

JOHN WILLIAM HENDERSON UNDERWOOD

John William Henderson Underwood, one of the most notable characters of Georgia in the last generation. He was born in Elberton, Ga. November 20, 1816 and died in Rome July 18, 1888, five months before his seventy-second birthday. His father was Judge William H. Underwood and was a noted lawyer, known for his wit and sense of humor. He was the son of Joseph Underwood who came from Yorkshire England about 1750. He first settled in Orange county Virginia and married Nancy Henderson, a member of the North Carolina family of Hendersons. He migrated from Virginia in his youth and settled in Elberton, Ga. where his son, John William Henderson Underwood was born.

Judge Underwood was born during that period when the state of Ga. was rent in hostile camps by the long and bitter fight between the Clarke and Troup factions. He lived to see that die out and to see Georgia rise to a degree of prosperity. He took part in the life of that period, saw the greatest war in history fought, during which he was an active participant on the side of the south and to finally see his beloved state bereft of its prosperity. He was one of those who helped in rebuilding the State. He had the satisfaction of living until there was a degree of returning prosperity.

After obtaining his education and reading law under the direction of his father, he began the practice of his profession as a member of the Bar of the Western circuit. In July 1839, John William Henderson Underwood married Miss Mary A. Wyly, daughter of General James R. Wyly. The wedding was at the home of the bride in the beautiful valley of Nacoochee (Helen, Ga) They were the parents of nine children, one son and seven daughters survived their father.

In 1843 he was elected Solicitor-General of the Western Circuit. He was not very happy in this office as the duties of this office was not agreeable, but he threw his whole strength into the work and became a terror to evil-doers. He resigned before the end of his term and in 1851 moved his family to Rome, Georgia where the remainder of his life was spent. A partnership was formed, consisting of Col. D.R. Mitchell, his father and himself. Both his partners were elderly men so the burden of the extensive practice fell upon his shoulders. He soon became known as one of the strongest lawyers of this section. In 1855 the President of the United States (President Pierce) appointed him Chief Justice of the Supreme Court of the territory of Nebraska, which he declined. In 1856 the people of Floyd County, Ga. elected him member of the General Assembly and he was then elected Speaker of that group. In 1859 he was elected a Representative in the Federal Congress. He was a member of that body when Georgia seceded. Along with the rest of his colleagues he withdrew and returned to his native state. He served during the war as inspector of Brigades and for a time as assistant-General of the Confederate States.

At the close of the Civil war he resumed practice at Rome until 1867, when he was appointed (by Governor Jenkins) Judge of the Tallapoosa circuit, which position he held until displaced by reconstruction Government, which was established in 1868. In 1874 he was appointed by Governor James M. Smith to Judge of the Rome circuit, and at the end of the term he was elected to the General Assembly to succeed himself, he continued in that office until 1882. He resigned that office to accept a position with the United States Raffle commission. After the completion of this duty, he resumed his law practice in partnership with Capt. E. Rowell. The last years of his life were not so

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active due to a partial attack of paralysis. He died while attending court in Marietta, Ga.

Not much could be found on the family of Judge Underwood. His father, Judge William Henderson Underwood is buried in the old th Avenue cemetery, he was an important figure in the removal of the Cherokee Indians west; he sleeps in an unmarked grave.

Mr Mitchell Albert Nevin, long time city of Rome clerk and the builder of the "Nevin Opera house" and Editor of several short-lived newspapers, married one of Judge Underwood's daughters, Helen A. Underwood. Mr Nevin was born in Augusta, Ga. April 10, 1842, his father was James Nevin, a native of South Carolina, he migrated to Augusta and died in 1846. Mr Nevin received his education in Augusta, came to Rome when he was 22 years of age. He taught school for two years and then became interested in Rome Commercial Newspaper, he sold this paper in 1869 but repurchased it. He and Mrs Nevin were the parents of three children! Ida, wife of W.A. Patton, James B. Nevin and Mary M. Nothing could be found on the other children, but we found that Mrs Helen A. Underwood Nevin left a will (Book "D", page 301) her heirs were; Mrs Mary Mitchell, James B. Nevin, and Mrs Nevin Patton.

There is a long article on old Judge William Henderson Underwood, attorney for the Cherokee nation in Ga. in Wilson Lumpkin's book, title "Removal of the Cherokees" both while he was Governor of Ga. and after he retired in 1835. He speaks frequently of the Indians and their "Fee'd" attorneys (Underwood, Hansel, Harden and etc) as if he expected high-class lawyers to give up several years of their practice without pay. He underlined the word 'fee'd'. After the treaty was signed in December 1835 the former Governor was employed by the United states to examine various claims put in for damages for the Cherokees in the execution of the expulsion and removal. These included many claims from lawyers and the U.S. acknowledged the justice of recompensing the nation, not individuals for their appeal to the courts. Governor Lumpkin checked the items carefully and finally recommended large reductions. The U.S. made the reduced payments, but it is common knowledge that Judge Underwood did not get any payment.

After 1838, John Ross was the chief or head of the Cherokee nation and he expected all payments to be made through him. He and his party was strongly opposed to the Ridge party who finally recommended the making of the treaty as the lesser of the two evils. We have no way of knowing what became of the money after it was paid by the United States.

We also found another Judge Henderson Wm Underwood born in 1779, he married Virginia O'Farrell of North Carolina and they were parents of 8 children. We found two sons and one daughter. Gaston McCager Underwood who lived in Meriweather County, he married Martha Kindall and they had seven children. Mattie Cornelia Underwood married J.B. Willis, they lived in Sanford, Florida. Does anyone know how this Judge William Henderson Underwood fits in this family??? Would be most interesting to know.????