

Thomas Lindsey (ca. 1745 – ca. 1785) of Wilkes County, Georgia

This file contains information regarding land that Thomas Lindsey owned on Fishing Creek in Wilkes County, Georgia. Thomas died sometime after having the land surveyed in 1777. His heirs brought a lawsuit in 1792 in order to recover their father's land. The heirs of Thomas Lindsey received a grant for land in Wilkes County in 1799.

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http://mimpickles.com/lindsey/georgia/wilkes/thomas_lindsey_heirs.pdf

updated on 3-30-2013

Thomas Lindsey's Land on Fishing Creek in Wilkes County, Georgia

Below is a transcription of a 1792 lawsuit brought by Thomas Lindsey, son of Thomas Lindsey, for himself and for his brothers Benjamin and Hezekiah Lindsey, and for his sister, Elizabeth Lindsey Jenkins.

Georgia

Wilkes Co

To the Honorable William Stith Judge of the Superior Court of the State of Georgia, Esquire

The petition of Thomas Lindsey for himself & Hezekiah Lindsey & Benjamin Lindsay for whom he is guardian & Bucknor Jenkins & Elizabeth his wife who is the daughter of Thomas Lindsay late of the county of Wilkes Deceased one of his legal representatives & distributees. Humbly sheweth That Thomas Lindsay deceased in his lifetime to wit on or about the twenty second day of August in the year of our Lord one thousand seven hundred and seventy seven obtained a lawful warrant of survey from the commissioners of locations paid the price of the land and all fees ___ to the grant of said land that said warrant for two hundred acres of land was executed by a lawfull Surveyor on the Rocky Fork of Fishing Creek in the county aforesaid bounded on all sides by vacant land the said land being so bounded marked & surveyed the plot of survey was returned into the Surveyor General's office which was afterward destroyed by fire by the enemies of the state and afterward the said Thomas Lindsay died leaving four children infants & minors to wit your petitioner Hezekiah Lindsay Benjamin Lindsay who are the wards of your petitioner & also Elizabeth Jenkins who is now the wife of Bucknor Jenkins & at the time of the death of Thomas Lindsay the infant daughter of the said Thomas.

And afterward Charles Duke of the County aforesaid well knowing the premises but minding & fraudulently to cheat & Defraud the children & distributees of the aforesaid Thomas Lindsay (who in fact did die intestate) did on or about the tenth day of May in the year of our Lord one thousand seven hundred & eighty seven obtain a survey of a tract of two hundred acres of land & laid said survey on the same land so surveyed for the said Thomas Lindsay afterward to wit on or about the twenty first day of February in the year of our Lord one thousand seven hundred and eighty eight the said Charles Duke obtained a grant for said land well knowing the right of preference to said land to be in the aforesaid children & distributees of Thomas Lindsay deceased which said tract of land is of the first quality & of the value of two hundred pounds & so your petitioners do say & aver that the said Charles Duke has fraudulently deceitfully & knowingly obtained a grant for said land when the right of preference was in your petitioners to their damage one thousand dollars.

Wherefore your petitioners pray process may issue requiring the said Charles Duke to appear at the Superior Court to be held in the county of Wilkes at the term of February next then & there to answer your petitioners on an Action on the Case.

J Huntington

Counsel for Pltffs

Georgia

By His Honor William Stith Esquire one of the Judges of the said state.

To the Sherriff of Wilkes county, Greeting

Thomas Lindsay et al

contra

Charles Duke

The defendant Charles Duke is hereby required personally or by his attorney to be and appear before their honors the Judges of the Superior court or one of them at a court to be held in and for the county of Wilkes on the second Tuesday of February next then and Then to answer the plaintiff in an action on the case and so forth to his damage two hundred and thirty three pounds six shillings & eight pence or in default Thereof the said court will proceed thereon as so Justice shall appertain.

Witness Benjamin Catching Esquire Clerk of the said court at office the thirty first day of December in the year of our Lord one thousand seven hundred and ninety two and in the seventeenth year of the sovereignty and Independence of the United states of america.

_____ Pro

Benj. Catching C.S.C.WC

Following are my abstracts of the remaining documents in the file:

(On a cover page)

February Term 1793

Left a True Copy of the within Writ at the defint^s notorious place of abode

We the jurors find for the defendant without cost until the appeal is determined

Lesly Coats Jr

(In the margin) Francis Gidden (can't read his role in the case, but he lived on the disputed land)

J. Huntington counsel for the plttfs

5 March 1795: A writ was issued to James McClane and Joseph Anthony, justices of Wilkes County, to interrogate Sanders Walker, who could not attend court in person. The answers to the questions were to be written and returned to the Wilkes County Superior Court on the first Tuesday in August.

31 March 1795: Sanders Walker's answers the questions about the suit.

Walker stated that he was well acquainted with Thomas Lindsey, deceased. Walkers was a deputy surveyor for Wilkes County. He surveyed a tract for Thomas Lindsey on the Rocky fork of Fishing Creek where Francis Gideans and William Low now live, on a lawful warrant issued on the 22nd day of August 1777.

Walker stated he paid the fees for the grant in the Surveyor General's office the preceeding Fall. He met Samuel Creswell and Arther Smith in 1793 or 1794. Samuel Creswell told him that he had been ___ the said land or a portion of it. Walker stated that he told Creswell that he had surveyed the land for Thomas Lindsey and had paid the fees for it. He told Creswell not to survey the land and Creswell said he wouldn't survey it.

Walker stated that he believed it was the same land that was in dispute by the parties in the lawsuit.

Walker stated that he had paid the fees to Thomas Chislam(?), Surveyor General. Mr. Goldwire, deputy secretary, received all the fees for carrying(?) plats into grants, which were upward of forty shillings.

Walker stated that he had the receipt, but since had mislaid or lost it.

Walker stated that he had heard the defendant claim part of the land that Walker had surveyed for Thomas Lindsey, and that David Creswell had also claimed a portion of the land. Walker stated that he had heard Samuel Creswell say that he (Creswell) had surveyed part of the land for Arther Smith.

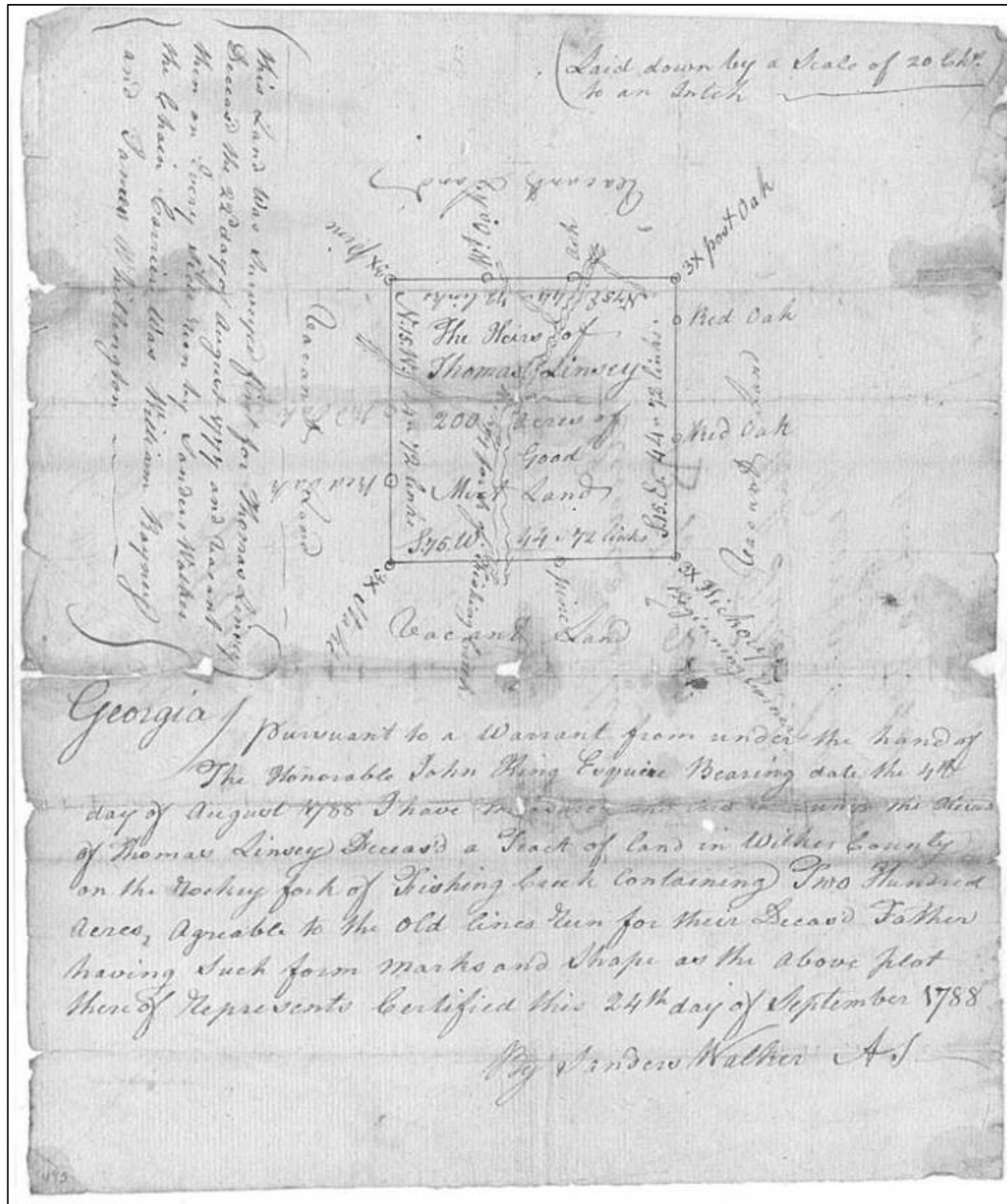
The statement was witnessed by Jas McLean and J Anthony.

Written on the statement below the signatures (upside down) were the words: We the jury find for the defendant.

Source: Georgia State Archives, Virtual Vault (online images), "Wilkes County Court Records", Charles Duke, defendant. (<http://cdm.sos.state.ga.us:2011/cdm/compoundobject/collection/wccr/id/14884/rec/1>), accessed on 3-29-2013.

Thomas Lindsey's Heirs had land surveyed in 1788 on the Rocky fork of Fishing Creek. A note on the survey said that Sanders Walker had originally surveyed the land in 1777 for their father, Thomas Lindsey. Source: Georgia State Archives, Virtual Vault, "Headright and Bounty Plats," Linsey, Thomas. (accessed 3-29-2013)

<http://cdm.sos.state.ga.us:2011/cdm/compoundobject/collection/looseplats/id/28647/rec/2>



1792: Thomas, Benjamin, and Hezekiah Lindsey were mentioned in a lawsuit over land.

<http://www.gideon.com/wilkes/books/early-records-of-ga-vol1/125-127.shtml>

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[WILKES COUNTY, GEORGIA] MINUTES OF INFERIOR COURT--1792-1793

Page 41--Oct. 31, 1792

Page 45--Thomas Lindsey appointed guardian of Hezekiah and Benjamin Lindsey for the purpose of bringing suit to recover land.

1797 - 1805: Tax lists show that the land was first listed as being granted to the Lindsey heirs, then to David Criswell (1798-1799), then to Lindsey heirs or Thomas Lindsey (1801-1805). Francis Gideon continuously lived on the land. Source: *Wilkes County, Georgia Tax Records*, by Frank Parker Hudson, Vol. 2. Page numbers are listed in the table, below.

Year	Name	District Code, Entry #, Captain's name			No of Acres	Quality	County	Water Course	Adj. Owners	Granted to	Vol	Page
1797	Francis Gideon	I	089	Thornton	200	2	Wilkes	Fishing Ck	Lewis Aron	Lindsey Heirs	2	747
1798	Francis Gideon	SS	011	Murray	100,100	2,3	Wilkes	Fishing Ck	James McLane	David Criswell	2	830
1799	Francis Gideon	SS	063	Murray	100,110	2,3	Wilkes	Fishing Ck	Lewis Aron	David Criswell	2	869
1800	Francis Gideon	SS	036	Murray	200	2	Wilkes	Fishing Ck	M. Barker?	Blank	2	928
1801	Francis Gideon	SS	037	Murray	200	2	Wilkes	Fishing Ck	Jas. McClane	Lindsey Heirs	2	1005
1802	Francis Gideon	SS	020	Todd	200	2	Wilkes	Fishing Ck	McLane	Lindsey Heirs	2	1101
1804	Francis Gideon	SS	075	Hamilton	200	2	Wilkes	Fishing Ck	Ware	Thos. Lindsey	2	1116
1805	Francis Gideon	SS	025	Hamilton	100,100	2,3	Wilkes	Fishing Ck	Nowland	Lindsey	2	1208

Note: The last year that David Criswell was listed as the person to whom the land was originally granted to was 1799. This was the year that the land was granted to the heirs of Thomas Lindsey.

1797: Charles Duke sold 178 acres on Fishing Creek to Francis Gideon. Source: *Wilkes County, Georgia Deed Book PP*, pages 227-228. David Creswell had sold the land to Charles Duke earlier in 1797 per *Wilkes County Deed Book PP*, pages 228-229.

1799: A land grant was issued to the heirs of Thomas Lindsey for 200 acres in Wilkes County. Source: "Georgia, Headright and Bounty Land Records, 1783-1909," Register of grants 1799, vol BBBB. (Image 255 of 400). *FamilySearch*. <https://familysearch.org>: accessed 3-29-2013.

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STATE OF GEORGIA

James Jackson Captain-General,
By His Excellency Governor, and Commander in Chief in and over the said State, and of
the Militia thereof.

To all to whom these Presents shall come, GREETINGS :

KNOW YE, That in pursuance of the Act for opening the
Land Office, and by virtue of the powers in me vested, I HAVE given and
granted, and, by these presents, in the name and behalf of the said state, DO
give and grant unto *The Heirs of Thomas Lindsey, their*
heirs and assigns forever,

ALL that tract or parcel of land, containing *two hundred*
acres, sit-
uate, lying, and being in the county of *Wilkes* in the said state,
and butting and bounding *on all Sides by Vacant*

Land

having such shape, form, and marks, as appear by a plat of the same hereunto
annexed; together with all and singular the rights, members, and appurte-
nances thereof, whatsoever, to the said tract or parcel of land belonging, or
in any wise appertaining; and also all the estate, right, title, interest, claim,
and demand of the state aforesaid, of, in, to, or out of, the same: TO HAVE
and TO HOLD the said tract or parcel of land, and all and singular the
premises aforesaid, with their and every of their rights, members, and appur-
tenances, unto the said *Heirs of Thomas Lindsey, their*
heirs and assigns, to *their* and their own proper use and behoof
forever, in Fee Simple.

GIVEN under my hand, and the great seal of the said state, this *twenty*
seventh day of *February* in the year of our Lord one thousand
seven hundred and ninety *nine*; and in the twenty *third* year
of American Independence.

Signed by his Excellency the Governor, the
27th day of *Feb^r* 179*5*
Thomas Johnson Sec^y

Ja^s. Jackson

Registered, the

5th day of *April* 179*5*

To date, no record of the Lindsey heirs selling the land they were granted has been found. Below are abstracts of grantor indexes for Wilkes County.

Wilkes County, Georgia Direct and Reverse Index to Deeds 1785-1821
(from FHL Microfilm #163600)

Grantor	Grantee	Acres	Location	Year	Book	Page
Lindsey, Jacob	Heard, Richard	30	Morris Creek	1792	LL	62
Lindsey, Abraham	Lindsey, Thomas	50	Pistol Creek	1795	OO	190
Lindsey, Abraham	Lindsey, Edmund	40	Pistol Creek	1795	OO	192
Neill, John	Lindsey, Edmund	50	Pistol Creek	1795	OO	188
Towler, Lemuel & Jane	Lindsey, Edmund	115	Pistol Creek	1799	RR	272
Lindsey, Abraham	Lindsey, Edmund	10	Pistol Creek	1799	RR	273
Lindsey, Jacob	Heard, Joseph	25	Morris Creek	1799	RR	313
Lindsey, Jacob	Scudder, Isaiah	11	Morris Creek	1800	ZZ	156
Lindsey, Edmund	McRath, John	140	Pistol Creek	1801	UU	220
Lindsey, Edmund	Lindsey, Caleb	40	Pistol Creek	1803	TT	314
Lindsey, Edmund	Lindsey, Caleb	50	Pistol Creek	1803	TT	315
O'Neal, John	Lindsey, John	60	Newford Creek	1804	VV	265
Lindsey, Caleb	Lindsey, Thomas	90	Pistol Creek	1806	WW	208
Lindsey, John Et Al	Hartsfield, Godfrey	200	Pistol Creek	1806	XX	306
Lindsey, Jacob	Lindsey, James	300	Morris Creek	1810	YY	318
Hartsfield, Godfrey	Lindsey, Thomas	200	Pistol Creek	1810	YY	511
Neil, John & Lydia	Lindsey, Thomas	44	Newford Creek	1810	YY	186
Lindsey, Abraham	Lindsey, Anne	100	Pistol Creek	1815	AAA	114
Lindsey, Jacob	Pullin, Joe		Pistol Creek	1816	DDD	30
Lindsey, Dicy	Pullin, Joseph	200	Pistol Creek	1817	DDD	14
Lindsey, Abraham	Lindsey, Anne	202 1/2	Henry Co.	1822	GGG	348
Lindsey, Abraham	Lindsey, Anne	202 1/2	Henry Co.	1823	HHH	423
Lindsey, William	Pullin, Elijah	25	Pistol Creek	1826	JJJ	263
Anderson, Edward	Lindsey, James	53	Morris Creek	1831	LLL	370

Wilkes County, Georgia Direct and Reverse Index to Deeds 1821-1903
(from FHL Microfilm #163601)

Lindsey, Elizabeth	Pullen, Elijah	22 1/2	Pistol Creek	1826	KKK	238
Lindsey, Phoebe	Pullen, Elijah	22 1/2	Pistol Creek	1826	KKK	239
Lindsey, Mary	Pullen, Elijah	90	Pistol Creek	1826	KKK	240
Lindsey, William	Pullen, Elijah	25	Pistol Creek	1826	JJJ	263
Lindsey, Thomas	Pool, William		Pistol Creek	1827	KKK	237
Lindsey, Anne	Freeman, Polly & Phebe	20	Pistol Creek	1828	KKK	192
Lindsey, Anne	Bradley, William	107	Pistol Creek.	1829	KKK	326
Lindsey, Anne	Pullen, Joseph	202 1/2	Henry Co.	1829	KKK	235