

FORT MILL TIMES

SUNDAY, MARCH 19, 2006

Sutton v. Jackson: Who really owned the land?

Fort Mill History

By Louise Pettus Fort Mill Times

(Published November 17, 2005)

Legal cases involving leases of Catawba Indian land created special problems for everyone involved - the disputing parties, their attorneys, and the judges. A court case that makes an interesting study is Bill # 60, "Alexander Sutton & Wife v. John Jackson" in York District Chancery Court. The case opened on July 3, 1830.

Solicitor Williams carefully laid out the major points to a state chancellor. Williams explained that Mary Candlish, the wife of Alexander Sutton, was a small child when her grandfather, Samuel Knox, left her a considerable estate by the terms of his will. She inherited three slaves and about 1,200 acres, part in Mecklenburg County, N.C., and part in York County. Samuel Knox's 1794 will specifically designated the child as heir of one-third of his estate rather than his daughter Sarah or her husband Alexander Candlish, who was at that time a merchant in St. Marys, Ga. But Knox added: "...if Alexander Candlish returns to these parts to live, he is to have, hold occupy and possess any tract willed to Mary Candlish and said negroes for twenty five years after my decease and not sell, barter, or sell [them]..."

Samuel Knox died in 1800, and Alexander Candlish in 1818. In 1830 Mary Candlish and her husband Alexander Sutton charged that her father, Alexander Candlish, illegally sold her inheritance to John Jackson in 1810.

The case required many witnesses and numerous exhibits. The first witness was James Harris, Esq. He swore he had known the land to be Samuel Knox's since 1785 when it was leased from the Indians. A certified copy of the lease was produced. It was drawn up Nov. 15, 1785, between the Catawba headmen and Knox for a term of 25 years. Knox turned over \$9 in Spanish currency, a black horse and a rifle and promised to pay 10 silver dollars in yearly rent. The acreage was unspecified but the description indicated it was all of the land in Fort Mill district that was between the two forks of Steele Creek north of the land claimed by Thomas Spratt. An 1801 survey showed 4,500 acres.

Witnesses testified that Knox did not want the land to go to his son-in-law because Candlish was a merchant and therefore constantly subject to suit.

Joseph Jackson swore Knox had occupied the land since 1783 and that "One Barnitt claimed a part of this land in 1784, gave a horse to the Indians, and when he found Samuel Knox had the claim, he got his horse back and quit his claim."

Hugh White testified it was the first lease recorded in the first Indian lease book, saying that Charles Miller was the agent who kept the book. He said Candlish took out a lease in his own name in 1811 (the year that the state first required a survey and a recording of all plats).

Sarah Knox Candlish, widow of Alexander Candlish, then took the stand. She said her husband

lived on the land three or four years and paid some rent. He understood he could use the land for 25 years and that did not prevent him from selling it for the good of his daughter. After the 1811 survey, Candlish sold the lease to John Jackson for \$2,000 - a cheap price.

Matthew West testified that the neighborhood knew that Jackson could not get a clear title and that he saw Jackson at a corn-shucking and told him that, but Jackson would not take his advice. John Jackson said the lease he got was signed by William Pettus, a superintendent of the Catawba Indians, and also son-in-law of Knox and executor of his will, and if Jackson's lease was not legal, he did not think Pettus would have allowed him to have the land.

In 1819, after Pettus's death, Jackson took out a new lease signed by three Indian commissioners. The decision that was handed down maintained the status quo: John Jackson kept title to the lease.

- *Louise Pettus is a renowned local historian. "Fort Mill History" is sponsored each month by the Fort Mill Downtown Association. Check them out at www.fortmilldowntown.com.*