



# CHRONICLE

The Newsletter of the Tennessee Supreme Court Historical Society • Fall

## Society to host gala in Chattanooga - Its first event outside of Nashville

*By: Linda W. Knight*

November 18 will be an historic day for the Society. We will join the Chattanooga Bar Association, the Chattanooga Bar Foundation and the Justices Ray L. Brock, Jr. and Robert E. Cooper American Inn of Court, to hold a program and reception at the beautiful Hunter Museum of American Art, situated on a bluff with a magnificent view of the Tennessee River and nearby mountains. All of our Supreme Court Justices will be in attendance.

The dual program will begin with a meeting of the Inn of Court, at which TSCHS Board member, Chattanooga lawyer and noted historian Sam Elliott will speak about the Supreme Court during the War Between the States. Afterward, there will be a reception at the Museum, whose current featured exhibits are entitled "Japonisme and America" and "Imagining American Girlhood."

The inspiration behind the event is former Supreme Court Justice William M. Barker, now with the firm of Chambliss, Bahner & Stophel, P.C., a Society board member. We sincerely thank Justice Barker and Board member Rachel Thomas, as well as Lynda Hood, the talented Executive Director of the Chattanooga Bar Association, all of whom have spent many hours in preparations for this celebratory evening.

We look forward to this first event outside of Nashville, which we expect will spur events in other locations around the state.

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## “His manner is arrogant and offensive”: The real reason for the resignation of T.A.R nelson from the Tennessee Supreme Court

*By: Sam D. Elliott*

**T**homas Amos Rogers Nelson served on the Tennessee Supreme Court from September 1870 until his resignation in late 1871. Previously, he had served sixteen years as a district attorney general, making “himself the terror of evil doers and the praise of those doing well.”<sup>1</sup> Nelson was elected to Congress in 1859 and again in 1861, and like Andrew Johnson, remained loyal to the Union. Unlike Johnson, however, he was detained by the Confederate authorities and spent a large portion of the Civil War under a sort of house arrest in Knoxville. His fame as a lawyer was such that when President Johnson was impeached in 1867, Nelson was part of his defense team.

Nelson was on the state supreme bench in September 1871 when his son, David, drunkenly challenged a former Confederate General, James Holt Clanton, to a duel. Unfortunately for Clanton, he brought a pistol to what turned out to be a double-barreled shotgun fight, and was killed. It was often thought that T. A. R. Nelson resigned from the Supreme Court because he wanted to participate in David’s defense, and to some degree, such was the case, as Nelson thought that by staying on the court he “might not be, as Caesar wished his wife, above suspicion.”<sup>2</sup>

But in a confidential letter to Governor John C. Brown dated November 28, 1871, Justice Nelson confessed his real reason for wanting to leave the court: a decided antipathy toward one of his fellow Justices, Thomas L. Freeman. Freeman was from Brownsville in West Tennessee, and had been wounded at Shiloh serving in the Confederate Army. Nelson related to Brown:

Ever since our organization, Judge Freeman has attempted to run the court. He is a good case lawyer, and I have, on several occasions, profited by his criticisms, while, upon others, I have [illegible] elaborately prepared opinions for the sake of harmony. But he seeks to monopolize the entire time in council and his manner is arrogant and offensive. His egotism is such that, as I think, he delights to hit a judge, or lawyer, under the fifth rib, whenever he can slyly do so. He did this, here, in one or two cases in which I had been of counsel; and, having borne his domination as long as I could stand it, I told him of it, in tolerably plain terms, and would have been much plainer if the other judges had not attempted to turn it off pleasantly. He was in a bad humor, however, and did not bid me good bye when he left. Now, it would be unbecoming, in two Supreme Judges, to settle a slight personal difficulty by wager of battle; and it would, certainly, be very unpleasant not to be on speaking terms; and, as I think Freeman, when on the Supreme Bench is nearer heaven than he ever expects to be in this world, and there is no hope of his resigning, I have concluded that my best plan is to get out of his way and let him run his full course and be glorified.<sup>3</sup>

Nelson died less than two years later, on August 24, 1873, a victim of a cholera epidemic then rampant in East Tennessee, but not before he saw his son acquitted in just five minutes by a decidedly Unionist jury in Knoxville for killing the ex-rebel general.

Freeman left the bench in 1886, and became the first Dean of the University of Tennessee Law School. His health failed before he got to see the first class graduate, however, and he moved to Dallas, Texas, where he died in 1891.

<sup>1</sup> “Obituary,” *Knoxville Weekly Chronicle*, August 27, 1873.

<sup>2</sup> T. A. R. Nelson to John C. Brown, November 28, 1873, Governor John C. Brown Papers, Tennessee State Library and Archives.

<sup>3</sup> *Ibid.* [emphasis in original].

## About the Tennessee Supreme Court Historical Society *By: Linda W. Knight*

This is a special edition of the Society's Newsletter, published in conjunction with our November 18, 2015 program and reception in Chattanooga

Because some in Chattanooga may not be familiar with the Society and its good works, we would like to acquaint our new readers with the Society.

The Society's mission is to preserve and protect the records of the Tennessee Supreme Court and its predecessor courts, to honor the Tennessee Judiciary, and to educate Tennesseans about the history and importance of our judicial system.

While the majority of members are lawyers, the Society welcomes all who share an interest in its mission and its program of work.

The Society is a 501(c)(3) charitable foundation and member dues are tax deductible.

The Society enjoys a strong working relationship with the Tennessee Supreme Court, but it receives no funds from the Court or any other governmental entity. Members' dues are indispensable for the Society's programs and its very existence.

The Society's website, [www.tschs.online.org](http://www.tschs.online.org), provides information to its members and the public, as an aid for teachers instructing about the judiciary in their classes, and as a research tool for legal scholars. It includes all issues of the Society's newsletter, the *Chronicle*.

### Ongoing Projects

In 2002, the Society published a 459-page book, *A History of the Tennessee Supreme Court*, edited by Professor James Ely, Jr. of the Vanderbilt University School of Law, featuring sections written by Professor Ely and six other distinguished Tennessee historians. The book received national acclaim and was named the Best Tennessee History Book of 2002. The Society plans to update this publication periodically.

In 2005, the Society installed black granite tablets, listing all appellate judges in Tennessee history, in the Supreme Court buildings in Nashville, Jackson and Knoxville. The tablets will continue to be updated. In preparation are plaques to honor the Clerks of the appellate courts in the three Grand Divisions; they will be installed soon.

The Society has embarked on an ambitious project: the cataloging and indexing of Supreme Court case records dating back to 1796. They were stored in the attic of the State Capitol and have been removed to the Tennessee State Library and Archives. The records are not in good condition and the latest technology in record preservation must be utilized in saving these documents. This will be a lengthy project and an important one, for if these documents are not saved, a major portion of our state's history will be lost.

The Tennessee Judiciary Museum was established in December 2012 and is intended to educate the general public about Tennessee's court system. The theme is "Tales of the Tennessee Judiciary: Stories of the Judges, Lawyers and Litigants in Tennessee's Courts." Exhibits include copies of the three original Tennessee Constitutions of 1796, 1835 and 1870, a reproduction of a judge's chambers, and artifacts from memorable cases such as the Scopes Monkey Trial. There is a multi-media display to explain how these cases affect people today. Phase 2 opened at the Society's reception December 4, 2013, with tours of the Museum. It focuses on the four levels of the Tennessee judiciary, with alcoves displaying documents, photographs and artifacts from those courts. A third Phase will soon open, consisting of exhibits recognizing the contributions of women and minorities to the judicial system. Lesson plans for students are available at the new website, <http://www.tennesseejudiciarymuseum.org/>, to enhance the educational experience of the Museum. We have welcomed groups and individuals from many states and several foreign countries.

The Museum is located in a portion of the library of the Tennessee Supreme Court Building at the corner of Charlotte Avenue and 7th Avenue North, Nashville. It is open from 9:00 a.m. to Noon, Monday through Friday. Admission is free. Tours may be arranged through the Clerk of the Court, at [Jim.hivner@tncourts.gov](mailto:Jim.hivner@tncourts.gov)

Please take a few minutes to join or renew your membership in the Society for 2016. Fill out the form below and send your check today.

#### **INDIVIDUAL MEMBERSHIP APPLICATION/RENEWAL**

Mail this form with a \$50.00 check payable to TSCHS to:

Ms. Linda W. Knight \* Suite 1700 \* 150 Third Ave., South \* Nashville, TN 37201

Name: \_\_\_\_\_

Address (including name of firm or employer if applicable):

\_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_



## Society's events foster fellowship and learning

*By: Linda W. Knight*

The Tennessee Supreme Court Historical Society traditionally holds an annual event with a theme. Each event is well-attended by up to several hundred people, and fosters fellowship, conviviality and learning among members of the Bench and the Bar.

These pictures will show a small sample of the evenings we have shared!

### 2008 – Dinner with keynote speaker Justice Sandra Day O'Connor



2008 Dinner - Justice Riley Anderson, Justice William Barker, Sixth Circuit Judge Martha Craig Daughtrey, Justice Sandra Day O'Connor, Former Justice Penny White and Former Justice Lyle Reid



2008 Dinner – Justice O'Connor with TSCHS Board members  
Front Row: Linda Knight, Justice Frank Drowota, Joy Day, Justice Riley Anderson; Back Row: Justice William Barker, Marlene Eskind Moses, Justice A. A. Birch, Gil Campbell, Justice O'Connor, Judge Ben Cantrell, Judge Andy Bennett, Andrée Blumstein, Former Justice Lyle Reid

### 2009 – Dinner honoring the 1974 Supreme Court, with presentations by children or grandchildren of all members of the Court



2009 Dinner - Justice and Mrs. Riley Anderson, Justice and Mrs. William Barker, Former Executive Director of the Administrative Office of the Courts, Libby Sykes, and Board Member Joy Day



2009 Dinner - Audience honors retired Justice Robert E. Cooper, Sr. Beside him are Mrs. Cooper, and their son, then-Attorney General Robert E. Cooper, Jr.

## 2010 – Dinner honoring Governor Phil Bredesen and First Lady Andrea Conte



2010 Dinner - Governor Phil Bredesen and the Supreme Court admire a print of the Supreme Court Building.



2010 Dinner - First Lady and loyal Society member, Andrea Conte



2010 Dinner - Keynote Speaker Governor Phil Bredesen addresses the audience.



## 2011 – Dinner featuring Supreme Court Record Preservation Project



2011 Dinner - Exhibits from Supreme Court Records Project - weapons, poison, maps, documents



2011 Dinner - Supreme Court Records Project - Close-up of exhibit from medical malpractice trial, showing sponge left inside a patient



2011 Dinner - Supreme Court Records Project - Close-up of document signed by future President Andrew Jackson, dated 1796



2011 Dinner - Former Supreme Court Clerk Michael Catalano explains Supreme Court Records Project. He and Court of Appeals Judge Andy Bennett were inspired to undertake and lead this project.

## 2014 – Dinner honoring retirement of Justice William Koch



2014 Dinner - Chief Justice Sharon Lee unveils the Society's gift to retiring Justice William Koch: A section of carpet that used to cover the floor of the Supreme Court Chamber.



2014 Dinner - The Justices following the 2014 election: Justices Jeffrey Bivins and Holly Kirby, Chief Justice Sharon Lee, Justices Cornelia Clark and Gary Wade



2014 Dinner - Attendees David Garst and Judy Bond McKissack, Executive Director of the Commission on CLE and Specialization



Take notice that on the  
of the present month I will proceed  
of the Court at the office of  
Clerk and Master of said Court  
Kashville between the hours of 9 o'clock  
o'clock A. M. to be read as evidence in  
which I will attend from day to day  
until the deposition is taken, where  
and cross examine if you think proper

Andrew Jackson  
by Nathaniel H. Darby

Phil<sup>d</sup> June 11<sup>th</sup> 1796

and after date I promise  
- Jackson Esquire, or order,  
five hundred thirty nine  
dollars with interest  
for value received

Wm Blount