

## **Thomas, Micajah, Jr.** <sup>[1]</sup>

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by Hugh Buckner Johnston, 1996; Revised by Jared Dease, Government and Heritage Library, January 2023

#### **3 Jan. 1757–26 Sept. 1788**

Micajah Thomas, Jr., [planter](#) <sup>[2]</sup>, taverner, clerk of court, justice, and legislator, was the son of Captain Micajah (13 Feb. 1726–14 Nov. 1769) and Mourning Dixon Thomas. His father was a native of Nansemond County, Va., a prominent planter, merchant, justice, and militia officer in what was then [Edgecombe County](#) <sup>[3]</sup>, N.C. The first court in [Nash County](#) <sup>[4]</sup>, formed in 1777 from Edgecombe, was held on 29 Jan. 1778 at the home of Micajah, Jr., who was unanimously chosen clerk in April but resigned on 5 October. In April 1780 he sold the commissioners three acres south of Peachtree Creek on which the first permanent courthouse for the new county was erected in 1784. Thomas represented [Nash County](#) <sup>[4]</sup> in the legislature in 1780, 1782–85, and 1787. He also became a justice of the county court on 8 Apr. 1783.

His will, dated 17 May 1788, was unusual not only for the disposal of the 88 people whom he enslaved, 25,000 acres of land, and a great deal of personal wealth, but also for the excessive litigation that it engendered for many years as an indirect result of his unusual domestic life. He provided abundantly for all four of his illegitimate daughters, and the three by Ann Jackson were to "have a good education and be brought up in a genteel manner" until aged eighteen or married, meanwhile living with their mother "in the new house." Several other family connections were also treated generously, and his blacksmith, Lewis, and "trusty servant old Peter" were given their freedom, their wives, and a lifetime means of support.

The handsome two-story Thomas residence, erected east of the courthouse on Washington Street in the summer of 1788, was sold out of the family in 1830 and thereafter served variously as a private residence, a hotel, and finally a storehouse before being demolished in 1976. A detailed inventory of the Thomas estate indicates that this house was attractively furnished with walnut and mahogany furniture, a library, considerable sterling silver and pewterware, and other evidence of wealth.

The almost novelistic details of Thomas's private life began with the tentative bond he made on 5 June 1776 to marry Elizabeth Crafford of Surry County, Va. They never married, however, and their child, Mary Thomas Crafford, was born out of wedlock; she became the wife of Archibald Cocke of [Surry County](#) <sup>[5]</sup> on 5 Sept. 1793. On 7 Jan. 1778 Micajah Thomas married as his only wife Anne Hawkins (5 June 1759–12 Mar. 1781), the daughter of Colonel Philemon and Delia Martin Hawkins of [Bute County](#) <sup>[6]</sup>, N.C. Their two children, Barsheba and Philemon Thomas, inherited their mother's tuberculosis and died in infancy.

In 1784, in [Nash County](#) <sup>[4]</sup>, the widower Micajah Thomas was identified as having a new partner, Ann Jackson. The two had three daughters together whose maturing physical and cultural endowments were enhanced by their outstanding inheritances of both people their families had enslaved and land. Their illegitimate births was not a deterrent to the matrimonial attentions of the most eligible young bachelors of Nash and adjacent counties.

Thomas's will was recorded on 10 Nov. 1788 and placed in the care of executor William Boddie the property intended for his three daughters, resident in Nash County. Executors [Benjamin Hawkins](#) <sup>[7]</sup> and Shadrach Rutland were to supervise the [Northampton County](#) <sup>[8]</sup> estate of daughter Mary Thomas Crafford.

After the marriage of Ann Jackson in 1791 to general and state senator William Arrington (2 Mar. 1766–24 Sept. 1812), Arrington secured from the Nash County Court on 13 Nov. 1792 the guardianship of Thomas's "three reputed Daughters," now Arrington's stepdaughters. In the spring of 1793 he instituted against the executors the first of the lawsuits over the Thomas estate that would involve the family intermittently for the next twenty-five years.

The situation became more complicated in 1799, when the [General Assembly](#) <sup>[9]</sup> passed an act that entitled illegitimate brothers and sisters to inherit from each other as if they were legitimate. Ann Jackson Arrington died in 1804; her married but childless daughter, Mourning Thomas Branch, died in 1805 and this daughter's husband, James Branch, died in 1807. William Arrington died in 1812. The legal problems were basically (1) how much of one-third of the Micajah Thomas estate might be recovered from James Branch or his executor, John Branch, by the heirs-at-law of his late wife, Mourning Branch, and (2) how much of the total estate or the income therefrom might have remained improperly in the hands of guardian William Arrington or in those of his administrator, Joseph Arrington.

The subsequent developments and their solutions can be understood better after a proper identification of the three children of Ann Jackson and Micajah Thomas: (1) Mourning Thomas Jackson (4 May 1785–1805), married first Thomas M. Alston on 12 Oct. 1802 and second James Branch (brother of Governor [John Branch](#) <sup>[10]</sup>) on 14 Dec. 1803; as a widower, Branch married second Martha Hilliard on 26 Sept. 1806 and died about 1 Nov. 1807. (2) Margaret Thomas Jackson (4 May 1785–9 June 1866) married General Joseph John (Jack) Alston on 7 Oct. 1802. (3) Temperance Thomas

Jackson (14 Sept. 1787–after 1840) married James Wright Alston.

Of the four later children that Ann Jackson had by William Arrington: (1) Mary Arrington Jackson (b. 29 Aug. 1790) married first Captain James M. Nicholson (d. May 1809) on 11 Dec. 1806 and second General Joseph Arrington. (2) John D. Arrington (b. 4 May 1792), married Joanna Williams Drake on 28 Jan. 1812. (3) William Arrington, Jr., married Ann Brinkley. (4) Martha Arrington (7 Nov. 1795–20 June 1870) married in 1812 her step-brother Lawrence Battle (20 Mar. 1788–30 Aug. 1841).

Then in December 1804 General Arrington married as his second wife Mrs. Mary Williams Battle (1768–3 Sept. 1816), the widow of Captain William Battle, by whom he had two additional children: (1) Ann Arrington (1805–1825), married Peyton Randolph Tunstall in 1822. (2) Colonel Nicholas Williams Arrington (25 Dec. 1807–14 Feb. 1865), married Temperance Arrington Drake on 18 Apr. 1827 and is reputed to have become the most famous American fighter of gamecocks.

At its July 1810 term, the [North Carolina Supreme Court](#) <sup>[11]</sup> reviewed an appeal of *Alston and Wife v. Branch and Arrington* from the [Halifax County](#) <sup>[12]</sup> Court and decided that James Branch and his heirs had been correct in maintaining their title to the land, the people they enslaved, and moneys heired by his first wife, Mourning Thomas Jackson. In the case of *Arrington v. Battle*, as appealed from the Nash County Court to the January 1813 term of the Supreme Court, it was determined that both parties were liable for the charges of the county clerk. Joseph Arrington would return the enslaved woman to a different enslaver and her increase and pay all other costs of the suit, and Lawrence Battle would restore to Arrington the purchase price of £250.

The lawsuit of *Branch v. Arrington* concerning income and interest from the Micajah Thomas estate was introduced into the Halifax County Court of Equity at the April 1815 term and was heard in July 1815 by the state supreme court. The state court ruled that guardian William Arrington and his successor were bound to report annually all interest and other income from the estate of their wards "after the deduction of just charges." The case of *Arrington v. Arrington Heirs* from the Nash County Court was heard by the same session of the supreme court, which decided that only the lands acquired by William Arrington after signing the marriage contract with Mrs. Mary Battle on 10 Dec. 1804 were subject by law to her claim of dower.

On 18 June 1816, the litigation of *Arrington and Others v. John Alston* was instituted in the Nash County Court on the issue that the people they enslaved and other personal property bequeathed by Micajah Thomas to Mourning Jackson Branch in 1788 had been in a different clause from the real property and by all applicable law and equity should have reverted in equal shares to her legitimate and illegitimate heirs by blood. These heirs included all the living children of the late Ann Jackson Arrington, including the never-identified first four who were "born out of wedlock" and bore the surname Monroe. The July 1818 term of the North Carolina Supreme Court rendered judgment that this personal estate belonged to the aforesaid "heirs at law."

What appears to have been the last litigation over the Micajah Thomas estate was begun in the Nash County Court of September 1820, and concluded without further involvement of the state supreme court, for the recovery and division of Mourning Branch's real property consisting of 3,025 acres worth \$5,166 on Peachtree and Pig Basket creeks and of 540 acres worth \$5,215 north of Tar River at Rocky Branch. On 14 Dec. and 19 Mar. 1821 twelve tracts in six shares of 594 acres each were finally divided among her two half brothers and the husbands representing her two whole and two half sisters.

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## Subjects:

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[Public officials](#) <sup>[16]</sup>

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[Johnston, Hugh B., Jr.](#) <sup>[17]</sup>

## Origin - location:

[Nash County](#) <sup>[18]</sup>

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