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RUTHERFORD COUNTY
HISTORICAL SOCIETY

Publication No. 1 7

ROBERT WEAKLEY

Summer 1981
Murfreesboro, Tennessee 37130

The Cover

Pobllicatlon nuniber 17 contains an article on the town of Jefferson iriille it was the counter court seat, I803 - I8II. Robert Weakley was one of the foimders of Jefferson and a portrait of him is a part of our cover. Some of Robert Weakley's descendants still live In the Jefferson area. Very little remains of this early town of Rutherford County. When Percy Priest Lake was built in 1966, the site was cleared of houses and allowed to return to a

forested state. The town Robert Weakley and Thomas Bedford founded and expected to develop into a major town is now part of history. Kevin Markuson's work in researching and writing the early development of Jefferson is greatly appreciated. Our thanks also to Susan Daniel and Mary Wilgus for their research and writing articles for this publication.

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PUBLICATION NO. 17
Published by the
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A HISTORY
OF
THE TOWN OP JEFFERSON
1803 - 1813

Kevin Markuson

PREFACE

With our modern world changing so fast before our eyes, it is important to preserve and keep alive the traditions and heritage of our ancestors. It is in this spirit of preservation of our heritage that the researching and writing of this short history has been done. It is also in this spirit that I offer this work to the people of Rutherford County; that they may more fully understand the life and times of the people that settled this land and thereby perpetuate a continuity with their past.

This history of Jefferson does not purport to be a complete, detailed history of the town. As more research is done, I am sure more facts concerning the town and events surrounding it will come to light. I have tried to cover, as thoroughly as possible, the ten years in which the town was formed and grew, up until the courts moved to Murfreesboro in 1813.

I would like to extend my most deep and heart felt gratitude to those persons who were so kind to open their homes, materials and memories to me, while I was researching this history. Ernest K. Johns, Everett Waller, Mr. and Mrs. Lee Victory, Mrs. Becky Spring, Mrs. Peyton Smith, Walter K. Hoover, Hatton Ward and Kathryn Barrett. I would like to extend a special note of gratitude to Dr. Ernest Hooper for all his instruction, guidance and inspiration that he gave me during the researching and writing of this history and to my wife Cathy for her never failing moral support and interest.

THE FORMATION AND EARLY GROWTH OF THE TOWN OF JEFFERSON

The town of Jefferson was located within the forks of the Stones River. This land was part of an assignee land grant to Robert Weakley and Thomas Bedford from the state of North Carolina.

The original grant reads, "by an act of our General Assembly entitled an act for the relief of the officers and soldiers in the Continental line and for and in consideration of the signal bravery and persevering zeal of James Pearl, a captain in the Continental line of said state Robert Weakley and Thomas Bedford were the assignees of James Pearl. This land grant is dated December 12, 1801 and was for 3,840 acres, that being the amount of land granted to a captain.

The town of Jefferson was laid out by Weakley and Bedford prior to June 1803, when these lands were still a part of Davidson County. A plat of the town was registered with the Davidson County

Clerk according to early deeds for town lots. The town was laid out

2

with a public square and 102 town lots.

Weakley and Bedford held the first sale of town lots on

June 10 and 13, 1803 as many of the early deeds for town lots, registered

with the Rutherford County Register, bear these dates. It is interesting

to note that Weakley and Bedford gave town lots to certain individuals

at this time. William Nash (a Justice of the Peace) and Joseph Herndon

(County Trustee for Davidson County and soon to be County Clerk for

Rutherford County) were given lots #20 and #81 respectively " for and

in consideration of the respect and friendship they (Weakley and Bedford)

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bear " -^ A total of 40 lots were sold on June 10 and 13, 1803.

I no. 18 shows
boundaries
of land grant
to Weakley
and Bedford
for 3,840
acres

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note: the
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for no. 18
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From "The Southern Virginia Weakley]?arailies and their Descendents"
by S.A. Weakley Courtesy Mrs. Becky Spring

Some of the first buyers were John Hill, James Sharpe, Alexander McCulloch and William Nash, soon to be prominent personages in the growing community of Jefferson.

During the summer of 1805, a growing movement for the formation of a separate county in the environs of Stones River was about to reach a climax. Petitions were sent by a number of citizens in Davidson and Williamson Counties requesting that a new county be laid off due to the vast extent of the counties and the hardships to the citizens in attending courts, general musters and elections in the towns of Nashville and Franklin. A petition of August 26, 1803 further requests that the navigation of Stones River be kept open from Cummins Mill to the mouth of the river to carry produce to the market. The petition also requests that Captain Joseph Walton, James Sharpe, Robert Smyth, Captain William Doran, John Andrews, O.M. Benge and James Campbell be appointed commissioners to establish the place of the seat of justice. Petitioners included John Cummins, Travis Nash, Cader and Abner Dement and Samuel Wilson.

It is interesting to note that as early as 1802, settlers living south of the Cumberland settlements were desiring a separate county. This is evidenced by a petition, in the Tennessee State Library and Archives, to the General Assembly from citizens living on or near the Big Harpeth River, dated December 8, 1802. The land included within the bounds proposed by this petition would have included the present eastern portion of Williamson County and the present western portion of Kutherford County.

There were some opposing the creation of a new county in 1803.

This is evidenced by a petition to the General Assembly from citizens of Davidson County requesting that a new county not be

laid off for reasons of inconvenience if the request for a new

7

county should be granted.

Rutherford County was formed by an act of the General

Assembly , October 25, 1803, entitled, " An act to erect the counties of Davidson and Williamson into three separate and distinct counties.'^ Contained within this act, the courts were to meet on the first Nonday in March, June, September and December. The first court was to be held at the home of Thomas Rucker and subsequent courts were to be held at different places until a courthouse was built. It was further declared that Rutherford be a part of Mero District for all military and civil purposes and that the sheriffs of Davidson and Williamson Counties be free to collect taxes that were due the date of the act. On November 7, 1803, the General Assembly passed " A supplementary act to the act creating Rutherford County. ° William Nash, on the part of Rutherford County, and Samuel Weakley, on the part of Davidson County, were appointed commissioners to run the line between Rutherford and Davidson Counties. They were to make out a plat, with the distances to the major water . courses, and file this with the clerk of the county. The lines of the county were to be run by the " first of January next. " The several justices that fell into Rutherford County after the lines were run were appointed justices in Rutherford with the same powers as before.

Nashville, August 18,1802

"During the last two weeks, the Indians have stolen horses three different times from the inhabitants on the waters of Stones River- in the two first instances the horses have been recovered but not in the last. Such depredations as these it is not probable, will be submitted to with impunity- they are supposed to be Creeks or Cherokees."

_ **~x- **■}«■.

Tennessee Gazette, August 18, 1802

After the sale of lots in June of 1803, there v/ere only a few sales of lots in Jefferson by Weakley and Bedford in August and September. On New Year's Eve 1803, Weakley and Bedford sold to Joseph Herndon 501^ acres, lying on both sides of the West Fork of Stones River, situated not far from the town of Jef f erson.^'^This was to become the home of Joseph Herndon as evidenced by later court entries describing roads in the county. That same day, Weakley and Bedford

also sold to Joseph Bowman 141-^ acres lying on the West Fork of

1 1

Stones River. On this land, Joseph Bowman was authorized by the

1 ?

courts to build a mill in January 1808. "^

The court, according to the above mentioned act of the

General Assembly, met for the first time at the home of Thomas Rucker,

near where the Veteran's Administration stands today. The first mention

of holding court in Jefferson was in the adjournment of the first

session, when it was recorded that the "court in course be held at

the forks of Stones River at the junction of the main West and East forks.""

In July, 1804, the county court met at the "courthouse" in Jefferson agreeable to the adjournment of the previous session J ^ Court was also held in Jefferson in October 1804. It must be remembered that Jefferson at this time had not been chosen for the seat of justice for Rutherford County yet. However, Weakley and Bedford, without doubt, must have envisioned Jefferson to be the seat of justice. At this time, Jefferson was the only organized town in the county and its situation between the forks of the river made it a potential center for trade and commerce for the area.

These early references to a courthouse in Jefferson support the tradition that the early courts were held in the Lenoir house." This house stood on the north side of what was the old square. During demolition for the Percy Priest project, a two story log structure was uncovered that was incorporated into the house. Most likely, Weakley and Bedford donated this log building to the county for use as a courthouse in an attempt to have Jefferson selected as the county seat. Later, in 1806, the Commissioners of Jefferson would order the sale of this building when the new courthouse was finished.

On August 3, 1804, the General Assembly passed an act appointing commissioners to fix a place for the seat of justice for Rutherford County. John Hill, Fredrick Barfield, Mark Mitchell, Alexander McKnight and Peter Legrand were appointed commissioners to select a site "having special regard to good water." ' ' It was further enacted that the commissioners acquire 40 acres of land for the erection of the public buildings, lay off a town to be named by them and sell lots at a public sale. A tax was also authorized to

defray the expenses of a new courthouse that was to be built. With an organized town, containing several good springs and access by-

road or watercourse, established and growing within the forks of Stones River, Jefferson was a logical choice for the seat of justice. Unfortunately, no records are available today of the proceedings of the commissioners that would reveal to us any alternative sites they may have considered.

There was very little real estate activity in Jefferson during the year 1804, with just a few lots being transferred by the original buyers. Weakley and Bedford did not sell any lots in Jefferson, in 1804, according to present deed book records.

Although the county court had temporary facilities, in the log "courthouse", apparently there were no facilities to hold prisoners. During the July session, of 1804, the sheriff, Samuel McBride, entered

a protest to the court that there was no jail within the county to

1 8

hold prisoners.

In the October session of court, Peter Legrand, John Hill, Mark Mitchell, Alexander McKnight and Fredrick Barfield came into Jefferson and gave bond and security for the office of commissioners to fix a place for the seat of justice.''^ For some unknown reason, James Sharpe, the other commissioner named in the act of the General

on

Assembly did not give bond until January 10, 1805.^ On this same day, Alexander McKnight and Fredrick Barfield filed their resignations as commissioners with the County Clerk's office. ' As the records of the proceedings of the commissioners are not known to be in existence today, the question of why they resigned is open to conjecture. It may have resulted from some dissension within the commission, or an

8

inconvenience of the duties of the appointment to the above commissioners.

The court moved from Jefferson after the October session of 1804 and convened at Simon Miller's house on the first Monday in January, 1805. The court met for the ensuing sessions, through January

1806, at the home of Nimrod Meniffee, except for the July session which

22

did go back to the log courthouse in Jefferson. Within the act creating

Rutherford County, it was stipulated that the courts were to move from

place to place until the seat of justice was chosen.

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courtesy Sam Davis Home
"The Weakley Map of Jefferson"

photo courtesy Everett Waller

Ephram Waller's house was located on the South side of the square,
The main section of the house is said to have been constructed
of logs, beneath the weatherboarding. This could have been one
of the buildings built during the early years of the town.

photo from Nashville Banner Feb. 14, 1967

The Bone house was built across the main street from the Lenoir house.
This house is also said to have been built with logs and appears to be
a double pen type. 9

10

ROBERT WEAKLEY
SURVEXUR, LAND SPECULATOR AND POLITICIAN

R6bez*t Weakley was bom JtQy 2, 176U in Halifax County

23

Virginia. In 1781, at the age of 16, he was in the Continental

Amy and fought in the battles of Alamance and Oxdlford Courthouse.

On April 18, 1782, it is said that young Robert Weakley left his home in Halifax County with a horse, bridle and saddle and \$1.75 and went to Rowan County, North Carolina to study surveying with General Griffith Rutherford for whom Rutherford County was named. During the winter of 1783-84 he came to the Cumberland settlements by way of the Cumberland Gap and the old wilderness road through Kentucky. He then set up residence on Whites Creek in Davidson County until moving to his estate in Nashville, "Lockland", in 1800.

Robert Weakley married the daughter of General Mathew Locke, Jane Locke, of Saulsbury, North Carolina, in 1791. They had four children, Mary, Narcissa, Robert Locke and Jane Baird. His brother, Samuel Weakley, also lived in the Nashville area and worked with him as a chain carrier during early surveying work.

Robert Weakley's fortune was made in land speculations and land surveying. He surveyed many of the early military land warrants throughout Middle Tennessee. He did much of the early survey work around the Duck and Elk rivers and in later years

11

surveyed in the West Tennessee area. Robert Weakley accumulated massive land holdings through his surveying work and land grants. Only assignee or purchase grants were ever issued to Robert Weakley. An assignee grant was issued if one purchased the right to the land from one who is entitled to it, but may not want the land (as in the case of the land grant #3390 to Weakley and Bedford - they bought the right for the land grant from James Pearl). Purchase grants were issued for so much per acre or 100 acres.

Robert Weakley owned 8,000 acres on the waters of Half Pine Creek and Sycamore Creek. He also owned land on the Cumberland, Red, Harpeth, Stones, Elk and Duck rivers and on Whites, McAdoo and Richland creeks. Some of his surveying work in West Tennessee was in Obion, Tipton, Haywood and Shelby counties.

From his earliest times in the Cumberland settlements, Robert Weakley stood out as a leader among his fellow settlers. In the Draper Papers (Draper MSS 32-5-353), there is an account of Robert Weakley's role in averting an abandonment of the Cumberland settlements in 1786. According to the Draper Papers, the settlers on the south side of the Cumberland had become very discouraged due to the continued depredations committed by the Indians during the winter of 1785-6. Hearing of the discouragement and the talk of

abandoning the settlement, young Robert Weakley drew up a paper, for himself and other friends to sign, pledging themselves to "remain and protect the country".

During the early spring of 1786, the settlers held a meeting at Robertson's Station to decide their fate. According to the Draper Papers, several settlers spoke, "representing that from the depredations

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of the winter, and the loss of friends, that they had nothing to hope from raising a crop this coming season, and it was proposed that such as had horses to pack them and go to Illinois and such as had none to prepare large piroques and go by water." Weakley asked Robertson permission to speak. "Weakley represented that although he was a young man, he felt a deep interest in the permanent occupation of the country; that if the people on the south side of the Cumberland broke up and abandoned the country, those on the north would certainly follow their example; that he and they had toiled and risked their lives for successive years in acquiring lands and now to abandon them, it would be extremely uncertain when they be resettled and hence after all their toils and sufferings they could little hope ever to realize anything for them. He then read the paper containing the proposition of himself and other young men and he pledged himself that they should remain as promised. Robertson arose with a cheerful and inspiring countenance and simply said, "Did you hear this? - Let's all agree to stay." "Agreed" was the unanimous response and it was everyone to his tent, ho Israel! Robertson's station, which had become dilapidated was now repaired, the same of other stations, and the young men guarding, a good crop was raised in the country. "

Robert Weakley continued to be a leader in the area and became very involved in politics throughout his life. In July of 1788, he represented Davidson County on the commission to decide on the seat of government for North Carolina and that November, he was elected an Esquire for the county. Robert Weakley was a member of the Tennessee House of Representatives in 1796 and of the Senate in

13

1799, 1803, 1807 and 1819. He was also a member of the U.S. House of Representatives at Washington May 1809 - March 1811.

Robert Weakley also had an active role in the militia of the Cumberland settlements during his younger years. In 1791, he was

the Brigade Inspector of the militia of Mero District, with the rank of Lieutenant Colonel. In 1798, he was a Colonel of the 2nd Regiment of the Davidson County Militia.

Robert Weakley's survey mark
which he would carve on corner trees

14

THOMAS BEDFORD
A DREAM NEVER REALIZED

Thomas Bedford was "born sometime between 1754 and 1758,

24

in Cumberland County, Virginia. At an early age, he moved with his family to Drakes Branch in Charlotte County, Virginia to live on lands inherited by his father, Thomas Bedford Sr. The Bedfords of Charlotte County, were one of the most wealthy and prominent families of that county with extensive land holdings in that part of the country.

Thomas Bedford took an active role in the Revolutionary War. He enlisted on February 5, 1776 as a private in John Brent's Company, 4th Virginia Regiment. Records of Henry County, Virginia indicate that near the end of the war he was made a Lieutenant by the justices of that county. These records also indicate that he served in the last military campaign against Lord Cornwallis at Yorktown. According to a family tradition, he personally outfitted a volunteer company and led them during a part of the conflict. Another tradition, concerning Thomas' military career, holds that he refused a promotion in the army because he had promised the mothers of the young men, serving with him, that he would stay with them during the fighting and see them safely home when the war was over.

After the Revolution, Thomas Bedford represented Charlotte County in the Virginia Assembly. After a brief political career, he moved to the new settlements at Nashville, where he had accumulated extensive real estate holdings in the area (presumably for his military services in the Revolutionary War). He also owned more than 5,000 acres in Christian and Harrison Counties, Kentucky, receiveino"

them as land grants for his military service.

Thomas Bedford was associated with a man named Maury, in Nashville, concerning some land holdings. Bedford left Nashville to return to Virginia to close his affairs there and left his lands for Maury to sell. When he returned to the Cumberland, he discovered that Maury had sold all of his real estate holdings in that area. Maury tried to persuade Thomas Bedford to join him in a new settlement to the south of Nashville, but he refused. Instead, he joined in a partnership with Robert Weakley and undertook the joint founding of the town of Jefferson. He left the Nashville area and took up residence on the West Fork of Stones River. The partnership of Weakley and Bedford was formed sometime before 1801, as this is the date of the land grant that was issued to Weakley and Bedford. This land grant was the only holding of the partnership.

The earliest mention of Thomas Bedford in the Davidson County records is an entry in the County Court Minute Book 1783 - 1809, page 325, dated July 13, 1802. In this entry, a road is ordered to be laid off from Thomas Bedford's home to Nashville one way, and Cripple Creek the other way.

Thomas Bedford was not able to see his dream of a town within the forks of Stones River come to a full fruition, for he died suddenly sometime in the summer or early fall of 1804, before Jefferson had officially been selected as the county seat of justice. On October 2, 1804, Ann Bedford, his widow, came into the Rutherford County court and relinquished her right of administration and nominated her eldest

OR

son, John R. Bedford, to administer the estate. In addition to being appointed administrator of the estate, John R. Bedford was also appointed, , by the court, guardian for his minor brothers and sister;

Thomas, William, George, Nancy, Benjamin and Littleberry.

Thomas Bedford left no will and his estate and financial matters were in such shape that nearly all his holdings were lost through outstanding debts and law suits against his estate. The remaining portion of unsold land that was held by Weakley and Bedford was divided equally between Robert Weakley and the heirs of Thomas Bedford by a commission appointed by the County Court of Rutherford,

In 1807, when a new county was organized out of Rutherford, on the south. side in the. area of the Duck River, General Joseph Dixon proposed that the new county be named in honor of Thomas Bedford. Accordingly, the legislature followed this proposition.

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Inventory of Thomas Bedford's estate

17

JEFFERSON
THE COUNTY SEAT OF JUSTICE

The commission must have selected Jefferson as the site for the county seat by April of 1805, for it was on April 4th that they levied a tax for the purpose of erecting the public buildings in the county as provided for in the act of the General Assembly. Although it appears that the town of Jefferson was chosen as the

seat of justice in 1805, Robert Weakley did not deed the land to the

29

commissioners of Jefferson until Feburary 16, 1806. He deeded 40

acres of land on the south and east sides of the town, "for and in consideration of the regard he bears toward the said county of Rutherford." This particular tract of land was one of the divisions of the unsold portion of the 3,840 acres that was owned by Weakley and Bedford, and was allotted to Robert Weakley after the death of

30

Thomas Bedford. Referring to the Weakley map of Jefferson, Weakley donated the land contained in lots #103 through #162 which the commissioners had surveyed and laid off to be sold to help defray the cost of the new courthouse.

During the year 1805, the town of Jefferson must have been bustling with activity. Presumably, the new courthouse was being constructed on the square and wharves and warehouses were being erected by the river to handle the trade that was increasing with the growing population of the county. Most likely, other structures were also being built in Jefferson to accomodate the business needs of the community and surrounding area.

18

Robert Weakley deeds 40 acres to the commissioners of Jefferson

"Beginning at the Northeast corner of the said tovm of Jefferson aiittle above the head of a spring on the East Fork of Stones River on the North side of the main street of

the public square running thence North thirty three degrees East one chain sixty five links to a stone in the bank of said East Fork of Stones River, thence up the East Fork with it's meanders to a

and large ash in the original East boundary of a tract of three thousand eight hundred and forty acres belonging to Robert Weakley and Thomas Bedford dec'd. Thence with said boundary line South fifteen chains and eighty links to a red oak, thence West thirty seven chains to the West Fork of Stones River, thence down the said West Fork with it's meanders to a stone due South of the now South West corner of said old town of Jefferson. Thence North to said corner six chains, thence East with the South boundary of said old town to the main South street of the same, thence up the West boundary of said street to the public square, thence around said square so as to include the whole to the Eastern boundary of the aforesaid street, thence down the same South to the aforesaid South boundary of said town, thence North with the East boundary of said town to the beginning. . . ."

From the Seed, Robert Weakley to the Commissioners
of Jefferson
Rutherford County Register, Deed Book E, p. 400

19

Norton Gum was appointed the overseer of the streets and public square in Jefferson, on July 2, 1805, with all the hands within the bounds of the town to work under him. He had also been

licensed to keep an ordinary at his dwelling house, in the town of

32

Jefferson. The Norton Gum ordinary was the first to be licensed

in the town of Jefferson. Tradition holds that Mark Mitchell had the first ordinary within the town, but no evidence could be uncovered to support this.

During 1805, Wm. P. Anderson petitioned the court to build

a mill, on the East Fork of Stones River, about 600 yards from the

33

town of Jefferson. -^^ This site now is the picnic area of the East Fork access area. There was indeed a mill built here which in later years was known as the Ridley or Davis mill. A small portion of the

mill dam can still be seen today.

It appears that the commissioners had a sale of town lots in Jefferson on December 26, 1805, as a number of deeds registered in Rutherford County for town lots bear this date. A total of 11 lots were sold that day. Robert Weakley, Samuel Bell and John Bell

35
were among the purchasers of lots.

The first election held in Rutherford County, with Jefferson as its political center, was held in 1805. On July 2, 1805, the court appointed James Sharpe, Samuel Wilson, Hugh Robinson, Constant Hardeman, Alexander McCulloch and Joseph Herndon as inspectors and judges of

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the next election. Jefferson was undoubtedly the polling place for the county.

By order of the commissioners to fix a place for the seat of justice, Wm. Quisenbury, a surveyor, determined the center of the

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county sometime in 1805. The county seat was usually centered so as not to put any part of the citizens at a disadvantage in attending courts, elections and general musters. On January 7, 1806 while court was being held at the Meniffee house, Wm. Quisenbury was allowed eight

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dollars for his services.

Clarissa of Jefferson
A Black Woman's Fight for Freedom

Clarissa's legal fight for her freedom started in April

of 1805 and was to last for at least two years.

On April 2, 1805, the court ordered William Edwards to give bond to permit Clarissa to appear at the next court when she was to pursue her appeal for her freedom. The court further ordered that Clarissa "be treated with humanity" by William

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Edwards in the mean time.

William Edwards must not have taken any action by this court order, for on July 4, 1805, the court again ordered William to give bond, in the amount of one thousand dollars, to permit Clarissa, "who has sued him in this court for her freedom", to

appear before the court during the proceedings of her suit against

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him. Again, the court ordered William to treat her with humanity.

The next court entry. concerning this suit was on October 7, 1806, fifteen months after William was last ordered to give bond for the assurance of her appearance in court. ^ The court entry for this date reads, "Clarissa vs. Wm. Edwards - False Imprisonment,"

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In this particular case, the jury granted a mistrial to the defendant, Wm. Edwards.

During the following session of court, on January 7, 1807, William Edwards and Clarissa, along with their attorneys came into court where Clarissa was again suing him for false imprisonment. ^ The jury found the defendant "not guilty as charged in the plaintiff's declaration above, and that the said plaintiff is the slave of him, the said defendant." An appeal was "prayed and granted;" On the same day, January 7, in a separate entry, it was recorded that Alexander Moore, a witness for the plaintiff was called but did not appear and therefore "forfeited agreeably to an act of the General Assembly. "^Was this the appeal that was granted by the court? Unfortunately there are no further entries in the county court records concerning the case of Clarissa and William Edwards, but the story of Clarissa is not over yet.

On July 1, 1810, O.M. Benge sold to a Clarissa Boushane

lot #122 in the town of Jefferson for two dollars. '^'^ In the 1810

census for Rutherford County a Clarissa Beshano was recorded as residing, as a head of household, in the town of Jefferson. ^^ She was at least 45 years old and had one slave, according to the census. The County Court Minute Books for Rutherford County reveal that Clarissa bought two more lots in Jefferson on October 8, 1812; one from O. M. Bengé and lot #124 from William Locke. ^^ . In a report, dated 1813, on improved lots in the town of Jefferson, Clarissa appears again as "Clarese Bushoug, a woman of color from one of the French Islands." Is this the same Clarissa who six years ago brought William Edwards into court to sue him for her freedom? If so, how did she finally gain her

freedom? Could a settlement between Clarissa and Wm. Edwards have taken place out of court, with Clarissa gaining her freedom and taking up residence in the town of Jefferson where she could have found work in an ordinary: or some other business? Without further documentation, the answers to these and other questions will remain unanswered.

In April of 1806, the court moved back to Jefferson,

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presumably to the newly constructed courthouse on the square.

In Goodspeed History of Rutherford County , the courthouse is said to have been constructed of brick -and measured roughly 40 feet by 40 feet. The cost is said to have been between two and three thousand dollars. A copy of the Weakley map of Jefferson, at the Sam Davis Home in Smyrna, describes the courthouse as built with brick and stone.

The town as well as the county was growing rapidly in these first years. On April 9, 1806, Thomas Mitchell , obtained a

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license to keep an ordinary at his dwelling house. The Mitchell ordinary was the second ordinary to be licensed for the town of

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Jefferson, the Norton Gum ordinary being the first. • According to an article in the Nashville Tennessean, ' dated March 26, 1950, John Nash Read came into Jefferson and established another tavern on the square sometime in 1806, The Read tavern was said to have had stables across the east main street, which in later years was

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turned into a blacksmith's shop after the tavern closed down.

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photo from the Walter K.
Hoover collection
Thurman Francis Jr. High
Smyrna

The Ridley or Davis mill, as it was known in later years. Wm. P. Anderson obtained permission to erect a mill on this site in 1805.

The logs used in thi- l.:i- -ici.juse were said to once have been used for the old jail in Jefferson.

photo courtesy Everett Wall«

The Read tavern was built around 1806 and stood on the Northeast corner of the square.

The rates for ordinaries were set by the court in 1804 and were

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as follows:

dinner 25 cents

breakfast and supper 20 cents

lodging 8 $\frac{1}{3}$ cents

corn or oats per gallon 8 $\frac{1}{3}$ cents

stabling a horse for 24 hours

with corn, fodder or oats 33 $\frac{1}{3}$ cents

"good whiskey" $\frac{1}{2}$ pint 12 $\frac{1}{2}$ cents

peach brandy 12 $\frac{1}{2}$ cents

French brandy, rum or wine 50 cents

As the town was growing and prospering, there was also an increase in violence and disturbances of the peace. There were three taverns in Jefferson at this time, and after a journey up the river from Nashville, they surely must have been a welcome sight to a thirsty riverman. No doubt, on different occasions, overindulgence of the spirits may have caused some brawls and other disturbances in the town of Jefferson. Throughout the county court minutes for 1806, there are numerous cases of assault and battery and trespassing. John Spence and William Gilliam were appointee the first patrollers for the town of Jefferson on April 17, 1806.² Patrollers were also

appointed for McCoy's militia co., Capt. Wm. Searcy's militia co .

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and Capt. Nimrod Jenkin's militia co. out in the surrounding county.

In July of 1806, the county clerk, Joseph Herndon, and the sheriff of the county were provided space in the new courthouse. The court ordered that Joseph Herndon "have leave to appropriate the corner of the courthouse upon the upper floor at the head of the

of the staircase for the purpose of an office so as not to interfere with a sufficient passage at the head of the staircase." The court also ordered that " the sheriff of this county have leave to make for his own use a closet under the staircase in the courthouse, in such a manner as he may think proper, not injuring said staircase."

As the new courthouse must have been completed by now, with the county offices taking residence within, the court ordered the commissioners of the public buildings to put up for public sale the old courthouse in the town of Jefferson. ^5 Unfortunately, several deed books for the county are lost and it is impossible to trace this further. If a deed were to be located between John P. Lenoir and the commissioners, this would confirm the tradition that the first courts were held in the Lenoir house.

A jail for the county had been constructed of logs and was probably located on the north west corner of the square. I'lr. Lee Victory, former owner of the Lenoir house prior to the Percy Priest Project, claims that the logs of his smokehouse were the logs used in the first jail for the county. He moved the structure from Jefferson to his present home, in Smyrna, during the dismantling of the town for the Percy Priest Project.^"

In April of 1807, James Lewis deeded to the commissioners of Jefferson one half of lot #101 "for the benefit of the citizens and the public buildings use.'"^' He was paid 54 dollars for the half lot. It remains a mystery what the commissioners did with their half of lot #101. In referring to the Weakley map of Jefferson, Lot #101 was one lot away from the square on the northwest side. This v/ould have been a logical choice for a public building, being in close proximity to the courthouse, but no records can be found today to

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From Tennessee State Library and Archives

A portion of a surveyors map of the first district, 1807-8 , showing the town of Jefferson and the major roads leading to Nasnville, Franklin, Lebanon and the settlements at Readyville.

pursue this further.

By the latter part of 1807, the commissioners' tasks were completed and they were made allowances for their services and expenditures in fixing a place for the public buildings for the county. The court ordered James Sharpe 16 dollars, Constant Hardeman 8 dollars, John Hill 50 dollars, Mark Mitchell 50 dollars and Peter Legrand 75 dollars on October 5, 1807.^ ^ Fredrick Barfield, one of the commissioners who resigned, was allowed 10 dollars for his services. 59 Alexander McKnight, the other commissioner who resigned, was not appropriated any compensation for his services until the January session of 1808, when he was allowed 20 dollars.

In addition to the courthouse, jail and stocks, wharves, warehouses, taverns and houses in Jefferson, there was also a blacksmith's shop in October 1807. On October 6, 1807, the court ordered certain individuals to lay out a road, "beginning at the mouth of the main street near the blacksmith's shop" leading from Jefferson to Lebanon.^ ' ' According to the map of Jefferson, this would have put the blacksmith's shop down the hill from the courthouse near the

riverfront.

There also may have been a government land office in Jefferson for a short time in 1806-7. In a move to settle the continued land disputes between Tennessee and North Carolina, the General Assembly of Tennessee, in 1806, passed an act entitled, "An act directing the division of the state into convenient districts, for the appointment of the principal surveyors thereof, and for ascertaining the bona fide claims against the same." In section eight of this act, the locations for the district offices are as follows: the first district office at Nashville, the second district office at Jefferson, the

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third district office at Alexander's, the fourth district office at Kingston, the fifth district office at Knoxville, the sixth district office at Jonesborough and the office for the territory south of the French Broad and Holston rivers at Sevierville. Rutherford County was within the bounds of the first district according to the boundary descriptions in the above act and an early surveyors map in the Tennessee State Library and Archives. The office for the second district may have been located at Jefferson because it was the closest organized town to the district (the southern bound. ary between the first and second districts was roughly the. boundary between Kuxneriord and Bedford counties). When Bedford County was organized, in 1807, the land office

may have been moved there, to Shelbyville, where it would have been in the same district that it was authorized for.

On November 7, 1807, the General Assembly passed an act entitled, "An act for the regulation of the town of Jefferson in Rutherford County." According to this act, the sheriff was to hold an election at the courthouse in Jefferson in April of 1808 to elect five persons to act as commissioners of the town. Only those who were either inhabitants of the town or owned property in the town were allowed to participate as candidates or voters. The commissioners were empowered to regulate the town including calling on inhabitants who were; -iiaoi-e to work -^he roads, appointing an overseer of the streets, "prevent encroachments on the streets or burials on the public square" and appointing a surveyor to re survey the town, agreeable to the original plan, and designating the lots by stone cornerstones at each lot. They were also authorized to lay an annual tax on the town as follows:

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Not exceeding \$100 worth tovm property. .. 1 2 1/2 cents

White poll 12 1/2 cents

Each black poll 25 cents

Each stud horse 75 cents

The appraisement and collection of this tax was subject to all the rules and regulations of the state tax. Section VIII of this act stipulated that the monies collected through this tax were to be appropriated only for the benefit or improvement of the town and that the commissioners were not to receive any compensation for their services.

The town must have grown considerably by this time to require a town commission and a town tax for its proper upkeep. As the population of the county increased, the business and traffic in and through Jefferson must have increased proportionately. There was the river traffic, bringing goods up river from Nashville for sale or trade in and around Jefferson and when the court was in session, the town must have been busy with the Justices, witnesses, petitioners and jury members that came in for the court. In many of the early court cases, witnesses were allowed so much money for so many days attendance. This must have been to help defray the expense of coming to Jefferson, possibly staying a night or two at one of the ordinarys. For many , it was a long trip into Jefferson on horse-back or in a wagon.

The population of the county had grown, by the end of

1807, to the extent that the General Assembly authorized another place, in addition to Jefferson, for the next election to be held.^5 This act specified that all persons living in the 2nd Battalion

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of the militia and those living east of the road from Cummins mill (located on the East Fork of Stones River) to William Kelton's were to vote at the house of William Kelton. William Kelton lived at the Black Fox settlement. The sheriff was to carry the polls to the courthouse in Jefferson, to be added and included in the total poll of the county. It was also stipulated that "any person who votes at both places of the holding of the election, shall pay ^10 to any person who may sue for the same."

The pattern of migration, into Rutherford County by these early settlers, was from the north by way of Jefferson and that vicinity. As settlers pushed further south and east in the county, they were at an increasing distance from Jefferson and consequently under more of a hardship to attend courts and elections there. As we shall see, in just a few short years, this will be a key factor in the seat of justice being removed from Jefferson.

In January of 1808, an order by the county court extended the area for which the overseer of the streets was responsible for in Jefferson, to the east bank of the West Fork at the low water mark. Norton Gum was still the overseer of the streets in Jefferson at this time. Apparently, the area mentioned must have come into disrepair, possibly from the traffic connected with the river trade. The log jail must have also fallen into a state of disrepair, about this time, for John Griffin was allowed 6 dollars and 16 3/4 cents for repairing the jail. ^

Again in 1809, a separate election was held at the Black Fox settlement in addition to the polling place at Jefferson. The inspectors and judges of this election for Governor and members of

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the legislature were Charles Ready, William Lofton, Robert Smith, Sr. and Ezeckial McCoy. They were to oversee the election at the Black Fox settlement as they were all inhabitants of the southern and eastern portions of the county. With polling places elsewhere in the county, Jefferson was rapidly losing its importance as the legal and judicial center for the county.

On April 7, 1809, Joel Dyer, a resident of Jefferson, was appointed overseer of the western boundary of the town to the low water mark on the West Fork with all the liable hands within the
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town to work under him. ' Later, in 1811, Joel Dyer was licensed to keep an ordinary at his house in Jefferson. According to Goodspeed History of Rutherford County , Joel Dyer moved his business to Murfreesboro in 1812.

The census for 1810 shows the total number of inhabitants in Jefferson to be 107, including heads of households, spouses, children and slaves. Joel Dyer had the largest household within the town with 11 males, 7 females and 9 slaves. As he was operating an ordinary at this time, it is possible that some of the males and females counted were boarders. He and George Simpson were the largest slaveholders in Jefferson, each having 9 slaves. The heads of households in the town of Jefferson were as follows: Joel Dyer, James L. Armstrong, George Shall, Thomas Mitchell, Clement Read, George Simpson, George R. Nash, Thomas Johnson, James Sharpe, Neil B. Rose, WilliajTi D. Hill and Clarissa Boushane.

Again the jail had fallen into disrepair as John Griffin

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was allowed ^3.45 for fixing the jail. On the previous day he, as sheriff of the county, protested about the "insufficiency of

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THE LENOIR HOUSE

photo courtesy Hatton Ward
The Lenoir house in the 19th century

The Lenoir house during demolition, showing the log structure that was used as the first courthouse in Jefferson.

photo from Nashville Banner Feb. 14, 1967

In later years, the log building was added on to and the whole was covered with weatherboards. The front was changed from the East, facing the main street to the river, to the South, facing the old Jefferson Pike.

photo from Rutherford Courier
Aug. 7, 1967

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the jail" in Jefferson. During the same session of court, on January 2, 1810, Joseph Herndon resigned his position as the County Clerk, having served 6 years in that position. '''

In January of 1811 new rates for taverns in Jefferson and those out in the county were established by the court. They were as follows:

Breakfast and Supper 16 3/4 cents

Dinner 25 cents

-5 Pint whiskey, peach brandy or gin 12^ cents

Each 24 hrs. horse kept in stables 57i cents

Each person a bed 6t cents

■J 3?int rum, wine or French brandy 25 cents '^

The Tragic Story

of

Herbert Hardy

An interesting story comes to light, in Jefferson, in an examination of the County Court minutes for April of 1811. It appears there was a Dr. William Ward in Jefferson at this time and on April 2, 1811, the court ordered that "if Dr. William Ward will receive Herbert Hardy and will give him such medical aid, and also furnish him with such nourishment as his situation may require, that this court will make him a suitable allowance. " ' ^ Who this Herbert Hardy was, where he had come from, and what injuries or ailments he had is a mystery. All that is evident from an examination of the records is that he came into Jefferson, injured or ill to

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the extent that the court was moved by his situation and appropriated county funds for his care.

The next day, April 3, the court ordered that Thomas Mitchell, who operated a tavern in town, be allowed \$25 for furnishing Herbert Hardy with a bedj '* The efforts to revive Herbert Hardy failed for he died sometime between April 3 and July 2, 1811. It was on this last date that the court reimbursed Dr. William Ward ^8 for a coffin he provided for the "late Herbert Hardy dec'd." ' ' ' ^ This same day, the court ordered the sheriff of the county to take possession of the bed and other effects of Herbert Hardy and sell them at six months credit, making a return of the sale at the next court session. It appears that Herbert Hardy must have been in a destitute state, for when the sheriff made a return of the sale of his personal belongings on October 10, 1811, it only amounted to fourteen dollars and thirteen cents. ' ^ ^ On October 7, James Havins was allowed by the court ^25

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for caring for Herbert Hardy while he was ill in Jefferson.

Dr. Ward must have had James Havins care for Herbert Hardy, while he gave the necessary medical treatment. The next day, James Gray was

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granted ;ttil2 by the court for his amount against Herbert Hardy.

During April of 1811, the court ordered that the courthouse in Jefferson be repaired and that a courthouse tax be laid on all taxable property in the county, being equal to one half of the state

tax.^ It appears the courthouse had fallen into an extreme state of disrepair. Within the court order, it was specified, " to paint the window frames, doors and cornice with some cheap paint, to repair

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the doors, ceiling, justices seat and bar, to erect a clerk's table, plaster the inside of the house, fill the windows with sound glass and mend any sash that is broken." So here we have a picture of the courthouse in 1811 with broken doors, peeling paint on the trim, an unplastered interior with exposed brick and broken windows around the house.

THE REMOVAL OF THE SEAT OF JUSTICE

On October 17, 1811, the General Assembly passed an act entitled, "An act to establish the permanent seat of justice in the county of Rutherford."® The passing of this act represents the culmination of a growing dissatisfaction with Jefferson as the county seat by a portion of the citizens over the last few years. Within the above act, the reasons for moving the seat of justice away from Jefferson were as follows: that the town of Jefferson was not near the center of the county; that the town was laid out and lots sold before the county was established; that the greatest part of the citizens were put at a great disadvantage and inconvenience in attending courts and elections in Jefferson (we have already seen separate polling places designated in the county for elections over the past several years) .

The courts meeting in Jefferson had a tremendous impact on the growth and prosperity of the town. 'i/^hen the courts were in session, the town must have bustled with activity. Business, because of this, would be attracted to the county seat. As it was the judicial and legal center for the county, it was also the business and trade center for the county.

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Another setback hit the town of Jefferson, for tradition holds that the waters of the Stones River "began to diminish periodically and the boats coming up the river, bringing trade and commerce to Jefferson, could no longer navigate the river year round.

With the passage of this act, the fate of Jefferson was sealed. The town that once looked to be the thriving, prosperous commercial and judicial center for the county now faced an uncertain future with the courts moving away and the river traffic it depended on diminishing.

There was quite a bit of controversy and commotion in the county at this time concerning moving the seat of justice from Jefferson to another place. The people with lots and business interests in Jefferson and others living in the vicinity stood to lose much through the court's moving, while other citizens of the county stood to benefit by the convenience and economic benefits with the relocation of the seat of justice. There was widespread reaction throughout the county over this matter.

The citizens of the town of Jefferson sent a petition, sometime in 1812, to the General Assembly asking for indemnity if

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the county seat was moved. In the petition, it is stated that

"many men made large expenditures for improvements in Jefferson which have been reduced to almost nothing." The land values in Jefferson would surely have dropped rapidly with the courts moving away. There was to be a tremendous impact on the town with the courts gone, causing taverns and other businesses to close their doors. This petition was signed by 17 individuals including Joel Dyer, John Griffin (the former sheriff), Thomas Mitchell, John Spence and Thomas Sappington,

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Another petition was sent to the General Assembly, in 1812, from the citizens of the county asking that the county seat be chosen by referendum.®'^ The petitioners state that a few men in the county (presumably the commissioners named by the General Assembly to find a permanent seat of justice) have kept the county in perpetual confusion concerning the seat of justice. They further state that there are some who want Lytle's and Murphey's (sic) spring, while others represent the negative aspects of this site and yet others who are disinterested in any particular place. The 59 citizens that signed this petition called for a general vote on the matter, this being the only way to do justice to the citizens of Rutherford County.

Even though a new courthouse, jail and stocks were slated to be built at the new site of the seat of justice, on April 8, 1812, the court ordered that the sheriff of the county to put the jail, in

Jefferson, in repair. The cost of this was not to exceed \$-1[^]. The court order specified that all of the repairs were to be done on the "lower room and the same to be used as a debtors room." This last phrase leads us to believe that the log jail must have been a two story structure (the log section of the Lenoir house was two storys - could this have been used as a jail after the new courthouse was built?). The jail must surely have been in an extreme state of disrepair for the county to appropriate funds for fixing the jail, when by an act of the General Assembly, a new jail was to be built in the near future. On this same day, a Matthew McClanahan was allowed \$1.50 by the court for repairs already done on the jail.

As there was continued commotion and controversy over the seat of justice in Rutherford County, two of the commissioners who selected Jefferson as the county seat, Mark Mitchell and Peter Legrand, sent a letter to the General Assembly explaining why they had chosen

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Jefferson. They sent this letter because of the "frequent misrepresentations (that) have been made relative to the conduct of the five commissioners." In their letter, Mitchell and Legrand state that the principal part of the population was in the north and northwestern parts of the county when the commissioners chose Jefferson and that the part of the county that was beyond the old Indian line was not part of the county at that time and could not have been taken into account in centering the county. Mitchell and Legrand went on to state that the forks of the Stones River (at the time Jefferson was selected as the county seat of justice) was seven miles from the center of the county and when the benefits to the town by the navigation of the river were considered with the good springs and "elegance of situation" that more of a general satisfaction would have been felt by the citizens of the county toward this site. The commissioners also felt that many "merchant and saw mills" would be built on the many streams in close proximity to Jefferson "sufficient to supply the largest town not only with flour and meal, but with building materials at any season of the year." Mitchell and Legrand refer to the fact, in supporting this, that W. Crosthwait was then erecting "extensive merchant mills" within one half mile of Jefferson. They referred to Stones River as still being navigable, with large boats descending the river once a year and smaller craft being able to make the trip three fourths of the year. The letter was closed with, "these were our principle reasons and we fondly hope that they will satisfy an impartial publick (sic)", signed Mark Mitchell and Peter Legrand.

It appears that on October 8, 1812, there was a sharp

confrontation, in court, between those in favor of moving the court and those wishing it to remain in Jefferson. At the adjournment on October 8, with 14 justices present, it was ordered that the court meet the following day at 10 o'clock in Murfreesborough. ° William Searcy, Theophilus Cannon, John Hill, Glover Banton, James L. Armstrong and William Edwards, who all were justices, then appeared before the bench and commanded the sheriff to adjourn the court to meet at Jefferson the next day at 9 o'clock. This was done, for the court entry for the next day has the court meeting in Jefferson.

Following this incident, a petition was sent to the General Assembly, dated October 10, 1812, calling for the removal from office those justices who conducted the "illegal" adjournment to Murfreesborough." The petition was signed by sixty five citizens of Rutherford County. It appears in this petition, that on the day following the confrontation in court, those justices who called for the adjournment to Murfreesborough, went to the house of William Lytle, in Murfreesborough, and held court there while court was being held in Jefferson- by the sheriff's order of the previous day. The petitioners state that there were only fourteen of the fifty one justices of the county present on October 8 when they called for the adjournment to Murfreesborough and therefore they did not constitute a majority. The petition goes on to state, "the said fourteen gentlemen were repeatedly admonished and advised by the gentlemen, learned in the law, who were then present as practicing attorneys of said court - and who were earnestly and repeatedly remonstrated against such an unwarrantable act ... they were well advised of the illegality of such a proceeding." According to the petition, a great many of the citizens were inconvenienced as the court

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docket was full and many had traveled considerable distances to attend court, only to have it disrupted and the proceedings delayed. For these reasons, the petitioners requested that those justices who composed the court at the illegal adjournment be removed from office "by impeachment or otherwise." Petitioners included John Nash Read, William Dyer, Constant Hardeman, John Coffee, James Espey and Thomas Bedford (the son of Tho. Bedford dec'd).

On June 5, 1813 with twenty seven justices present at court, which was being held for the last time in Jefferson, a majority of acting justices was determined and the court was adjourned, to meet the following day at Murfreesborough, "agreeable to the act of the General Assembly. " ^

With the courts moving, went the dreams and aspirations for

the town of Jefferson to be a prosperous, active center for the county. As fewer people were coming into town since the court was moved, many of the taverns and other businesses closed their doors. Over the years, Jefferson became another quiet country community with farms dotting the land that once held the first county seat of justice for Rutherford County.

EPILOG:

THE DEATH OF JEFFERSON

Authorized by the Flood Control Act of 1938, construction of the Percy Priest Dam, on Stones River, was begun in 1963. The impounded waters were expected to cover most of the site of the town, perhaps only leaving a small island. During 1966-7, the town was

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destroyed with all of the buildings either dismantled or moved to different locations. The waters of Percy Priest lake never fully covered the site of Jefferson and it is still possible today to walk over the small knoll that once held the first seat of justice for the county.

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NOTES

North Carolina land grant #5390 to Robert Weakley and Thomas

Bedford. Land Grants, North Carolina, Roll 22, Book 11, p. 190.

Tennessee State Library and Archives, Nashville, Tenn. (hereafter cited as TSLA)

^Tradition holds that the town was laid out with 150 lots, but evidence cited later suggests that the town was laid out with 102 lots and the remaining lots were surveyed and laid off by the commissioners of Jefferson after the town was chosen as the county seat.

Rutherford County, Tenn., Register's Office (hereafter cited as RC Reg.), Deed Book A, p. 17 and Deed Book E, p. 396

'^"Petitions to the General Assembly from the citizens of Davidson and Williamson Counties to form a new county", Legislative Petitions, 65-1803, TSLA.

^Ibid.

^"Petition to create a new county from the citizens on or near the Big Harpeth River", December 8, 1802, Legislative Petitions, 32-1-1803, TSLA.

'''Petition to the General Assembly from the citizens of Davidson County not to have a new county laid off", 1803, Legislative Papers, 46-1-1803, TSLA.

^ Acts of Tennessee 1803 , (Knoxville, Tenn.), p. 119

^Ibid., p. 130

^^R.C. Reg., Deed Book A, p. 25

^"ibid., p. 10

''^Rutherford County, Tenn., County Clerk's Office (hereafter cited as R.C. Ct. Clk.), County Court Minute Book (hereafter cited as C.C.M.B.) - B, p.131 .

"•^R.C. Ct. Clk., C.C.M.B. -A, p. 8.

^^Ibid., p. 18.

^^Ibid., p. 29.

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Interview with Mr. Lee Victory, Smyrna, Tenn., 10/15/80.

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'''^ Acts of Tennessee 1804 , (Knoxville, Tenn.), p. 87.

''%.C. Ct. Clk., C.C.M.B.-A, p. 26.

"■^Ibid., p. 36.

2°Ibid., p. 53.

^^'ibid., p. 54.

^^Ibid., p. 44, 57, 75, 123.

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All biographical material on Robert Weakley is from "The Southern

Virginia Weakley Families and their Descendents" by Samuel Anderson Weakley unless otherwise noted.

All biographical material on Thomas Bedford is from a paper by Redmond S. Cole and a paper by Hugh Bedford, geneological vertical files, TSLA , unless otherwise noted.

^^R.C, Ct. Clk., C.C.M.B.-A, p. 33.

2^Ibid., p. 39.

^^Ibid., p. 51.

^^Ibid., p. 73.

^^R.C, Reg., Deed Book E, p. 400

^°R.C., Ct. Clk., County Court Records Indexed, 1804-1814, p. 23.

^^r.C, Ct. Clk., C.C.M.B.-A, p. 80.

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Ibid., p. 59. The Norton Gum ordinary was probably in the town of Jefferson since Gum was appointed to oversee its roads. An overseer for the roads was appointed to those that they lived on or were in close proximity to.

^^Ibid.,p.89.

-^^Mill file, Walter R. Hoover Collection, Thurman Francis Junior High School, Smyrna, Tenn.

^^R.C, Reg., Deed Book B, p. 189 and p. 191, Deed Book E, p. 400.

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^^R.C, Ct. Clk., C.C.M.B.-A, p. 80.

5'^Ibid., p. 126.

5^Ibid., p. 62.

5^Ibid., p. 93.

^°Ibid., p. 202.

^hbid., p. 227.

"^^Ibid., p. 229.

'R.C., Reg., Deed Book H, p. 241.

^^Population Schedules of the Third Census of the U.S., 1810, Rutherford County, National Archives Microfilm Publication, Microcopy 252, roll 63.

^^R.C, Reg., Deed Book F, p. 189.

'^^"Report of improvements on lots in Jefferson - Report of lots sold by commissioners in Jefferson", Legislative Papers, Rutherford County, 27-1-1813, TSLA.

'^\C.,Ct. Clk., C.C.M.B.-A, p. 142.

4^Ibid., p. 166

^^The Thomas Mitchell house was in Jefferson at this time, as a court entry in C.C.M.B.-B, p. 128, makes reference to the "house of Thomas Mitchell in Jefferson. "

^^Interview with Mr. Everett Waller, Smyrna, Tenn. , 10/21/80.

^^R.C, Ct. Clk., C.C.M.B.-A, p. 14.

^^Ibid., p. 144.

^^Ibid., p. 145, 155

^^Ibid., p. 195.

^^Ibid., p. 184.

^Interview with Mr. Lee Victory, Smyrna, Term., 10/15/80.

^^R.C, Reg., Deed Book E, p. 391.

^^R.C, Ct. Clk., C.C.M.B.-B, p. 78.

^^Ibid., p. 103.

^°Ibid., p. 114.

^hbid., p. 81.

^^ Acts of Tennessee 1807 , (Knoxville, Tenn.), p. 130.

■^Ibid., p. 154, "An act to establish a separate election in the
County of Rutherford. "

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R.C., Ct. Clk., C.C.M.B.-B, p. 126.

^^Ibid., p. 179.

66

^Ibid., p. 130

'R.C., Ct. Clk., C.C.M.B.-C, p. 162.

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Population Schedules for the Third Census of the U.S, , 1810,
Rutherford County, National Archives Microfilm Publication,
Washington D.G., Microcopy 252, roll 63.

^%.C., Ct. Clk., C.C.M.B.-C, p. 221.

"^^Ibid., p. 220.

'^' Ibid., p. 205.

'^^R.C, Ct. Clk., C.C.M.B.-E, p. 51.

'^^Ibid., p. 67.

■ '^^Ibid., p. 89.

'^^Ibid., p. 152.

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'^^Ibid., p. 153.

'^^Ibid., p. 217

^^Ibid., p. 172.

'^^Ibid., p. 184.

^°Ibid., p. 54.

ft 1

Acts of Tennessee 1811 , (Knoxville, Tenn.), p. 38.

ft?

"An appeal for indemnity to the General Assembly from the citizens of the town of Jefferson", Legislative Papers, 40-1-1812, TSLA.

-^^, 'Petition to the General Assembly that the county seat be chosen by referendum". Legislative Papers, 47-1-1812, TSLA.

^^R.C, Ct. Clk., C.C.M.B.-F, p. 15.

"Peter Legrand and Mark Mitchell to the General Assembly", Manuscripts, THS I-D-1, box 1, ac. 305, TSLA.

^^R.C, Ct. Clk., C.C.M.B.-F, p. 192.

"Petition to remove certain justices from office". Legislative Papers, Rutherford County, 50-1-1812, TSLA.

^%.C., Ct. Clk., C.C.M.B.-F, p. 205.

47

RUTHERFORD COUNTY. TENNESSEE WILL ABSTRACTS

by

SUSAN G. DANIEL

1. Record Book 1, Page 72 - Will of John Ford of Burke County -
Date of Will: 2? October 1804 Recorded: 12 January 1809
Wife: Judith Ford "Leave to": Children "Leave also to":
John Payne, Charles Duncan Executors: Jacob Ford, James
Ford (friends) Witnesses: Sally Payne, Lucinda Payne, John
Godfrey.

2. Record Book 2, Page 6 - Will of Jeremiah Thacker of Davidson County, TN - Date of Will: 7 October 1803 Recorded: 12 April 1804 Wife: Mary Ann Thacker daughter: Gashandy son: Siar Thacker son: Larkin Thacker "my ^■ children": Charles, Ursellus, Larkin, Cashandy Thacker Executors: wife and son, Larkin Thacker Witnesses: John L. Jetton, Jonathan Rucker, Henry Rucker William Payne owed money to estate and the land of Cummins was mentioned.

3. Record Book 2, Page 7 - Will of Isaac Barr of Rutherford County, TN - Date of Will: 10 March 1804 (No filing or recording date) Executor and wife: Elizabeth "my 4 children": Enoch, Robert Steel, Isaac Ross, and Mariah slaves: Simon, Pat (to be sold) Witnesses: Robert Smith, William Smith.

4. Record Book 2, Page 12 - Will of Samuel Williams of Rutherford County, TN - Date of Will: 2 December 1805 Filed: 15 April 1806 Wife: Elizabeth "lawful children, until they shall become of age" "a child I had by Betsy Tinker" "a child I had by Nelly Buckridge" Executors: wife and Robert Williams Witnesses: William Mitchell, Nancy Mitchell (when proved: Executrix sworn, Executor dead) .

5. Record Book 2, Page 16 - Contested will of John Price of Rutherford County, TN - Date of Will: 17 January 1806 Recorded: 29 September 1806 Wife: Nancy Price daughter: Polley Carr (not yet 18) Executors: wife and friend, Joseph Dickson Witnesses: John Dickson, Henry Davis.

6. Record Book 2, Page 18 - Will of John Cason of Prince Edward County, VA - Date of Will: 20 June 1806 Recorded: 5 November 1806 brother: Seth Cason sister: "money in hands of Elisha Bennett upon Thomas Huddleston to" Susanna Adcock and her children sister: "paid out money in hands of Thomas Armstrong to" Mary Arnold sister: Lucy Bennett, her children slave: Charles to Lucy Bennett sister: Milly Armstrong and children slaves: Rose and child, Wiatt to Milly Armstrong slave: Hannah to Seth Cason "my sisters and sisters' children in Virginia" Named: Edmond Harris Executor: friend, Edmond Harris Witnesses: Ishajn Harris, William Hunter, Wilson Hunter.

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7. Record Book 2, Page 21 - Will of Bradley Gambill of Rutherford County, TN - Date of Will: 19 June 1806 Filed: 1806

son: Benjamin Gaunbill son: Metton (?) son: James son: Jordan (unmarried) Wife: not named 2 youngest sons: Bradley and Hourain or Hovram (?) daughters: not named Executors: son,

Benjamin Gambill, Joseph Morton Witnesses: Bird Nance, William Nance.

8. Record Book 2, Page 30 - Will of William Baker of Bedford County, TN - Date of Will: 6 November 1806 Recorded: 20 August 180? Wife: Martha Baker slave: Eve to wife daughter: Gemperance "children": James, Mary, John and child my wife is carrying Executors: wife, John Nail, John Baker Witnesses: Richard Baily, Robert Baker, Jonathan Bailey.

9. Record Book 2, Page 32 - Will of John Tilly - Date of Will: 20 May 180? Recorded: ^ November 180? Wife: Jane slave: Rhodey (female) to be free at wife's death Named: John Billingsly to have J of land at wife's death Referred to in will: Robert Bean, Thomas Blair, Doctor Jonathan Edwards Witnesses: Robert Bell, Thomas Dougan Copy given to: William Wright.

10. Record Book 2, Page 35 - Will of Francis Wright of Rutherford County, TN - Date of Will: 3 December 180? Recorded: 7 February 1808 Wife: Nancy "dear children": not named Executors: wife and Jacob Wright Ramsey Witnesses: James D. Partrick, Francis Youree.

11. Record Book 2, Page 36 - Will of William Robertson of Davidson County, TN - Date of Will: 19 October 1802 Recorded: 7 Febrioary 1808 Wife: Nancy Robertson son: Matthew Robertson son: Benjamin Robertson son: Samuel Robertson son-in-law: Thomas Thornton daughter: Elizabeth (wife of Thomas Thornton) son-in-law: John Kinkade daughter: Isbel Kinkade son: Joseph Robertson son-in-law: William Plumber daughter: Margaret Pliimber son-in-law: Moses Robertson daughter: Mary Robertson son-in-law: George Buchanan daughter: Dinah Buchanan Executor: son, .-Matthew Robertson Witnesses: John Buchanan, William Philips.

12. Record Book 2, Page ^■^ - Will of John Howell, Sr. of Rutherford Goimty, TN - Date of Will: 16 December 1807 Filed: 20 April 1808 Wife: Sarah slave: girl, Shaw to wife On wife's death equal shares to: William Howell, Gwin Howell, Nancy Nelson, Peggy Whitsett son: Gwin Howell slave: man. Purse to Gwin Howell slave: boy, Jerry to Gwin Howell son: William Howell Named: James Whitsett, Thomas Nelson granddaughter: Patsy McBride (not yet 16) slave: woman. Seel to Patsy McBride Executors: James Whitsett, Thomas Nelson, William Howell Witnesses: John Stockird, Sr. , Hugh Shearwood, Alexander Martin Codecil : 4 January 1808/Filed: 20 April 1808 Wife: Sarah son: Gwinn named: Nancy Nelson, Peggy Whitsett Witnesses: John Stockird, Sr. , Hugh Shearwood, Alexander Martin.

13. Record Book 2, Page 60 - Will of Harrison Gilliam of Rutherford County, TN - Date of Will: 10 June 1808 Recorded: 17 July 1808
slave: man, Anthony made free brother: Thomas Gilliam's children
Executors: William Gilliam, William Thweatt Witnesses: Rhoda Benge, Polly Thweatt, Elizabeth Thweatt, Mary Tarpley.

14. Record Book 2, Page 62 - Will of Matthew Patton of Rutherford County, TN - Date of Will: 16 September 1808 Filed: 14 October 1808
wife: Katen or Katea Patton daughter: Margaret daughter: Rhodah "my children" (other than Margaret and Rhodah)
brother: James Patton Executors; wife and James Patton Witnesses: John Ferguson, William Hajina, James Cochran.

15. Record Book 2, Page 64 - Will of James Morton of Rutherford County, TN - Date of will: 28 January 180? Recorded: 21 November

1808 wife: not named son: Joseph slave: boy, Dennis to Joseph named: "Joseph's mother" son: James slave: boy.
Jack to James daughter: Judith slave: girl, Edy to Judith daughter: Sally slave: Fanny, Gury Clary to Sally daughter: Lucinda slaves: girls, Lucy, Sabry to Lucinda daughter: Tabitha slaves: Isaac, Corbis, Winna to Tabitha slaves: Daniele, Abraham, Ag, Rose to wife Executors: sons, Joseph Morton and James Morton Witnesses: Thomas Shute, William Still landowner mentioned: Allen Nance.

17. Record Book 2, Page 66 - Will of John Norman of Rutherford County, TN - Date of Will: 12 November 1808 Recorded: 12 January 1809 wife: Marget "the children when come to age

of maturity": not named Executors: wife and Theophiles Cannon Witnesses: John Stockird, Jr., John Irwin.

18. Record Book 2, Page 82 - Will of Thomas Welch - Date of Will: 14 May 1809 Filed: 11 July 1809 verbal will to James Norman and witnessed on 18 May 1809 Witnesses: James Caldwell, Aaron Oliphant, Joseph Norman wife: Rachel 4 daughters: Rachel Welch, Lydia Welch, Rebekah Welch, Catharine Norman names: John Norman, husband of Catharine.

19. Record Book 2, Page 83 - Will of Francis McBride, Senior of Rutherford County, TN - Date of Will 19 December 180? Filed: 20 October 1809 oldest son: Isaiah McBride daughter: Martha Simmons grandson: Francis McBride granddaughter: Martha L. McBride (not yet 15) son: Samuel McBride Executors: James Sharpe, Theophilus Cannon, Samuel McBride Witnesses: John Stockard, David Magness

20. Record Book 2, Page 85 - Will of Elizabeth Davis of Rutherford County, TN - Date of Will: 11 September 1809 Recorded: 30 October

1809 daughter: Elizageth Davis slave: girl, Silla to Elizabeth son: Henry Bishop slave: boy, Sampson to Henry Bishop son-

in law: Robert Elliot son: William H. Davis slave: woman,
Dolle to William son-in-law: John Irwin Executors: John
Irwin, Robert Elliott Witnesses: Jajnes Sharp, Marcus Sharp,
Isabella Martin.

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21. Record Book 2, Page 113 - Will of Major William Buckner, Jiuuior
of Sumner County, TN - Date of Will: 9 September 180? Filed:

3 June 1811 wife: Polly Buckner slaves: Winney, Nelly,
Austin, and Grace to be sold "my children": not named
Executors: friends, Edward Sanders, James Scinders Witnesses:
Wiley Lassiter, Austin McWade

22. Record Book 2, Page 11^ - Will of James Sharpe of Rutherford
County, TN - Date of Will: 30 September 1809 Filed: 3 June 1811
wife: Rachel Sharpe slaves: man, Moody; woman, Phillis to wife
"our children": not named son: Theophilus A. Sharpe (not yet
21) slaves: Candis, Amos, , George, Milton, Dorcas, Daniel, Marg,
Levi to Theophilus Sharpe eldest son: Marquis Sharpe slaves:
boy, Milton to Marquis Sharpe son: Alfred Sharpe slave: boy,
George to Alfred Sharpe son: John Sharpe slave: boy, Daniel
to John Sharpe slave: boy, Amos to Theophilus son: James
Morriss Sharpe slave: boy, Levi to James Sharpe daughter: Emma
Sharpe slave: girl, Candis to Emma Sharpe daughter: Peggy
Carlile (?) Sharpe slave: girl, Dorcas to Peggy Sharpe
daviughter: Jemima Alexander Sharpe slave: girl, Nancy to Jemima
Sharpe slaves: Cordance, Amos, George, Milton, Dorcas, Daniel,
Nancy, Levi, first to wife then to children mentions "when

the boys are 20 years of age and the girls are 18 years of age"
Executors: friends, John Sharpe, Theophilus A. Gannon, Marquis
Sharpe Witnesses: Henry Bishop, William H. Davis, Theophilus
A . Cannon

Codecil : 1 December 1810/Filed: 3 June 1811 "prospect of
another legatee to be added to the family by my wife Rachel Sharpe"
Witnesses: Jeunes Martin, Nancy Wilson, John Sharpe, Theophilus
A. Gajinon landowners named: James Aspey, James Roseberry.

23. Record Book 2, Page I58 - Will of Edmund Johns of Rutherford
County, TN - Date of Will: 20 March 1811 Proven in part:
October session 1811 Recorded: 2^- February 1812 wife: Sarah
Johns brother: John slaves: man, Will; man, Joe; girl, Jane
(pregnant) to wife son: Jack Haden Johns son: Madison Johns
slave: girl. Clary to Madison son: Frederick Johns (gets Jane's
child when bom) daughter: Martha Johns slaves: girl, Abby;
boy, Sam to Martha Executors: wife and my brother, Abner Johns

Witnesses: Gross Scruggs, John Johns.

24. Record Book 2, Page I60 - Will of William Roberts of Rutherford County, TN - Date of will: 21 October 1811 Recorded: 14 March 1812 wife: Nancy Roberts slaves: man, Harry to wife daughter: Lucy daughter: Nancy son: Jessee slave: man, Harry to Jessee (this slave might be the same as one to wife - sgd) daughter: Betsy "other children not named in this will" Witnesses: Toliver Simpson, William Simpson Executor: not named.

25. Record Book 2, Page I65 - Will of Hugh Prior Brawly of Rutherford County, TN - Date of Will: 12 November 1811 Filed: not shown wife: Ruth Brawly sons: Hugh, Levi, John, Prior Executors: wife and son, John Brawly Witnesses: Joshua Barton, John Bankhead, Dainiel Webb

Codecil: 12 November 1811 daughter: Polly Crownover daughter: Ruth Brawly daughter: Gintha Brawly

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26. Record Book 2, Page 184 - Will of William Loftin of Rutherford Coimty, TN - Date of Will: 1? June 1811 Recorded: October term 1811 wife: Levina Loftin slaves: Matt and his wife, Sail; woman, Darkis to wife then to son, Thomas son: Thomas Loftin daughter: Polly Brothers slave: woman, Nelly to Polly Brothers daughter: Elizabeth Cole slaves: woman, Tener; girl, Annebar to Elizabeth Cole son: Eldridge son: William daughter: Nancy Feathers ton slave: girl, Kirlinda to Nancy; boy, Jack to Eldridge; girl, Mary to Levina; boy. Matt to Levina daughter: Levina Loftin daughter: Lucy Loftin slave: woman, Darkis to Lucy son: Henry slave: boy, Sam to wife landowners named: Jajnes Johnston, Samuel Hcuids, James Higgins Executors: wife and sons, William and Thomas Witnesses: Jessee Featherston, James Barfield, A. Pearce.

2?. Record Book 2, Page 204 - Will of John Gasaway of Rutherford County, TN - Date of Will: 5 December 1812 Filed: ? wife: Peggy Gasaway my children: Elenor Gasaway, Thomas, Nicholas, William, John, Patsy, Hannah Gasaway, Nancy Gasaway Executor: George Furr Witnesses: William Bowman, Henry Ward, Mordecai Li Hard.

28. Record Book 2, Page 205 - Will of Jacob Stroup of Rutherford County, TN - Date of Will: 15 August 1812 Filed: ? wife: Elizabeth Stroup son: John Stroup (not yet 18) "my children when they come of age" Executors: wife and friend, Abraham Scriber Witnesses: George Wallace, Fielder Bevins.

29. Record Book 2, Page 214 - Will of John Smith of Rutherford

County, TN - Date of Will: 2? July 1812 Filed: 20 April 1813
Wife: Polly daughters: Betsy, Patsy, Anna, Polly (last three
not of age) son: James slaves: Bob, Dave, Silvey, Milly to
wife - Mary, Lydia to Betsy - Charles and Easter to Patsy -
Delph and Reuben to Anna - Jinny and George to James - Bill and
Silecy to Polly Executors: John Fulton, Joseph Morton, James
Morton Witnesses: Sajnuel Watkins, John Fulton.

30. Record Book 2, Page 226 - Will of Edward Eppes of Rutherford
County, TN - Date of Will: 24 August 1813 - Recorded: 8 November
1813 Wife: Rebecka Eppes "my children not of age": not named
Executor: wife and Daniel Eppes Witness: John B. Prewit

31. Record Book 2, Page 228 - Will of James Brookshire of Rutherford
County, TN - Date of Will: 16 April 1813 Recorded: 8 November
1813 Wife: Martha Brookshire "my children": not named

2 youngest children: William and Joseph Executors: friends,
Thomas Brown, George Uselton, Thomas Ashley Witnesses: Daniel
Green, Stephen Chalton, Frederick Brady

32. Record Book 2, Page 235 - Will of James Espie or Espey - Date
of Will: 2? December 1811 Recorded: 10 October 1813 son:
William and his wife, Cynthia, "only daughter-in-law" slave:
girl, Nice about 10 years to William granddaughter: not named,
(William's oldest daughter - no sons as of Will) son: George

52

32. (Cont'd) son: Robert daughter: Polly Overall daughter;

Rachel Goodloe daughter :Caity Espy daughter: Marget Youry
son-in-law: Francis Youry grandson: James Car Bradshaw
wife: Catey Espy "My four youngest children": George, Robert,
Gaity, Sally Executors: friends, Nathaniel Overall, Henry Belah,
William Espey Witnesses: J. Posey, Isaac H. Overall slaves:
wife is to have choice, rest divided among children.

33. Record Book 2, Page 239 - Will of David Rogers of Rutherford
County, TN - Date of Will: 6 January 1813 Recorded: April term
1813 Wife: Peggy oldest son: Robert "wife is to raise
children until boys wants to do for themselves" second son:
William 4th son: James Bamet daughter: Nancy (not married)
3rd son: John Executors: wife and brother-in-law, William Ramsey
Slave: woman, Lydia (not to be sold out of family) Witnesses:
James Ramsey, Robert Raunsey.

34. Record Book 2, Page 248 - Will of Humphrey Nelson of Rutherford
County, TN - Date of Will: 24 July 1813 Filed: 19 March 1814
son: Beverly Nelson slave: girl, Betty/Cetty (?) to Beverly

Nelson daughter: Matilda Nelson son: Ambrose Nelson "rest of the children" "younger children" Wife: Sally Nelson
Executors: Daniel Nelson, Beverly Nelson Witnesses: William Vaughan, William H. Wade, William Edwards.

35. Record Book 2, Page 249 - Will of Elijah Fan of Rutherford County, TN - Date of Will: 6 December 1813 Recorded: 19 March 1814
Wife: Jane my 2 daughters: Jamima, Tabitha Executors: Henson Coulter, Anderson Coulter, James Sutfin Witnesses: Anderson Coulter, James Sutfin

36. Record Book 2, Page 288 - Will of Mary Whitnell of Rutherford County, TN - Date of Will: 8 January 1814 Recorded: 2 April 1814
"being old and sick" daughter: Mary Wadley son: Daniel Wadley son: John Wadley son: Thomas Wadley son: Samuel Wadley son: William Wadley daughter: Lenaresa Wadley daughter: Elander Wadley Executor: Thomas Nash Witnesses: Thomas A. Sikes, Jesse Sikes.

37. Record Book 2, Page 298 - Will of John Winn of Rutherford County, TN - Date of Will: 8 December 1813 Recorded: 2 November 1814

2 daughters: Harriot and Margaret (apparently not of age - sgd)
slaves: girl, Febe (Phoebe) to Harriot; girl, Jane to Margaret
Wife: Pennelope Winn daughter: Ann McKinney son: Miner Winn
son: John Winn son: Richard Francis Winn son: William Wright
Winn daughter: Mary Kirkland son: Joseph T. Winn other 8 sons: Peter Winn, Daniel Winn, David Winn, Jefferson Winn, Robert Winn, Obed Winn, Zacko Winn, Edward G. Winn Executors: 2 sons, Joseph and Peter and wife Witnesses: Charles Kavanaugh, James Dorothy (?Daugherty) , Peter Metheny.

53

MURFREESBOBO'S OLD CITY CEMETERY;
A RECORD OF THE PAST

BY
MARY H. V7ILGUS

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MURFREESBORO'S OLD CITY CEMETERY:
A RECORD OF THE PAST

The Old City Cemetery, located on Vine Street not far from

Murfreesboro's public square, provides a doorway to the city's past. Like an old, restored home, personal diaries of long, deceased relatives, early newspapers, or carefully preserved deeds and wills, an old cemetery offers much information about the history of a family, town, or county. This is the enormous value of the Old City Cemetery. Much data on its stones are legible: ages of the people interred there, their places of origin, societies to which many belonged as well as family groupings. The burial ground on Vine Street is a valuable primary source for the historical study of Middle Tennessee because it is the final resting place of many of Rutherford County's founding families.

The names inscribed on the tombstones, family plots, and pertinent dates are the raw materials available to begin a journey into Murfreesboro and Rutherford County's past. When these names are used with other local sources--census reports, old newspapers, deeds and wills--many questions can be answered; what were their professions, political affiliations, social and economic positions in the community? That emerges is an historical expose of not only the families but the city as a

55

whole: white, middle-class, professional, and economically diversified. The cemetery attests to a slave population. The "peculiar institution" was the basis of Rutherford County's economy and society.

Rutherford County was established officially on 25 October 1803, with its county seat at Jefferson. On 17 October 1811, an act of the Tennessee General Assembly founded Murfreesboro. At first it was named Cannonsburgh, after the governor, but on 19 November 1811, its name was changed to "Murfreesborough" to honor Col. Hardy Murfree. He provided the land for the necessary public buildings which became the square. Soon the new

1
town was Rutherford's county seat.

According to the United States Census of 1810, there were many peoples settled in the area. The Jettons, Andersons, Killoughs, Subletts, Huggins, Burtons, Dicksons, Ruckers, Bairds, and Rankins were established families before 1810. The

2
Maneys appeared in the 1820 census. All of these families are

interred in the Old City Cemetery.

These people brought prosperity and culture to Rutherford County. They founded religious institutions, schools, and a viable economy. Murfreesboro' s first church, the First Presbyterian Church, vjas organized as early as 1811, and the brick structure was completed in 1820. The cemetery was located

3
next to the church. A private school for young men, Hopewell Academy, held classes in the early 1820s and was followed by Soule's Female Academy. Various banks and businesses appeared to provide services, merchandise, and employTnent for a growing

56

town. The record of these pioneers is found in the Old City Cemetery.

The Jetton family plot contains eleven markers from its patriarch, John Jetton, through numerous grandchildren. As early as 3 November 1803, the Jetton family purchased property in Rutherford County. John L. Jetton bought 250 acres near Lytle

6
Creek off Stones River from Joel Childress for \$250. John was born in North Carolina on 11 December 1778 and moved into Tennessee v.'ith his family to remain until his death on 25 June

7
1854. John's brother, Robert, came also. He and his wife, Nancy Wilson Jetton, settled in Rutherford in 1806. Robert

8
bought 125 acres from John for \$500. After farming six years, Robert opened a tavern in a log structure on South Main Street.

The tavern remained one of Robert's businesses from 1812 until it
9

burned in 1853. Between his farm and the ever popular tavern,
Robert was financially able to take advantage of a foreclosure
sale and turn a profit. On 4 February 1812 Sheriff M. McClanahan
held a public auction, and Robert purchased Jeremiah Wright's 186
acres on Stones River for \$331. The next day Robert sold the

10
land to Archibald Shanks for \$450--a profit of \$119.

When the War of 1812 began, Robert formed Captain Jetton's
Troop in December. It was part of the Tennessee Volunteer
Cavalry under Col. John Coffee. From September 1813 through
January 1814, Jetton's Troop served under Col. John Alcorn.
Robert returned to Murfreesboro but saw action again in the first
Seminole Expedition, 1817-1818. He was now Col. Robert Jetton,
and his commanding officer was Gen. Andrew Jackson. During this

57

Florida expedition, Jackson created an international incident

11
when he executed two British citizens as spies.

During his civilian interlude, 1814-1817, and after 1819,
Robert diversified his business. He and John purchased a
tanning business or tanyard in Murfreesboro, lot thirteen, from
Joel Childress for \$800. In 1819 Robert bought John's interest
for \$1000. Robert was a slave owner. In the 1820 census he
registered one slave, but the number grew. In July 1822 he

bought a twenty-five year old Negress, Peggy, and her infant son

12

from Samuel L. Black for \$600.

With a farm, slaves, tavern, and tanyard, Robert was wealthy and politically oriented. He served in the Tennessee General Assembly for Rutherford County, 1817-1821. Later he was elected senator to the legislature, 1823-1825 and 1831-1833, a Jacksonian

13

Democrat.

The Jetton families prospered and grew; with Murfreesboro and the county. Robert and Nancy had a son, Robert B. He chose to become a tailor and formed a partnership with a Mr. Farmer.

14

They advertized their business in the local paper in 1835.

Robert B. married Joanna L. Jetton, and their marriage produced

15

a son who died in infancy. When Robert B. Jetton's parents died, he became more wealthy, but he continued as a tailor with

16

Josiah W. Floyd in 1843. As the times changed and the slavery issue grew into a national controversy, many Tennesseans had to make difficult decisions, and Robert B. was no exception. He offered his lands for sale and stated his purpose--a desire to

17

go south.

56

From 1803 the Jetton families added much to Murfreesboro and Rutherford County. As members of a church they helped to organize, the First Presbyterian Church, they utilized the adjacent

18

cemetery. Robert Jetton, the farmer, slave owner, soldier,

businessman, and politician, died in December 1840. He and his brother, John, and their family members filled the Jetton plot in the City Cemetery: Anna, Sue, William and his wife, Elizabeth, Rob H. , Margaret, Elizabeth Brenard, and Mary E.

Their death dates began with Rob H. in 1836 and ranged through

19

1895. The Jetton families of North Carolina were truly pioneers in Rutherford County.

The Anderson family occupies a sizeable plot in the Old

City Cemetery. Unlike the Jettons, the Anderson patriarch was

born in Virginia. Samuel, the third son of William Anderson of

Rockbridge County, Virginia, came to Rutherford County in 1810.

The Andersons were from an agricultural and Presbyterian back-

20

ground. He helped his father on the farm, but like his two

brothers, William E. and Robert, Samuel studied law. He received

his licence to practice in Tennessee in 1810. After moving to

Murfreesboro in 1811, Samuel met and married Elizabeth, daughter

of Col. Joseph and Sophia Rucker Burras. This marriage produced

21

several children.

In 1818 Samuel purchased half of lot twenty-three in

Murfreesboro from William E. Butler for \$500. His law practice

led to an elective office in the Tennessee General Assembly.

Samuel's financial circumstances improved, and he increased his

property holdings. In 1820 he bought 200 acres at public auction

for \$157.50 plus \$10.22 damages. In the 1820 census he registered the ownership of five slaves, and the number grew as he

Drospered. On 12 December 1822 Samuel bought a Negro girl,

22

Phyllis, from James Shinalt for \$150.

In 1834 a constitutional convention met to amend Tennessee's original document of 1794. Samuel Anderson represented Rutherford County at this convention. One of the issues to be decided was the election of judges. He publicly stated his opposition to this change on the grounds that it would obligate the judge and com-

23

promise his objectivity in case decisions. Undoubtedly his position held because he was appointed judge to the Fifth Judicial Circuit in 1835; however, he ran again for this office when the selection method changed. He was a successful candi-

24

date and served until his retirement in 1851.

In 1850 Elizabeth, his wife, died, and his eldest daughter, Sophia Ellis, soon followed in 1851. The family plot was fenced so that all could rest in peace as they had lived--as a family. Samuel died on 29 July 1859 and left an extensive estate to his heirs. To his granddaughter, Elizabeth Ellis, he bequeathed 263 acres, eleven Negroes, and all that had been deeded to his deceased daughter, Sophia. To William J. Anderson, his son, Samuel gave the land on which William lived if he paid the \$4,000 balance left owing, slaves, plus equal amounts of money in the estate after all debts were paid. Mary Elizabeth, his younger daughter, inherited his home, an equal portion of money, land not already bequeathed, and the slaves of her choice as long as she

did not separate husband, v/wife, and children. As his will attested

60

Judge Anderson died a wealthy man, yet one who had given much public service in return. He joined his family in the fenced

25

Anderson area of the City Cemetery on Vine Street.

The family plot near the center of the graveyard belongs to the Killoughs. Samuel Killough left North Carolina after the Revolutionary War and crossed the mountains into Tennessee.

Born on 10 September 1763, Samuel and his wife, Mary, came to

26

Rutherford County in 1804. In 1807 he bought 640 acres from an attorney, David Deadrik, for \$700. His plantation was not far from what became Murfreesboro. Samuel's property was prosperous,

27

and in the 1820 census he claimed eighteen slaves. Perhaps he needed the money or had no use for the land, but in 1823 he sold 272 acres to James Stewart for \$200. The City Cemetery became the final testimony and resting place for another prominent

28

Rutherford County family.

The graveyard testifies to the presence of Murfreesboro's first newspaper owners and editors, G. A. and A. C. Sublett. George Allen Sublett was born on 7 September 1792. He and his brother printed their first newspaper, the Courier , on 16 June

29

1814. Murfreesboro's government hired the Subletts to print

30

the city ordinances for \$98 in 1818. In 1819 they bought a

lot in town for \$500 from Mr. R. Ganav7ay to provide a permanent home for their printing business and newspaper. Both brothers o\<Tied farm land outside of tovm; they registered six slaves in the 1820 census and cleared a deed title with F. N. V/. Burton for 750 acres. In 1822 George bought thirteen slaves at public auction for \$595.86 and purchased a Negress, Millie, and her

\$1

four year old son, Randal, from Polly Morgan's estate for \$626 in 1824. George diversified further in 1827 when he bought and managed the Green House located on the west side of the square.

As newspaper owner and editor George advertized his new enter-

31

tainment business in the paper.

Sometime between 1824 and 1827 A. C. Sublett sold his interest in the Courier to George, and the paper's name became the Murfreesborough Courier . The yearly subscription fee for the weekly edition remained the same, \$3.00. Another change took place in the newspaper in 1828; it took on a definite, publicly declared, political stand x-jhen George changed its name to National Vidette . On the front page George published:

George Allen Sublett, 14 years an editor,
subscriber to the principles of the 33

republican doctrine of Jefferson and Madison.

Undoubtedly the paper supported Andrew Jackson's presidential candidacy. On 15 January 1828, five days after the paper's release, Jackson came to Murfreesboro to be the guest of honor

to celebrate the Thirteenth Anniversary of the Battle of New Orleans. As president of the committee for the celebration, George Sublett invited the famed Tennessee general. The event was a great success with thirteen regular toasts offered and twenty-four additional ones enjoyed. Most of the town's 955

34
population shared "Old Hickory's" visit.

The Sublett brothers brought a newspaper to Murfreesboro. It was a success although the name changed several times for various reasons. The town grew intellectually, politically, and geographically as had the fortunes of the Tubletts. Although

62

the marker in the cemetery did not declare George Sublett's profession and contributions, it recorded the fact that he was here.

35
George died on 26 March 1855.

The Old City Cemetery attests to Murfreesboro's growth and wealth. The town supported a newspaper and numerous merchants. One of the general stores came from the Huggins family who settled in Rutherford County in 1807. William Huggins bought 200 acres from Thomas Donell for \$A50. The property lay in Rutherford and Davidson counties along the west waters of Stones

36
River. Jonathan Huggins, a relative of William, bought lot three on Lytle Street for \$600 from Samuel H. Laughlin. The store was located on the southwest corner near a house formerly

37

occupied by Gideon Jarratt. Jonathan advertized his "cash"
grocery store in the local newsnaper, Tennessee Telegraph , in

38

May 18A0. The City Cemetery marked the nassing of VJilliam

39

Huggins' wife, Mary Elizabeth, and Elizabeth Huggins.

The Spence family offered free enterprize competition in
the dry goods business. J. Snence came to Murfreesboro from

40

Jefferson, Tennessee. He opened a store in 1813. Marmon and
Brent Spence continued the family tradition in 1833 when they
entered a partnership vjith Willis Snell. By 1834 the Spence
brothers dissolved their business with Snell and advertized

41

their new store as "M. & B. Spence <^.- Co." in the local paper.

Marmon remained a merchant until his death on 24 February 1847,
at the age of fifty-nine. His wife, Sarah, who V7as born in
Ireland, lived ten years after her husband. She v.'as buried

42

beside him in the City Cemetery in 1857.

63

The general merchandizing business expanded when the Leinau
family came to tovm. Daniel Leinau managed a store one door
north of the Washington Hotel. As late as 1840 the Leinaus adver-

43

tized their business as a "cash" store in the newspaper. Daniel
married Eliza and they had a daughter, Lavinia. Lavinia married
a Hilliard. Mrs, Milliard memorialized her deep affection for her
mother when she erected a large, elaborate stone to mark Eliza

44

Leinau' s grave in the City Cemetery in 1855.

The Burtons entered Rutherford County later than some of its more prominent families, but they came with more wealth. For the "sum of one dollar and considerations," Frank N. W. Burton received sizeable property holdings from Leonard Henderson of Granville County, North Carolina. In Tennessee, Burton was given: 1240 acres in Williamson County; one tract of land in Rutherford consisting of 400 acres which had been a Revolutionary War land grant, number 196, originally deeded to Henry Windburn and located near Murfreesboro; 216 acre? on Stones River near the same town and part of a war land grant that had belonged to John Butler, number 162; 640 acres in Montgomery County on the north side of the Cumberland River, Baker Archer's v.'ar land grant, number 211; 256 acres on the south side of the Cumberland in Davidson County, part of a 640 acre land grant originally belonging to John Pearce; and 228 acres in Wilson County which had been granted to Mason Williams. In Tennessee, Burton's pro-

45

perty sprawled over five counties and contained 2390 acres.

Frank N. W. Burton was born in North Carolina on 2 May 1779. He married Lavinia B. Murfree, Col. Hardy Murfree's

64

daughter. She was born 3 April 1795. Their union produced six

46

children, four daughters and two sons, Frank Burton was a gentleman farmer in Rutherford County and took part in various

cultural and social activities. He was a founder, board member, and trustee of Soule's Female Academy, begun in 1825 and staffed by Mary and Nancy Banks. The young ladies who attended were taught rhetoric, philosophy, belles-lettres, painting, needlework, and music--all the subjects gentle southern ladies should

47

know .

Frank and Lavinia's first son. Hardy Murfree Burton, became well known in political circles. He was born 7 June 1818 and married Mary D. Hoggatt. As a member of the Whig Party he sat in the Tennessee General Assembly for Rutherford County, 1841-1843. Hardy was a Mason and served as the Grand Master of the Grand Lodge of Tennessee in 1848. He was also a member of the Knights Templar. Hardy was one of the incorporators of the Murfreesborough Savings Institute, founded in 1850. Under President Millard Fillmore, young Burton served in the West Indies during 1852. Soon after his arrival, he died on 15 December. His body was returned to Murfreesboro, and he was

48

interred in the Burton family plot in the City Cemetery.

The Burtons were wealthy, respected, and added much to the economic, cultural, and social life of Murfreesboro. In the City Cemetery their family plot was located near Vine Street and received the infant Robert in 1821. Frank N. W. Burton died in 1843; Sally M. Dotson, a daughter, in 1850; Hardy in 1852; Eli^a F. Crosswaithe, a daughter, in 1860; and Finie in 1862. Lavinia

65

Burton saw her large family laid to rest and joined them in 1881.

49

She died in Kentucky at the age of eighty-six.

Before the wealthy Burtons arrived in Middle Tennessee, Gen. Joseph Dickson settled in Rutherford County. He was born in Chester County, Pennsylvania, in April 1745. With his parents he moved to Rowan County, North Carolina, attended college, and received a law degree. In 1764 Dickson married Margaret McEwen and they had nine children. Joseph owned a cotton and tobacco plantation. When the American Revolution began, he was an active member of the Committee of Safety in Rowan County. Dickson was commissioned a captain in the American army in 1775 and fought at the Battle of Kings Mountain. Capt. Dickson became a major and led the Lincoln County Men. They opposed Lord Cornwallis' invasion of North Carolina in 1781. Because of his bravery and commendable service to the new nation, Joseph Dickson was promoted to colonel. By the end of the war he was a brigadier general. Dickson served as general to the state militia and sat in the North Carolina convention which ratified the United States Constitution in 1789. He was a member of the state senate and a commissioner who helped to establish the University of North

Carolina, 1788-1795. He was a United States Congressman for

50

North Carolina and served from 4 March 1799 until 3 March 1801.

When Dickson arrived in Tennessee in 1803, he settled in what was then Davidson County, but with the creation of a new county, his property lay in Rutherford near Murfreesboro, where he practiced law. From 1807-1809 he sat in the state legislature

51

and became Speaker of the House, 1809-1811. In 1812 Joseph

66

and Margaret worked to establish the First Presbyterian Church.

He lived long enough to see the brick structure go up on Vine Street. The church was organized by Reverend Robert Henderson, a relative of Margaret Dickson. The building was completed in

52

1820, forty by sixty feet with a gallery and cupola.

Margaret Dickson died 10 November 1814 and was interred in the family cemetery on their plantation. \Then Joseph passed away, he was buried next to his wife. The stone v/hich the family erected was very large and imposing, as Joseph had been in life. But as the cemetery filled, the Dickson marker overpowered all others, and the family was asked to move the monument. It seemed befitting that this huge tombstone be placed in the City Cemetery, facing Vine Street, with the other markers which bore

53

the names of Murfreesboro' s founding families.

The growing town did not lack for medical services because several doctors settled in the area, Drs. Henry Holmes and William R. Rucker. They brought with them a religious consciousness, and interest in education and politics. Dr. Holmes and his vjife, Sarah, were one of the founding families of the Methodist Episcopal Church which met on College Street in 1821. Rrverend Robert Paine led the services. By 1823 the congregation bought a brick house for \$1800 to be used as the church building. Its membership included another physician. Dr. Rucker, v.'ho was interested also in education for young women. He aided in the establishment of Soule's Female Academy. The lot on v.'hich the Methodist Church house stood became the site for the school. Rucker tock part in politics and supported the presidential

67

candidacy of Andrew Jackson in 1828. Drs. Rucker and Holmes,

54

along with their v;ives, were buried in the City Cemetery.

Dr. Jonathan Bostick added his name to the available physicians when he came to Murfreesboro. Like the other doctors he had more than enough business to remain in the area. He and his wife, Margaret, had four children, but medical knowledge and skill did not avert the tragedy recorded on the stones in the cemetery: Margaret Bostick, born 10 November 1843, died 28 July 1856. She was twelve years old. Marietta Bostick lived little more than a month and died 19 July 1852. Jonathan succumbed before his first birthday. Times were very hard on young child-

ren and v;omen. Mrs. Bostick oassed away in 1858, at the age of

55

thirty-three.

Another prominent doctor, plantation o\'mev , and businessman settled in Rutherford County. Dr. James Maney v.'as born in Hertford County, North Carolina, on 9 February 1790, and remained in that area until he married Sallie H. Murfree, daughter of Col. Hardy Murfree. Murfree gave his daughter ^74 acres in Rutherford Countj' for a wedding present. James and Sallie came to Tennessee and moved into a four room, two-story structure which they

56

expanded and beautified rs their family and fortune grew.

From the beginning James was a phj'sician and slave ovmer. His estate grev; because of his profession and the demand for cotton, In the 1820 census he registered fiftj^'-five slaves, quite a large number for the times. Not all of his business ventures were successes. Maney bought the failing Washington Cotton Factory in 1841. He and his son, Thomas, advertized cotton yarn produced at

6d

the factory for a very "reasonable" price. But the business was doomed. It changed hands several times before it folded com-

57

pletely and v/as sold for \$1500.

Maney's family size kept pace with his businesses. He and Sallie had the children to fill the ever growing house which they called Oaklands. Their first child was a daughter, Frances, born in 1813; their second, James H, came in 1818; Thomas in 1821; David Dickinson in 1828; William B. in 1832; and John B. in 1835. However, most of the children were not as physically strong as their parents. Frances died in 1838, twenty-eight years old; James H. died at twenty in 1838; Thomas reached his twenty-eighth year, married and saw the birth and death of his son before he died in 1847; William was six years old when he passed av7ay in

58

November 1838; and John B. lived only four years and died in 1839.

David Dickinson Ma.ney reached the age of seventy-one and outlived his father. David was educated in and around Rutherford County and married Mary E. Bell, daughter of John Bell. Like his father-in-law, David adhered to the political principles of the Ivhig Party before the Civil War; he edited the Rutherford Telegraph , the party paper, in 1853 and undoubtedly supported John Bell's presidential candidacy in 1860 for the Constitutional Union Party. After the war David became a Democrat and served as Rutherford and Bedford counties' senator in the state legislature, 1877-1879. Along with his brothers and sister he was buried in the family plot on Vine Street. His mother died in 1857 and his father in 1872. The family v.'as complete again in 1899, not at the old home, Oaklands, but under the large tree in the Old City

59

Cemetery.

69

The burial ground on Vine Street testifies to the economic, political, and social maturity of Murfreesboro and its citizens. The people interred there were farmers, merchants, politicians, and bankers. However, the banks suffered or grew as the economy-fluctuated before the Civil War. The town's first bank, Murfreesborough Tennessee Bank, was chartered in 1817, but due to the money situation in general, it began to clo^^e down after five years. William and Joseph Spence, merchants, opened the Exchange Bank, based on the free banking system, in 1853. By 1857 it closed because of mismanagement. It opened again in 1858 to

60

close completely the same year.

Besides banks, plantations, legal services, and medicine, the

cemetery attests to other educational, religious, and economic establishments. Reverend Robert Henderson, organizer of the First Presbyterian Church, was the master of a private boy's school, Hopewell Academy. Several of his students published a letter of appreciation for his services during the spring of 1824. The letter dated 13 April 1824 was signed by Robert J. Rucker, the physician's son, and Lemuel M. Baird, son of a local businessman. The Bairds had been in the area for some time. W. D. Baird advertised his carriage making business in the local paper. William's

Wife, Amada, was buried in the City Cemetery, and Lemuel, her

61

son, was interred there in 1851. A member of the Rankin family, James Porter Rankin, became a minister. His father, David, came to Murfreesboro during its early years. Reverend Rankin married Ermina, but she became a widow in 1831. James died at the age of twenty-six. Alexander Rankin was a merchant who advertised his

70

general store and its location on the south side of the square in

62

1834. Others in the town attempted to establish a public water-works system which used cedar tubes, but the Rose Water Works failed. Dr. John Holmes and his brother financed the first

Nashville, Murfreesboro, and Shelbyville Turnpike which began in

63

1832 and opened in 1842.

Yet the Old City Cemetery holds many more stories. Violet L.

Alexander, consort of J. D. Alexander, was buried there in 1853.

However, Violet was not John's only wife. In September 1827, John

admitted the fact that his wife, Polly, had left him, and he

warned the public that she would not be responsible for any debts

or bills that she might incur if someone "harboured" her.

64

Perhaps that was why she left him.

Murfreesboro's citizens were a social people, and the tombstones marked this fact also. As early as 1817 the Masonic Order was in Rutherford County. Mount Moriah Lodge, Number 15, was formed; its petition was signed by F. N. J. Burton, M. B. Murfree, B. F. McCulloch, John Lytle, A. C. Tublett, and John L. Jetton. The lodge was quite active until the Anti-Masonic party entered the presidential campaign of 1831. The Masons did not continue

because of adverse feeling in the community. The lodge continued

65

resumed its activities in 1841.

However, the Temperance Society was not suspected, except perhaps by the tavern keepers and those who distilled Tennessee whiskey. The group called themselves the Washington Temperance Society. It was met at the First Presbyterian Church. They convened on 5 October 1827 and formally signed:

71

Resolved, that they will abstain from the use of distilled liquors; that they will not permit them to be used by their families or servants except for medicine; that they will not provide them as articles of entertainment for their friends, and they will discountenance the use of them in their community."

Probably because of a weakening of the will and the ever-tempting memories of the good times at the tavern, interest in the society waned. It was reorganized in 1847 during the nationwide temperance movement. They called themselves Sons of Temperance. Lucas Oslin was an active member during his life as his tombstone

attested: Born October 25, 1799; died January 8, 1851; erected

67

by Rutherford Div. No. 5 Sons of Temperance.

These many grave stones with their names established the fact that the community and county's history was shaped by the people whose graves they marked. Yet none spoke more simply nor clearly than two very rough stones, hand-hewn and chiselled by amateurs. These undoubtedly belonged to two slaves: Phebe,

4 August 1837, 8 May 1863, and Joshua, of the Reeves family.

These two markers represented the economic base of Murfreesboro and Rutherford County. However, the war which brought the death to slavery did not destroy the community. The Civil War only slowed its growth in spite of the fact that it was occupied several times by the Union Army. The First Presbyterian Church was torn down to provide bricks and lumber for Fortress Rosecrans. Yet the graveyard which stood beside the church remained, more

68
poignant and important than ever.

All of these events were part of the lives of those people
Who now lie in the Old City Cemetery. Because they made this

72

history--the Jettons, Andersons, Killoughs, Subletts, Huggins, Spences, Leinaus, Burtons, Dicksons, Holmes, Bosticks, Maney, Ruckers, Bairds, Rankins, Alexanders, Oslins, Phebe, and Joshua -- the Murfreesboro of early nineteenth century was a bustling, living community. Their achievements, failures, friends, and enemies are entombed and marked by the presence and preservation of the Old City Cemetery. The graveyard on Vine Street stands as a monument and enshrines a segment of Tennessee and American history.

Perhaps better than an old, restored home, diaries, deeds, wills, and old newspapers, a cemetery provides the names of not one family but many who comprised a very young town of a new state. The names on the stones are the raw material that is used with other local sources from which history is written. These people whose lives are represented by the markers in the Old City Cemetery made history, even if in a small way, by reflecting the character, prejudices, and life-styles of the times. They made history by the mere fact that they lived to build the foundation on which present-day society is based.

73

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