Washington Co. AR, where he died in 1837. He had fought at King's Mountain and left a brief but vivid narrative of his experiences during the revolution, which is preserved in his claim as an invalid (# S 32356).

If you find you have references to the Curby/Kearby/Kerby/Kurby etc and Witt families in your notes, I would like to know what relation they bear to your Franklin forebears. Please do not feel obliged, but if you have a bit of time I would love to know about your research on early Franklins, and I look forward to any information or suggestions you may be able to offer.

Yours Cordially,

P. Wilson
Peter Wilson

PS: I wanted to say how much I enjoyed your pamphlet, "FOOTPRINTS IN THE HOLLOWS". Are copies still available? Have you published other historical or geneological work?

*We kept the Franklin material.
D. Minick
This was sent to Frank Carter, deceased,
and then sent on to me*

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION TRAFFIC AND SAFETY DIVISION COUNTY SEATS AND INDEPENDENT CITIES

SCALE
MILES 0 5 10 20 30 40
KILOMETERS 0 10 20 30 40 50 60
1 MILE EQUALS 1.6093 KILOMETERS

-  INDEPENDENT CITY
-  COUNTY SEAT
-  COUNTY SEAT WITHIN CITY LIMITS

PETER WILSON
404 EAST GREEN
URBANA IL 61801



Franklins in VA

in 1780's, in 11 counties & Richmond city

Wallace Kallam
R 8, Box 660B-238527375
Mt. Airy, NC 27030

Surry Court Once Had Liar's Ears Cut Off

It always pays to "tell the truth, the whole truth, and nothing but the truth", but that adage was particularly true in Surry county in olden days.

That fact is proven by the punishment meted out for perjury in Surry court at Rockford on March 8, 1810. Of course perjury is swearing an untruth and might be counted somewhat worse than a plain lie, but evidently the presiding judge that day had no patience with a liar, sworn or otherwise.

According to an ancient minute book for the Surry court, now on file in the clerk of court's office at Dobson, a certain William Kearby had been duly charged and convicted of perjury, and the Honorable Francis Locke, Esquire, presiding judge, pronounced the following sentence, which is quoted direct from the record:

"Judgment of the Court that William Kearby be fined 20

Pounds (about \$100) and stand in the pillory for one hour, at the expiration of which time both of his ears are to be cut off and severed from his head, and the ears so cut off shall be nailed to the pillory and there to remain until the setting of the sun, and that the sheriff of Surry carry the sentence of this court into execution, and that the prisoner then stand committed to jail until his fine and fees have been paid."

The clerk of court then made note that the sheriff had duly returned the writ of execution, which bore the notation that the sentence had been carried out.

8 East 25 Street
Minneapolis, MN 55404
612-871-4807
30 January 1993

Washington Co. Historical Society
118 East Dickson Street
Fayetteville, AR 72701

Dear Sirs,

Please note my new address. Could you sell my future issues of **Flashback** here?

In your August issue of **Flashback** you invite a biography of Washington County revolutionary pensioner, Christopher (Kit) Kirby (Kerby, Curby). Here is a tentative brief sketch of his life:

Christopher, or Kit, Kirby, born in Halifax Co., Virginia, on September 10, 1760, was a son of Henry Kirby. Christopher's mother is said, without supporting evidence, to have been a lady of Huguenot ancestry, Ann Witt. Christopher had at least three brothers: Philip was born in 1763, and married Jeriah Potter. Josiah was born 1766. Joseph was born in 1770. Their surname is also spelled Kerby, Kerbie or Curby in old documents.

Henry Kirby was a son of John Kirby (c.1714-) and Joanna Owen (1710-1772). Henry died in 1803 in Rutherford Co. TN, leaving Ann as his administrator.

Bartholomew Owen (c.1630-1677), the grandfather of Joanna Owen Kirby, had emigrated to Surry Co. Virginia after the capitulation of the royalist governments of Maryland and Virginia to Cromwell's Protectorate in 1652, but before the restoration of Charles II in 1660. Bartholomew was a warden in Southwarke Parish in 1661, but he is said to have supported the Old Parliamentary Party. Philip Alexander Bruce, in "Social Life in Old Virginia," page 32, speculates that Bartholomew may have been a Quaker because he was cited in 1675 by the Surry Co. grand jury for non-attendance at church. A Thomas Owen from Lower Norfolk Co. had been arraigned by the General Court in 1662 for subversive activities as a Quaker. Bartholomew is said, also without supporting evidence, to be related to the London gun founder, Robert Owen.

Christopher's father and grandfather, Henry and John Kirby, had belonged to the South River Monthly Meeting of Friends in

Virginia. The weekly gathering of Halifax Co. Quakers was called either the Dan River or Kirby's Particular Meeting.

In the hierarchical society of 18th century Virginia, the Quakers were subversive. Their silent meetings, generally in homes, contrasted with elaborate Anglican vestments and liturgy. Their plain speech and simple dress made no distinctions of class or "quality." Because their word could be trusted, the Quakers were widely respected. Their dealings with Indians were as scrupulous as with other Europeans. Many refused to keep slaves. Quakers held that two essential tenants of Christianity were (1) service to one's fellow man, which precluded all violence, and (2) rigid obedience to the "inner light" of one's own conscience, regardless of worldly advantage.

In 1768 Christopher's grandparents were disowned by the South River Meeting for worshipping with Baptists. I have found no record that Christopher attended a Quaker meeting as an adult.

During the American Revolution Quakers had to choose between breaking their vow of non-violence or losing the trust and respect of their neighbors. Many changed denominations and fought. During the Revolution Christopher Kirby served in several companies drawn from Wilkes and Surry Counties in North Carolina.

In 1776 Lt. William Lenoir and Benjamin Cleveland served in a mixed force of 5300 men from South Carolina, North Carolina and Virginia, which attacked the Catawba Cherokee village. After the battle of Kings Mountain, Lt Lenoir wrote memoirs of his Revolutionary experience, which I have not read. His career must have paralleled that of many serving from the same area. Lenoir was born in Virginia in 1751 and settled on Fishing Creek, 4 miles east of present-day Wilkesboro NC, after 1771. At that time the only church within 40 miles was at Mulberry Fields, now called Wilkesboro. Baptists built the church, but allowed other Christian congregations to use it. I do not know if church records are extant. This may be the church in which Christopher was married. I do not know the religious affiliation of his wife.

In July 1779 Christopher enlisted in the Surry Co. NC militia at the Old Store near the Yadkin River. For two months he served as a Private before he was commissioned as an Ensign in the light horse dragoon company of Captain William Underwood. He served four months as Ensign under Captain Underwood. The regiment was commanded by Colonel Martin Armstrong and Joseph Williams, who signed Christopher's first commission as Ensign. This regiment pursued a party of North Carolina Tories who terrorized Henry, Patrick, Wythe & Washington counties in Virginia. Christopher's

company was discharged in December, 1779, at Capt. Garland's home, near Flower Gap, Virginia.

Lyman Draper describes the Revolutionary Militia in his book, **King's Mountain and its Heroes**: "Mostly armed with the Deckard rifle . . . they were little encumbered with baggage--each with a blanket, a cup by his side . . . and a wallet of provisions, the latter principally of parched corn meal, [which] mixed . . . with maple sugar, [made] a very agreeable repast. . . . An occasional skillet was taken along for a mess, in which to warm up in water their parched meal, and cook such wild or other meat as fortune should throw in their way." Draper notes that "The Deckard or Dickert rifle was largely manufactured at Lancaster, Pennsylvania. It was, for the period, a gun of remarkable precision for a long shot, spiral grooved, with a barrel some thirty inches long, and, with its stock, some three and a half or four feet."

In July 1780 Christopher re-enlisted in the "United States Army" at the Surry Co. NC Courthouse. Later he stated that he had no recollection of any regular officers being with the troops where he served, but that General Green and his staff were briefly with them in Guilford NC. Christopher served for a month as a Private in the horse dragoon company of Capt. James Shepherd. Shepherd's company proceeded to Freeman's house on the Yadkin River, where they joined the companies commanded by Joseph Phillips & Minor Smith. The 3 companies were then placed under the command of Major Joseph Winston, and proceeded to the Wilkes Co. Courthouse. There they joined Colonel Benjamin Cleveland's regiment of North Carolina Militia Volunteers. The combined force totaled about 800 men, but on a given day perhaps 350 men were present and able to fight according to Lyman Draper, who cites General Joseph Graham's account of those present at the battle of King's Mountain (p. 547).

In August 1780 Christopher was appointed to replace Wm Hewlett as Ensign of Capt. Shepherd's company at the Wilkes Co. Courthouse, and he served another two and a half months as Ensign. Christopher later stated that Colonel Cleveland signed this second commission. Colonel Cleveland's regiment then moved to the Catawba River to join the regiments of Colonels Isaac Shelby, John Sevier & William Campbell. The four regiments then proceeded to Cowpens, a South Carolina village which got its name from the cow pens of a wealthy Tory named Saunders. There they were joined by a small force of South Carolina volunteers under Colonel James Williams.

1780, October 7: Christopher served as ensign in Captain Shepherd's company at the time of the battle at King's Mountain,

North Carolina, in which backwoods hunters defeated Major Fergusson's professional British soldiers. This was a major turning point in the Revolutionary War. Christopher may not have been at the scene of the battle, however. A group of foot soldiers under Major Joseph Herndon, of Wilkes Co NC, had been left behind on October 4 near the Green River to obtain beef for the army, which traveled on as lightly and quickly as possible to intercept Major Fergusson. Lt. Lenoir's company of foot was among those commanded by Major Herndon, but Lenoir had left his men behind when he joined the mounted advance guard. Herndon's orders were to obtain the needed beef and bring the foot men up to the main body of mounted troops as soon as possible. On October 9 the foot men met the mounted men, just returning from the battle on the 7th and almost dead from fatigue and three days without food. It may be that others of Herndon's foot party left memoirs of their experience in their pension papers.

Three Lewis brothers, Major Micajah Lewis, Captain Joel Lewis and Lieutenant James M. Lewis, all officers in Cleveland Surry & Wilkes Co. regiment, were wounded at King's Mountain. Joel Lewis was born in 1760 in Albemarle Co. VA. A colored free man named Bowman in Joel's company claimed to have killed Major Patrick Ferguson, the British commander.

After the great victory at King's Mountain, Christopher's company returned to head of King's Creek in Wilkes Co., NC. There Christopher was given command of a small detached party of men and charged to "disperse, take, or kill a party of Tories near Fisher's Gap in Surry County, commanded by one Goins." By the time Christopher's party reached Fisher's Gap, however, Goins had already fled the area. Christopher returned to the Surry Courthouse, where he discharged his little party by October 31, 1780. The main body of troops had previously been discharged.

In the summer of 1781 Christopher served another 2 months as a volunteer in Captain Joel Lewis' horse dragoons. It was an honor to serve as a private again under this distinguished officer, who moved to Nashville in 1789 and held many positions of public trust before his death in 1816. Christopher's Revolutionary service totaled 9 months, 20 days, of which he had acted as Ensign for 6 months and 20 days.

By 1785 Christopher Kirby was married. Mr. C.T. Chambers, of San Diego CA, suggests that Christopher's wife may have been a sister, born about 1764, of Jesse and Absalom Franklin. Mr. Chambers points out that Jesse Franklin sold Christopher 50 acres in Surry Co NC just before Jesse left the area for Tennessee about 1794.

Often men leaving for the frontier transferred their land holdings to close relatives remaining behind.

In 1786 Christopher's father, Henry Kirby, had land on the Little Yadkin River in Surry Co. North Carolina near Thomas East, John & Jesse Horn, and a little farther from James, John and Mallachey Franklin and Edmund Kirby.

In 1786 Christopher's first child, Jesse Kirby, was born in Surry Co. NC. Jesse married Nancy Davis on March 16, 1811, in Greene Co. Tennessee. Benjamin Williams Jr. provided bond. (GCTM, 33) Jesse's name appears frequently in Greene Co. TN court minutes. Jesse died Oct. 29, 1853.

In 1787 Christopher resided in Capt. Hardin's district in Wilkes Co. North Carolina near his father, Henry Kirby, and Jesse, James, George and Barnard Franklin. There were 21 white females in six Franklin households. In Christopher's household were one white male 21-60 (Christopher), one white male under 21 (Jesse), and two white females (his wife and perhaps a hired white girl).

In neighboring Wilkes Co. districts were households of several men connected to Christopher by blood, marriage or service: Edward Cross, Giles & John Parmily, William Witt and William Lenoir. All these households are described in the census taken 1784-1787. (SCNC; 172-173)

In May 1787 Absolom Franklin married Margaret Gullet in Greene Co. TN.

In 1789 Christopher's second child, Sarah Kirby, was born in Surry Co. NC. Sarah married Thomas Poague on December 5, 1806, in Greene Co. TN. Their bondsman was Jacob Gray. (GCTM, 27)

In 1793 Christopher's third child, Patsey Kirby, was born in Surry Co. NC. She first married Philip Babb, son of Thomas Babb, on September 21, 1813, in Greene Co. Tennessee. William Jones, J. P., officiated and Philip Babb provided bond (GCTM, 38). Patsey later married James Anderson.

In 1795 Philip Babb & Thomas Brotherton lived near Greenville TN.

By 1795 Christopher had sold his last 50 acres in Surry Co. to Jesse Franklin and moved to Greene Co., Tennessee. There he served as judge, justice of the peace, and clerk off and on for the next 30 years. His name appears frequently in Greene Co. court records.

Justices of the peace in North Carolina, the parent state of Tennessee, had exercised the same authority as did English "justices of the quarter sessions" since 1739. Justices met four times a year to "hear and determine all petit larcenys, assaults, battery, breaches of the peace and behavior, and all misdemeanors and crimes of an

inferiour nature" by information, grand jury indictment, or presentment, as described in the act of 1738. County courts after 1739 became vital social and legal institutions, censuring misbehavior as well as handling everyday civil affairs.

Donna Spindel's study, "Crime & Society in North Carolina, 1663-1776," describes justices of the peace as the symbol of the law within their county. He derived his authority from a commission issued by the governor and from statutes. According to a 1774 manual by James Davis, of Newbern NC, a justice of the peace should be a man of "substance and ability of body and estate; of the best reputation, good governance, and courage for the truth." He served as a magistrate, examining officer, judge on the county court, and chief police officer of his county. He was usually a substantial landowner, with at least 300 acres.

Originally a justice of the peace could order suspects in criminal matters brought before him for a hearing, and either bind them over to the next session of the court with jurisdiction or settle the case himself. He had authority to fine drunks, swearers and those who profaned the sabbath. Two justices could examine and fine unmarried pregnant women and bind over the fathers to the precinct courts. Three justices could try petit larcenies, assaults, trespasses, breaches of the peace and misdemeanors. Together with local freeholders, justices could conduct a summary court to try slaves suspected of crimes. (Slaves were not entitled to a jury)

In 1796 Christopher's fourth child, Andrew Kirby, was born in Greene Co. TN. Andrew married Nancy Roberts on January 9, 1817, in Greene Co. TN.

In November, 1797, Christopher was appointed with Levi Carter, Caleb and Jesse Carter, Wm Jones, John Foisha, John Allen, & Jacob Harty to assist John Nelson & Richard Robbins in maintaining the road from Casteel's Creek by the Greene Co. TN court.

By 1798 James Franklin had moved to Greene Co. TN.

When Levi Carter was appointed a Greene Co. constable for a two-year term in April 1798 Christopher Kirby & Benjamin Anderson provided \$625.00 in security for Levi's faithful discharge of office, of which \$1.00 was actually tendered to the court.

In the July 1798 session of the Greene Co. TN court, Christopher was a juror in the case of John Sheffey vs. James Taylor and Robert Carson. Sheffey was awarded \$38.34 1/3 cents, plus 6 cents costs, for a broken contract by the jury. Another jury including Chris Kirby and Seth Babb awarded \$109.50, plus 6 cents costs to Gabriel Phillips pursuant to a writ of inquiry, presumably about the ownership of land, against Solomon Reed. Another jury including

Chris Kirby and Seth Babb awarded James Gillespie damages of \$109.50 against John Ewing. (GCTMC 1797-1807)

In 1798 Christopher's fifth child, Elizabeth Kirby, was born. Elizabeth married Benjamin Brotherton on November 8, 1811, in Greene Co. Tennessee. Their bondsman was Elijah Billingsley. (GCTM, 34)

In the January 1799 session of court Christian (sic) Kirby and Joseph Self were on a jury on a case against Mary Wyatt which was continued.

In April 1799 William Brotherton was a juror in a writ of inquiry by Seth Waddel against Fred Talbott. Christopher Kirby & John Sevier were jurors in a claim by Abraham Broyles against James Penney & Daniel Kennedy, in which the jury awarded Broyles \$262.93.

1800, January 3: Christopher's sixth child, Nancy Kirby, was born. (Bible) Nancy married Aaron Hughes July 1, 1822, in Greene Co. Tennessee. (GCTM, 59) Nancy died September 9, 1863, in Washington Co. AR. Nancy is my ancestor.

In October 1803 Christopher served on a jury which awarded Hugh Dunlop \$22.26 in damages from John Sevier, who had failed to provide a deed to land he had sold to Dunlop.

In January 1804 Chris Kirby, John Gragg, and William Wilson were commissioned by the governor as Justices of the peace. They took oaths of office before Benjamin McNutt, James Hays, & David Robinson. That same month Chris served on the grand jury with John Rodgers and Capt. John Wilson.

In April 1804 Levi Carter was appointed as Constable for Greene Co. Christopher & John Jones stood surety for Levi in the amount of \$625.00, of which they paid sixty cents.

In July 1805 Christopher was appointed to collect lists of taxable property & polls in Capt. Randolph's district during the coming year. Cornelius Newman was to do the same in Capt. Starne's district, and John Newman in Capt. Newberry's district.

In November 1805 Christopher Kirby & John Newman were among the justices hearing charges of trespassing brought against Thomas Temple by prosecutor John Balch. Temple was fined twenty five cents and prosecution costs.

In 1806 Christopher's seventh child, Mary Jane Kirby, was born in Greene Co. TN. Mary married John Stout on March 27, 1823, in Greene Co. Tennessee. I believe John died about 1837 in Washington Co. AR.

In August 1806 Christopher was one of eight jurors appointed by the court to mark out a road from Perkins's Mill near Greenville

to Clacks Gap on Bays Mountain. Overseers were appointed to supervise the building of two segments of the road: Anthony Beety was to oversee construction on the segment from the main Greenville-Rogersville road to Fraziers Ford on Lick Creek. Elijah Willoughby was to oversee construction on the segment from Frazier's Ford on Lick Creek to Clacks Gap. From there the road would proceed to Allen's Cabins, near the Hawkins Co. line.

Later that August James Jack prosecuted William Baker, county solicitor, for trespass before a jury including George Rinker, Nathan Carter, and John Pogue and before nine justices, including Cornelius Newman, Joseph Carter, Giles Parman, and Christopher Kirby. The jury found Baker guilty of trespass, but Baker argued that no judgment should be rendered against him because his acts did not "conclude against the peace and dignity of the state."

In October 1806 Christopher Kirby & Caleb Carter, esquires, were ordered to designate the bounds of a public road, which local residents would be obliged to maintain, from Grassy Creek to Richard Robin's and provide both the court and road overseer, Caleb Carter, with a copy of the survey.

On October 27, 1806 Justices Moses Moore, James Penney & Christopher Kirby dismissed a group of grand jurors including Jacob Bowman, Anderson Walker, Moses Hughes & Seth Babb. Seth Babb had not appeared in court and was fined \$5.00 for non-attendance, unless he could show cause for his failure to appear. The court then approved a petition of Thomas McCollum Jr. and Anthony Armstrong to replace Mary McCollum as administrator of the estate of Thomas McCollum Sr.. Tom's 15-year-old brother, James, chose their mother, Mary McCollum as his guardian. Tom's 14-year-old sister, Elizabeth, chose James Jones as her guardian.

On October 28, 1806 Joseph Carter and Christopher Kirby were ordered to designate the bound of an extension of the public road from Zachariah Casteel's farm to Grassy creek, and submit a list of residents subject to work on the new road before the next court session. Carter and Kirby were also to lay out a public road from the mouth of Grassy Creek to Lick Creek, Puncheon Camp Creek, Benjamin William's farm, across to Moses Harmon's farm, Hugn Kee's, Richard Robins's, Lick Creek, including John Shaver's, Hugh Hartley, Absalom Templeton, Anthony Bewley and James Goodwin's, and back down to the mouth of Grassy Creek.

The last action heard by justices John Gass, Joseph Carter and Christopher Kirby that day concerned an attachment for \$3.33 obtained by Alexander Newberry against Moses Kennedy in June 1805 from Judge Cornelius Newman. Constable James Hays reported

that he had levied that amount on 100 acres, held by "improvement." belonging to Kennedy. However, Newberry did not appear to prosecute his suit so it was dismissed by the court and Newberry was ordered to pay court costs.

December 5, 1806: Christopher's second child, Sarah Kirby, married Thomas Pogue. Their bondsman was Jacob Gray.

On Wednesday, 28 January 1807, Christopher was one of seven justices who received John Kennedy's bond of \$2000.00 guardianship of Peggy Kennedy, an orphan born in 1793. Peggy chose John Kennedy, probably her uncle, as guardian but John had to ask Absalom Haworth and Samuel Snapp to act as his securities for such a large sum. The purpose of this large bond was to insure that Peggy's property would be preserved, and that she would not become an indigent ward of the court. The other six justices hearing this guardianship petition were William Rankin, William Mott, James Penney, Valentine Callahan, Thomas Love, and John Newman.

On Thursday, 29 January 1807, Justices Christopher Kirby, William Rankin and James Penny were the justices who heard a suit against Alexander Russell on behalf of William Cavner, a minor. They then accepted the \$2500.00 bond of the newly elected coroner, James Gass. Then they heard suits against Jacob Gann (assault), John Balch (for assault on Barbary Landers), John Bowman, Robert Kerr Jr, Thomas Perry. The court issued instructions regarding the new road from Lick Creek to the Greeneville-Rodgersville Road. They accepted Valentine Sevier & Robert Rankin's account of the sale of personal property of James Dinwiddie Sr., deceased. Finally they set a special "poor tax" for the county. Each white poll was taxed 3 cents, 100 acres of land was taxed 9 cents, a stud horse was taxed 25 cents, and a retail store or peddler was taxed \$4.00. In addition they set a tax to pay for transcription of loose court records into official court books. For this purpose each white poll was taxed 3 1/2 cents, a stud horse was taxed 7 cents, and a retail store or peddler was taxed \$1.55. It was a typical day in a country court house.

On 16 May 1807 Justice Kirby issued an order to Constable Levi Carter to collect \$16.96 from David Noggle, as well as \$1.18 2/3 in court costs. Constable Carter reported later to the court that Noggle had no personal property to seize, and that he had consequently given legal notice of public sale of 100 acres owned by Noggle on the main road between Bull's Gap and James Guthrie's farm, in order to satisfy a judgement against Noggle granted to James McPheran.

In August 1807 the eight jurors selected for the next superior court were Thomas Love, Valentine Callahan, John Newman, Giles

Parman, Samuel Caldwell, John Morriss, Valentine Sevier, and Christopher Kirby.

In November 1807 Christopher was witness to the marriage of John Pogue & Lydia Jones. The other witness was Benjamin Williams. Later Thomas Pogue, said to be John's brother, stated that he had lived for twenty years only half a mile from Christopher in Greene Co., and saw Christopher's military commissions before they were burned with Christopher's house.

Land grant #1303, entry # 250, dated 9 March 1809, gives Thomas William(s) 84 acres on the north side of Lick Creek, adjoining the lands of John Pogue, Benjamin Williams, Caleb Carter and Christopher Kirby (p. 66, No. 642). David Key and Wm Jones also lived nearby. These neighbors often acted as witnesses for one another on legal documents.

In December 1809 Christopher Kirby, David Key and William James witnessed the will of Levi Carter. Carter, a Revolutionary veteran, stipulated that his wife and executrix, Susanna, should have all his property during her lifetime. Carter also stipulated that his older sons Joseph and Elijah should receive nothing more until the rest of the children had each received \$60.00 in trade.

In November 1811 Elizabeth Kirby was married to Benjamin Brotherton by Elijah Billingsly.

In 1812 Christopher's eighth and last child, Henry Franklin Kirby, was born in Greene Co. TN. Henry Franklin Kirby, married Rebecca Coulter in Arkansas after 1831. They lived in Washington Co. AR, where Henry died on January 8, 1867. Henry farmed near James Coulter and served as sheriff briefly in the 1830's. Rebecca's brother, James Coulter, served as treasurer of the Washington Co. Bible society 1832-1833. James Coulter's house was owned by Joseph Moore in the 1880's.

In March 1812 Thomas Pogue and George H. Starnes witnessed the marriage of Henry Sullivan with Polly Lane.

On December 29, 1912 Thomas Pogue was bondsman for the marriage of Nancy Pogue with Benjamin Williams.

In September 1813 Patsey Kirby was married to Philip Babb, son of Thomas Babb, by William Jones, J.P.

About 1813 Christopher's wife is thought to have died, not long after the birth of their 8th child. She is not mentioned in Christopher's land purchases or sales after this date, according to C. T. Chambers

In January 1814 Thomas Pogue lived next to John Pogue, recently deceased. John's wife, Nancy, and his five sons, John, Farmer, William, Howell & Thomas, survived him.

In May 1816 William Jones was granted 78 acres on Grassy Creeek adjoining Joseph Carter and Christopher Kirby (entry No. 2432 dated 9 February 1815, p. 332, No 3801). This was part of 500 acres granted to George Gordon in 1814, by original certificate #794. Some of Christopher's land may also have been included in the 500 acres vacated by Mr. Gordon.

In 1816 Christopher performed at least five marriages:

Andrew Bryant & Polly Hunter.

John Carter Jr. & Betsy Dixon, bond by Thomas Perry & Jacob Carter.

Sion Coats & Catherine Musgrave, bond by John Musgrave.

Isaac Crumley & Rachel Brown, bond by Wm Crumley Jr. & Wm Brown. James Grant & Nancy Willoughby, bond by Michel Myers.

Hervey Hail & Esther Brotherton, bond by Wm Brotherton.

In 1817 Christopher performed at least two marriages:

Johnson Frazier & Polly Mace, bond by John Frazier & Wm Hatcher.

James Kinney & Rebecca Yates, bond by John Gass.

Caleb Witt, MG (Minister of the Gospel), presumably a cousin of Christopher's, performed many marriages in Greene Co. during this period. In October 1818 Caleb performed the marriage of Besty Hawn with Pleasant Witt. Christopher Kirby was a witness. In August 1818 Nancy Bowman married William Franklin. In October 1818 Elizabeth Bowman married George Franklin.

On 1 July 1822 Nancy Kirby was married to Aaron Hughes by David Wilson in Greene Co.

In 1826 or 1827 Christopher's house in Greene Co. burned, and his military records and other documents were destroyed. He had 360 acres on Lick Creek and was still Justice of the Peace.

The 1830 census for Greene Co. TN, Capt Laughner's Company or census district, shows Christopher, age 60-70, in a household with 3 men aged 10-30, 3 ladies aged 15-30, two ladies aged 50-60, and a lady age 60-70. Since Christopher's house had been burned, this may have been the house of one of his sons or sons-in-law, perhaps Benjamin Brotherton, Philip Babb, Thomas Poague, John Stout, or Aaron Hughes. The 3 older ladies may have been widowed in-laws. If the reader has additions or corrections, please let me know.

About 1831 Christopher arrived, undoubtedly by riverboat, in Washington Co. AR with a party including several of his children, their spouses, and neighbors.

About 1833 Christopher first submitted an application for a Revolutionary service pension. Mr. Bennett Martin had helped Christopher prepare his application but Mr. Martin left Washington Co. AR about 1834, without posting Christopher's original pension application to the War Department. Claim number S 32356 was

assigned to Christopher's second pension application. A copy is on file with the Washington Co. Historical Society.

In 1835 Christopher made a deposition before Judge Archibald Yell in Washington Co. AR regarding his Revolutionary service to support his second pension application. Thomas Poague (Christopher's son-in-law), James Coulter Sr. (Rebecca Coulter married Henry Franklin Kirby), John Dodson, Jonathan Newman, Robert Parks, Mark Bean, Wm Lasessions (sp.), Bryan Smithson, clerk of court, James Crawford, John Campbell, Lewis Evans, A. H. Lenir (sp.), L. C. Pleasants, J. M. Hoge, and Lewis B. Tully were able to testify to Christopher's character and veracity. Christopher's contact with the families of these witnesses had begun at least 30 years previously in Greene Co. Tennessee. Although he was a newcomer to Washington Co., he was no stranger.

In 1837 Christopher Kirby died at Cane Hill, in Washington Co. Arkansas. He was buried in the Russell Cemetery at Clyde AR.

Please send additions and corrections to Peter Wilson, 8 E. 25 St., Minneapolis, MN 55404. Ph 612-871-4807.

1830 Census for Washington Co. Arkansas: 2007 whites, 5 free colored, and 170 slaves. Among them were:

Aaron Hews	20002	11001	0
Allen Hews	00003	10001	0
Charles L. Petygrew	12002	11001	0
Joseph Reed	1100001	1212101	0+
John Reed (neighbor)	2002001	1020001	0
William C. Reed	020001	20111	1
Daniel Ritter	00220001	0001001	0
Hugh Simpson	1200001	11001	0
James Simpson	0001121	02212	1
John Stout	20001	20001	0
Joseph Stout	10001001	00000001	0
Lewis Tully	210001	20001	0
John Wilson, esq.	001100001	0021001	0+
John Wilson Jr.	010001	000001	0
John Wilson	000000001	000000001	4
William W. Wilson	000011	000	0

The 1830 census for neighboring Crawford County Arkansas included:

Jane Reed;	10001	0001101	0
Catherine Bird	011	010001	0
Mathew S. Simpson	0000001	0000001	0
Alexander Wilson	00000001	000001	0
Adam Carnahan	10001	00001	2
Wilkinson Stout	00001	00001	0
John Simpson	202101	010001	0
Thomas Hixson	00021101	01200001	0