

117 ⁷⁹⁴² Statement of
P. B. Pitts C.D.C
J. E. Newman C.D.C

Cuts

January 64

Nashville Jan. 18th 1864

Major Genl. Rousseau

Dear Sir

In accordance with my promise, I herewith make a statement of the matter in controversy in executing the Civil Law of the State of Tennessee under the instructions of Gov. Johnson. I wish to state the plain simple facts as took place and can substantiate, the statement by disinterested persons, at any time when required. On the 1st day of January 1863, Mr Thos Plater rented the property or Rooms in dispute situated on the south east end of the Public Square in the City of Nashville to Mr C. L. Howerton for which he takes his written Obligation to deliver said room to said Plater on the 1st day of January 1864, without suit at law or trouble the said Howerton instead of complying with his contract rented the rooms to Thos McCarty & he McCarty to () and he to () to Charles Richman to Messrs Lippman & Map - Mr Richman will state on oath if necessary that he told those gentleman that he could not rent

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them the house for a longer time than
the 1st of Jan. 1864 and they must look
-out for themselves, they then called
upon Mr. W^m Carty who also told them
that he nor any one else had any
thing to do with it but the owner,
and he had better see him - so Mr. Lipp-
-man called upon Mr. Plater who stated
that he had already rented the property
to J. C. Newman and taken his notes
for it, and expected he Mr. Lippman
to give him possession on the 1st day of
Jan. 1864. Though he could go and see
Newman as he had rented the property
for the year 1864 and any arrangement
that he could make with Mr. Newman
would be satisfactory to him - So Mr.
Lippman called upon me (Newman)
and proposed to rent the rooms, offer-
-ing me Six hundred Dollars per Year
Telling me at the same time that
he had been to see Mr. Plater and that
Mr. Plater told him that he had rented
the property to me, I replied to him
that he (Plater) had rented it to me
and that it was not for rent that I
wanted it for my own use and that
I expected it New Years day - his ans-
-wer to me was that "By God" he was going

to stay there, This all took place some time about the last of Sept or 1st of Oct. I do not recollect the precise time and so the matter stood in this way untill the 1st day of Dec. Mr Plater on that day come to me and authorized me to give them a written notice in his name through the hands of an Officer, I did so, Through the hands of Mr Garnett one of the constables of the county - the matter lay so untill the 1st day of January when Mr Plater come in and ordered a writs against them of G M. Southgate Esq - and when issued to be placed in the hands of an Officer to be served immediately. It was placed in the hands of an Officer Mr Pitto and was served by him, on the same day - at the time of the service of the writ Mr Lippman answered yes he would be there or he might have, judgement now if he wished and he would appeal to court and Dam the court would he ever have. So Mr Pitto and myself on the next day laid the foregoing Statement befor Gov. Johnson he said to us to let the matter stand untill the trial was had and if he did ask for an appeal to bring the papers

to him and the Gov Johnson would show him that there was a court. Or that justice should be had so the trial was had & he asked for an appeal and it was granted by the justices and then we took the papers to Gov Johnson and he give a written notice to Lipp-
-man & Mass immediately to come before him and make a statement, upon their part by 10. O'clock next day they come and he (Gov Johnson) requesting them to make a statement in writing showing what reasons they had for asking an appeal and to do it by 12. O'clock the same day and they never come back at all

So the next day he wrote them the notice as you see filed with the writ and handed to Mr Pitts which was served by him. On the 8th or 9th day of the month, Mr Pitts waited untill the 13th day of the month and called upon Esq Southgate for a writ of Ejectment, where upon the question arose as to wheather it was necessary him (Southgate) to issue a writ or not in the case, as Gov Johnson had taken it in hand and Decided that they had no right to an appeal.

So we together with Esq Southgate went immediately to the Capitol for a

discussion in the matter by Gov Johnson
 and he at once told Esq Southgate that
 he had nothing further to do with the
 matter as it had fallen into his hands
 and that the notice and order that he
 had given was only Process necessary
 to put them out therefore they must
 be made to comply with it at once
 by being put out of the house -

We therefore in Obediance to his order
 he claiming to be the judisary of the
 country superior to any courts of the State
 Especially when there is no court nor
 likely to be soon

And now Sir allow me to say
 that Mr Pitts & myself did not act
 in this matter without first asking
 Legal advise upon the matter by
 comparing Gov Johnsons and your
 orders together. Gov Johnson says he
 is the judisary of the country and
 your order says "Except it be by due
 process of the judisary of the country"

Sir from the foregoing statement
 you have all the facts in the prem-
 isis - We have acted only our duty in
 carrying out the Law & obeying the in-
 structions of Gov. Johnson, Respectfuly

L B Pitts
 J. Newman & Co