

HENRY H. COOK:

Be it remembered that on the 17th day of November 1921, R. H. Crockett, Esq., a member of the bar, presented in open Court certain resolutions in commemoration of the life and work of the late Chancellor Henry H. Cook, recently adopted by the bar at Franklin, and moved that same be entered at length upon the minutes of this Court.

Thereupon, after hearing the resolutions read, it was ordered that same be spread upon the minutes.

The resolutions are as follows:

-- Resolutions in memory of Chancellor Henry Howe Cook.--

Henry Howe Cook was born near Boiling Spring Academy about seven miles northeast from Franklin, in Williamson County, Tennessee, on November 23, 1843. He died in Franklin, Tennessee, on November 2, 1921; and was buried in Mt. Hope Cemetery on November 3, 1921.

His father, Lewis Cook, came to Maury County from South Carolina. He moved to Nashville where he learned the carpenter's trade, and then came to Williamson County, where he passed the latter part of his life as a farmer. Lewis Cook died in 1873. Lewis Cook's mother was named Howe, and his wife, Chancellor Cook's mother was Margaret Jane Cook, a daughter of Nathan Owen, of Mill Creek in Davidson County.

Henry Howe Cook went to school at Boiling Spring Academy, the building which still stands, though the organization of the academy has been long abandoned. At the age of fifteen, in 1858, he entered Franklin College, conducted by Elder Talbert Fanning, near Nashville, and remained there until April 1861, when he enlisted in Company D, First Tennessee Regiment, C. S. A. but was discharged on account of ill health in the latter part of 1861. Soon after his return from Virginia, where he had been with the First Tennessee Regiment, he made his way to Fort Donelson, rejoined the army and engaged in the battle there in February 1862. He refused to surrender there and escaped through the lines about 8 o'clock on the morning of the surrender, swimming through the back water from the river to safety.

Young Cook then went to Mississippi and joined the 55th Tennessee Regiment, C. S. A. just before the battle of Shiloh. Subsequently the 55th and the 44th Tennessee Regiments, C. S. A. were consolidated, and he was elected Lieutenant in Reid and McEwen's consolidated companies of the 44th regiment, and was with that regiment at the Battles of Perryville and Murfreesboro. At the battle of Murfreesboro he was severely wounded in the head, a portion of the skull being torn away, and he also received a wound in the shoulder. At the battle of Chickamauga, the captain of his company, Samuel Jackson, was fatally wounded and Lieutenant Cook was given command of the company, and while in command took part in the assault on Ft. Saunders at Knoxville, and in the battles of Bean's Station, Ft. Walthall Junction and Drewry's Bluff, in Virginia.

At Drewry's Bluff he was captured, and taken at different times to Fortsbes Monroe, Point Lookout and Ft. Delaware.

He was one of the Six Hundred Officers selected at Ft. Delaware and put under fire of the Confederate Batteries at Morris Island, off Charleston, South Carolina. Thence he was taken with others to Ft. Pulaski for retaliation, and then back to Ft. Delaware. He never fully recovered from the injuries resulting from his suffering in the prisons and forts, and on grossly unsanitary ships, while he was a prisoner.

During the operations around Petersburg, Captain Cook performed one of those striking minor acts which sometimes occur and bring the young officer into notice. He was given two field guns and ordered to go to the river and open fire on a Federal gun boat. He attacked the gun boat in what seemed to be a very reckless manner at the time, ordering his men to dash with the guns to the very margin of the river. This they did while big shells from the boat passed over their heads. Arriving at the river, they opened fire on the gun boats and soon put it out of commission and captured it, for

which he received official commendation for his commanding officer.

In June 1865, Captain Cook returned home to Williamson County and commenced the study of law, and was admitted to the bar in 1867.

For some years he was in partnership with Mr. R. N. Richardson, the firm being Cook & Richardson. Later from 1877 to 1893, his law partner was Park Marshall, the firm being Cook & Marshall, until the latter accepted a position in Washington City.

In August 1870, Captain Cook was elected County Judge of Williamson County, and was re-elected in 1878, serving in that station sixteen years. In 1896, he was elected Chancellor of this division, then composed of Davidson and Williamson Counties and served six years, and until September 1902. Upon the expiration of his term of office as Chancellor, he returned to the practice of law at Franklin, Tennessee, and was elected as a member of the first board of law examiners appointed in the State, under an act of the Legislature passed about that time, providing for the examination of applicants for admission to the bar. Upon organization of the Board Judge Cook was elected Chairman, and served in that capacity for a number of years.

In 1882 Judge Cook was married to Miss Fannie Crockett Marshall, eldest daughter of John Marshall, a distinguished lawyer of Franklin, and to this marriage one child, a daughter, Genevieve, was born. She died in 1913, her mother having died in August 1911.

Judge Cook was a member of Starnes Camp, Confederate Veterans, and was a life member of Hiram Lodge No. 7, Free and Accepted Masons, and was a member of De Payen Commandery, Knights Templar.

He was a member of the Christian Church from early life and was always a close student of the Bible.

He was universally, both with the bar and among the people, regarded as a lawyer of very great legal ability and acumen. Having made a close study of the principles of the law he was little given to the practice of quoting multitudes of decisions to sustain his contentions, his practice being to give legal reasons for his conclusions, thus winning the case by force of reason and common sense, rather than by attempting to fit the case into the run of Supreme Court decisions.

His belief was that the first principle of law is reason and justice, and when these are shown to apply to a case, there was little more to be said for the edification of an able court. At the same time he was deeply learned in the principles of the law as found in text book, and in the application of statutes. If a court decision was found to be in point and controlling, he was, of course, ready to use it with all the force and power that it possessed. Very soon after he took his seat as Chancellor the bar at Nashville recognized him as one of the ablest Chancellors the State has had, and this reputation he held throughout his term, being considered both at Nashville and throughout the State and especially by the appellate Court as a Chancellor of exceptional ability.

Therefore, Be it Resolved;

First: That in his death the bar of Tennessee has lost one of its most talented members, the bar at Franklin its dean, and the people of Williamson County one of her most distinguished citizens.

Second: That a copy of these resolutions be furnished to the several courts of this county, and to the Chancery Court of Davidson County, with request that same be spread upon the minutes, to the end that a permanent record and memorial may be made; and that a copy be furnished Judge Cook's family.

Respectfully submitted,

R. H. Crockett,

T. P. Henderson,

C. M. Gordon,

COMMITTEE.