

**WILLIAMSON COUNTY HISTORICAL SOCIETY**

**PUBLICATION NUMBER 24**

**SPRING 1993**

**PUBLISHED BY**

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**P.O. 71**

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## TABLE OF CONTENTS

EYE WITNESS - NASHVILLE TENNESSEAN MAGAZINE - JAN. 27, 1946	ii
OBITUARY - NASHVILLE BANNER - NOV. 20, 1946	vii
I.           Pertaining to the Early History of Franklin and Williamson County	1
II.          Streams	4
III.         Territorial Limits of the County	6
IV.         The Courts	9
V.          Court House and Jails	12
VI.         Surface Conditions and Relative Importance	17
VII.        Roads and Turnpikes	22
VIII.       Natchez Trace and Jackson's Military Road	26
IX.         A Tax Record	30
X-XIII.     Franklin	33
XIV.        Census of 1830 - Movement of Population - Jackson's Land Deal - Town of Nelsonville	46
XV.         Nelsonville Again - Gen. Jackson's Big Land Suit - Early Grants of Lands	49
XVI.        Interesting County Court Orders - Orphans of War of 1812 - Chickasaw Treaty at Franklin	51
XVII.       The Circuit and Chancery Courts - Great Men of Other Days	55
XVIII.      Prominent Men in Early Days - A Notable Criminal Case	59
XIX.        Other Early Business and Professional Men	61
XX.         The Indian Treaty of Franklin - The Historian's Duty - Other Prominent Men of the County	67
XXI.        Notable Criminal Trails	71



XXII.	The Waterworks Systems of Franklin - Also Railways, Turnpikes, Lights and Sidewalks	76
XXIII.	Newspapers	79
XXIV.	The Independent Gazette	80
XXV.	Governor, Congressman and Legislators	84
XXVI.	Dr. Samuel Henderson's Diary	89
XXVII.	The Civil War	93
	The Old Presbyterian Church at Franklin	121
	Old Minutes of Franklin Found	123
	Roper's Knob	136
	The Old Natchez Trace	140

Footnotes made by Campbell Brown = C. B.

Footnotes made by Viriginia Bowman = V. B.

## INTRODUCTION BY EDITOR

I take great pleasure and satisfaction in presenting this year's journal. With the printing of Park Marshall's history, the Society has accomplished one of its' primary goals, i.e. the dissemination of historical information pertaining to Williamson County. Since first reading the poorly printed copy of Marshall's- HISTORY OF WILLIAMSON COUNTY AND FRANKLIN, in the Franklin Public Library many years ago, I recognized the need for its reprinting and wider circulation. Because of Mr. Marshall's long life and early interest in history, his documentation and first-hand knowledge is an invaluable source for today's historians.

This seems an appropriate time to recognize and thank our contemporary local historians, who have followed in Marshall's footsteps. Can you imagine the void in our historical society and the recording of the county's history without Virginia McDaniel Bowman, Louise Gillespie Lynch, T. Vance Little, Sadie Tune Wilson, W. Ridley Wills II, C. Tracey Parks, and James Crutchfield? The forthcoming book by Mary Trim Anderson on the Churches of Christ in Williamson County and the Restoration Movement will add her to this group of published writers who are Society members.

Also, we owe a great debt to previous writers of local history in the form of Susie Gentry, Rosalie Carter, Campbell Brown, and Marshall Morgan. Of course, the many contributors to past journals and local genealogists are too numerous to list but their works have enriched our understanding of who we are and have broadened our horizons in viewing the past. The accumulation of these works allow us to declare, like the ancient Hebrew, that we surely have a goodly heritage.

A special thanks goes to Herbert Harper for loaning me a readable copy of Marshall's history, Lola Morgan Farrell for the photograph of Park Marshall, and Ann Moran for indexing the text.

Good reading to you,  
Richard Warwick, Editor



**PARK MARSHALL**

**1855-1946**

**LAWYER-MAYOR-HISTORIAN**

## EYE WITNESS

The terrible aftermath of the Battle of Franklin still clings to the memory of 90-year-old, Park Marshall, who viewed the battlefield as a lad of nine.

By J. D. Brown

Nashville Tennessean Magazine

January 27, 1946

It was the morning of December 1, 1864, when the nine-year-old boy took his mother's hand and walked from their two-story brick home to view the battlefield which only a few hours before had been the scene of what historians call "the most deadly battle of the entire Civil War."

Nine-year-olds are very impressionable. This boy was no exception, and today Park Marshall, now nearing his ninety-first birthday, can sit in that same two-story brick house and recount the details of the Battle of Franklin as if he had just come home from that memorable walk with his mother.

The only man ever to act as mayor of both Nashville and Franklin, he still lives on Franklin's Third Avenue in the 133-year-old house from whose windows he watched his father engage in earnest conversation with Gen. Nathan Bedford Forrest, famed Confederate cavalry leader.

Behind him is a distinguished record showing 40 years of faithful public service as speaker pro tempore of the Tennessee State Senate, member of the state legislature, executive clerk in the United States Senate, clerk and master of the Davidson County Chancery Court, and mayor of two cities.

He is equally well-known for his work as a historian, and as an author on historical subjects.

Citizens of Franklin know Park Marshall as the man who served as their mayor for almost two decades until he retired from public life in November, 1939, at the age of 84. He's about the only man in town who watched the quiet Middle Tennessee community change hands between the Yankees and Confederates many times during the Civil War.

The eyes which witnessed those historic days brightened behind dark-rimmed glasses when the conversation turned to the 1860's.

"Yes, my father was visited by General Forrest and his staff at the front door of this house."

"I remember how the couriers would come to and fro reporting to General Forrest. He was a very commanding man in appearance."

Explaining that the British and French military men have studied Forrest's campaigns, Marshall said, "He was one of the first men to teach the world that you're ten times as strong if you attack. He always attacked first and that's the way he won. He's one of the greatest generals that ever lived."

In his written account of the Battle of Franklin, contained in his "History of Williamson County," only written history of the county, Marshall says that "there were more men killed on one side at Franklin than were killed on one side in any other battle, in one day. Antietam alone excepted, and there were twice as many killed in the same length of time even at Antietam. The only battle within a century comparable to it in heavy losses was the battle of New Orleans in 1815."

Recalling that bitter engagement of Marshall is the only man to serve as mayor of Franklin and Nashville.

November 30, 1864, Marshall said that he remembered the battle well.

"At about 2 o'clock the next morning (December 1), there was a tremendous bombardment of the town by a Confederate battery. All of my family went down in the cellar of this house and I sat on a ladder under the cellar window. One shell exploded outside the cellar window, and the sulphur fumes from it made me sneeze."

"The Confederates thought they were firing at Fort Granger, the Yankee-held fort, but they were firing directly into Franklin. I remember that every time a shell exploded I would say, "General Hood, you old fool, why don't you flank them?"

When the nine-year-old boy was urging General Hood, leader of the Confederate army, to flank the enemy, he was giving sound advice. Hood instead threw his main strength in a hastily organized frontal attack at the Federal army center at Franklin, and lost 6,000 men in the battle. The victorious Yankees, with only 2,400 casualties, withdrew to Nashville, where they defeated the Confederates again December 15-16 in the Battle of Nashville.

Going back to that December 1 after the Battle of Franklin, Marshall painted one scene near the breastworks of "twelve dead Yankees in a circle, and one dead Confederate soldier in the middle of the circle. The Confederate was

grasping his rifle as if he had gone down fighting the whole group of Yankees.

"My mother, my sister and I walked along the breastworks at Carter's Gin, where the main fighting took place. You can go out on the Columbia pike at that place right today and see an old smokehouse peppered with bullet holes. We saw one great big Yankee soldier lying on his back with his hands holding his gun in a fighting position-and with a bullet through his forehead."

He saw General Buell's Federal army of 25,000 men march through Franklin in mid-March, 1862, on their way to save General Grant at Shiloh. Marshall recounted that "some of the Yankee troops would stop and talk to the Franklin citizens, and told them that the war would be over in 90 days but it took them four more years."

Park Marshall turned to the study of law in the years after the war. His father, John Marshall, who died in 1863, was recognized as one of the best lawyers in the history of Tennessee.

Park Marshall received his law license and practiced in Nashville and Franklin. In 1889 he was elected to the state legislature, where he was sole author of legislation for the government of the state penitentiary.

In 1893 he became a state senator. Since the Senate's speaker, Billy Dismukes, "was very lax in attendance," Marshall as speaker pro tempore presided at least half of the time.

Marshall's next position was in Washington, where he served as executive clerk of the U. S. Senate for six years, ending in April, 1900.

He recalls that "I was the first man ever to write the minutes of the U. S. Senate on a typewriter."

On returning to Tennessee from Washington, Marshall in 1901 became clerk and master of the Davidson County Chancery Court.

James Newman, Nashville lawyer who practiced law in the Chancery Court here while Marshall was clerk and master, said that "Marshall did an able job in that capacity, and was highly regarded by all." Newman later became chancellor of that same court.

Upon completion of his clerk and master tenure in 1907, Marshall turned to writing a book, "The Life of Gen. William B. Bate," which was published in 1908. During this period,

Marshall was living in Nashville, most of the time in the Vauxhall apartments, and was practicing law.

From 1910 to 1914, he was chairman of the Davidson County Board of Election Commissioners.

It was in 1915, during one of the most turbulent periods in Nashville's history, that he headed the city government for a short period.

On June 28, 1915, Marshall was appointed commissioner of finance, succeeding Lyle Andrews, who had been accused of fraud in connection with city funds. In July, after two other commissioners had been suspended, Nashville was governed by three commissioners. Marshall, as vice-mayor, was the senior commissioner, and therefore acted as mayor. Finally, on August 5, 1915, the three governing commissioners chose Robert Ewing as mayor, ending Marshall's brief time as Nashville's chief executive.

Marshall finished out his term as commissioner of finance in 1915, and remained in Nashville to practice law until his return to Franklin in 1918.

In 1919 he was elected to the office of mayor of Franklin. Except for a two-year absence in 1923-24, he was Franklin's mayor continuously until 1939.

While serving as Franklin's mayor, Marshall wrote all the bills for the city pertaining to water mains, roads, etc., and he was the only mayor in the state who wrote out his own ordinances for the issuance of bonds.

"The largest bond issue I ever wrote was one for \$100,000 for a high school building. During all the time I wrote bond issues, there was only one time that I was accused of making a mistake in the paper work, and that time it was later shown that I was right," he said.

The city of Franklin is still guided by a book which Marshall wrote in 1920, pertaining to the Charter of Incorporation and the by-laws and ordinances of Franklin.

He has also written articles pertaining to the old Natchez Trace, and to the boundaries of Tennessee.

Prof. Irby Hudson of the Vanderbilt University political science department, who was associated with Marshall for many years in the Tennessee Historical Society, has described him as "one of those men who fulfill the ideal of faithful public office claims to be a sincere servant of the people, but Park Marshall was one of those relatively rare men who honestly had the public interest at heart in all the offices he held."

Today Park Marshall spends much of his time sitting by the fireplace in the house which his father built in 1813. His former hobbies-fishing, astronomy and history-have been left behind. He reads the newspapers faithfully, with the aid of a magnifying glass, and averages reading about one book per month.

Although he has vivid memories of the past, he still follows current events with interest. One of the books which he read recently was John Whitaker's widely read "You Can't Escape History."

Marshall likes to sit in his big rocking chair these days, put on his green eye-shade, throw another shovel of coal on the fire, and settle down to some intensive reading.

The old house is filled with antiques which would send antique-seekers into shouts of joy, and a part of the house still does not have electric lighting.

Ernest E. Church who like Marshall, has never married lives in the house with the distinguished old gentleman as his companion. Church himself 64 years old, says, "Mr. Marshall doesn't go out very much these days. He's in fine health, though, and has a remarkable memory."

Marshall does have an excellent memory, but, after all, he has something to remember. There aren't many people these days who witnessed the Civil War in action.



OBITUARY - Nashville Banner - Nov. 20, 1946

Funeral services for Park Marshall, 91, prominent Middle Tennessee lawyer, historian, author, and public official and the only man ever to act as mayor of both Nashville and Franklin, were conducted this afternoon at the Regen-Smithson Funeral Home, Franklin.

The Rev. Peyton R. Williams, rector of Chirst Church, Episcopal, Nashville, officiated, and burial was in Mt. Hope Cemetery, Franklin.

Mr. Marshall died at 2:10 p.m. Tuesday at a Franklin hospital following a brief illness.

Mr. Marshall, who retired in 1939 after nearly 20 years as mayor of Franklin, had played a prominent role in municipal, state and national government and was the author of a number of books and articles on Tennessee history.

He was born in the old Marshall home in Franklin February 18, 1855, a son of the late John and Frances Crockett Marshall. His father was one of the state's most distinguished lawyers.

Mr. Marshall was a great-grandson of two Revolutionary officers, Col. Guilford Dudley of Virginia, and Maj. Robert Bell of North Carolina. Gen. Thomas Eaton of North Carolina, another officer under Washington, was also an ancestor. His great-grandmother, the wife of Colonely Dudley, was the aunt of John Randolph of Roanoke.

Mr. Marshall vividly recalled the battle of Franklin which took place when he was nine years old.

He was reared and educated in Franklin, living then as in recent years in a 133-year-old brick house on Franklin's Third Avenue.

Having been licensed to practice law in Nashville and Franklin, he entered politics in 1889 when he was elected to the State Legislature, where he was sole author of legislation affecting governing of the State Penitentiary. Four years later he became a state senator serving frequently as speaker pro tem of that house.

Mr. Marshall was secretary to the late U. S. Sen. William B. Bate and from 1804 to 1900 served as executive clerk of the Senate in Washington.

Returning to Tennessee from Washington at the turn of the century, he made his home in Nashville, being clerk and master of the Davidson County Chancery Court from 1901 to

1907, chairman of the Davidson County Board of Election Commissioners from 1910 to 1914, and mayor in 1915.

He moved back to Franklin in 1918 and the following year was elected mayor of that town, serving continuously in that capacity until 1939 with the exception of 1923-24.

Mr. Marshall was a member of St. Paul's Episcopal Church, Franklin.

He is survived by three nieces, Mrs. Frances Marshall Morgan and Mrs. Dorsey T. Crockett, both of Franklin, and Miss Flora Marshall of Silver City, N.M.; four nephews, Lt. Col. Gilbert Marshall, U. S. Army retired of Atlanta, Ga., Col. Geoffrey Marshall, U.S. Army of Bay St. Louis, Miss., and Donald M. Marshall of New Orleans La.; two great-nephews, Jesse and Marshall Morgan, both of Franklin; and one great-great-niece, Polly Morgan, also of Franklin.

Active pallbearers were Tom W. Pointer, Capt. Thomas P. Henderson, Earl Beasley, Tyler Berry, Jr., Hillary Crockett and Winder McGavock.

Honorary pallbearers were members of the Franklin Bar.

By Park Marshall, Franklin, Tenn.

Written January 1, 1917 to July 1917

January 4, 1917

Williamson County News

PERTAINING TO THE EARLY HISTORY OF FRANKLIN AND  
WILLIAMSON COUNTY

(The facts given in this article cannot be so dignified as to be termed a history. They will be set forth in a rather desultory way without any idea of completeness and without taking the trouble, in many cases, to cite authorities.)

I.

Before giving a sketch of Franklin and Williamson County in their early days, it is not considered out of place to recite some of the history of our country to show what the situation was before the county was formed.

When new lands are discovered they are claimed by the countries whose subjects, or whose expedition, make the discovery. If the newly discovered land be very large, then the claim will extend to the sources of the rivers, however large, which enter the sea on the coast discovered.

Columbus, under the king and queen of Spain, discovered America. He discovered the West Indies, and later, the gulf coast and Florida. Spain then claimed the whole of America.

But soon, the English landed in the Carolinas, Virginia and elsewhere, and laid claim to the country entirely across to the Pacific, but they really had no right to claim further back than the Appalachians.

The French explored the St. Lawrence and Mississippi Rivers. One of their hunters and traders, Charleville, was the first white man to visit the site of Nashville, which was then made a part of New France.

After many contentions between England, France and Spain, a treaty was made between the two first-named countries, making the Mississippi River England's West boundary, 1763. (Fort Stanwix)

At the close of the revolutionary war, North Carolina naturally held the territory as far as the Mississippi River

by the effect of the treaty of 1763, as well as by the occupation of the Watauga and Cumberland settlers.

In 1784, Tennessee was ceded by North Carolina to the Confederation, but later that state repealed the act. In 1789, North Carolina ceded this country to the United States under the name of the "Territory South of the Ohio River," and it soon became known as the "Southwest Territory." William Blount was made territorial governor in 1790 and held the office until it was made a state in 1796. Up to that time it did not have the name Tennessee, but was simply the Southwest Territory.

In Middle Tennessee, which was then called Mero District, and later, West Tennessee, three counties had been created-- Davidson, Sumner and Tennessee Counties. Tennessee County was west of Davidson and was formed into two counties with other names when the state took the name Tennessee.

In 1783, the commissioners of North Carolina came to lay off in one body the lands which the state intended to give to the "officers and soldiers of the continental line of North Carolina." In pursuance of the law they ran the lines from the south boundary of the state at Elk River, north 55 miles; thence West to Tennessee River. But the Indians claimed this land, so under a new act a new reservation was made in 1784, the old one being abandoned. This new line began at the point up the Cumberland River, where it crosses from Kentucky into Tennessee; thence South 55 miles; thence West to Tennessee River. The line of 1783 was called the "Commissioners' Line," and that of 1784 was called the "Military Line," though these designations have often been confused. The state was estimated to be 110 miles wide at this point, and the idea was for the line to corner just half way between the North and South borders of the state, 55 miles from each. Hence the line running West to the Tennessee River as run in 1783, and later abandoned, would about coincide with the line so run in 1784 North of which the officers, soldiers, guards, surveyors and chaincarriers of this survey could get their lands. But, as a matter of fact, the surveyors so ran their lines that the military line turned out to be seven or eight miles South of the old line and overlapped it to that extent. In running the Military Line the commissioners fixed on a hill which they named Mount Pisgah as being a point 55 miles from the Kentucky line, and from this point they ran East to a point considered to be south of the place where the Cumberland River enters the state, and West to the Tennessee River. The name was not inappropriate as being the place from which to survey this promised land, figuratively flowing with milk and honey. Mount Pisgah is still so named, and is in Williamson County near the South border and a few miles South of Bethesda. A glance at the map will show that the

Southern border of Williamson County runs North of West by fourteen degrees; and so this Military Line due East and West is in Williamson County part of the way but crosses into Maury some two miles East of Spring Hill.

These lines, in those early days when it was unlawful and dangerous to encroach on Indian territory, confused the settlers. To understand which it is necessary to remember that there were three lines run in two years, as follows:

(1) In 1783, by the commissioners, a line from the South border of the State where Elk River crosses to a point 55 miles due North-- which brought it into the limits of our present county-- thence West to the Tennessee River; and only West and South of this line could the officers, soldiers and guards take up any land. This reservation was abandoned. Then (2) in 1784 the commissioners ran a line from the North border of the state, where the Cumberland River enters this state to a point 55 miles south, thence West to the Tennessee River. This tract was larger than the one intended in 1783 and the line cornered many miles East of our present county, yet the East and West line forming the South border of the Military Reservation passes through the Southeast part of our county, as already stated. (3) In 1785 a treaty was made fixing the Indian boundary at Duck River Ridge, which runs through the South part of Williamson County, mostly between those lines. These three lines, and the land laws relating to them, were more or less embarrassing to settlers near any of them, unless they were North of the most Northerly one. They all, or at least the two last, seriously concerned the settlers of this county up to 1806. In 1780 when the settlers came to Nashville they had a very hazy idea as to their relations either with the United States or with the Indians. They did not even know where the North Carolina line was, and many of them thought the North bank of the Cumberland was in Virginia. In 1783 they made a treaty with the Chickasaws making the Duck River Ridge the Indian boundary. This was not a federal treaty, but the Indians observed it, and the same line was adopted by a valid treaty in 1785 at Hopewell, S. C.

This treaty of 1783 is the only treaty ever made in Middle Tennessee, except the Chickasaw treaty at Franklin in August, 1830, and this last did not concern us in any way.

These matters concern Williamson County, although its territory was until October, 1799, a part of Davidson County.

There were hunters and explorers in Williamson County and other unsettled sections, whose names we do not know, for there are references to its geography which not otherwise have been known, as far back as 1784. Indeed, as has been stated, the commissioners, accompanied by a large

guard and a number of volunteers, ran their lines in 1783 and 1784, and it is evident that these guards and volunteers examined the country closely, with a view to future entries of lands.

The Harpeth River had its name as long ago as 1784, only it was at first spelled H-a-r-p-a-t-h.

-----  
(Presented to state archives. Nov. 18, 1919 - P. Marshall)

## II.

### STREAMS

The fact that the name of our principal stream was originally spelled Harpath has been mentioned. It will prove interesting to consider the origin of this unusual name by which we know four of our streams.

Big Harpeth rises in Rutherford County, near Eagleville, and soon enters the southeastern part of Williamson County and flows with many meanderings, but in a general northwest course, across the county and into Davidson and then through Cheatham County where it enters the Cumberland at the border of Dickson at Harpeth Shoals, two miles above Fox's Bluff. Little Harpeth rises near the end of the Harvey Pike, six or seven miles nearly east of Franklin, flows nearly north, then nearly west to Davidson County, crosses the line a short distance, and enters Big Harpeth three-fourths of a mile east of Belvue. The mouth of this stream is the county line land-mark that has been fixed ever since 1799, for it was so designated when the county was created. It is the place where the line angles to form the V-shaped angle with its apex near Linton on South Harpeth.

West Harpeth rises in the southeast and flows west, crossing the Lewisburg, Columbia, Carter's Creek and Boyd's Mill Pikes, then runs north, parallel with the Hillsboro Pike, to Big Harpeth at Forest Home.

These are limestone streams. South Harpeth is a freestone stream in the Highland Rim. It rises southwest of Leiper's Fork and on the slope of the watershed that divides it from Lick Creek, and flows northwest and north to Big Harpeth in Cheatham County. Its mouth is little more than a mile south from Pegram on the Northwestern Railroad.<sup>1</sup>

<sup>1</sup> The Northwestern Railroad, more properly the Nashville & Northwestern RR, was later the Nashville, Chattanooga & St. Louis Railway and is now the Louisville & Nashville Railroad. C.B.

All the other creeks, nearly, in the county are named from the persons who once owned the lands, as McCrory's Creek, Arrington Creek, Spencer's Creek, Murfree's Fork, Leipers' Fork and Rutherford's Creek.

Harpeth is a different kind of word, being neither descriptive nor the name of a person.

There have been two explanations of this name, both of which are more or less absurd. One of these was that the name was derived from the word "harpy," the name of a mythological bird or creature. The other was that it came from Harp, the name of two robbers, one of whom was called Big Harp and the other Little Harp. There were indeed two such robbers, but the streams were not named from them. The name was applied to the main stream as early as 1784, but the Harps did not flourish until some twenty years later. At that they were merely coarse and insignificant criminals, and were never in this part of the country. There are two other conclusive reasons why the name Harp had nothing to do with it-- there is no such terminology in English whereby such a form as Harpeth could come from Harp; also our early settlers would never have so honored the names of criminals in this or any other way.

The name in fact, in all probability, came from Harpath, the name of a beautiful (fancied) river which flowed from the eastern hills down through the wooded plains, as told by Addison in "The Spectator," a book that was very popular in those days. As stated, the name originally was spelled in that way, and it can be found so written on the very first map of the State, prepared by Daniel Smith in 1794, and published by Imlay.

The credit for this entirely reasonable explanation is due to the late Mr. Ed. Hicks, of Belvue. The name was also sometimes written Harpath in very early grants of lands lying on its waters.

All the waters between Duck River Ridge to the southwest, and the Brentwood and Harpeth Hills to the northeast, go into Big Harpeth and, except in flood-water, pass through a tunnel cut by Montgomery Bell in Cheatham County a century ago.

Few persons know that there was once an organized corporation having the name of the "Harpeth Navigation Co." On November 17, 1813, an act was passed "To provide for clearing out Harpeth River from Franklin to the mouth thereof, and to prevent further obstruction to the navigation of said river." It provides for the formation of a company with \$5,000 capital and empowers it to cut all stopping timber from the banks, sluice all shoals, and

remove logs, loose rocks, etc. The stream was declared a highway for flat-boats and keel-boats.

October 21, 1815, another act was passed declaring that the Harpeth Navigation Company has been organized, and giving the company full and ample powers. It is empowered to acquire lands to the value of \$50,000, to build canals, with gates around the existing dams, to prevent other dams from being built, and to sell 300 additional shares of stock (\$15,000), making the total stock \$20,000.

The river was really hardly navigable with canoes in low water because of a lack of water, nor in high water for any other boats except perhaps two or three hazardous trips down stream in a year.

It is, however, said to be a fact that a medium-sized land suit was once won in this county on a plea of the law relating to navigable streams.

In 1811 the State caused this stream to be surveyed from the tunnel at the Narrows to its mouth, and took testimony as to its navigability. One of the witnesses, a surveyor, stated quaintly that the main trouble was the lack of water.

At the Narrows, over a century ago, and for many years, Montgomery Bell operated a forge with the power obtained by means of the tunnel, and floated the product down to the Cumberland on flatboats and rafts. He thus made and shipped the cannon-balls carried to New Orleans by Jackson-- so it is told.

Rutherford's Creek in the southeast, and Lick Creek in the southwest part of the county, and their branches, are beyond Duck River Ridge, and flow into Duck River.

-----  
III

### TERRITORIAL LIMITS OF THE COUNTY

The legislature, during the early history of the State, sat at Knoxville. To reach that place from Franklin was a long and arduous journey, and the way was infested by murderous Indians. To set on foot and perfect any legislative matters of a remedial nature was a slow process.

On October 26, 1799, the act creating Williamson County was passed. The boundary was described as follows:

"Beginning at a point 40 poles due north of the residence of Thomas McCrory, on the waters of little Harpeth; running thence east two miles and 104 poles; thence



south 70 degrees east, 16 miles and 270 poles; thence due south to the Indian boundary line" (Duck River Ridge); "thence with said line westwardly to the Robertson" (now Hickman) "County line; thence with said Robertson County line north to a point due west from the mouth of Little Harpeth; thence a direct line to a point on South Harpeth southwest from the mouth of said Little Harpeth; thence northeast to the mouth of Little Harpeth; thence a direct line to the beginning." Thomas McCrory lived where William Letterer now lives, on the line of the Granny White Pike.

These lines have been considerably changed on the northwestern, eastern and southern sides of the county. They show that the northwest corner of the county was at first an acute angle, with its point on a level with the mouth of Little Harpeth; that the eastern border extended far into the present county of Rutherford; and that the southern border was an east and west line, whereas the most of it is now south 76 degrees east.

The next legislature extended the boundaries of Williamson, as well as those of several other counties, to the southern boundary of the State. This extended the county through the Indian territory in which no powers of any kind could be exercised until the proper treaties could be made. In fact Williamson County seems to have performed few acts governing those parts now known as Maury County, except to record deeds and grants during the latter part of 1805 and through 1806, and part of 1807.

On October 25, 1803, Rutherford County was formed, part of it being taken from Williamson by a line along the ridge that runs between Mill Creek and Stone's River.

On November 16, 1807, the act "to reduce Williamson County to its constitutional limits," by laying out the county of Maury from its territory was passed. The dividing line began 359 chains (4-1/2 miles) south of Duck River Ridge and at the Robertson (Hickman) County line, and ran thence south 76 degrees east to the Rutherford County line. This line gave Williamson more land than it had by the line of 1799, but this new line ran at an angle of 14 degrees with the old line.

On November 2, 1815, an act was passed to run the Williamson-Davidson line due west from Little Harpeth to the northwest corner of Williamson, which would give this county a more regular form by cutting off from Davidson the unsightly V which cuts six miles into Williamson to South Harpeth at a point south of Allison's mill. But the act required a popular vote in the area concerned, and the vote favored Davidson; so the act was not effective.

At a later period the net result of several acts was that the part of Williamson County that lies west of the gap that begins at Little Harpeth was cut down, so it is somewhat south of the latitude of the mouth of Little Harpeth; but at the same time the north boundary of that western section is now an east and west line, whereas at the first it was a sloping line all the way from the corner of the county to a point above Allison's on South Harpeth; so that little, if any, land has been lost there.

One of the most distressing events in this history occurred in 1871 when the Eagleville district at the southern part of the eastern border was lost by being transferred to Rutherford County. The Murfreesboro people encouraged and helped to build a macadam road from the district to their town, while no similar spirit was shown by Franklin. The good roads from the district to Franklin were four to five miles longer than a practically direct road would be, and still are that way.

Williamson County has also lost considerable territory from its south border for a length of five miles from its eastern terminus. The line there is now nearly east and west, whereas it at first sloped all the way at fourteen degrees south of east, as it still does near Spring Hill and westward.

The original direction of this part of the county line, making the county extend over a mile further south than it now does, was changed by act of 1809, and the land so cut off went to Bedford (now Marshall) County. Up to that time Maury extended to the angle where the Williamson County line was changed to the east and west course.

There have been no other considerable changes, but there have been little bites here and there all around the county, which would make the line appear very ragged if such minutiae were correctly shown on maps. There is no better time than the present to stop this tampering with the county lines, which tampering is too often done for no reasons of public interest, and is rarely, if ever, for the good of this county.

The act laying off Maury County recites that it was done in order to "reduce Williamson County to its constitutional limits," and this expression is often used as to other counties. The Constitution of 1796 said that in laying off new counties the old counties should not be reduced below 625 square miles; and this is plainly only a provision fixing a minimum area. There was nothing to require a county larger than that to be reduced, yet it was acted upon as if so required.

#### IV.

#### THE COURTS

Much has been said in recent years about government by commission, as if it were something new under the sun. But it is a fact the commission government for towns, counties, and dependencies, is the original and natural form of government. It was applied in the case of Franklin and Williamson County and was the practice for some years. The town commissioners and the county justices were named in the acts of the General Assembly; and the Circuit Judge, Solicitor General, and Sheriff, were appointed by the Governor.

The government of the county was by means of the courts thus appointed, and to them was delegated such powers as were needed, but all legislative powers were retained by the General Assembly, as has always been the case.

The first court was the Court of Pleas and Quarter Sessions which exercised all of the Administrative functions of the County, and was of course the Court with which the people were most intimately concerned. On November 16, 1809 the (State) Superior Court of Law and Equity was established with three judges, and these three judges, sitting separately at a number of different places from time to time, held the Courts of Equity, but none of them actually sat at Franklin until 1825. The lawyers here, having equity cases, had to go to Charlotte or some other place for the hearing. The same judges, when they sat together (or in bank) tried appeals from the Courts of Equity and from the Circuit Courts, hence the lower courts were sometimes called nisi courts.

By the act of 1809 the Circuit Courts of Law and Equity were also created. They were given jurisdiction of criminal cases, (which the court of Pleas and Quarter Sessions had had to that time); also civil cases, concurrently; also of equity cases, concurrently with the Courts of Equity, by fixing days for equity cases and resolving themselves thereon into courts of equity. They had different "divisions" assigned to them as they now have districts. Williamson County was in the fourth division with Davidson, Maury, Rutherford, Sumner, and may be other counties.

The Court of Pleas and Quarter Sessions was composed of five commissioners named in the act, and the same men were appointed and commissioned as justices of the peace by Governor John Sevier. They were John Johnson, Sr., Daniel Perkins, James Buford, William Edmondson, and Capt. James Scurlock.

At subsequent times additional justices were appointed in the county, but the definite rule that five of them, of whom a majority could act, constituted the court with judicial powers. They were required to meet the first Mondays in February, May, August, and November. In November, 1803, the dates were changed to January, April, July and October.

This system of county government had been in use a great many years in North Carolina, and was so well understood that the powers and duties of the Court required no lengthy definition in the act. The court had all the general powers that are at present practiced by both the judge and justices of our county court, and in addition it tried all criminal cases by jury, even capital cases, until the criminal jurisdiction went to the Circuit Court in 1810. The court also tried all civil cases by jury, including appeals from justices. Sitting separately as justices they could at first give judgment up to \$20, and, a little later, up to \$50. The court also apprenticed minors, licensed "ordinaries," (hotels and grog-shops), took bonds of liquor dealers, fixed the prices of drinks, meals, beds and feeds, appointed its clerk, and other county officers, including constable and "patrollors," its authority was necessary to authorize the building of mills and dams.

The court was authorized to hold its first meeting at Franklin, and other meetings at such places as it should choose, until a courthouse should be built, and thereafter it should always meet at the courthouse. The court met on February 3, 1800, at the residence of Thomas McKay, and also met at the same place in May and August following. When the August meeting adjourned it was to meet "at the courthouse," and it did meet at the courthouse always thereafter, except once in 1803 it met at a Mr. Graham's house.

McKay's house was not a courthouse but only a temporary place of meeting. There were three McKays, John, William, and Thomas. The two first owned considerable land round about Franklin, but Thomas lived in town and dealt somewhat in town lots.

He was licensed to keep an "ordinary" also, and it was at his house that the court met. No doubt, as was the custom, he lived in the house where he took boarders, and, as every one did, had liquors for sale. This house was on Bridge (or Jail) Street, but the deed to the lot was not recorded, and so it cannot be identified with certainty. It was probably the old brick house where Mr. James M. Gault lived up to his death. The only other candidate for the place was the old "White House," that was the "Lower Tavern" for a great many years and stood, until about twelve years ago, on the lot where the new jail now stands.

But there are some objections to the claims of the "Lower Tavern," for it stood on Lot No. 4, and the transfer of that lot was made by Abram Maury to Chapman White in 1802. In some way it fell into the hands of Joseph Germain, who sold it to Benjamin White in 1805. Benjamin White also bought the lot next west of it-- No. 18-- from Joseph Mairs, and so he had 198 feet front for the tavern property.

The courthouse was completed by November 3, 1800, but, strangely enough, there is no record of it except the bare statement, term after term, that the court met at the courthouse. This courthouse was in all probability on the middle of the public square, though there are those who say it was on East Margin Street. It was a small affair.

The history of Williamson County in Goodspeed's History of Tennessee says that the act of establishing the county and town of Franklin, empowered the Commissioners to reserve two acres for a public square on which to build a courthouse. This single sentence contains the astonishing number of six mistakes, as follows:

(1) The county and town were not established by the same act; (2) they were not told to fix the courthouse at any particular place, but only at a central and convenient place; (3) Franklin was not made the county seat by any act of the Legislature, but was chosen by the court as a "central and convenient place," (4) the Commissioners could not "resesrve" any land for a square, because the county did not own the land, it being owned by Abram Maury, who had already dedicated it to public use; (5) they were not told to obtain any particular amount of land; and (6) the square is not in fact two acres, but one and three-fifths acres, being 16 poles each way. The above is a specimen of the whole article here referred to.

The Court of Pleas and Quarter Sessions met quarterly, for whatever purposes, except when it was to try a negro for felony it would meet in special term and tried by a jury of freeholders of seven men. The commission was composed of five men, yet commonly only three acted. The expression "Quorum Court" was never used by our law-makers until 1817, in which year a law was passed, Chapter 48, requiring the justices to choose from their number five men, the best qualified, who should "try all causes during one year," while ALL the justices should meet quarterly to attend to the business of the county. Three of the five above-mentioned justices were a quorum.

From this time on the County Court, with respect to its judicial branch, was called the Quorum Court.

It may be proper to mention here that the word "quorum" is Latin, and means OF WHOM. Old English laws or

commissions, written in Latin, would sometimes commit matters to a given number OF WHOM a certain smaller number could transact certain parts of the business. Thus a quorum court was a court with many members, OF WHOM a few were chosen and vested with powers not given to the whole body.

After the Constitution of 1834 the number of the Court was fixed at three who should meet every month, while all the magistrates met quarterly. Since 1870 the powers of this judicial branch of the County Court have been given to the county judge or chairman.

In the case of Williamson County, however, the office of county judge was created by special act before the war, and so we have had no quorum court, so called, since then.

Thus a sketch of the courts has been given in outline. In later articles noted names and incidents connected with these courts may be given.

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V

## COURTHOUSE AND JAILS

The fact that the Court of Pleas and Quarter Sessions met for its terms for February, May, and August, 1800, at the residence of Thomas McKay, on Bridge Street, in Franklin, has been related, and it has been noted that McKay's place was not a courthouse proper, but only a temporary place of meeting until the commission or (last two words struck out with pen) court could erect a courthouse. They did erect, or obtain, one, and yet, though the revenues were scanty, no appropriation therefor is noted and no increase of taxes took place. It is inferred that it was a cheap structure, possibly put together by volunteers without charge. The belief of many that this courthouse was on East Margin Street, and not on the square, has some argument to back it, for that was at the time the most important part of the town; the oldest houses, including the main tavern, were near by, the big town spring was there, and the retaining wall of the street shows the importance assigned to the locality.

But the present writer believes the weight of the evidence shows that this first courthouse was on the public square. The first jail can be located with certainty; the orders with respect to the prison bounds, which will be inserted below, will show that the courthouse must have been on the square. The jail and stocks were built on the lot on Main Cross Street at the place occupied now by Mr. S. P. Watson, next south of the old Thomas K. Handy residence, and

the evidences of this fact will be set forth when we come to speak particularly about jails. Now the minutes of the County Court show three different orders fixing prison bounds, the last of which, being as late as 1839, has no bearing on this question. The order of May 2, 1803 is as follows:

"Ordered by the court that the prison bounds for the benefit of insolvent debtors be as follows, viz: Beginning at a stake 10 poles southwest of the courthouse, thence north 38 degrees west 45 poles to a stake; then north 52 degrees east 21 poles to a stake; then south 38 degrees east 45 poles to a stake; then south 52 degrees west to the beginning, containing 5 acres 145 poles."

This, of course, included the jail and the courthouse. It will be noted that these directions are identical with the courses of the streets as the compass then read, and that the longer direction is northwest 45 poles, or 247-1/2 yards; and the shorter direction is northeast 21 poles, or 116-1/2 yards. So, the jail was less than 247 yards from the courthouse, and presumably in a northwest direction. Within these bounds was John White's lot No. 78, opposite the jail; that is Mrs. Laura Bennett's lot.

Two years later, January 16, 1806 is this order: "Ordered that the prison bounds for insolvent debtors be as follows: Beginning at the race paths taking in the main street and running so as to include John White's well; then so as to include the courthouse; then down the main street so as to include the jail and stocks and then back"-- (to the race paths?)

This is awkwardly worded, but a study of it will show that it means that the insolvent debtors could visit the lots on both sides of the main street, and could go to the "race paths" at one end of it and to the courthouse at the other end; and could, for this reason, go across the street to John White's well. (interlined) see p. 9 foot of column 3. Corrected. It was mill race on branch.

COPIER'S NOTE: The balance of the paragraph is struck out with pencil on the scrap book. However I will copy it with a pencil notation concerning same.

It is well to say just here that the present Main Cross Street (or Third Avenue) was in early times called the main street, and Main Street was called the main cross street, and the proof of this will be given in these papers. These things being true, it appears that this latter order merely repeats the order of 1803 in totally different language. It thus appears also that the "race paths," whatever they were, were at the north end of the town. This is incorrect see note above.

COPIER'S NOTE: Pasted at this page of the scrap book is the following typewritten correction. The one numbered "2" is pasted on the bottom of this page:

"Chapter V. The county jail, (first jail), was not on the old T. K. Handy lot on 3rd Ave. or Main Cross Street. It was on the street but not on the Handy lot, it being in fact on the present S. P. Watson lot, which adjoins the Handy lot. This was not a question of not knowing where that jail was, for the foundations are visible; it was simply the question as to how far either of the two lots extended at that time.

Correction by Park Marshall.

In the same chapter the words "race paths" are used in describing the prison bounds. Mr. Moore, I was mistaken at first in supposing that this referred to horse racing; it refers to a mill race, or path."

It must be remembered also that it was the custom to place courthouses on the public squares, and that Abram Maury had set apart the public square for that very purpose. Hence for all these reasons it is quite clear that the first courthouse was on the square. There was never any lot bought for a courthouse, and none spoken of as disposed of when the new courthouse was built there.

On September 11, 1806,, the General Assembly authorized the county to erect a new courthouse, and this courthouse, which may be called No. 2, was built in the middle of the public square. In order to pay for it the ordinary county taxes were duplicated (doubled) and a little added.. The ordinary county taxes were as follows:

Each 100 acres of land, 12-1/2 cents; each town lot, 25 cents; each slave, 25 cents; each white poll, 12-1/2 cents; each horse charged for \$1. The special courthouse tax was the same as the above, besides a tax on each colored poll of 25 cents, and a tax on each merchant, hawker, or peddler, \$5.

The courthouse was a square two-story brick and stone building, and there was a well a few feet from its west door.

At the time this courthouse was built it is certain that the market-house and stocks were down at the jail about 150 yards away on the street that was later called Main Cross Street, now Third Avenue, and probably the pillory was there also. As to the place of branding felons with a hot iron, it seems that this was at the courthouse, for it was the practice to brand the criminal "in the presence of the court," and the branding of Crenshaw has always been said to have been done at the auction stand on the square. It will



be shown that in 1816 a committee was appointed to sell the "jail, market-house and stocks," and to buy a lot at a different place and build a new jail, which they did by 1817. After this was done, and just when, is not known, a market-house was erected on the public square on the east side of the courthouse, and to it the farmers brought produce for many years. It was a shed of rectangular shape, supported by brick pillars on all sides, and at one of its corners toward the courthouse was a platform for selling things, including negroes, at auction, and doubtless also for branding convicts. After the penitentiary was opened at Nashville January 1, 1831, the practice of branding, whipping, etc., was discontinued. At the same time crimes generally were reduced through a wholesome fear of the new mode of punishment.

In course of time the courthouse proved too small, and a "clerk's office" was built on the side of the square on the ground where the city hall now is.<sup>2</sup> It was a two-story brick building with stone pilasters. It was finally in 1866 sold to W. O. N. Perkins, who tore it down and used the material to build the residence in which Mrs. W. E. Winstead lives.<sup>3</sup>

The third and present courthouse was begun in 1855 and finished in 1857. The old structures on the square were removed early in 1858 or before. A tornado took off its roof April 1, 1871, and the repairs cost \$3,000. Nothing much has been done to it except to place better doors to the four vaults, and to give a granatoid floor to the lobby, and then cut a back door. It was built by John W. Miller under the direction of a committee.

All tradition as to the place of the first jail has died out, but the records show that this jail, together with the market-house and stocks, was on the northerly twenty-eight feet of Lot 102, which is the place next south of where the old Thomas K. Handy residence now stands on the west side of the present Main Cross Street. It will be shown that that street was at first called Main Street. Two deeds in Book A-1, at pages 376 and 502, conveying by numbers the lots now occupied by Dr. Howlett and S. P. Watson, respectively, both state that said lots front on Main street and that their front lines run northwest along that street so many feet "toward the jail."

In Book B, page 177, June 1, 1809, John White for \$380 sells to Moses Chambers the north half of Lot 78, on the same street, and says it is opposite the jail. The prison bounds already shown indicate the place also. The jail lot belonged to the town, which sold it for \$300.06-3/4 to

<sup>2</sup> In 1917, the City Hall was on the North side of square.

<sup>3</sup> William O'Neil Perkins built the house in which Mrs. O'More lives now (1991), using materials from old clerk's office. His house at the site on Margin Street was burned during enemy occupation of Franklin in 1863. V.B.

Ephraim Beasley the same year the new jail was built. (Book E, page 148). The jail was very insecure, according to Thomas Stuart, Judge of the Circuit Court, who ordered criminals charged with a felony to be kept in the jail at Nashville.

October 3, 1816, on petitions of citizens of Franklin, the court appointed some of the best citizens, R. P. Currin, Charles McAlister, Hinchey Petway, Stephen Childress, and Nicholas T. Perkins, a committee to sell the jail and market-house (then on the same lot with the jail), and to procure some eligible lot within the corporation, and to cause a jail to be built thereon. The lot was purchased and the new jail built on Bridge (or Jail) street. It stood on the north side of the street about 375 feet northeast from Main Cross street, and was built mainly of logs. It was on the corner of 2nd Ave.

Though this jail fell into bad repair, yet it stood until 1858, when a prisoner called "Topknot," confined for horse-stealing, set fire to the jail and it was burned. Several prisoners escaped, one of whom was the Kirkpatrick negro who had been convicted of a high crime, but had gotten a new trial. He gave himself up again, and this convinced the jury that he was not guilty, and he was acquitted.

John B. McEwen, John M. Winstead and Lemuel Farmer were made a committee to contract for a new jail. They gave the work to Robert Courtney, and the jail was built on the same lot that the burned jail had stood on. It was two stories high, with two cells below and two above, all within heavy stone walls. The jail had brick living rooms in front. This jail stood until 1905, at which time the present jail, which is number 4, was ready for use.

The present jail is about 150 yards east of the place where jails 2 and 3 stood. It is on the north side of Bridge Street overlooking the river. It stands on lots 4 and 18 of the original plan, being the identical lots on which stood the Lower Tavern. Lot No. 3, which fronts east and runs along the rear of the other two lots, belongs to the property, so that the jail plot of land is 198 by 198 feet. The jail cost \$11,000 to the time the prisoners were put into it, and when the front and all details had been completed the total cost came to about \$15,000. Thus to date the county has built three courthouses and four jails.

## SURFACE CONDITIONS AND RELATIVE IMPORTANCE

The area of Williamson County farm lands as assessed for taxation is 358,284 acres, valued for purposes of taxation at \$4,895,600, which sum is about two-thirds of its true value. The town lots are valued at \$1,005, 620, and have a total of 800 acres. By far the greater part of this is in the county seat, Franklin, whose population in 1910 was returned at 2,924, whereas the villages in the county-- Leipers Fork (called Hillsboro), Thompson Station, College Grove, Bethesda, Triune, Nolensville, Brentwood-- are small places. The above area is nearly correct, but subject to small corrections for such omissions as may have occurred and for errors in acreage of farm and woodland. The acreage may therefore be placed at over 359,000 acres, equal to 562 square miles, taxed on a valuation of \$5,901,220. The county is larger than the average of the State, which is 430 square miles.

These articles are written mainly for local reading by persons who are acquainted with the present conditions, but for those who are in no way associated with the county a brief description will now be given.

The bench mark on the court-house at Franklin shows that the public square is 643 feet above sea level, and this is less than the average for the county; the bench mark at Nashville shows 499 feet at a point as high as any other except the base of the Capitol. The western part of Williamson County, about one-fifth of the county lying west of a north and south line immediately west of Leipers Fork, is in the Highland Rim, running from 900 to 1,000 feet above sea level. It is covered with timber, mostly oaks, and is cheap land of inferior quality, except where streams have cut into it. The hillsides and valleys along these streams are fertile but not extensive. The large amount of semi-barren lands in this section greatly reduces the county's averages for acreage valuations and productions of cereals.

The valleys and plains of the Middle Tennessee basin are the results of a great erosion in progress during the current geological age, and their soil is the residuum of that erosion, hence is very fertile and productive. But portions of a former land level are left standing in the form of thousands of elevations appearing as chains of hills, or detached hills. These are found in nearly all parts of the county. They are ridge-shaped or conical, and never have a continuous outline for any great distance (speaking of the county east of the Highland Rim,) yet the maximum elevations are nearly uniform. They are rather steep and are hardly ever characterized by any bluff formations. They have stone and gravel in the interior, are narrow at top, and covered with timber and rich earth on tops and sides. These hills are excellent for timber and pasturage, and are almost as valuable as the cultivated

fields. In passing from cultivated fields to the top of one of these hills or ridges one at once looks down upon other fields of the same kind. These hills here spoken of take up perhaps as much as one-fourth of the area outside of the land in the rim. These hills are from 800 to 1,000 feet above sea-level, and there are places in the northeast and southeast where they reach 1,200 feet. The rocks are mainly limestone and sandstone, and the waters contain lime in considerable quantity.

The productions are corn, wheat, rye, barley, oats, millet, sorghum, broom-corn, tobacco, all kinds of grasses and clover and without naming them, about every product of the temperate regions. There was a time when the county produced as much as 12,000 bales of cotton, but that staple has been abandoned as not being advantageous to rolling lands.

The population of Davidson County in 1790 was a little over 3,400 and the county then included Williamson, Maury and parts of Wilson, Rutherford and Cheatham. There is reason to believe that in June, 1800, the population of Williamson was about 3,000.

The figures below are given to show the relative position of Williamson County in the first half of the last century.

#### POPULATION 1810

Williamson, white	9,168
" slaves	<u>3,985</u>
Total	13,153
Davidson, white	8,303
" slaves	<u>6,305</u>
Total	15,608
Maury, white	7,733
" slaves	<u>2,623</u>
Total	10,359

#### 1820

Williamson, white	13,858
" slaves	<u>6,792</u>
Total	20,644
Davidson, white	12,255
" slaves	<u>7,899</u>
Total	20,154

Maury,	white	12,141
"	slaves, about	<u>10,000</u>
Total		22,141

1840

Williamson,	white	15,800
"	slaves	<u>11,206</u>
Total		27,006

Davidson,	white	18,161
"	slaves	<u>12,348</u>
Total		30,509

Maury,	white	17,124
"	slaves	<u>11,062</u>
Total		28,186

1850

Williamson,	white	14,337
"	slaves	<u>12,467</u>
Total		27,201

1860

Williamson,	white	11,315
"	slaves	<u>12,467</u>
Total		23,882

1870

Williamson,	white	13,917
"	colored	<u>11,411</u>
Total		25,328

See other figures in Ch. 14, page 19

For the years before 1870 the slaves, as given, include the free colored, of whom there were about 100 in Williamson, the same in Maury, and 400 in Davidson.

After 1840 Davidson increased greatly because of being definitely established as the capitol county.

Since the war Williamson County has made no gains in population. It has less people than in 1870, and in fact than in 1840 and 1850. These are the figures:

1840	27,006
1850	27,201
1860	23,822
1870	25,328
1880	28,313
1890	26,321
1900	26,429
1910	24,213

There has been no considerable loss of territory, except Eagleville in 1871, which may be estimated at less than 1,000 people.

The explanation of this decline may be found in the following statistics:

#### WHITE POPULATION

1840	15,800
1850	14,266
1860	11,415
1870	13,917
1890	16,237
1900	16,765
1910	16,385

This shows a growth, small but steady, except for the slight decline from 1900.

#### COLORED POPULATION

1840	11,206
1850	12,864
1860	12,367
1870	11,411
1890	10,084
1900	9,664
1910	7,828

This shows a loss from 1860 to 1870 of nearly 1,000 and a loss from 1850 to 1910 of 5,000.

The censuses as to this county for 1860 and 1880 look suspicious, the first for being too low and the other too high. They are out of line with the common run of the figures for all the other years, and no particular explanation can be given. It looks as if it may be due to inefficiency from one cause or another in enumeration.

The falling off in the number of the colored population is in no way surprising. Many negroes followed the Federal armies during the war, and many drifted to Nashville, where

a condition of great misery existed in their quarters. Many times since the war agents have visited this county and carried away a great many negroes by means of promises of higher wages and better conditions. Many have gone hence to live in the cities and become hotel waiters, barbers, porters, wage-earners. The phosphate mines at Mt. Pleasant took 1,000 away. It is true at the same time that the farms do not afford employment to the same number of laborers, of the class that many of the negroes were, as they did fifty years ago. Agricultural labor-saving machinery has come into use, and different styles of agriculture are in vogue. The county once produced 12,000 bales of cotton and much tobacco, crops requiring the labor of human hands, but cotton has about been abandoned as was tobacco, but the latter is reviving. What loss of population the county has suffered does not therefore imply a reduction of industry or production. On the contrary, statistics are ready at hand that show that there is more land under cultivation now than at any former period, and also that the product per acre is much greater now. The county produces vastly more both in quantity and in values than it did in any of the past decades of its history, and its lands have doubled in value.

## VII.

### ROADS AND TURNPIKES

When the Court of Pleas and Quarter Sessions began its sessions on February 3, 1800, the most pressing business and the one that occupied its chief attention was the "cutting and clearing out" of public roads.

Before the county was organized there was a road from Nashville to Holly Tree Gap along the route of what was afterwards the Granny White Pike, and a kind of woodland way thence to the place where Franklin now stands and to the Hughes Mill section. But the country was a wilderness covered with an extremely heavy growth of poplar, oak, hickory, walnut, beech, hackberry and other trees, and also with great canebrakes and briar patches. There were many ponds and swamps, and cozy areas, for the smaller water courses were clogged with the debris of ages. The streams were deep and had steep banks. To subdue this wilderness the prime necessity was roads, to "cut out and clear roads." Those words, so often used, tell the story.

This story is true of all parts of the county except those parts that lie in the highland rim, the western part of the county, which was a rolling prairie almost devoid of trees except in the vicinity of streams.

The court ordered a road to be cut out from Holly Tree Gap to Franklin. This road coming south bore more to the west than the pike now runs, and crossed Big Harpeth at the mouth of Spencer's Creek, ran along the east side of the John H. Ewin place and came into Franklin as the Del Rio Pike now does. It was in 1805 that a committee was appointed to select a place at Franklin for a bridge and to open a road therefrom to intersect the Nashville road. The committee immediately chose the place and opened such a road. The bridge was then built, at the place where the pike bridge now is, and the old way by the mouth of Spencer's Creek was abandoned.

A road was ordered to be cut and cleared from the mouth of Arrington's Creek to Franklin, but it was impracticable, and the order was rescinded. NOTE: The following portion in parenthesis is marked out: (Later a road was opened from a point higher up on Arrington's Creek, and this was the road, pretty much the same as the Murfreesboro Road, that ran through the Marshall neighborhood past a place called the "five mile tree.") Let this stand- not out

A road, one of the very first, was ordered opened from the end of "Main Cross" Street to Buford's Ford on West Harpeth. The Committee soon reported the opening of this



road showing its course. It is plain that Main Cross Street, as here mentioned, was the street we now call Main Street, for the road ran from the end of the street (The Bradley Corner) due south 800 poles, then after some slight changes of direction, but averaging south, to a total of about 2200 poles, or about six and two-thirds miles, to Buford's Ford on West Harpeth. This road is now the Columbia Pike; and the old way can still be seen at places, especially at West Harpeth. It was soon extended past the head of Murphy's Fork, and through "an old Indian camp." There was a road opened from McCutcheon's to Franklin.

A very important road was made from a point north of Holly Tree Gap, past Robert Carothers' and to Big Harpeth, and the court named it the "Commissioners' Trace Road." It is the same as the "Nichols Mill Road, and it crossed the river just above Nichols Mill, Hughes' Mill later, four or five miles east of Franklin. That mill was built by John Nichols about 1805, which was some years after the road was opened. It is supposed that the road got its name from the fact that it was a way to the place where the commissioners ran the Military Line in the south part of the county, and very likely the way the commissioners went when they were going to Mount Pisgah to do the work.

The court then ordered a road to be cut and cleared from Franklin "to intersect the road cut by the Federal troops at or near Duck River Ridge.

In speaking of this early road it is necessary to take a retrospect.

The Chickasaw Trail or Path was really the first road, or, rather, path. It came from the Tennessee River, and in the west part of Maury County it ran down Cathey's Creek, crossed Duck River, ran up Lick Creek, ran into the southwest part of Williamson County, and passed somewhere through the Tank<sup>4</sup> and Belvue neighborhoods to Nashville. It was merely an Indian path and its exact place is not known. Thomas H. Benton says it ran through his mother's tract which lay on Leipers' Fork.

<sup>4</sup> Tank is a contraction of Pasquotank, named for Pasquotank County, N.C. by early settlers from that region. We call the community on 100 Highway Pasque. Some older residents still call it Tank. V.B.

In 1787 James Robertson invaded Coldwater on Tennessee River by going up South Harpeth and crossing the ridge past Lick Creek, but he purposely avoided traveling exactly on the path. When the Natchez Trace was made, after October 24, 1801, the date of the treaty, it followed the Chickasaw Trail with such changes as a road for wagons would call for.

Now, this road from Franklin to "intersect" the Natchez Trace at Duck River Ridge was ordered in May, 1802. There is a letter on file in the archives at Nashville from John Overton to the Governor, dated June 11, 1802, which shows that John Overton had been in Franklin, acting for the Governor and for the United States War Department, and attempted to get the court to order the opening of the road the "most direct way from Nashville" to the Indian boundary at Duck River Ridge, which was the north end of the Trace proper. He told the Governor that the Court refused because that road would not enter Franklin, but would pass it a distance of five miles (which is true). He also said that the court at Franklin had ordered a road from Franklin to "intersect" the government road. The road so ordered by the Court was the one we have mentioned. It started at the corner of the present High School lot on Main Street (Five Points) and ran toward "Baptist Neck," and the marks of it are still visible. The other end of it ran "nearly with a way lately opened by Sparkman to the road opened by the Federal troops." The Natchez Road, a little west, generally, of the present Hillsboro Pike, was opened by the United States government and not by the county. But in a few years the travel on the Natchez Trace Road was diverted so as to pass through Franklin by way of this county road, which then became known as the Natchez Road.

The county made another road to "intersect" the Natchez Road at the present Forest Home. It was described as running from Franklin to the Methodist meeting-house, (Moore's Chapel), thence to West Harpeth at a ford known by (the name of) Spencer's Ford, thence down that stream, thence to the Natchez Road, "leaving Perkins' horse mill on the left." This was in 1802 also. This road was later called the "hurricane road." It is the present Del Rio Pike, but was so much straighter than that pike that it was not much over two-thirds as far to Perkins's Bridge then as it is at present, by conveyance. It ran past the Baugh's Mill site, back of James B. Davis house, and across Otey Walker's place.

It was changed from time to time at the foolish insistence of farmers who wanted to square up their fields. If a farmer lived thirty years at the far end of that road as altered, and sent a wagon to Franklin every day or two, this extra distance would have cost him a large sum of money, and the extra fences on both sides for such a distance are a big item. It is excusable, then, to say that

the unnecessary lengthening of a road is foolish in the extreme.

There was a road ran from Franklin to Liberty Church, a Baptist community; also a road in the course of the present Lewisburg Pike, except that it was a bee-line through the John McGavock farm. It was called the Harpeth Lick Road.

In after years the State turned the macadamizing of roads over to private corporations. None of the counties showed any disposition to do any work of this kind on the public account system. At first the turnpike companies were owned by nearly all the landowners whom the pikes touched, but it was not long until the stock fell into a very few hands in every case. The companies were allowed to charge tolls, and were much favored in the laws. One of them, the Wilson Pike, received large financial aid from the State. The first charter in this county was in 1830 for the Franklin Turnpike Company, from Nashville to Franklin, and this charter was the model of all other turnpike charters. These pikes amount to a total of about 120 miles. Some parts of them, namely, the Hillsboro Pike 11 miles, the Cox Pike, 5 miles, and the far ends of the Lewisburg and Carter's Creek Pikes 6 miles, total 22 miles, have been surrendered and have become public county roads; the rest still charge toll.

There is a feeling now existing with many people in favor of the acquisition of the turnpikes by the county, and still many others are opposed to the plan because of the very great expense that would be certain to ensue.

Accurate statistics cannot be had, but in a general way the receipts of tolls may be placed, provisionally, at \$150 per mile per annum. Taking the mileage in round numbers as 100 miles averaging this sum, and the time of operation as seventy years, the total mileage would be 7,000, and the receipts \$1,050,000 for the whole period. It may be that the bridges, cuts, macadam and up-keep have amounted to that sum. If so, the county, by owning the pikes and keeping them in first class condition would, in another seventy years, pay out a similar sum, approximately. Whether these pikes have, on an average, made money, and, if so, what amount, cannot be ascertained. There have been many mutations, and some pikes are making dividends, and some not.

The point is simply this, that the people of the county have paid out very large sums, both for turnpikes and for other roads, and they could not have developed the county without abundance of roads. The county has at least been

free from worry and politics of turnpike management, and of the chances of graft.

## VIII.

### NATCHEZ TRACE AND JACKSON'S MILITARY ROAD

Something more should be said about the Natchez Trace, as it was a most important highway.

Under the treaty made at Hopewell, S. C., in 1785 the Indian boundary was made to run with Duck River Ridge through Middle Tennessee and into Kentucky (then Virginia) between the Cumberland and Tennessee Rivers. Duck River Ridge in our section passes through the entire southern part of Williamson County. Now, England held the Natchez District, a large triangular tract in southwest Mississippi, which fell to the United States after the war.

It was an important point on the river, and the United States desired to have a road to it, so that it could be held and so that persons could return by land after making trading trips to New Orleans. But both the Choctaw and Chickasaw Nations lay between it and Duck River Ridge. On October 24, 1801, a treaty was made with the Chickasaws, and a few weeks later one with the Choctaws, providing for opening a wagon road from Nashville to Natchez. These treaties were made by the noted General Wilkinson, who placed Capt. Robt. Butler and Lieut. E. Pendleton Gaines in charge of the work, with ten companies of soldiers and several Indian guides. They completed the work after several months. The road ran, as nearly as could be, with the Chickasaw Trail.

The road was officially called the Columbian Highway, but "Natchez Trace" was the popular name. It began at Duck River Ridge at a point within Williamson County that is four miles from its south border and six miles from its west border.

It ran out of Williamson into the present Maury County (though it was still Williamson then), and passed Kinderhook, the present Lodebar; it passed along the ridge south of Lick Creek to Gordon's Ferry on Duck River, at the border of the present Hickman County; then passed through the center of Lewis County as now formed; and through northwest Lawrence County, and East Wayne County.

It crossed the Tennessee ten or twelve miles west of Florence, at Colbert's Ferry. In the summer of 1802 the United States opened a highway the most direct way from Nashville to the north end of the Trace, thus making a

through road all the way. This road was just a little west of the Hillsboro Pike all the way to Cunningham's bridge, south of Hillsboro, except that about ten miles from Nashville it crossed to the east side of the present pike and kept on that side three or four miles until it crossed back near Bethlehem Church. Its nearest approach to Franklin is five miles, near Forest Home. It was the great highway mainly for business men returning from New Orleans. There were highwaymen along the route in the early times, and small garrisons were posted along its course. Meriwether Lewis died at a "stand" on this road in 1809 and his monument, erected in 1845, still stands. The Trace was a subject of unflagging interest for nearly twenty years, when improved methods of navigation killed it.

After eight or ten years the road from Franklin to the Trace at the ridge, having been worked by the county hands, proved a better road, and, so, nearly all the travel was diverted to Franklin and on to Nashville on the Middle Franklin or Granny White road by way of Holly Tree Gap.

When Andrew Jackson was made Major-General and left Nashville for Natchez, January 7, 1813, he conveyed 2,000 men down the river. At the same time John Coffee was in command of 670 cavalry, and Coffee's camp was at Franklin for some days. Coffee moved from Franklin, January 19, 1813, and went by way of Columbia to the Trace at a point near Buffalo River, thence to Natchez. This was the Natchez Expedition of 1813.

Jackson returned by way of the Trace in the spring, and many of his men came through Franklin, though many were dismissed near the Lewis monument. It is a mistake to say that Jackson went to New Orleans by way of the Trace in December, 1814, for he and Coffee went to New Orleans from Mobile, while Carroll sent troops down the Cumberland. But it has always been said that small squads of volunteers went down the Trace to meet Carroll's troops at Natchez.

Jackson's Military Road<sup>5</sup> was a different road. It was provided for in one of the treaties of Tellico in 1805, and was described as beginning at Franklin and running through the Indian country to the Tombigbie River. Its design was to communicate with Mobile, while the Natchez Trace was meant for the Mississippi and New Orleans.

<sup>5</sup> Jackson's Military Road ran from Columbia via Columbus, Miss., to Madisonville, La., as stated in the legend for Historical Highway Marker no. 3 F. 27 on US 43, in Lawrence County. It cut 220 miles from the distance from Nashville to New Orleans via the Natchez Trace. C.B.

The Natchez Trace struck Mississippi near its northeast corner, while the Military Road struck the present east border of that State about half way down. It was not originally opened by Jackson, but was later used by him at the time of the Creek War in the fall of 1813. Jackson's first intention was to invade the Creek country more from the west and in the direction of Fort Mims, where the massacre had precipitated the war, and some of his men and supplies went on the Military Road. But circumstances carried the war more to the east and immediately into the heart of the Creek country toward Talladega and Tohopeka.

This military road from Franklin was what was called the Buford's Ford Road, and it had been opened by Williamson County as far as Duck River Ridge ever since 1801, and is now the Columbia Pike. Franklin, it appears, was only designated as the beginning point of this road because it was the most southerly settlement that had any name by which to describe it.

The military road ran through Mount Pleasant, where it is still a highway, and thence to Florence, where it is now the main street. At other places in Alabama where it has been abandoned, its broad way through the woods may be seen. As the part of this road from Franklin to Duck River Ridge was cut and cleared by the county, and not by the United States, that part was never managed by the United States, but it was a link in the Military Road from Nashville to the Tombigbee in Middle Western Alabama, nevertheless.

The Fifth and Eighteenth Annuals of the Bureau of American Ethnology have egregiously erred in marking the Natchez Trace, or Columbian Highway, as passing through Franklin, Columbia and Mount Pleasant, and the blunder is the more deplorable in as much as the lands ceded to the United States by the Indians in 1805 were bounded by the Natchez Trace, and until 1816 anyone settling west of it and south of Duck River thereby committed a criminal act.

Then in 1807 and 1808 the Zion Church neighborhood in Maury County, a large district between Columbia and Mount Pleasant on the one side, and the true line of the Trace on the other, was settled by thousands of the best of citizens. These settlers were the Polks,<sup>6</sup> Friersons, Flemings, Witherspoons, and others of names that have become notable. They were far from being lawless men, and they settled where they had an undisputed right to settle.

<sup>6</sup> The Polks did not settle in the Zion Community, but in the Ashwood neighborhood, and created a principality of their own. C.B.

A Tennessean, who was at the time President of the Tennessee Historical Society, through ignorance led the Bureau into its errors and blunders at this point.

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CORRECTIONS

In No. V the author of this history fell into an error in respect to the "race paths" to which point the prison bounds at Franklin were extended in 1806. Joel Parrish at a very early period operated a mill on Sharp's Branch, just above the rock bridge, near its mouth. He erected a dam some distance up the branch and carried the water to the mill by means of a race. So the prison bounds were from that place to Main Street so as to take in the courthouse, then down Main Cross Street, taking in the jail, then back to the (mill) race. It seems to have remained this way until 1839, when the bounds were enlarged to what is equal to one square mile. "Race path" means Mill Race.

In V it is correctly stated that the first jail was on the west side of Main Cross Street, being built on Lot 102; but the jail was not exactly where the old Handy house stands, as the Handy house is in fact at the south end of Lot 101. The jail therefore was on the lot next south of the Handy House, at the place now occupied by Stanton P. Watson. In VII, the road opened in 1800 from McCutcheon's Creek to Franklin was stated to have been in course similar to the Murfreesboro road, as McCutcheon's grant was on Arrington's Creek. Further investigation shows that that road really ran from the present Hillsboro Pike near the Fulton place and crossed Big Harpeth at the ford where there was a ditch intended for a mill race just below the old Baugh land and reached Franklin at Parish's Mill near the mouth of Sharp's Branch. (See Minutes of May 5, 1800.) There was another McCutcheon on Arrington Creek. Hence the error.

## IX

## A TAX RECORD

To pay the expenses of the War of 1812, Congress levied various kinds of taxes. One of these revenue acts was passed January 18, 1815, and has the peculiarity of being a direct national tax on household furniture and gold and silver watches. At this date the State did not tax these articles specifically. The official tax list of these articles for Williamson County is now in possession of Mr. T. P. Henderson, and its substance will be given below. It is believed that the names appearing on this tax list-- which is dated December 17, 1815-- will prove interesting, but some explanatory facts should first be given. To save space the matter will be printed solid instead of in tabular form as the original has it. The figures preceded by the dollar mark in each case represent the value of household furniture, while the figure 1 (or 2, as the case may be), represent the watch owned-- which is silver always unless stated to be gold. The following furniture was entirely exempt: Beds and bedding, kitchen furniture, family pictures, and objects made from domestic materials; also all valuations aggregating less than \$200. Watches not in use were exempt. The rate was, on furniture \$200 to \$400, \$1; \$400 to \$600, \$1.50, and so on; gold watch \$2; silver watch, \$1. The tax only affected 138 persons in the county, and it will be seen that some of them had over \$290 of taxable furniture, but no watch, while many had watches but no taxable furniture. The asterick ( \* ) indicates the persons whose kindred are still in the county and known, and it may be that some should be so marked that are not here marked. The collector evidently, after making his first list, changed it to an alphabetical form, and in doing so appears to have placed some of the tax-papers in the wrong localities; it being certain that many given under "Franklin" did not live right in the town.

The list is as follows:

Franklin: \*John Andrews, 1; Thomas H. Benton, 2; Edward Breathitt, 1; H. Boyd, \$225; \*Alex Bennett, 1; Samuel Benton, 1; \*Robert Bradley, 1 gold; Jesse Benton, 1; \*Thomas Bradley, \$200--1; \*Gideon Blackburn, 2; \*Spencer Buford, 1; C. Baughman, 1; \*Robert Cannon, 1; \*Thomas Carsey, 1; \*Newton Cannon, 1 gold; A. Campbell, \$392--1 gold; Andrew Crockett, 1 gold; Stephen Childress, \$250--1; James C. Clemm, \$270--1 gold; \*Samuel Crockett, \$250--1; John Carson, 1; John K. Campbell, 1; \*Robt. P. Currin, \$570--1; J. Carroll, 1; G. Culbert, 1; John Dillion, 1; Joel Dilliard, 1; Wm. Dowing, 1; John Dalton, 1; \*Frederick Davis, 1; \*Guilford Dudley, 1; \*Thomas Dudley, 1 gold; G. Dickinson, \$256.80--1; James Elliott, 1 gold; \*Nathan Gooch, 1; George



Gollady, 1; \*Watson Gentry, 1 gold; \*Thomas Gooch, 1; James Gordon, \$300; \*Jacob Gray, 1; Robert Guthrie, Jr., 1; \*Wm. Hulme, \$375; James Hicks, 1; \*S. Hunt, 1; \*Kemp Holland, 1; John J. Henry, 1; \*Richard Hightower, \$440; \*M. F. Helm, 1; \*R. Henderson, 1 gold; Nicholas P. Hardeman, \$229.25; Berryman Harper, 1; \*James Hughes, 1; \*Green Hill, 1; \*Eli McGan, 1; Wm. McGilvery, 1 gold; \*Richard Maury, 1; Caleb Manly, 1; \*Collin McDaniel, \$205--1; Franklin McClaren, 1; \*Isaac W. Neeley 1; \*Thomas Merritt, 1; Richard Orton, 1; Thomas Old, 1; James Orr, 1; \*Hinchey Petway, \$850--1; gold; \*Nicholas Perkins, Jr., \$260--1 \*Nicholas Perkins, Sr., \$240; \*Nicholas T. Perkins, \$207; \*Wm. Parham, 1; \*Hezekiah Puryear, \$255--1; \*Thomas H. Perkins, 1 gold; \*Joshua Pearre 1; \*James Price, 1; \*Samuel Perkins, \$242; \*James L. Reed, 1; Sarah Reese, \$250; Josiah Richards, 1; Thos. L. Robinson, \$305--1 gold; \*John Reid, \$200--1 gold; \*Thomas Sappington, 1; \*John Sappington, \$200--1; Thos. E. Sumner, 2; Thomas Stewart, \$250--1 gold; Turner Saunders, \$350--1; Wm. Smith, \$350--1; David Squire, \$200--1; \*James Southall, 1; Henry Swisher, 1; Is. R. Trotter 1; James Templeton, 1; \*Benj. White, \$280--1 \*John Watson, \$265.

Five Mile Creek: \*Samuel F. Bittick, 2.

Mill Creek: David Bell, 1; \*John Bostick, 1; \*Wm. Bond, \$300; Polly Berkley, \$200; A. Butt, 1; Wm. Banks, \$275; Young McLemore, 1; Robert W. Wright, 1; Thomas G. Mabry, 1; \*John Nichols, Jr., 1; \*Abraham North, 1; \*Wm. Neely, 1; \*Elisha North, 1; \*John Neely, 1; \*Robert Owen, 1; Phillip Orr, 1; James Turner, 1; Samuel Tripp, 1 gold.

Wilson's Creek: John D. Hill, 1; \*Rich'd W. Hyde, 1; Thomas Hendrix, 1; Gershon Hunt, 1; \*Andrew Johnston, 1; James G. Jones, 1; Anney Jones, 1; David Haigler, 1; William Logan, 1.

Nelson's Creek: Edward Lawrence, 1; Henry Lyon, 1; \*Abraham Maury, \$225; Wm. Morrow, 1; Charles McAlister, \$250--1 gold; \*Thomas McCrory, \$250; \*Garret (Garner) McConnico, 1; George Mebane, 1.

Commissioners' Creek: \*Andrew Thomas 1; Oliver Williams, 1; \*Wm. S. Webb, 1; Edmund Wells, 1; Samuel Word, 1; \*Thos. W. Stockett, \$200-1; Chapman White, \$200; \*John White, 1.

#### Recapitulation

Value of furniture, \$10,087.05; gold watches, 16; silver, 112. Total taxes, \$183.

Total of Williamson County.

Certified to December 17, 1815, by J. R. Bedford,  
Principal Assessor Fifth Collection District of Tennessee.

The name of Judge Thomas Stuart is misspelled in this list.

An inspection of the names on this tax-list will show the fact that the white population was then, as it still is, almost entirely English, Scotch and Irish. As between these nationalities, the census for the territory for 1790 may serve proportionately for Williamson County. The figures are: English, 26,519; Scotch and Scotch-Irish, 3,575; Irish, 734; Dutch, 64; German, 894; French, 36; all others, 32. Total, 31,913.

The Scotch-Irish were as good a class of citizens perhaps as any others, but out of their peculiar frame of mind were much disposed to lay claim to superiority; which claim the other people looked upon as a rather harmless mental state. It will be seen that the Scotch and Scotch-Irish were only 11 percent of the population.

The present writer counted the first 103 names on the records of the town and county and they all appear to be British except two, of which Maury is a French name, and Liggett seems to be a Latin derivative.

In 1850 the population of Tennessee derived from other States was as follows:

From North Carolina, 72,027; Virginia, 46,631; South Carolina, 15,197; Kentucky, 12,609; Pennsylvania, 2,146; New York, 1,019. These proportions may be applied to Williamson County, and it will be seen that North Carolina is the mother State by kinship as well as politically. Virginia is next in order. The foreign population has always been small, never being over some 20,000 for the whole State.

## FRANKLIN

The genesis of Franklin may be said to begin with the grant of a 3840-acre tract of land to Anthony Sharp, for out of that grant was carved a 640-acre tract conveyed to Abram Maury, and out of this Maury tract the town and all of its subsequent additions came. Anthony Sharp was a captain in the Continental Line of North Carolina and his grant was signed by Richard Caswell, Governor, March 14, 1786. Its boundaries were as follows: "Beginning at William Gillespie's southwest corner, thence north with his west boundary and the west boundary also of Alex Ewing's 640-acre survey, 546 poles to a white oak and ash; thence east with said Ewing's north boundary 452 poles to two hickories, and elm and ash; thence north 452 poles to two ashes and white oak; thence west 966 poles, Crossing Big Harpeth three times, to an elm, gum, and dogwood; thence south 998 poles to a stake, thence east 514 poles to the beginning."

This was princely domain of about seven and a half square miles, lying in the form of a bulky letter L.

To put this description in other words, it began at Gillespie's southwest corner, thence the line ran due north 1.7 miles, nearly as the N. & D. railroad now runs, to Big Harpeth River where that stream runs to the railroad; there it turned at a right angle, and ran with Alex Ewing's line 1.4 miles east to Ewing's northeast corner; thence north 1.4 miles passing to the east of and a little beyond Roper's Knob; thence west about three miles, crossing the Nashville road on the McKay land, and later crossing Big Harpeth three times to a point on the James B. Davis farm; thence it ran south over 3.1 miles; thence east 1.6 miles to the beginning. The line spoken of as crossing the river three times, crossed the river first between Farmer's and Ewing's Bluffs, and crossed it the second time above the present iron bridge, and the third time at Davis' bluff, a quarter of a mile below the Baugh's mill site.

It will be seen that the area out of which Franklin was formed was in the midst of this large tract of land.

On the extreme north this survey overlapped Benj. Lucas' pre-emption, and on its northwest part the Robert Thompson pre-emption, so that Sharp lost some 700 acres there, but this does not concern what we are now speaking of.

On August 13, 1799, Anthony Sharp sold 640 acres of this land to Abram Maury for \$1,500. It may be best to describe this tract in a general way and this will be done with the understanding that mathematical accuracy is not

aimed at, and with the statement that for greater clearness the lines are mentioned in an order the reverse of that given in the deed:--

Beginning on Harpeth River at the Sharp corner, being a direct line with West Margin street continued; thence 300 poles to about the place where the Middle Tennessee railroad crosses the Carter's Creek Pike at the Petway place; thence due north 443 poles to a point near Y. M. Rizer's gate on the Del Rio Pike; thence due east past the old Baugh residence to Big Harpeth; thence up the river to the beginning. These lines are nearly the same as the present boundaries of the town, if we leave out a small part of the Baugh and E. E. Green lands that the Maury tract embraced.

Out of this tract Abram (at first signed Abraham) Maury laid off about 109 acres which constituted the original town of Franklin. It is best to give together the facts as to the constitution and plan of the town, the extensions of its boundaries, and the facts relating to it, and later to go back to treat of events that occurred within or near it. It may first be said that Abram Maury purchased other tracts both in this county and in Davidson and sold many of them off either as whole tracts or in parcels. It is not intended to trace the history of any of these. He simply speculated in lands to a certain extent, as many did, and made money by the rising market for lands, and retained some of the land for his own use.

When Nashville was created the State of North Carolina simply granted 200 acres for the purposes of a town and placed the same in the hands of trustees for sale, the proceeds going to the construction and upkeep of public buildings. But in the case of Franklin it was different; Abram Maury owned the land, laid it off into lots and streets, and sold the lots. The lots are six by twelve poles, or seventy-two square poles, (eighty square poles are half an acre). The north and south streets are four poles and the east and west streets are three poles wide, except Main Street, which is four. Maury did not sell these streets, but by virtue of the filing of the plan they were dedicated to the public. He also thus dedicated the public square, which consists of the two four-pole streets which cross it and also half of the four lots which would have fronted on Main Street at that point. That makes the square sixteen poles on every side, or 88 by 88 yards, being one acre and three fifths. There were 192 lots priced at \$10 each; not all of them were sold at once for lack of buyers, but others were sold in after years for more money. It may be figured that Maury received the equivalent of \$2,000 on the venture, so far as the town was concerned, and had 551 acres of fine land left on the outside, the whole tract having cost him only \$1,500.

The first act relating to Franklin was passed at Knoxville October 26, 1799, and provided:

"That the said town shall be known and distinguished by the name of Franklin, and is hereby established agreeable to the present plan, a copy of which said Maury is hereby required to file in the clerk's office of the county of Williamson within six months after the passage of this act.

"That Abraham Maury, John Walthall, Joseph Porter, William Boyd and David McEwen are hereby constituted and appointed Commissioners for the regulation of the said town of Franklin, vested with full power and authority for that purpose; provided, they govern themselves by the original plan of said town."

It will be noted that this plan confers no specific powers, nor does it make the town the county seat, nor direct the court-house to be there. Attention has been called to the fact that the act creating the county does not fix any county-seat, but only directs that the court-house shall be in the most central and convenient place.

Maury filed the plan in the clerk's office April 5, 1800, but the original cannot now be found.

In 1828 this plan was copied in the back part of Book "A 1" of the Register's office, where it still can be seen.

The act quoted above shows the plan was in existence before the act was passed. In fact, the records of Davidson county show that at least two lots in this plan were sold as far back as 1798; and the records of Williamson County show that in July, 1799, Maury sold to Summerset Moore the thirty acres on the south side of the town bounded by the river, the beginning corner being at Lot 60, which is the corner opposite the present ice factory. These three deeds were not only before the legislative act, but antedate the Sharp deed to Maury, who no doubt held an option at that time.

A new and somewhat better form of charter was given by the act of September 11, 1806. It ordered an election to be held in October to elect five commissioners, during the hours from 12 to 4 P.M. The law required that voters must own a lot or part of lot, and the commissioners themselves must own real estate. It required that the lots be resurveyed and the corners marked by stones. Powers were given to abate nuisances and to levy a tax of not over 12-1/2 cents on \$100, and 12-1/2 cents on white polls, and 25 cents on colored polls. These were the only taxes.

On April 22, 1809, an act was passed authorizing the use of patrols by the town. These were officers similar to

policemen, but they had one specific duty which does not pertain to the present day policeman, it being their duty to watch the streets and disreputable house and to arrest any white persons found in company with negroes, and to arrest any slaves found at large without permission of their owners.

To the colored people of former days the "patroller" was a very important personage. There was a couplet in common use which was about as follows:

"Run, nigger, run, the patteroller'l ketch you  
Run, nigger, run, it's almost day."

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XI

FRANKLIN  
(Continued)

The plan of the town of Franklin as originally laid out by Abram Maury is very simple. There are in this original plan sixteen blocks, and the quadrilateral composing the plan lies in a northwest and southeast direction. At present this direction is, by the compass reading, north 34 degrees west, but at the time the plan was made the surveyors made it north 38 degrees west. The difference in these readings is due to the variation of the compass, no actual change, of course, having taken place. There are three streets, each four poles, or 66 feet, wide, from wall to wall, running northwest; and three streets running northeast, each 3 poles, or 49.5 feet, except Main which is 4 poles. On each of the four borders of the town Maury allowed land equal to half the width of a street, it being left to land-owners bordering the town to give the other half.

In each block there are twelve original lots, each lot six poles by twelve, or 99 feet by 198, from the inner side of the sidewalk. In each block four of these lots front northwest and four front southeast, and in the middle of the block, between these northwest and southeast lots, are four lots back to back, two fronting northeast and two southwest. A block therefore is 396 feet by 594. The whole plan is 1848 feet by 2610.5.

The public square is composed of the streets that cross there, and also the halves of four lots, hence it is sixteen poles square, or 88 yards, from wall to wall.

There was not an alley in the entire plan. The alley beginning on Main Cross street south, two hundred feet from

the square and running to West Margin street, was conveyed to the town in after years by the lot owners there.

The fact is that under the plan there could not be any alley that would not pass alongside some lots and behind others, and this is the reason why delivery wagons to this day have to stop at the front of nearly every lot for which they have goods.

Also the lots were so laid off as to front two-thirds of them on narrow streets and on the short side of the block, exactly the reverse of the way it should have been. This caused the people to build on the streets having the most desirable frontage, and therefore to run their premises in most cases across lots, so that nearly all the residences in the original plan front on the north and south streets, and many of them from what were the sides of original lots. In this way the original lots have been so cut up that they can only be found by measurement.

Nearly all the original residences were built exactly on the lines of the streets. It seems strange that in a time when land was very cheap, and a town lot of nearly half an acre cost only \$10, it should have been that way. Whether it was due to atavism, or an imitation of European habit, or to natural stinginess and lack of a sense of beauty and comfort, it is hardly worth while to inquire. It is certain that this apparent land-stinginess governed the settlers of town and county in all situations. They acquired small and cramped lots, often worthless hills or glades, for their churches, little plots in solitary places for their graveyards, and when a county would build a home for the poor it was almost certain to be hidden away in some God-forsaken place. A school-house with proper grounds for the comfort and physical improvement of the pupils, though the best lands were scarcely \$1 an acre, was a thing unheard of.

It may, however, be said in extenuation, that the settlers who came hither in the early days were poor. They had very little money, and were such persons as were ready to leave their former homes to go into a wilderness to subdue it and to contend for years with wild beasts and sickness. They came to seek their worldly fortunes, for in most cases, they had little to bring with them. The greater part of them were the younger members of families in the east, and naturally would not be supposed to possess much more than strong arms and willing hearts. Many of the larger land-owners, who had establishments in the east and grants in this territory did not come to this country, but sold off their land here to settlers at twenty-five cents an acre. The officers and soldiers of North Carolina got their lands for nothing except the cost of survey and entry. The average settler had a steer, a cow, a frying pan, a knife,

rifle, powder-horn and shot-pouch, and little besides these articles.

There was a class of men who came who had been officers in the Revolution and had no means of making a living for their families in Carolina or Virginia, and these were often men of ability and high standing, whose descendants have often made their mark in the history of the country. Alos, many bright and promising young men who had studied the professions came to grow up with the country, and in time attained great repute.

It would not be fair not to mention the brave women also who came at the same time and who are entitled to every whit as much credit as the men, and no doubt more.

Upon the whole it cannot be denied that these people were of a hardy character, possessing great courage to contend with the natural conditions, and to fight for the country, both against the Indians and against more civilized foes; and that the great bulk of them possessed an unusual attachment and capacity for law and good order.

But they could not be expected to possess the time and means to convert a wilderness into a highly refined and cultivated condition within a few decades, nor to have conceptions of conditions and surroundings that exist only in old and wealthy communities.

So much has been said, very truly, about the hardy and courageous character of the early settlers that the writer of the history of a very restricted area will not be expected to repeat it. At the same time a true picture, drawn by veracious chronicler, will not show every settler to have been particularly worthy, whatever may be said of the majority. Many worthless characters were borne to this and other new counties upon the tide of immigration. Grog shops were more numerous than any other business houses, and the General Assembly often declared that gambling and other forms of vice were entirely too general, and made frequent attempts to correct the evil. There were innumerable indictments for all forms of gaming, and for assault and battery, and assault with weapons; also quite a number for horse stealing.

The people were more litigious than they are at the present time, as shown by the records of lawsuits between more or less prominent citizens, very many of which were for contemptible sums, and after judgment some of the debtors were put into jail when the judgment creditors had made oath that they would not pay though they had property or funds. There were not a few Tories during the Revolution, some of whom came to this county and in character were Tories for several generations. Even the churches were not free from



contentions, and members were often tried in their churches, both for heresy and for breaches of moral standards.

But all these things were incidents that have been common to newly-settled sections everywhere. The great body of right-thinking people were not wholly responsible for elements which they could not suppress. The great majority were a fine and most worthy citizenship, many of them austere, as standing apart from those whom they strongly condemned.

Whilst not disposed to boast greatly, it may with truth be said that the average morality of the present day is certainly not below that of a century or half a century ago.

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XII.

FRANKLIN  
(Continued.)

On October 9, 1815, two acts were passed defining the powers and duties of the Mayor and Board of Aldermen of the town of Franklin. These acts were drawn with considerable skill and are the first acts giving a definite form of government to the town.

The two taken together may be considered the first technical charter. Gallatin and some other towns adopted this charter. It remained in force, with a few minor amendments, until March 12, 1903, when it was abolished and repealed by the Legislature. Even then it was not repealed because of its general form. It was repealed and the municipal government abolished in order to bring the four-mile liquor law into operation within the limits of the town. The new charter immediately enacted is of course fuller than the old charter, and the four-mile law, forbidding tippling, is in force under it.

The second of the two acts of October 9, 1815, defines the corporation limits, increasing the superficial area to about double the amount covered by the original plan, though a large part of the increase was river bottom meadows unsuited for residences.

The boundary of 1815 began at the point where the Natchez Road crossed a small branch "about 150 yards from the west boundary of the town." This place is just east of the the stone bridge on Main Street, south; the marks of the old Natchez Road are there plainly visible from the street. From that point the line ran southeastward to the bend of Big Harpeth, "so as to include the houses where Nicholas

Perkins, Jr., now lives," thence down the river to the mouth of Sharp's branch, and up that branch to the small branch first mentioned, and up the small branch to the beginning point.

These boundaries held continuously for a period of thirty-seven years, no changes being made except that perhaps twice Canelm Hines' place, that had belonged to Nicholas Perkins, was excluded from the town, and taken back. From about 1835 to, say, 1880, was an unprogressive period, very few houses being built, and a number of vacant lots remaining where buildings had burned or decayed. The first part of this period was one of depression all over the country; also, the opening of turnpikes and the Nashville & Decatur railroad were said to have had a bad effect on the business of the town. The latter part of this period was a time of depression in the South. The population of the town did not increase to any extent, and the saloon business alone seemed not to fall off. There were at one time twenty-one places where the inner man could be regaled with ardent spirits in a more or less public way.

A due allowance must be made for the stories of men of other days, but, besides their testimony, there are other facts that show that the years from 1810 to about 1835 were the optimistic period; there were more business houses and better ones before 1835 or 1840 than after.

Under an act in 1833 the town elections were ordered to be held by the town constable, instead of by the sheriff.

Under act of 1838 the mayor was given the same jurisdiction criminal cases as that conferred on justices of the peace.

January 26, 1852, an act was passed extending the boundary. The change began on Sharp's branch, where, instead of going up the small branch, "Tar River," it continued up Sharp's Branch to a point opposite the street between Lots 49 and 50 of the New Plan (that is, the street supposed to run between D. T. Crockett and the late James Lillie); thence west so as to take in lot 51 of the New Plan (Hincheville); thence to Fair Avenue (then called Margin Street); thence west on Fair Avenue (Margin), a very short distance, "to a point opposite W.G.D. Boehm's lots," "thence south 37 degrees east, crossing Main Street, to the southeast corner of the Academy lot." This left the old Academy lot on the outside. From that point the boundary ran straight to the Columbia pike at Fountain B. Carter's north boundary; and thence it ran due east to Big Harpeth near where the Nashville \* Decatur railroad now passes the bend.

The boundaries remained thus until 1903.

Under the act of 1815 there were seven aldermen elected, who chose one of their number to be mayor; but in 1877 an act required the town to be laid off into three wards, and the mayor and six aldermen to be elected by direct vote.

By act of December 12, 1865, the Recorder's court was established.

The history of the controversies over the suppression of the liquor traffic need not be discussed here, except to say that the tippling of intoxicating liquors was first forbidden within four miles of any "incorporated institution of learning," and later this was made to read "any school, or school-house;" but the laws exempted incorporated towns from their provisions. By and by different towns began to surrender their charters in order to bring this four-mile law into operation, and these towns remained unincorporated. Later still, the plan was tried to surrender a municipal charter and immediately reincorporate, and this was sustained by the courts, the four-mile law being held operative in the newly incorporated town. This last plan was adopted by Franklin, its charter being abolished by this act that tippling was forbidden in Franklin from 1903 until 1913, in which year the four-mile law was amended so as to include all incorporated towns and cities.

By act approved March 13, 1903 the present charter was granted. The charter contains many provisions, among which is a section again extending the boundaries and taking in territory West and Southwest of the town. The line, under this act, now runs from the stone bridge on Sharp's branch to Mt. Hope cemetery and passing along the East and South sided of the cemetery runs to Joseph W. Baugh's corner; it passes the Tilman Atkeison, or Petway, place and includes the battlefield residences, and passing East of the N. & D. railroad, includes the houses between the Lewisburg turnpike and Harpeth River. The area of the town now is somewhere about 600 acres.

The subdivisions which have been made from time to time after being laid off into lots and streets are as follows:

1. "Bell Town," established April 10, 1819, a double tier of lots, with a street between, beginning at the Presbyterian Church corner, or Five Points, and extending to Buchanan Street, being the lane that borders the old Lotz lot on the North. This tract borders the Columbia pike, lying on the East side of that pike or street. The plan of lots runs East to a street in their rear, and on the East of that street is another tier of lots. This addition was laid off by John Bell who ran for the Presidency of the United States in 1860.

2. The New Plan, popularly called "Hincheyville," from Hinchey Petway, a merchant and trader of Franklin who once owned the property and had his residence upon it. It is ninety acres in extent and is bounded on the East by the old route of the Natchez Road, now closed, on the Northeast by West Margin Street from Main to Bridge Street. It extends to the street immediately adjacent to Dr. W. M. Gentry's residence on Main Street, to the Carter land not far from the Columbia Pike, and also includes part of the old fair grounds and Fair avenue.

3. The Price addition which is all that part of the town that lies between South Margin Street and the river.

4. The P. G. Stiver Perkins addition which lies on the west side of town on Sharp's branch and from the old fair ground proper to the front of Mt. Hope Cemetery. The lots were sold at auction January 1, 1855. Book "W", page 239.

4. (note, this number is repeated) The M.B. Carter addition extending along the west side of the Columbia Pike southward from the Carter house and including a part of the battlefield west of the pike.

5. Carter's addition No. 2 runs from the Columbia Pike south of Stewart Street to the N. & D. Railroad.

6. The McEwen addition on the Lewisburg Pike runs from the lane at H. P. Fowlkes' corner to the bend in the pike where Steward Street enters it.

7. The Beasley addition near Everbright on the Carter's Creek Pike and some little distance west of the M. B. Carter addition was laid out June 27, 1900. Book "W", page 542.

8. The Jo J. Green subdivision was opened August 9, 1909. (Book 30, page 424.) It fronts on Fair Avenue to its western terminus, and on the Baugh Road from that point as far as the new railroad line.

9. E. E. Green addition. This tract borders the Jos. W. Baugh Road, and lies west of the old fair grounds, covering a considerable area lying between the old fair grounds property and the Del Rio pike. (Book 32, page 376). This tract is a part of what was the old McLemore addition which failed to develop.

11. (note, these numbers again out of place). Ewingville on the Murfreesboro Road; and (12) Liberty Road, are both considerable suburbs adjoining Franklin, which, together, have 400 or 500 inhabitants.

10. The Lynnhurst addition was formed a few years ago and is a part of the old Tilman Atkeison, or Petway, field, lying adjacent to the town on the west side of the Carter's Creek Pike.

These subdivisions have been, in most cases, very well built up. It is in this way that nearly every town expands and gains in population. More room is thus given for those who wish to build, and generally they obtain building lots at less expense than they could be had within the older sections, that have been long occupied.

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FRANKLIN

(Continued)

It has been stated that the Town of Franklin was authorized or created by act of October 26, 1799, and that the plan of the town was filed in the County Clerk's office on April 5, 1800, yet it is evident that the plan existed at least as early as the summer of 1798, as two lots the deeds to which are recorded in Davidson County were conveyed by Maury before the date of the act and the deeds refer to the plan.

The first deed to a lot in Franklin that is recorded in Williamson County is dated February 4, 1800, and is recorded in Book A 1, page 2. Following is a copy of this deed:

"This Indenture made the fourth day of February one thousand eight hundred between Abram Maury of the county of Williamson and State of Tennessee of the one part and William Liggitt of the said county on the other part. Witnesseth that the sd Abraham Murray for and in consideration of the sum of ten dollars to him in hand paid the receipt whereof is hereby acknowledged hath and by these presents doth grant bargain sell and convey unto the sd William Liggitt his heirs and assigns forever one certain lot known by No. 128 in the plan of the town of Franklin on the south side of Big Harpeth River together with all the appurtenances thereto belonging or appertaining to have and to hold the said bargained premises with the appurtenances unto the sd William Liggitt his heirs and assigns forever against all lawful titles claim or demands of all and every person or persons whatsoever lawfully claiming. In witness whereof I have hereunto set my hand and affixed my seal day and year first above written.  
Ackd.        ABRAM MAURY        (seal)  
deed delivered to Wm. Legate Aug. 31, 1801."

(See Book A 1, page 2.)

It will be seen that the lot conveyed in this deed, being the very first deed to a town lot recorded in Williamson County, is Lot 128. The office of the WILLIAMSON COUNTY NEWS stands on this lot, which fronts 99 feet on the north side of Main Street. Of course the original lot has, in one hundred and eighteen years, met with many vicissitudes and has been divided into several parts. Its original frontage covered the space from North's Drug Store to near the middle of Early's Furniture Store.

The directness and accuracy of dication of this and other early deeds should be noted. Particularly the absence of punctuation is correct for a legal instrument. The best law draftsmen in England do not use minor punctuation, as legal titles should not depend upon commas. Still in the case of proper names there are three variations on the face of this one record, namely, Abram and Abraham; Maury and Murray; Liggitt and Legate.

William Legate, the original purchaser of Lot 128, was a rather active pioneer of Franklin, but was not a man of means. He bought forty-five feet of land on Main Cross Street lying on both sides of the line dividing Lots 102 and 103 and his residence was at that place; it is between the present residences of S. P. Watson and Dr. Howlett,<sup>7</sup> and it was next to the original jail. Whether or not Legate had anything to do with the jail is not know, but the records show that he operated a powder mill at the first bluff below Franklin, being the place now owned by E. E. Green.

The fact that Lot 128 was the first lot sold after the act of 1799 would at first seem to tend to show that Main Street was a business street then as now, but such was not the case. The different lots being sold, or several being sold, without being specifically designated Maury would place the numbers in a hat or box from which they were drawn after the manner of a lottery. Thus a purchaser paying \$10 might draw a lot worth more or worth less than that sum, for which reason it was often the case that a man would get several lots widely scattered.

At other times Maury would sell a number of lots adjoining one another.

The business part of the town in its earliest days was on East Margin and Bridge Streets, and of course the more desirable lots were in that section.

<sup>7</sup> The site of Dr. Howlett's house is now a parking lot. I am not sure of the site of S. P. Watson's house unless it is the brick across from Shuff's Music Shop. V.B.

A meeting-house lot was set apart opposite the easterly end of Church Street outside of the Town plan; the big town spring was near it, also the main tavern, and such business houses as there were.

It was said in a former number that Abram Maury dedicated the streets and square to public use, and sold the lots.

He also donated the town spring (later known as Dempsey's spring) and the county jail lot.

The town spring with a small space around it was conveyed by him to the town commissioners November 6, 1808, "for and in consideration of the good will which I bear said town." The spring was used freely by the public until some fifteen or twenty years ago, when it was pronounced unsanitary and its approaches were neglected. There is now a steam pump in the spring and the water is used by a planing mill and by the town for street sprinkling. (Book B, 157).

The original jail lot was conveyed by Abram Maury, September 15, 1810, by deed of gift to Wm. Hulme, chairman of the County Court and his successors. (Book B, 543). It was the north fifty feet of Lot 102, the location of which on Main Cross Street has already been indicated. It has also been shown that the first jail was built on that lot as early as the year 1800 and it was in use sixteen or seventeen years. From the time the jail was built until the time the lot was formally conveyed to the county was ten years; or if there was an earlier deed it was lost and a new one made in 1810.

## XIV

CENSUS OF 1830--MOVEMENT OF POPULATION--JACKSON'S LAND DEAL  
TOWN OF NELSONVILLE

When the article on the subject of the population of Williamson, Davidson, and Maury Counties was published (No. VI) the writer was unable to find the census for 1830. This has since been found and will now be given. The reader should consolidate these figures with those given heretofore for the years 1800, 1810, 1820, 1840, and so on.

POPULATION 1830

Williamson County, White	16,006
" " Slave	10,473
" " Free colored	<u>129</u>
Total	26,608
Davidson County, White	15,988
" " Slave	11,629
" " Free colored	<u>472</u>
Total	28,089
Maury County, White	18,164
" " Slave	9,961
" " Free colored	<u>28</u>
Total	28,153

It will be seen that Maury County outgrew both Davidson and Williamson, and that Williamson still exceeded Davidson in white population, and fell only a little below it in the total.

It will also be seen, by comparison with the former article, that the population of Williamson County was greater in 1830 than the census of 1910 gives it by 2,400.

Attention has been directed to the fact that the county lost territory to Rutherford in 1871, and it also lost to the same county in 1843, 1852, 1854, 1868, and other years; the dates are given in Shannon's Code under section 92 that need not be repeated here. It is impossible to give the number of people lost by this county to Rutherford, but it could hardly have been so many as 2,000.

The counties of Davidson, Williamson, Maury and Giles, and counties in North Alabama, were successively established. Whenever a new county was established a large part of the people of the older and more northerly county,



seeing how rapidly the good lands advanced in value, moved to the newer fields of opportunity; also the children of the large families left parental roofs to go and grow up in the new country. There were settlers in Giles who had been settlers in Davidson, Williamson, and Maury successively.

It will also be seen from the tables that the negro population of Williamson, taken separately, was 2,800 greater in 1830 than in 1910, and it is not likely that over 500 of these were transferred by means of changing the county line.

Speaking of changing the county line, it has been related that the county extended much to the eastward, also to the State line, before Rutherford was taken off in 1803 and Maury in 1807. Yet it seems strange to read in our records of the transfer of lands which are now in Rutherford, Bedford, and Marshall Counties. A case of this kind connects with Andrew Jackson and his transactions in real estate, as told in histories. Under the orders of the U. S. District Court in 1801 Robert Hays, marshal for the district of West Tennessee, sold in April, 1802, a large body of land containing 85,000 acres lying on and around the forks of Duck River. This land had been granted in 1793 to John Gray and Thomas Blount, who transferred it to David Allison, who in turn mortgaged it to Norton Pryor of Philadelphia for \$21,800. Allison died and the mortgage was foreclosed by Pryor, and at the sale Andrew Jackson bought 10,000 acres for himself, and 40,000 as agent for Norton, and 35,000 as agent for Joseph Anderson. Jackson's tract began at the mouth of War Trace Creek on Duck River and ran up War Trace Creek, crossing it fourteen times, thence running west and south.

Jackson immediately transferred 1,500 acres on War Trace Creek to Rachel Hays and Patsy Thompson Hays, who were daughters of Robert Hays (the U. S. Marshal) of Davidson County. All of this is recorded in Williamson County in Book A 1, page 242-4.

Parton's life of Jackson, page 180, says that Major John Nelson went south twenty-five miles from Nashville and established a town on Harpeth. This place was called Nelsonville, and few people know that it was the rival of Franklin, or indeed that the place ever existed.

John Nelson was a citizen of Montgomery County and received a grant on Nelson's Creek in the eastern part of what is now Williamson, for his services as major in the North Carolina line. He laid out the town into lots of seventy-two square poles, and bordered the town with ten-acre outlots, and proceeded actively to sell the lots, just as Abram Maury did in the case of Franklin, but for more money. He sold a number of the lots, and finally sold

the residue of the plan, 79-1/2 acres, to Newton Cannon, together with some of the outlots and some adjacent tracts. It seems that Cannon incorporated these lots with his farm, and thus the town "blew up."

These things took place in 1800-1805.

In 1830 Franklin had 1,500 inhabitants, three male and two female academies, four churches, three clergymen, eight doctors, seven lawyers, four taverns, five blacksmiths, six bricklayers, ten carpenters, one cabinet maker, one gunsmith, two hatters, three saddlers, four shoemakers, three silversmiths, three tailors, two tanners, one tinner, two wagonmakers, thirteen stores, one extensive cotton factory, one carding machine, one printing office.

NELSONVILLE AGAIN -- GEN. JACKSON'S BIG LAND SUIT -- EARLY  
GRANTS OF LANDS

Francis Bailey, an English traveler, afterwards a noted astronomer, followed the wilderness train from New Orleans to Nashville and thence to Philadelphia in the year 1797, and published an account of his travels. He passed through the western part of what is now Williamson County, but this was before the county was formed and before the Natchez Trace was laid out. That part of the county was a wilderness and he saw no settlement until he reached the Joslin place six or seven miles from Nashville. Bailey says: "Major Nelson, who boarded with me at Major Lewis' (at Nashville), is forwarding a settlement and laying off a town at the head of Harper's Creek, about twenty-five miles off, where he sells his half acre town lots for \$10, and his outlots of ten acres for \$30, on condition that improvements are to be made and a house built within two years." The lots were in fact nine-tenths of a half acre, as in Franklin.

This was the town of Nelsonville, on Nelson's Creek, near Triune. There was no act chartering the town. After selling about thirty lots Maj. Nelson sold the land to Newton Cannon, afterwards Governor, who lived in that neighborhood.

Reference has been made to the sale by U. S. Marshall Robert Hays of 85,000 acres of land near War Trace and Duck River in April, 1802, and bought in by Andrew Jackson, Norton Pryor, and Joseph Anderson, the deeds to which cover a number of pages of the first book of our register's office, as the land was then embraced in Williamson County. Some of the subsequent deeds to portions of these lands are in Rutherford County, to which county the lands went when that county was formed in 1803. This is the transaction which threatened to bankrupt Andrew Jackson, as related by Parton in Vol. 1, at page 251, et seq.

The lands had been granted to John Gray and Thomas Blount, who sold them to David Allison, of Philadelphia. Allison became a bankrupt and died leaving heirs; but before he died he mortgaged the lands to Norton Pryor, also of Philadelphia, to pay a debt of \$21,800.

Pryor employed Joseph Anderson as his attorney to foreclose the mortgage, but Anderson was just at that time elected to the U. S. Senate. Andrew Jackson was then employed, but was elected to the Supreme Court. Then John Overton was employed with Jackson. The fee was to be 10,000

acres of the land, of which Jackson was to take 5,000 and Overton 5,000.

So the land was sold by decree of the Federal Court, and was divided accordingly.

Jackson thus owned a large part of the land individually, but he acted as agent for both Anderson and Pryor as to the rest.

Jackson proceeded to sell off the land in smaller parcels under guaranteed titles, which made him liable for all improvements if the title should fail.

The title did in fact fail, on the ground that two citizens of Pennsylvania could not lawfully maintain a suit for foreclosure in the Federal Court at Nashville. Hence all of the deeds in Williamson and Rutherford referring to this land in 1802 and some years after were admitted to be void. As the lands were rapidly improved, Jackson was liable for perhaps \$25,000.

He employed Geo. W. Campbell, an able lawyer, to assist him in the trouble. The proceeding being void, the mortgage had to be resorted to again but it was contested in the courts and it was only after ten or twelve years of litigation that the cases were compromised, Jackson being subjected to labor and expense that perhaps made him regret he ever had been employed in the case.

The mode of acquiring land in this part of the State in the early days was about as follows:

If a man had been a soldier in the Continental Line of North Carolina he was given a land warrant which entitled him to locate, enter, survey, and obtain a grant for a certain amount of land in the military reservation. This warrant he could proceed to carry into effect, or he could sell and transfer the warrant.

The commissioners of the State survey, and their surveyors and their chain carriers, and the guards, were also entitled to warrants. A common soldier got 320 acres, a guard 400, surveyors 640, and so on up to higher officers, who obtained much larger warrants.

The first thing was to locate the land and then to have it entered as a claim in the entry takers office. It was then surveyed, and with this definite claim an application was made for a grant, which was issued and recorded in the land office and also in the county. Some grants were issued under special acts of the Legislature. There were also pre-emptions. These were titles given to those who had occupied and claimed lands before the entry-taker acts were

passed and who were allowed to have them surveyed and recorded as pre-emptions, and they were as good as other titles.

An ideal county history would show all the grants and pre-emptions, but work of this kind is laborious, has never been done in the South, and its value here would hardly be understood by many.

A few of the grants will be given as specimens. The following grants of lands on West Harpeth are recorded in Book A, of Davidson County, and are dated from 1784 to 1786.

Memucan Hunt, right of Corporal Jonathan Glass, 1,000 acres; Absolom Tatom 5,000 acres; Wm Mabane, on right of Lieut. Col. Robert Mabane, dec'd, 7,200 acres; Lieut. Jesse Stead 2,560 acres (Lepiers Fork); Thomas Taylor 640 acres; Samuel Moore 640 about three miles above mouth. On Little Harpeth were: John Henderson, two tracts of 640 acres; Lazarus Floron 274 acres; Wm. Simpson 640 acres; Richard Hightower---acres; Wm Newell. On and near Big Harpeth - William Marshall 320 acres; Patrick McCutchen 640 acres; Samuel McCutchen 320 acres; William Howe 640 acres. The above four were soldiers and were guards to the Commissioners. Also John Donaldson 640 and Wm. Donaldson 640 (this name is now spelled Donelson); W. Gallaspy (Gillespie) 640; Alex Ewing 640 acres; Wm. Collinsworth 640; Lieut. Curtis Ivey 2,500; John Wilson 640; Jerrot Manifee 640; Capt. Anthony Sharpe 4,840; Maj. John Eaton 4000; Maj. John Nelson 4,000; Thomas Sharpe Spencer 640; James McGavock, Robert Thompson, and Benj. Lucas had 640 acre pre-emptions. Pinkham Eaton brother of Maj. John Eaton father of John H. Eaton, had a large grant on Commissioner's Creek, identified with Rutherford's Creek. These are only a few of the grants in this county.

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XVI

INTERESTING COUNTY COURT ORDERS -- ORPHANS OF WAR OF 1812

CHICKASAW TREATY AT FRANKLIN

Many of the early orders of the County Court will prove more or less interesting.

In 1800 the following schedule of charges, permitted to be made by ordinaries, was made: Half pint of good proof whiskey or brandy, 12-1/2 cents; half pint rum 25 cents; French brandy, 25 cents; lodging or bed one night 8 cents; gallon of oats, 8 cents; dinner, 25 cents; breakfast or supper, 18-3/4 cents.

Ordered, that each taxable poll in the county (which was 25 cents) pay 12 squirrel scalps, or one crow scalp for two squirrel scalps; scalp of wolf killed in county, \$2.

1805, July 8, ordered that John Nichols have liberty to build a grist and saw-mill on his own land on Big Harpeth at a place between where the Commissioners trace crosses said river and the mouth of Five-Mile Creek.

This mill was later called Hughes' mill.

1805, August 12, a negro was tried and convicted of larceny. He was ordered to be whipped and to have his ears nailed to the whipping post, and then to have the soft parts of his ears cut off.

This is the only case of this kind of punishment in the county, and was in accordance with a statute of very old date.

1803, ordered that Abram Maury, Sr., be appointed guardian to the minor orphan children of Metcalf Degraffenreid, decd, of the name of Abram Maury, Sarah Rees, Metcalf, Susanah, Matilda, Matthew Fontaine, Benjamin Rees, who gave bond of \$16,000, with John Walthall his surety.

1800, Seth Lewis and Jesse Wharton to practice law.

1803, ordered that Joseph Ralston oversee the clearing and keeping in repair of the streets of Franklin and as far as low water mark on the south side of Harpeth River on the road leading to Nashville, with all the hands in said town to work thereon under his direction.

1803, February, ordered that Chapman White purchase at the expense and charges of the county two good locks and have them fixed on the courthouse doors.

In 1815 the Legislature required the County Courts to make provision for the children of the men who had lost their lives in the late war; hence the following orders in 1816:

Ordered that Thomas McCrory, Sr., Henry Rutherford, and Collin McDaniel be appointed Commissioners to contract with such persons as they may think best to board and educate five children, the orphans of Jonathan McPerson, who died in the service of his country, agreeable to act of the General Assembly, etc.

Provision was also made for the four children of Henry Coleman, and the five children of James Southall, who also lost their lives.

1816, October 7, Aaron V. Brown, Constantine Perkins, John Bell, and David Craighead produced their licenses in court and took the oath required to practice law, and were admitted to practice law in the several courts of this State.

John Bell was only nineteen years old at that date.

1830, October 12, is the following curious entry:

An agreement between Robert P. Currin and William B. Lewis by his agent and attorney-in-fact, Robert P. Currin, of the one part, and Levi Colbert, James Brown, James Colbert, George Colbert, William McGilvery, Isacc Alberson, To-rul-ka, Ish-ti-ki-yo-ka-tubbe, Ish-te-hecha, Im-me-houl-la-tubbe, Ish-te-ya-tubbe, An-to-ko-wah, Ook-la-ma-ya-ubbe, In-he-yo-chit-tubbe, Im-mo-la-subbe, Hush-la-ta-be, In-no-wa-kache, Oh-he-cubbe, Kin-hi-chi, and J. McClish, representatives of the Chickasaw nation of Indians, of the other part, is produced in court for probate, the execution thereof is duly proven by the oath of Preston Hay, a subscribing witness, and the same is ordered to be so certified.

The document so proven is believed to have been the treaty or agreement that was made between the United States and the Chickasaws authorizing the marking of the boundary between them and the Choctaws in Mississippi. The treaty was not carried into effect for the reason that in 1832 the treaty known as the John Coffee treaty was made doing away entirely with the claims of these two tribes in Mississippi. The Coffee treaty in Section 13 refers to the treaty at Franklin and sets forth its contents, but the latter treaty is not published among the collections of Indian treaties--perhaps for the reason that nothing was done under its provisions. The coffee treaty states that the treaty at Franklin was made on August 30, 1830, but the probate we quote is dated October 12. Still there is little doubt that it is the same paper, as it probably required six weeks to obtain some of the signatures that are attached to it, and to go through certain forms subsequent to the meeting.

The sessions of the U. S. Commissioners with the Indians took place at the Presbyterian Church, which then stood at the northwest corner of the old cemetery. The Indians at the time spent several weeks in Franklin. They were dressed in their gaudiest and bravest attire, and their boys came with them and brought their bows and arrows. "Tubbe," for euphony sometimes "subbe," and "ubbe," is said to signify boy or son, and is used as a termination in names, just as we say Johnson. "Tub" Anderson, afterwards residing many years in Franklin, was nicknamed, when a boy, from these Indian.

A young lady of Franklin, being a fine artist, painted a very pretty miniature of the Indian Chief Kintahchi who signed the treaty, and the picture is still in existence. Whenever she was at work on the miniature the entire Indian delegation attended and sat solemnly and silently in the parlor as if they regarded it as a matter of grave public concern, all dressed in official costume. On one occasion, when the party left, one of the Indians had gone to sleep. When he was awakened and found that his companions had departed he jumped out of the window with a war-whoop and ran down the street as fast as his legs would carry him.

1839, December 3, the order of the court was made extending the free bounds for those imprisoned for debt to one square mile. This has already been mentioned, but something should be added.

Charles Dickens has appealed to our sympathies strongly in his accounts of the English prisons in the cases of Little Dorrit, Mr. Micawber and Pickwick. But it was not exactly the same situation here. When a judgment was obtained, the sheriff in 1800-1839 did then just as he does now; if there was no property he returned NULLA BONA, and did NOT arrest the debtor. The creditor could then make affidavit that the defendant had property but was concealing it, and could then ask for capias and satisfaciendum (called ca.sa.). Then the arrest was made, the creditor giving security for the jail fees to follow. The debtor had a right after ten days to swear that he had no property; or after twenty days he could name his property. In either case, if he swore truth, he would be released. Hence, in Tennessee, if an imprisoned debtor remained in prison it was because he would not make either of these affidavits.

There was a case in Franklin, before the act of 1839, of a prisoner who could go within a hundred yards of his home, but no nearer; the new arrangement permitted him to reach his house. No doubt there were pitiful cases in plenty where the question was between the sustenance of a family and the payment of a debt. The law was not popular and it was repealed entirely in the early forties.



## THE CIRCUIT AND CHANCERY COURTS

## GREAT MEN OF OTHER DAYS

The Chancery Court, it has been explained, did not sit at Franklin in the beginning, the equity cases arising here being tried at some other place where the court was appointed to sit. The equity cases were tried by some member of the Superior Court of Law and Equity, afterwards of the Supreme Court of Errors and Appeals, the name of the higher court having been thus changed. But by act of November, 1809, the district Circuit Courts of Law and Equity were established, and these courts tried equity cases as well as civil cases. At the same time the supreme judges continued to hold courts of equity.

The first Court of Equity or Chancery that ever actually sat in Franklin was in 1825, though it appears that the court kept a Rule docket here from 1815, which seems to indicate from that time until 1825 chancery cases were made up and attended to here though tried elsewhere. Judges John Haywood, John Catron, Jenkin Whiteside, Robert Whyte, and other distinguished Supreme Court judges, held the Chancery Court here in 1825 and up to and including 1831, at which time the Chancery Court as now constituted was established. The Chancery Court held at Franklin tried all of the cases for Davidson and for many other counties up to 1847, when Davidson for the first time obtained the privilege of having a Chancery Court to sit within its borders. The court at Franklin had jurisdiction extending even through West Tennessee, and it has minutes showing trials of cases from Shelby, Gibson, and other West Tennessee counties. This, of course, brought a great many prominent lawyers of Middle and West Tennessee to Franklin at every term, and there was a great amount of business done by this court.

The Circuit Court was organized and held its first term in Franklin May 14, 1810. Under the authority of the act of November, 1809, the judge was appointed by the governor, Willie Blount, as also was the sheriff. Thomas Stuart, of Franklin, was appointed judge and William Hulme sheriff. In organizing the court Nicholas Perkins acted as clerk pro tempore. Judge Stuart took the oath of office before Gen. James Robertson, presiding justice of Davidson County. The sheriff, Wm. Hulm, was then sworn in. Next, the court appointed William Smith as clerk and he gave bond with Felix Grundy, Roger B. Sappington, Thomas Smith, and H. Childress, sureties. Alfred Balch, whom the governor had appointed solicitor-general, was also sworn in.

The following lawyers were then admitted to practice in the court: Lemuel P. Montgomery, Felix Grundy, Peter R. Booker, John Reed (Reid), Thomas H. Benton, and Nicholas Perkins.

Most of these were men of considerable note. Thomas Stuart held the position of judge for twenty-seven years, from 1809 until 1836. The records bear evidence that he was one of the purest, ablest and most fearless judges the State has known. He was a citizen of Williamson County and is said to have had his residence just across the river from Franklin on the Nashville road.

William Hulme was chairman of the County Court at one time, 1810, and a respected citizen. William Smith, the clerk, was an active and intelligent man, and for years took a large part in public affairs of the town and county.

Felix Grundy to this day has the reputation of having been the greatest criminal lawyer the State has produced.

He was born in Kentucky in 1777, and in that State served as a member of the constitutional convention of 1799; also in the legislature, 1800-1805; and as a judge of the Supreme Court in 1806. He moved to Tennessee in 1807, and was a member of Congress from 1811 to 1814, and also served several terms in the legislature. He went to the United States senate as a Jackson Democrat and served from 1829 to 1838. He was attorney-general in the cabinet of Martin Van Buren from July 5, 1838, to December 1, 1840. Grundy's home was at Franklin for several years, but he moved to Nashville and made that city his home.

Thomas H. Benton, nicknamed "Old Bullion" by reason of his persistent advocacy of hard money, was one of the great statesmen of the country. After emigrating to Missouri, because as was said he did not consider Tennessee large enough for both Benton and Jackson, he was thirty years in the United States senate, and wrote "The Thirty Years' View."

Benton's father owned a large tract of land on Leiper's Fork, including Hillsboro or Leiper's Fork. He says in his book that it was 30,000 acres and that all except about 3,000 was practically given away in order to induce settlers to come to the locality, but the records of the county only show the ownership of something over 2,500 acres. Benton says that the Indians swarmed about this tract and that "their great war trail ran through it." This statement is true, for the Chickasaw trail, and later, the Natchez Trace, ran through the tract. The foundations and parts of the structure of the Benton Home are still in existence at Hillsboro, a comfortable residence being built on them. In after years the place was well known as the home of the late

John A. Wilkins. Crenshaw's spring is on the place and is referred to in a deed, made in 1817, wherein Benton conveys 226 acres to Mary Benton, wife of his brother Samuel. Jesse Benton also resided there. The Benton graveyard can still be seen from the turnpike.

Thomas H. Benton was a lawyer of ability and the court dockets of 1809-1812 show that he had a larger practice than any other lawyer in the county. In 1809-1811 he represented this county and others in the State senate. In 1812 and 1813 he commanded a regiment under Jackson in the Natchez expedition and in the Creek War. After this he went to Missouri, and his connection with our local history then ends.

Peter R. Booker was a very successful lawyer. He moved to Columbia, where his success continued until he retired from the practice with a fortune; he lived to an advanced age at Columbia.

John Reid<sup>8</sup> came in early days to Nashville and then to Williamson County. He was a man of culture and capacity and was a major on Gen. Jackson's staff in the War of 1812, and was at the Battle of New Orleans. He afterwards undertook and partly finished a history of Andrew Jackson, but his health failed and the work as published was said to have been finished by John H. Eaton.

Nicholas Perkins,<sup>9</sup> who was the temporary clerk and also was sworn in as an attorney on May 14, 1810, was the son of Nicholas Perkins who lived on a farm near Brentwood.

<sup>8</sup> John Reid (1784-1816) was a son of Capt. Nathan Reid, a Revolutionary patriot, and his wife Sophia Thorpe-born near New London, in Bedford County, Virginia, John Reid studied law and approachd manhood with a name synonymous with genius and integrity. He married Elizabeth Branch Maury (1793-1852), the daughter of Abram and Martha Worsham Maury. Only four chapters of his "Life of Jackson" were completed when he died of pneumonia on January 18, 1816, after in illness of twenty hours. The biography of Jackson, completed by John H. Eaton, is said to have brought Eaton into the public eye for the first time. V.B.

<sup>9</sup> The house Mr. Marshall speaks of as being the home of Nicholas Perkins is confusing. Presumable it is the house Mrs. Sallie Hines McNutt writes about in her memoirs as being set on fire by a Federal soldier soon after Buells army entered Franklin in 1862. He asked for food and was refused by Abe Maury, W.O.N. Perkins' son-in-law. The house stood immediately east of the McNutt house. V.B.

He studied law and emigrated to Mississippi territory (now Alabama), and lived near the Tombigbie River. While there he took the lead in the capture of Aaron Burr, who was at the time passing through that section, and conveyed his prisoner to Richmond, VA. He was called Nicholas "Bigby" Perkins, because he had lived near the Tombigbie. He married the daughter of Thomas Hardin Perkins and became a large landed proprietor, owning about 12,000 acres of Harpeth River land, extending from near Franklin to Barker's bluff, a distance of eight miles. His residence was on the hill in Franklin afterwards owned by W. E. Winstead; the house was burned during the Civil War. The late Judge W. O. N. Perkins and others of his children were born there. His sister married Nicholas Tate Perkins, who was a colonel in the Creek War; this fact is mentioned merely because he has sometimes been confused with the Creek War colonel. The latter was the father of the late Mrs. Col. Moore.

While Felix Grundy was in Franklin he organized a land company and made an addition to the town in 1819, and John Bell the same year made another adjacent to it called "Bell Town."

Grundy's company was composed of Felix Grundy, Randall McGavock, Alfred Balch, James Irwin and James Trimble. It was called the "New Plan" but was popularly called "Hincheyville." The lots were widely advertised and a big auction sale was held on February 6, 1819.

The tract comprises ninety acres, beginning opposite the present Presbyterian Church; thence with the old Natchez road (which split the present High School lot), to the branch near the Carter's Creek Pike; thence northward past Dr. Gentry's and into the old fairground property; and thence east to the town cemetery. The land was bought from Hinchey Petway, who had bought it from Joel Parrish, and Joel Parrish had bought it in 1803 and a 203 acre tract from Abram Maury.

Petway was a prominent merchant and while he held this land he built a handsome residence facing the old Natchez road and in front of Mrs. R. J. Gordon's present residence. Petway's residence stood in the middle of Main Street as extended, so the house was auctioned off with the requirement that it be removed. Hincheyville has proven to be one of the best residential sections of the town.

XVIII  
PROMINENT MEN IN EARLY DAYS

A NOTABLE CRIMINAL CASE

Mention has been made of Abram Maury, Felix Grundy, Thomas H. Benton, Nicholas Perkins, Thomas Stuart, and others of more or less prominence whose residence was at Franklin or in Williamson County.

There were many others who may be named at this place.

John Bell was born in Nashville in 1797. He studied law and moved to Franklin, where he was sworn in as an attorney in 1816 at the age of 19 years. The next year he was elected to the legislature, but declined a re-election, and devoted himself to the active practice of law for nine years.

At some time during this period he removed to Nashville. He defeated Felix Grundy for Congress in 1827 and remained in Congress fourteen years, defeating James K. Polk for Speaker in 1834. He was defeated by Polk for Speaker in 1835. He was Secretary of War under Harrison in 1841, but resigned when Harrison died. He was in the State Senate in 1847. Was then elected to the United States Senate, in which body he served a number of years. In 1860 he was nominated for the Presidency by the Constitutional Union party at Baltimore with Edward Everett on the ticket for Vice-President.

Lincoln was elected by the solid vote of the abolition party, though receiving hundreds of thousands of votes less than the combined votes of the other candidates. Mr. Bell received a large vote, but carried only Tennessee, Kentucky, and Virginia. After the war he lived at Cumberland Iron Works, where he died in 1869. Mr. Bell broke with Andrew Jackson at the time of the National Bank controversy, and supported Hugh L. White against Van Buren. He became a Whig and was certainly one of the ablest men this State ever had in public life. He practiced law at all times, up to 1860, and enjoyed the greatest reputation in the profession.

While in Franklin John Bell laid out the addition known as Bell Town in 1819. It runs from the original end of Main Street at the Presbyterian corner and along the east side of the Columbia Pike to the Buchanan Lane, and is two blocks wide. He owned a large frame building on the south side of Main Street about two hundred feet west from the public square. This building was used for many years as a hotel and was called the "Bell Tavern."

John Bell was employed in 1826 to defend Daniel Crenshaw, who was indicted at the August term 1826, for stealing a bay horse worth \$110 from Robert C. Foster on April 29, 1826; also for stealing a gray mare worth \$75 from Kessiah Wooldridge on February 4, 1826; also for forging a note on the Bank of Tennessee on January 28, 1826. It will

be noticed that the order of these three indictments is the reverse of the crimes charged.

Crenshaw pleaded "not guilty" in each case. He was tried for stealing the R. C. Foster horse, and was convicted and sentenced as follows: To be given twenty lashes on his bare back, to stand two hours in the pillory on each of three days, to be branded with a hot iron on the "brawn of the thumb" with the letters H. T., to be confined six months in jail, to be rendered infamous and to pay all costs. After Crenshaw had been whipped, had stood in the pillory, and been branded and had thus paid a part of the penalty, and was arraigned on the other two indictments, his attorney prayed the court to allow him to withdraw the plea of "not guilty" in those two cases, which was granted in each of the two cases separately. Then in each case he made the plea, that having been convicted and having undergone sentence for an offense committed on April 29, he could not be convicted for any crime not capital, that had been committed before that date in case he had pleaded the "Benefit of Clergy," as he had done in this case.

Judge Thomas Maney overruled these pleas and sentenced Crenshaw to be punished in each case after the jail sentence first inflicted. Crenshaw then appealed to the Supreme Court from this judgment of the court.

To explain the matter it should be said that in old times in England a plea was invented by the church authorities called "Benefit of Clergy," under which any person not being a church officer or a nobleman, and being able to read, could by means of this plea be branded in the hand with a red hot iron instead of having the regular penalties of the law inflicted. When so marked he was not delivered over to the Sheriff, but was excused from further punishment, short of death, for all past offenses. He thus carried on his person the mark of the great favor the church had done him. This law is defined in statutes of Henry VII and Elizabeth. It had never been repealed, yet our judges in some way had fallen into the habit of branding and infliction other penalties at the same time. What Crenshaw's attorney did was to insist that the former offenses at leasts must be excused. And in fact he won the cases in the Supreme Court, the distinguished Judge Catron rendering the opinion reported in Martin & Yerger (Cooper), page 477.

It was thus that Crenshaw escaped, as by a miracle, all punishment for the two extremely grave offenses.

As soon as this state of the law became known the legislature changed the law.

Having mentioned this Crenshaw matter it is well to finish it, and to state a fact which should carry a moral. It is the clear tradition, still often repeated, that in the Foster case Crenshaw was branded in public while standing on the auction block that then stood near the court-house door. As soon as the branding iron was removed he placed his hand in his mouth and bit out the flesh on which the brand showed. This same story is told of Bean in East Tennessee, but there is no doubt that the same act occurred in Franklin. This event happened August 16, 1826.

The story with the moral is "the conclusion of the whole matter" -- the result and reward of Crenshaw's operations, up to that date. After six months he came into court, as the law in all cases allowed, and took the pauper's oath, swearing that he had no property or money whatever, upon which the court released him and ordered the costs to be paid by the county. The jailor's fees alone were \$109.

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## XIX

### OTHER EARLY BUSINESS AND PROFESSIONAL MEN

EDMUND COOPER was born in Franklin September 11, 1821. His father was president of the bank in Franklin for many years before that date. Jackson's men were paid off at Franklin in 1813 through Cooper's bank. Edmund Cooper moved to Shelbyville, where he became a successful lawyer, and was Assistant Secretary of War under Johnson in 1867.

MEREDITH P. GENTRY was born in North Carolina in 1809 and came with his father to Williamson County in 1813. He was a lawyer in Franklin and enjoyed a fine practice. He went to the legislature in 1835 and 1837. In 1839 he was elected to Congress and served until 1853, except one term which he declined.

He also served a term in the Confederate Congress. He lost about all of his property in the war, and died in Nashville November 2, 1865. Mr. Gentry was an orator of first-class ability and was distinguished for his splendid voice and presence and for the lucidity of his speeches.

ABRAM P. MAURY was a son of Abram Maury, who laid out the town of Franklin. He was born near Franklin December 26, 1801, and took a university education. He read law, but preferred to be a journalist. He went to St. Louis and was there associated with Thomas H. Benton as editor of a newspaper. He and C. A. Harris published the "Clarion" at

Nashville to 1824. He was later the editor and part proprietor of the "Republican," which was established at Nashville in 1825. He was in the legislature several terms, and in Congress from 1835 to 1839. He died on July 22, 1848.

NEWTON CANNON<sup>10</sup> was born in North Carolina May 22, 1781, came to Nashville in 1790, and learned the saddler's trade. He afterwards engaged in merchandising and surveying. He came to Williamson County, having stayed only a short time at Nashville. From 1811 to 1815 he was a member of the State Senate from Williamson, Bedford, Giles, Lincoln, Maury and Rutherford; was in the Senate again in 1827; and in the House in 1829. He served as a colonel in the Creek war. Beginning with 1813 he served two terms in Congress, and went to Congress again in 1819 and 1821. He was defeated for governor in 1827, but was elected governor in 1835 and 1837. In his race of 1835 he defeated Governor Carroll, who had long been and still was a most public-spirited and popular man. But Cannon was a whig and that party was in high favor in Tennessee just at this time. Hugh L. White was leading what were called the "White Whigs," and John Bell gave him active and energetic support. There was another question, and that was Carroll's competency from a legal stand-point. Carroll was just finishing his third successive term as governor, but the new constitution of 1834 had just been adopted, and whilst it repeated the provision of 1796 that no person should be governor more than three terms in succession, yet Carroll claimed that as it was a new constitution the effect was that the inhibition simply began anew and that the constitution of 1796 was of no further effect to limit his right; hence he was free to run again. Cannon claimed that the constitution of 1834 amounted only to an amendment of that of 1796, that the inhibition was continuous, and that Carroll was therefore disqualified. It is really hard to say who was right, and it was certainly a question too grave for the voters. Anyway, it was an argument for Cannon and no doubt he benefitted thereby.

JOHN H. EATON was born in Halifax County, North Carolina, in 1790, and was the son of Major John Eaton of that place. Major John Eaton became the owner of a large tract of land on Hays' Creek in Williamson County, and his brother, Pinkham Eaton, owned a large tract on Rutherford's Creek. John H. Eaton came to Franklin while still a minor,

<sup>10</sup> Newton Cannon was a son of Minos and Letitia Thompson Cannon. Newton Cannon married 1. Leah Pryor Perkins, 2. Rachel Starnes Wellborn. He and members of his family are buried near Kirkland in Williamson County in the Cannon cemetery back of where Cannon's large log home stood until 1987. V.B.



and his father made him a present of 500 acres of good land. One of his sisters married Dr. Edward Breathitt, of Franklin, and another married R. Henderson." The daughter of Mrs. R. Henderson married Thomas K. Handy, who afterwards lived for many years in the Eaton residence on Main Cross Street. (NOTE: The word "Eaton" in the previous line is circled with a marginal note "out, P.M.") John H. Eaton was elected to the United States Senate in 1818 and served a term in that body. He was Andrew Jackson's Secretary of War from 1829 to 1834. He married Peggy O'Neill in Washington, by reason of which marriage a small war arose among the social set and invaded the political field, causing a great deal of annoyance to the President. It was the cause of the first break between Jackson and Calhoun.

Eaton once owned the lot on which the Catholic Church now stands, and resided there; (but he afterwards lived in the residence on the west side of Main Cross Street or the block which extends to the public square.) error P.M. In 1830 he held the treaty made at Franklin with the Chickasaw Indians under which those Indians ceded their lands in Alabama and Mississippi and agreed to go to the Indian territory.

Eaton did not reside in Franklin after 1830, but his mother seems to have lived here at least until Nov. 1843.

Eaton was made Governor of Florida in 1834, and was minister to Spain from 1836 to 1840. In 1824 he published a life of Andrew Jackson, being the book that was said to have been begun by Major John Reid. Eaton practiced law in Franklin, but appears to have devoted himself mainly to politics.

"John H. Eaton's sisters were Mary, who married Dr. Breathitt, and Ann, who married Robert Henderson. The latter's daughter Mariah Louise married Thomas K. Handy. I cannot find any deeds to prove the Eaton family ever owned the Eaton house as we know it today. Senator and Mrs. Eaton may have visited the Handys there, but the house was bought by Mrs. Lucy Gee DeGraffenreid. She later married Thomas K. Handy. Before his second marriage, Mr. Handy lived with his first wife's grandmother, Mrs. Elizabeth Eaton whose frame house was next door toward the square. I believe Dr. & Mrs. Breathitt lived there before they moved to Nashville. V.B.

MATTHEW FONTAINE MAURY was born in Virginia and came to Franklin with his father when a child of four years.<sup>12</sup>

With the exception of George Washington it is doubtful if the United States has produced any man who brought more credit to it than did Matthew F. Maury. He was born in Albermarle County, Virginia, January 24, 1806, and was the seventh of the nine children of Richard Maury. The whole family came to Williamson County in 1810 and engaged in farming. The oldest brother, John Minor Maury, went into the navy and became one of its most promising officers, but contracted yellow fever in the West Indies and died off Norfolk in 1824, aged 31. He was the father of Maj. Gen. Dabney H. Maury. Next year, 1825, Matthew Fontaine Maury was appointed a midshipman by Sam Houston. The life of Commodore Maury is well worthy of emulation. When he was 12 years old he fell forty-five feet from a tree and was so injured that he could not work on the farm, and for this reason he was allowed to attend Harpeth Academy, which was conducted by Bishop Otey, the first Episcopal Bishop of Tennessee, and Wm. C. Hasbrouck, who was afterwards one of the leading lawyers of New York. Maury became the highest authority in the world on subjects relating to trade winds, ocean currents, and weather conditions. He was made a member of every principal learned society in the world, and was presented with more honorary medals from abroad than any other American man of science. The maritime authorities of Great Britain asserted that his discoveries and works were worth \$50,000,000 a year to commerce. During the Civil War, Maury was with the South and was a commodore in the navy, but as the South had few vessels of war he had little opportunity to display his great talents. He made Richmond, Va., his home during the war and until his death, which occurred soon after.

<sup>12</sup> Matthew Fontaine Maury was a son of Richard Lancelot and Diana Minor Maury. He grew up in his parents's home on Blazer Road near Boyd's Mill. Richard L. and Diana Maury returned to Virginia, but their son Richard Lancelot, who had married Peggy Bond, remained and is buried on the homeplace. Commodore Matthew Fontaine Maury, honored by the world as the "Pathfinder of the Sea", has a single tablet on the library wall to his memory in his boyhood hometown. V.B.

<sup>13</sup>  
HARRY HILL, "the merchant prince," who died a millionaire and was rich enough to be classed among the wealthiest merchants in the country, was born at Hillsboro, or Leipers Fork, in this county, and was a merchant in Franklin. His store was on the public square at the corner now occupied by the Interurban railway. He owned, or had an interest in, nearly all the property on the north side of Main Street in the block next to the square. He went from Franklin to Nashville, and then to New Orleans, where he seems to have acquired the most of his wealth. His store was at the place now occupied by the Anderson-Hunter Company, corner of Main Street and public square.

HUMPHREY MARSHALL<sup>14</sup> was a citizen of Franklin and a law at its bar. He lived at the Bennett corner, now owned by James King. He was at one time the Mayor of Franklin. He was a native of Kentucky and went back to that State. He was a great lawyer, and was a major-general in the Confederate army.

B. S. and E. S. TAPPAN were prominent merchants in Franklin for a number of years up to about 1840. They dealt in merchandise on a large scale and made a show of great prosperity, having branch stores at other towns besides Franklin.

<sup>13</sup> Harry Hill was born in Halifax County, North Carolina, and was brought to Hillsboro as a child with his brother and sister, probably by their mother. Mr. Hill married Margarette McAlister, moved to Nashville, then to New Orleans where they died in 1853. V.B.

<sup>14</sup> Humphrey Marshall (1812-1872) married Frances E. McAlister in Franklin in 1833. They removed to Kentucky before 1846, when Mr. Marshall fought in the Mexican War. He was elected to Congress in 1849 and again in 1851. Served as U.S. Minister to China 1852-1854 and returned to serve in Congress from 1855-1859 when he refused to run again. Mr. Marshall was brigadier-general in the Confederate Army and was a delegate to the Confederate Congress. He and his family lived in New Orleans for several years after the surrender. Mr. Marshall brought them back to Louisville and continued to practice of law until his death on March 28, 1872. V.B.

They issued a large number of notes or bills of credit, one of which is at the National Bank of Franklin now, and is as follows:

LICENSED BY THE STATE  
C. \$2.

(Picture here)

No. 451  
PLANTERS BANK OF TENNESSEE  
at Franklin.  
Pay to B. S. Tappan or order  
TWO DOLLARS in Tennessee Bank Notes when the sum of  
Five Dollars is presented. HENRY WALDDIN, JR.  
Franklin, Tenn., Sept. 12, 1837.  
Endorsed by E. S. Tappan.

This note is engraved, but the number and day of month and the names of Tappan and Walddin are written. The engraving shows three men engaged in mining coal near a railway on which is a train with three little cars like stage coaches.

The note appears to be one of a number issued by the Tappans on credit at the bank. B. S. Tappan made himself popular and acted as "best man" at a great many weddings. He was captain of the Williamson Blues, a crack military company. This company was in the parade at LaFayette's reception at Nashville, and claimed that the Marquis told them it was the best-drilled company he had ever seen. The Tappans were from Maine. They broke and left Franklin between two suns, lamented by a number of creditors. Their store was the present Interurban corner.

## THE INDIAN TREATY OF FRANKLIN--THE HISTORIAN'S DUTY

## OTHER PROMINENT MEN OF THE COUNTY

NOTE: Pasted on the scrap book is the following typewritten note:

## Chapter XX

The Presbyterian church built in 1811 where Rev. Gideon Blackburn preached, was not within the "Old Cemetery." I was led to this belief by statements from several old citizens claiming to know, who also, by the way, thought the Old Cemetery was the Church Yard of that old church. This is plainly a mistake. The church was outside of the boundaries of this cemetery, being just at the northwest corner, and outside as stated. The cemetery was just two acres purchased by the Town and divided among the citizens, the church having absolutely nothing to do with it.<sup>15</sup>

I do not know whether you would use any of these minutia at all or not, but in case you do it would be very well to know the facts as here given. Park Marshall.

NOTE: The printed portion of the history continues:

The Chickasaw treaty concluded at Franklin August 31, 1830, and heretofore mentioned, was not at first found by the writer for the reason that it was published only as a treaty that was not ratified by Congress. The treaty commissioners were John H. Eaton, secretary of war, and Gen. John Coffee. It provided for the surrender of their lands by the Indians and their removal to the Indian Territory, provided lands could be found there as good as those given up by the Indians. Possibly it was this last clause that prevented the treaty from being acted on by the Congress. In 1832 another treaty of removal was concluded by Coffee and the Indians at Pontotoc Creek in their country.

<sup>15</sup> This information is not definitive. Deed Book "C", P. 98, date of 11 Sept., 1811, records the transfer of the City Cemetery to the city of Franklin by Joel Parrish. C.B.

Some of the business men who have been spoken of in Chapter XIX were men of much less integrity than others; but it is not the duty of an historian to dwell on such matters, they not being in fact, as a general thing, parts of history. The historian as a rule "speaks nothing but good of the dead," yet he must, to a reasonable extent, caution the reader against a common inference that the mention of a man is to put the stamp of approval on him. A few of the most prominent of these men were wholly dishonest, and this is as much as will be said about it. It is a pleasure to turn to others of more approval.

JOHN NICHOLS, JR., was by far the largest land-owner that was ever in the county, and with the exercise of prudence would have been a man of great wealth, but he was a generous man and over-trustful when dealing with those he supposed to be his friends, and lost all he had. John Nichols, Sr., was an Englishman living in America, took the American side in the Revolution, and became a brigadier-general. He was captured at the battle of Camden. He acquired vast tracts of land in Tennessee after the Revolution. When he died the greater part of his estate went to his son, John Nichols, Jr. Another son was given the tract where Memphis stands, and sold it to Andrew Jackson, John Overton and Gen. Winchester. John Nichols, Jr., came to Davidson County, and afterwards to Williamson. Here he owned nearly all the land from Franklin to a point some four miles up the river, and also large tracts in Davidson, Sumner, Dickson and Robertson Counties, among the tracts being 540 acres where Edgefield was afterwards built. It has already been mentioned that he erected a mill on Big Harpeth on his own land between the Commissioners trace and the mouth of Five-mile Creek. It was a large grist and saw mill and was later known as Hughes' mill. His kindness and natural trustfulness was such that when those he thought were honest business men asked for his endorsement of their paper he could not say no. He became involved to the extent of \$150,000 for accommodation matters entirely, and was forced to sacrifice all of his estate, and to make a deed of trust, which he did to James H. Wilson in 1833. Just before he did this, and while trying to stem the tide, he exchanged his Edgefield property with Harry Hill and others for the whole city block in Franklin that fronts on the north side of the public square and the north side of Main Street, which embraced the best business houses in the town then as it does now. This Main Street property when sold came again into the possession of Harry Hill, who owned it at his death.

Mr. Nichols at different times owned some of the best residences in the town, but the latter part of his life he lived across the railroad from the southeast corner of the the original plan of the town.<sup>16</sup>

COL. HARDY MURFREE was a colonel in the Revolution and came to this county in the early part of the last century. He owned many thousands of acres of land in the southern part of the county. His grave is on the farm of Mr. Samuel Cannon. Murfree Fork ran through the tract and is named for Col. Murfree.<sup>17</sup>

COL. GUILFORD DUDLEY was another colonel in the Revolution. He came at an early date with his wife, Anna Bland Dudley, a daughter of Gen. Tom Eaton, and settled on a farm at West Harpeth on the Columbia road. They afterwards built and resided in a residence on the lot afterwards built upon by E. B. Campbell.

COL. TOM WILLIAMSON lived on the Nolensville road and was a colonel in the War of 1812. It has been claimed that the county received its name from this Col. Williamson, but it hardly seems reasonable, as at the time the county was named he was hardly 24 years old, and had not attained to any position of prominence. Moreover, it was almost the

<sup>16</sup> The late Mrs. J.L. Brevard whose uncle by marriage and adopted father was Black Hawk Nichols, son of John Nichols, Jr. said that Mr. and Mrs. Nichols lived in the little house owned by Dr. Ferdinand Stith, known as the Vineyard, it was later the property of Mr. and Mrs. F.M. Lavender. The house, part log and part brick, burned on December 12, 1987. It was located "across the railroad" and in all probability was the house to which Mr. Marshall referred. V.B.

<sup>17</sup> Colonel Hardy Murfree came to Williamson County about 1806 from Murfreesboro in Hertford County, North Carolina. A son of William and Mary Moore Murfree, he was born on June 5, 1752. Col. Murfree's sword worn by him at the battle of Stony Point during the Revolutionary War was on display for many years in the Tennessee Museum. Colonel Murfree owned some 5,760 acres in Williamson County in addition to huge tracts of land in other locations. In 1811, two years after Colonel Murfree's death on April 6, 1809, at the instigation of Captain William Lytle the Cannonsburg, the county seat of Rutherford County, was changed to Murfreesboro to honor Colonel Murfree. The name was made official by the Tennessee legislature on November 29, 1811. Colonel Murfree was survived by a large family of sons and daughters who led distinguished lives in their own right. V.B.

universal practice, at the date the county was named, to name counties for distinguished revolutionary heroes. Gen. Hugh Williamson, of North Carolina, was a man of great distinction for his services in the Revolution. He was also an author and a man of ability, and was greatly admired, especially in North Carolina. There can be no doubt that the county was named in honor of Gen. Hugh Williamson. He was surgeon-general of North Carolina during the revolution and wrote a history of that State.

JESSE BENTON, who as a boy lived at Leipers Fork, moved to Franklin and had his home on Main Cross Street at the place occupied later from time to time by Maj. Wm. Johnson, Mrs. Carter, Newton Cannon, and John W. Baugh. His more distinguished brother has already been mentioned.

It is beyond the scope of this writing to give any great space to the churches, as it is better to pass them over briefly than to attempt a history that must prove incomplete. However, a few facts and prominent persons may be mentioned. The Methodists appear to have been the first in the field. A story is told of a man hearing some large object crashing through the cane at a great rate. He was sure it was a bear, was frightened and almost gave himself up for lost. The only weapon he had was a jack-knife, and this he drew, but soon discovered it was a Methodist preacher on his rounds. The records show that when the town was first laid out a lot was set apart for a "meeting-house," just outside the plan, on First Avenue, or Mill Street, opposite the eastern end of Church Street. This was for the Methodists; as they then called their churches "meeting-houses." There was another meeting-house located on the River road somewhere near Otey Walker's place and often referred to as early as 1802. But their ministers moved rapidly from place to place, and hence are not so well remembered as some others. There were not many preachers in this locality in early days, and those that were here had many scattered charges. In 1830 the census gives only three preachers stationed at Franklin, though the county had as many people as at this day.

REV. GIDEON BLACKBURN was one of the greatest pulpit orators the county ever had and made such an impression that his memory has not yet passed away. He seems to have been a man of real ability and as much admired in New York and Philadelphia as he was here. He was born in Augusta County, Virginia, August 27, 1772 and established the first Presbyterian church in Franklin June 8, 1811. He preached at Franklin about every fourth Sunday until 1823, when he went to Louisville, Ky., and died at Carlinville, Illinois, in 1838, aged 66 years. His church was in the area now called the Old Cemetery; but whether it fronted the south gate of the cemetery, or was north of the new west gate, is a disputed matter. Wherever it was it was built before the



town covered that area, and the lot on which it stood fronted on a county road that ran in a direction from the little rock bridge straight toward the public square. The new church lot on Main Street was bought in 1842.

BISHOP SOULE resided in Franklin for a considerable part of his ministry and his residence was on Cameron Street near the Masonic hall.

BISHOP OTEY was a citizen of Franklin and practically organized the Episcopal Church in Tennessee. He was the first Episcopal bishop of the diocese of Tennessee and established this church in Columbia, Franklin and other places. He was a man of fine education and made his living by teaching school. He conducted the Harpeth Academy for many years.

HARPETH ACADEMY was chartered in 1806 and was a very highgrade school. Its first building stood on the present Del Rio Road on the rise just beyond toll gate. The Academy removed to Franklin to a building on the east side of Main Street between the present residences of N. B. Dozier and N. C. Perkins. The corporation line was the northeast border of its lot from 1852 to about 1901. Wm. C. Hasbrouck, who went to New York and became a prominent lawyer, assisted Bishop Otey part of the time. A few years before the civil war Harpeth Academy removed to its new enlarged building on the ground now occupied by the colored people's cemetery and just north of Mt. Hope Cemetery. It was burned by a Federal detachment and the brick and stone were used in constructing the magazine in Ft. Granger. Fifty years later the government paid \$4,000 damages, which is to be used for educational purposes.

## XXI

### NOTABLE CRIMINAL TRIALS

It has been stated that the county grew rapidly in population. It had 13,000 in 1810, nearly 21,000 in 1820 and over 26,000 in 1830, this last number being greater than the present population. Very able lawyers and doctors developed, owing to the volume of business which was much greater than it is now for both professions. The negroes were a source of considerable revenue to the legal and medical profession, as their masters would pay fees because of interest or sympathy, or both. Considered from the standpoint of interest, it is sufficient to say that in 1855-60 the slaves of Williamson County had a value of over \$6,000,000.

There were several notable criminal cases against negroes, but before they are mentioned it is well to say

that they were looked upon merely as the acts of depraved individuals and did not produce enmity against the race, it being well recognized that the negroes were, and are, not criminally inclined as a race, and that they behaved remarkably well during the civil war.

The first notable case, however, tried in the Circuit Court at its first term (1810) was the State against Magness, for the murder of Patten Anderson. (Note) The following sentence is marked out on the book: Nothing seems now to be known about either Patten Anderson or the Magnesses, who were charged with his murder, and history can deal only with the bare records. (Note: the following appears on the margin: A history of the murder is given in Parton's Jackson, and will not be repeated here.) David, Perry, and Jonathan Magness were indicted, but the cases were severed. David Magness was found guilty of "malicious slaying," and condemned to be branded with the letter M and to lie in jail "at Nashville" until all costs were paid. Perry and Jonathan were acquitted. Judge Stuart would not allow these prisoners to be kept at Franklin, the jail being insecure. He kept them at Nashville, and sent the convicted man to the Nashville jail.

About 1850 a negro named Dick was sentenced and hanged in a field used as commons near the Columbia Road and not far from the place where Hon. Atha Thomas afterwards lived. Dr. Stith was a man of scientific turn and experimented with the body with electricity. He was able to cause the muscles to twitch and a report spread that he had revived the dead man. It was reported that a tube had been placed in the man's throat before he was hanged, which prevented any dislocation of the bones or strangulation. There was "nothing to it," however, and the man was pronounced dead, after much excitement had spread over the town about it.

At 11 o'clock at night on Sunday, February 24, 1850, the town of Franklin was aroused by the news of a frightful double murder. John G. Eelbeck and Wm. P. Barham, two prominent young men, were lying in the street dead, one in front of the Presbyterian Church and the other about fifty yards away. They had both been stabbed to the heart with a large, sharp butcher's knife, and their bloody bodies lay exposed to the light of the full moon that shone overhead. No one had seen the murder committed except several colored people, chiefly women, who had seen three men together at some little distance, and had seen them separate and the two young men fall at the places where they lay. There was great excitement naturally and only one of the women was near enough to recognize the slayer in the moonlight. From all the circumstances of the case it was evident that Henry Bennett, a negro, was the murderer, and he was arrested the next day. It is of great interest to note the jealousy with which personal liberty and legal rights were maintained.

Here was a case in which two prominent young men had been brutally slain in the night time by a slave who at the time was on his way from robbing a smoke-house, yet the slave was legally brought to trial and given every right, though his guilt was certain. Two first-class attorneys, John Marshall and R. C. Foster, were appointed by the court to defend, and did defend with vigor and without pay, and as it was a death sentence, the case was carried to the Supreme Court. It is reported in 2 Humphreys, 224. The attorney-general and D. Campbell and S. Venable prosecuted. The murder took place about fifteen feet from the sidewalk on the crossing from the Presbyterian Church to the Dietrich corner (then occupied by McConnell). Henry Bennett was a strong, squatty negro with a beard. He had been a butcher but at the time was employed in a tanyard near the Henry Scott corner, and his wife lived at McConnell's. It was Sunday, and on that day he had cut a stick that was seen and noticed by several persons, and two different negroes had been seen with a butcher knife in the inner pocket of his coat. That night he stole four hams from the home of Woodson Harrison on Main Street, and these he carried on the stick which he carried over his shoulder as he crossed Main Street to the Presbyterian corner. At this time he was seen by Eelbeck and Barham, who stopped him on the corner toward the McConnell house. He dropped the hams and drew the knife and stabbed each of the young men once. Barham, after being stabbed, ran a few yards down Main Street, but Eelbeck pursued the murderer, who fled out the Columbia Pike toward the tanyard. Eelbeck had Henry Bennett's stick in his hand when he fell within a few yards. Henry slipped back to his wife's room and pretended to be sound asleep in bed. He was hanged in Nashville.

Another trial, which occurred also in 1850, was the case of "The State against Ann and Tom," both slaves. Ann was only 15 years old, and was an ignorant girl who had been taken from the negro quarters to wait on a child five weeks old, the daughter of a prominent planter. The mother of the baby went out of the room for fifteen minutes, and in her absence the negro girl gave laudanum to the child, from which it died in four hours. It was proven in this case that Ann gave the laudanum to the child only to cause it to sleep, and she said that Tom had told her to do this. It was also proven that the master and mistress had instructed Ann not to give anything to the child. On the trial the circuit judge charged the jury that if they found that Ann had administered the drug when ordered not to do so, and death resulted, it would be murder. She was sentenced to be hanged, but Tom was acquitted. The cases was appealed to the Supreme Court reversed in the case and held that it was not murder, as Ann had no knowledge of the danger and no intention to do any injury; and that it could not be more than manslaughter; and manslaughter was a case to be tried by three justices and nine freeholders, and not by the

Circuit Court. It seems that Ann was not tried again after this reversal. John Marshall and Figuers were the attorneys for the defense.

One of the local tragedies of the Civil War was the murder of William Wright. Wright lived on the Nashville pike in front of the present N. N. Cox residence. He was a poor farmer and a justice of the peace. When Gen. Bragg moved into Kentucky all the Federal troops were removed from Tennessee, in September, 1862. A brigade of Federals being on its way north by way of Franklin, Wright took his wagon and team to the woods which then overspread the country between the Murfreesboro and Liberty Roads, in order to hide them. He took his negro man, Henry, with him. Henry killed Mr. Wright with an axe, and dragged the body to a straw stack, where he hid it. He then drove away with the wagon, accompanying the Union troops, but before long was so conscience-stricken that he drove back to the vicinity. He was bound over to court and was placed in jail. After some weeks, it being learned that the Union troops were returning from Kentucky, and it being feared that they would release him, a company of Confederate scouts took him from the jail and hung him.

The scouts acted under the idea that they were executing the law. The man had confessed the crime, was unquestionably guilty, and had been tried by a magistrate, and the Circuit Court had been broken up. There was no Circuit Court from November, 1861, until July, 1864.

March 10, 1862, was the day for the court to meet, after the Fall of Fort Donelson, and on that day the sheriff, Hezekiah Hill, and the clerk, M. L. Andrews, opened the court, but the judge, Nathaniel Baxter, was not present. They adjourned from day to day three days, and then adjourned to court in course. The same course was pursued on April 28. On October 27 neither the judge nor the sheriff was present so the court was opened by Lemuel Farmer, coroner, and M. L. Andrews, clerk, who carried it over three days. No business was done at any of these meetings. Andrew Johnson had been appointed Military Governor, and he ordered John W. Miller to hold an election for county officers on the first Saturday in March, 1864, and at this election M. L. Andrews was elected clerk for a term of four years. Johnson appointed M. M. Brien, a Nashville lawyer, to be circuit judge for Davidson and Williamson Counties, and he opened court at Franklin on July 12, 1864. He did very little civil business but disposed of a great many criminal cases. The dullness in business seemed to have invited the few who remained here to the card table. It is surprising to see how many sci-fas were on the docket of Judge Brien, showing how many persons who had had cases in the court had died within the two and a half years when there was no court.

The greater part of the time from March, 1862, until the close of the war the courthouse was occupied by the military authorities for offices and guard-house. It was fortified by having each window blocked by two broad, thick stones with a horizontal opening for a porthole. In the summer of 1864 a camp-follower was arrested for some offense in the grand jury room. He fell out of the window and was killed.

THE WATERWORKS SYSTEMS OF FRANKLIN -- ALSO  
RAILWAYS, TURNPIKES, LIGHTS AND SIDEWALKS

The first organized effort to protect the town of Franklin from fire was about ten years after the town was started. The spring, afterwards known as Dempsey's spring, was given to the town by Abram Maury, and an ordinance was passed requiring every man to provide himself with two good leather buckets. When a fire alarm was given the men were required to arrange themselves in a double line from the fire to the spring, so that the full buckets could be passed along from the spring to the fire, and the empty buckets passed back along the other line, in the way of an endless chain. It was thought that in this way buckets of water could be thrown on the fire almost as fast as if there were a tank right at hand. Of course a certain number of men were designated to go on the roofs or into the houses to receive and apply the water.

The next system was to pipe water by gravitation from a spring on higher ground than the town. This spring is situated on what was later the Andrews farm and is the source of the small branch which runs into Sharp's Branch from the west between the Carter's Creek and Boyd's Mill Pikes. The water was piped through cedar logs, bored lengthwise and buried underground, and thus the water was brought along Main Street to the square. Not much is known about the results of this system. Some of the remains of these pipes have been dug up within the past few years. The work was crude and apparently was not long in use, but the idea was similar to the water system now in use.

At a later date the town purchased a hand engine at considerable cost, and constructed four large cisterns. One of these cisterns is on the public square near its northeast corner; another is in the back part of the yard of the courthouse; another is within the yard of the Ab Moss (now Misses Watson) place; and still another on Mr. Bradley's place. With regard to the two cisterns on private property, it was agreed in case of need the corporation could remove fences and gates to get at them. The engine was a good one and about equal to any such engines of its day, and could throw an inch and a half stream over any of the houses. It often did good work and prevented many conflagrations; but it was a hand engine with a long pole on each side, requiring the united muscles of forty men to work it to the best advantage. The main trouble was that there were not fires enough in the town to keep up the organization and practice of the fire companies, and to cause them to keep the engine and hose in order. It was so long between fires

that when one did occur the rule was to find the engine rusty and with shrunken values and the company more or less disorganized. AFTER the fire there would be a reorganization and an overhauling of the engine, illustrating the old adage about locking the stable door AFTER the horse was stolen. It was not very long after the war that it was found that it required more or less whiskey to make this fire engine work and do its duty. Many of the colored people, and not a few of the white people, found that they could not work satisfactorily without the liquid which they considered to be a stimulant. Not a little of the stock on hand was used up in this way whenever a fire occurred. It is evident that if this engine were still in use the board would have to find some other ways and means to get the necessary fifty or hundred men to work.

During all of this time and up to 1905 there was no sewerage, nothing but open gutters to catch the rain-fall, and no water for baths, cooking, or drinking, except what was drawn from wells or the springs, and none for sprinkling except what was hauled from the creek.

In 1905, under authority of an act, a series of bonds was issued, dated July 1, 1905, bearing four and a half per cent interest annually, half of which is payable every six months. These are waterworks bonds. At a later date additional bonds were issued for waterworks, sewers, etc. The total issue is \$100,000, and in the market brought a small premium. Thus the interest charge is \$4,500. Land with fifteen springs in the hills at distances of seven to ten miles was bought, and the water piped to a 500,000-gallon storage reservoir. From the place the water is brought to a 105,000-gallon steel tank having an elevation of eighty feet. Through the mains the water is distributed to residences and business houses at fixed charges. There is a good sewage system and a servicable septic tank. There are seventy fire plugs. The revenues from the system are about \$7,200 a year, being a surplus of \$2,700 over interest. The operating expenses are much under \$2,700, so that the plant is a very good asset. There is a well-disciplined volunteer fire company, and no fire has ever gained any headway since it was organized.

The natural course of this chapter had drawn the discussion from older subjects to matters of the present, and this being the case it may be as well to speak of other improvements in or concerning Franklin which directly affect the town at the present time.

The electric lighting plant was established about twenty years ago and was and is under private management. The corporation simply pays so much for the public rights on streets and in public buildings, and the operating company charges patrons for service. The origianl power plant was

in Franklin and was the property of David Farr, who operated it for a number of years. Some years ago the business was acquired by the Harpeth Electric Light & Power Company, with which Franklin now has the contract. This company gets its current from the Tennessee Power Company, which gets its power from the Tennessee and Ocoee Rivers.

Franklin's transportation is by means of turnpikes, railways, and interurban electric line.

The turnpikes have already been described, but since the chapter relating to them was printed, the county has bought the Carter's Creek Pike from Franklin to the Maury County line. It already owned the Hillsboro Pike, and has just finished a fine macadam road from that pike at Bethlehem Church to the vicinity of Franklin, having connection with the Carter's Creek Pike. So the county has a free through pike from north to south via Franklin.

Of steam railways, Franklin is on the Louisville & Nashville, built through this point in 1855, and the second track of that railroad, recently completed, runs through the county east of Franklin from Brentwood on the north to Allisona on the south. The Middle Tennessee railroad, an independent line, runs from Franklin to Mt. Pleasant, a distance of about thirty-five miles. This road also operates its engines from Franklin to Nashville on the Interurban.

The Nashville & Franklin Interurban railway was gotten up and constructed several years ago by Mr. H. H. Mayberry, a native of Williamson County, backed by a strong company. It is an electric line, the current of which is furnished by the Harpeth Electric Light & Power Co., which obtains the current in the same way as it does in the case of the lighting contract.

Within the last ten years Franklin has put down a large amount of granatoid sidewalk, of which it probably has more than any other town in the state of similar population. It is of a first class quality and width and totals 50,000-linear feet of an average width of seven feet. It is not meant to express approval of the compulsory building of so much sidewalk, but it is here, and adds to the comfort of the town.



## NEWSPAPERS

It has been a question as to when the first newspaper was published at Franklin. The earliest date to which anyone has in recent years been able to point with any certainty is the year 1820. The file that was kept by the Review-Appeal, which was so unfortunately destroyed by fire in 1892, ran back to 1825. The paper just alluded to had not been so named except from about the year 1890, when the "Appeal" was bought out by the "Review and Journal." In like manner at a previous date, about 1882, the Franklin "Review" was being published, and likewise the "Williamson Journal," the latter edited by Burke Bond; the latter paper was taken over by the former and the name became the "Review and Journal." Similarly, from time to time, new papers have been published in Franklin and consolidations have taken place. It has been said, on what authority it is hard to tell, that the earliest date of a newspaper at Franklin was about the year 1813. The writer has a rather clear recollection of having seen a part of a newspaper, embracing the title and date line, pasted in the back of one of the county's old tax books, and the date was 1813. But the writer is aware that the recollection of anything seen so long ago is too unsafe to base a statement of fact upon; still he recalls that he was much impressed by the scrap of paper, and hopes that it may be rediscovered and that the fact may be thus better established. This early paper seems to have been called the "Franklin Review." The name shown by the file in 1825 and for many years following was the "Western Weekly Review." It was edited for many years by James Hogan (or "Jimmie" Hogan), and for many other years by Don Cameron. The paper was owned and edited subsequently by Natus J. Haynes, then by Thomas E. Haynes, assisted at times by T. W. Dick Bullock; then by M. L. Andrews; then by P. E. Cox; then by McCorkle & White; then by the present owners.

But the oldest date for any paper of which there is clear evidence is the year 1816, and the paper was the "Independent Gazette," published by C. A. Harris. Mr. Halley, of the book store at Nashville, has a file of this paper beginning with Vol. VI, No. 4, November 10, 1821, and running to 1824, the date and volume showing that the paper started in October 1816. Now in State Archives Nov. 1919. It is a four-page paper, ably and intelligently edited and printed. The proprietor and editor of this paper-- C. A. Harris-- was afterwards associated with Abram P. Maury in conducting the Nashville "Republican."

There were several newspapers started and run for some time before the Civil War, but the different papers would unite or consolidate. After the war there was a small humerous paper published by several citizens, called "The Corner Ring," it was suspended as soon as all their wit was exhausted. About 1878-'80 the "Williamson Journal" was edited by Burke Bond. The "Progress" was the next paper and ran several years, edited by R. H. Watkins, and then by E.

B. Campbell and W.T. Turley. Its name was then changed to the "Weekly," which was run several years by John W. and Brodie Baugh, after which the outfit was sold and removed.

The next paper, 1889, was the "Appeal," conducted by a newcomer named Owen. It was also run for a short time by T. P. deGraffenreid.

The fruition of all the local journalistic endeavors and experiences of these one hundred years may be said to be the "Williamson County News," which was launched May 27, 1897. The news has met with good success and had met with public support from the beginning, under the proprietorship and editorial management of R. S. Owen. Much more could be said in detail of the history and policy of the News, but it is here to speak for itself every week in the year, and its subscribers and readers are as competent to judge of it as the writer is. In a business way it has proven a success and its patronage shows that it is meeting now, as it has met in the past, with the approval and support of the public.

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#### XXIV

#### THE INDEPENDENT GAZETTE

The oldest newspaper published at Franklin of which any copy now exists was the "Independent Gazette," of which Dr. Halley, of the book store at Nashville, has a bound file beginning November 21, 1821, and running through 1824, two papers, January 12 and 17, 1822, missing. The first copy is marked Vol. 6, No. 284, so that the first publication must have been April, 1816. It has been asserted that there was a paper as early as 1813, but it is somewhat uncertain. It appears that the "Independent Gazett" was originated by A. Van Pelt, for Van Pelt advertises for all persons owing him for subscriptions and advertisements to come forward and settle. William McGee advertises that he has sold out his interest in the printing office and desires that all accounts be paid. Carey A. Harris had purchased the paper and the first copy under him came out November 24, 1821. It thus appears that before C. A. Harris bought the paper it was edited by A. Van Pelt, and that Wm. McGee was interested in the job work. After the date of this file C. A. Harris and Abram P. Maury operated the Nashville "Republican," which was started with the year 1825.

There are many things in this old paper to interest the readers of this day. It contains the announcement of the reopening of Harpeth Academy, and says, "the Academy is again in operation under the tutelage of Mr. J. H. Otey,"

(afterward bishop), "a graduate of Chapel Hill College, North Carolina." This was when the new building was put up within the town. The curriculum is published, bristling with Latin, Greek, Philosophy and Mathematics.

The female school was taught by J. N. Blackburn in the house before occupied by Mr. Dugger on Main Cross Street.

William Smith was Circuit Court Clerk, Thomas Hardeman County Court Clerk, Thomas Ridley, and later Wm. Anthony, was Sheriff, and B. W. Lane, deputy sheriff.

G. Hunt was ranger, William Clark was jailer, R. P. Currin, postmaster.

Gideon Blackburn was the Presbyterian preacher, and Methodist preachers were, first H. H. Brown, and afterwards Robert Davis.

Dr. Edward Breathitt was Mayor of the town, and E. Cameron Recorder.

B. S. Tappan was captain of the Independent Blues, and James Park orderly sergeant.

B. S. Tappan was captain also of the fire company. James S. Clemm, Eli McGan, Wm. E. Owen, James Park, and W. G. Dickinson were "fire-masters."

Dry goods merchants were J. Stewart & Co; they were a Nashville firm with a branch at Franklin, and dealt in cotton also. Also Dr. Samuel Crockett, John McAlister, R. W. H. Hill (Harry), E. G. Clouston, (dry goods, groceries, etc.) W. E. Owen, Andrew Campbell, Tappan & Banks, composed of B. S. Tappan, W. Banks, and J. M. Banks, who had general merchandise stores in Franklin and elsewhere, and were succeeded by Tappan and J. M. Banks; and later this firm was B. S. and E. S. Tappan. Also L. & J. Thompson were merchants.

Samuel Crockett and Ferdinand Stith were doctors, and F. H. Badger was a dentist. Thos. H. Perkins and George Brooks ran a tanyard on the street leading to the old Presbyterian Church. W. D. Taylor was a chairmaker.

A. L. Martin and M.W. Campbell were lawyers.

The announcement of the opening of the large cotton factory by Thomas Parkes and Andrew Campbell is made in this paper.

Samuel F. Glass made fine felt and silk hats; James Park was also a merchant hatter. Henry Eelbeck was a carriage-maker, and married Miss Sarah Williamson July 24,

1823. Henry L. Gray kept a book store. Stewart & Charter dealt in sugar, coffee, salt, iron, etc. Hiter & Thompson were clock and watch makers and gold and silversmiths; they were bought out by Thos. A. Thompson.

Miles Priest, Jas. W. Currey, Jas. E. Clemm, and J. Farrington were blacksmiths, the last being also a gunsmith. Jos. S. Hamilton and George B. Meeks were tailors.

David S. Davis had a distillery and brewery on Harpeth River near Franklin, but the tract was sold out under Chancery Court decree.

Michael Doyle was a negro whose liberty was bought by certain citizens and he did chores and worked a garden; his wife, Melissa, was a caterer and was set free by her mistress.

The most of these persons merely appeal to debtors to pay their accounts, and in this way their names appear in the newspaper.

There are many queer advertisements; for example, Dr. Stith says that someone took from his office a book called "Johnson's Civic Life." Abram P. Maury asks that a subscription be taken up to compensate Mr. Ragsdale for the EXECUTION of his negro Jim.

And here is an example of many:

AS HE RUNS, LET HIM RUN.

One cent reward will be given for the apprehension of James Morean,

an indented apprentice to the shoemaking business, about 18 years of age, who eloped about 1st Sept. last, and no thanks will be given for the delivery of said boy to me.

I. R. THWEATT

David Berry, age 18, ran off from Samuel Word, a carpenter; the reward is to be one cent and an old jack-plane bitt.

It looks as if all the apprentices had a conspiracy to run away at the age of 18, and judging from the foolish revenge their masters took it rather seems they acted wisely.

There are ads and notices of other kinds. Lieut. John M. Maury was buried August 9, 1828. Webster's Spelling Book was newly printed.

Hiram Lodge was called to meet on St. John the Evangelist's day, by (the everliving) B. S. Tappan. The Bible Society was called to meet at the Methodist Meeting-house January 9, 1822.

The lease on Franklin Inn, also all the furniture, bedding, etc. were sold for debt January 7, 1882. But Thomas L. Robinson makes it known on December 29, 1822, that he is going in the business of running the Inn again. Every week the postmaster threatens to send about two hundred letters to the dead letter office, and the list shows that these letters are often addressed to the very men who advertise in the same paper, sometimes to county officers. Perhaps the postage of 25 cents had not been prepaid.

Mark L. Andrews and John Ragsdale were executors of Edward Ragsdale; Charles A. Dabney, Atkins McLemore, and Peggy S. McLemore, of Robert McLemore, and Samuel Crockett was administrator of Sterling Wheaton.

Henry A. Burge lost his pocket-book. They were remarkable people for losing papers. They often carried them in their hats; also (outside of this newspaper) it may be said that there were scores of grog-shops and that may explain some of the losses. There is not a grog-shop ad in the paper; they didn't need it. There are no requests from them to pay accounts, they did not give credit.

It will be understood that the main reason for nothing much of the foregoing is merely in order to give the names, and only the names given in the Gazette are here repeated.

Perhaps the most interesting thing in this old paper is the publication in full of the ordinance dated January 22, 1822, creating the fire company and making rules and regulations for work at fires. It is nearly two columns long. It makes all residents between 15 and 55 years of age members of the fire company, prescribes a kind of helmet to be worn and the lettering and colors for the same. It imposes fines for failure to attend drills or fires, and provides for officers and assignments to different duties at fires. It refers to a fire engine (before the one recently discarded), and says that the most of the citizens shall be formed into a chain with buckets so as to keep the engine supplied with water; it is plain that the engine required to have water poured into it from buckets. Every house where people slept was required to have a two gallon leather bucket hung up in each story, on penalty of \$5 fine. Axes, ladders, and other kinds of implements were prescribed. The names of the officers have already been given.

The file is now owned by the State Library.

## GOVERNOR, CONGRESSMAN AND LEGISLATORS

Only one citizen of Williamson County has held the office of Governor-- Newton Cannon, from 1835 to 1839. John P. Buchanan, who held the office one term, was reared in the county, but was a citizen of Rutherford when elected to the office.

The county has produced but one U. S. Senator-- John H. Eaton, 1819-1829.

Felix Grundy, 1829-1838, and 1839-1840, and John Bell, 1847-1859, had both resided at Franklin, but removed to Nashville, and they both served in the National House of Representatives before being sent to the Senate.

Those who have served in the House of Representatives were Robert Weakley, 1809-1811, Newton Cannon, 1815-1817, and 1819-1825; Abram P. Maury, 1835-1839; Meredith P. Gentry, 1839-1843, and 1845-1853; he also served in the Confederate Congress; N. N. Cox, 1891-1903.

## MEMBERS OF THE LEGISLATURE

Robert Weakley and Seth Lewis were in the Legislature of 1796 from Davidson County before Williamson County was formed; they became citizens of the latter county. Weakley was a member in 1797 also; also, in the Senate in 1799-1801. Wm. Neely was a Senator in 1799. Robert Edmondson was a member of the House in 1801 from Davidson. It appears that though Williamson was formed in October, 1799, it was not at once separated from Davidson in electing members; at least it is not mentioned separately, but the men mentioned above belonged to Williamson, either then or soon after.

Senate of 1803, Williamson and Davidson, Robert Weakley; House of Representatives, with Davidson, Chapman White.

Senate, 1805, jointly with Davidson and Rutherford, Abram Maury.

House, same three counties, Nicholas Tate Perkins and Chapman White (with R. C. Foster from Davidson).

Senate, 1807, jointly with Rutherford, Nicholas Perkins; House, Chapman White.

Senate, 1809, jointly with Rutherford, Maury and Bedford, Thomas H. Benton; House, Frierson of Maury.

Senate, 1811, jointly with Bedford, Rutherford, Maury, Lincoln and Giles, Newton Cannon.

Record of 1813 missing.

Senate, 1815, Nicholas Perkins; House, Thomas T. Maury.

Senate, 1817, John Bell; House, Col. William Martin.

Senate, 1819, Joel Parrish (resigned), then Abram Maury; House, William Martin.

Senate, 1821, (from Davidson); Houses, (from Davidson).

Senate, 1823, Robert Weakley; House, Abram Maury, James G. Jones.

Senate, 1825, name omitted, but thought to be Newton Cannon; House, William Martin and Samuel Perkins.

Senate, 1827, Newton Cannon; House, Wm. E. Owen.

Senate, 1829, with Rutherford, Newton Cannon; House, Wm. E. Owen and R. C. Foster, Jr.

Senate, 1831, (Rutherford); House, Abram Maury.

Senate, 1833, (from Rutherford), House, William Martin, R. C. Foster, Jr.

Senate, 1835, W. G. Childress; House, M. P. Gentry, James Hogan.

Senate, 1839 (?), John Marshall; House, M. P. Gentry, James Hogan, Jr.

Senate, 1830 (?), John Marshall; House, R. C. Foster, Elijah Thompson.

Senate, 1841, R. C. Foster, Jr.; House, Nicholas Perkins, R. W. H. Bostick.

Senate, 1843, Wm. H. Sneed; House, A. P. Maury, Joel Walker.

Senate, 1845, A. P. Maury; House, S. Venable, R. W. H. Bostick.

Senate, 1847, \_\_\_\_\_; House, James Robinson, Frank Hardeman.

Senate, 1849, R. W. H. Bostick; House, Elijah Thompson, P. G. S. Perkins.

Senate, 1851, \_\_\_\_\_; House, D. Campbell, Frank Hardeman.

Senate, 1853, W. O. N. Perkins; House, W. M. Nunn.

Senate, 1855, \_\_\_\_\_; House, Ed C. Cook.

Senate, 1857, W. L. McConnico; House, C. W. Beale.

Senate, 1859, \_\_\_\_\_; House, William Ewing.

Senate, 1861, W. H. S. Hill; House, Samuel S. House.

Senate, 1865, \_\_\_\_\_; House, A. W. Moss.

Senate, 1867, \_\_\_\_\_; House, D. M. McFall.

Senate, 1869, D. M. McFall; House, Atha Thomas, W. O. N. Perkins (Speaker)

Senate, 1871, \_\_\_\_\_; House T. F. P. Allison.

Senate, 1873, T. F. P. Allison; House, Burke Bond.

Senate, 1875, \_\_\_\_\_; House, Samuel Perkins, B. B. Toon.

Senate, 1877, W. D. Fulton; House, F. M. Lavender.

Senate, 1879, \_\_\_\_\_; House, T. E. Haynes, H. P. Fowlkes, (Speaker)

Senate, 1881, Thomas F. Perkins; House, T. E. Haynes.

Senate, 1883, \_\_\_\_\_; House, Dick Bullock, C.R. Berry.

Senate, 1885, C. R. Berry (Speaker); House, J. B. Johnson

Senate, 1887, \_\_\_\_\_; House, C. C. Ellis, T. B. Johnson.

Senate, 1889, C. R. Berry; House, Park Marshall.

House, 1891, B. W. Bennett.

Senate, 1893, Park Marshall; House, C. C. Ellis.

House, 1895, J. H. Akin, B. F. King.

Senate, 1897, C. C. Ellis, House, C. C. Redman.

House, 1899, J. H. Akin.



Senate, 1901, D. E. McCorkle; House, J. J. Covington.

House, 1903, Douglas Wikle

Senate, 1905, Douglas Wikle; House, W. W. Faw.

House, 1907, H. H. Lane.

Senate, 1909, H. H. Lane; House, J. J. Chrisman.

Senate, 1911, F. C. Russell; House, A. Gibbs.

House, 1913, H. G. Mullins.

Senate, 1915, Tyler Berry; House, John B. Ridley.

House, 1917, John B. Ridley.

Looking back through the vistas of the past and catching sight of the names of such men as Thomas H. Benton, John Bell, Felix Grundy, Meredith P. Gentry and John Marshall in the list of legislators, one is naturally inclined to think that the men of capacity were always chosen in former times, but these men are like the mountains which are seen by the mariner for a long time after the common level of a country has faded from view. In fact, the people sent as representatives many men whom no one could justly say were fitted for the place, but the practice of so doing was not so common as it has been within the past fifteen or twenty years.

James W. Starnes was a physician and farmer at Rudderville. He joined the Confederate army and was colonel of Starnes' Fourth Tennessee Cavalry. During General Dibbrell's sickness Col. Starnes acted as brigadier-general. He distinguished himself greatly as one of Forrest's best officers. He was killed at Tullahoma in July, 1863.

Ed C. Cook was a lawyer and became colonel of the 44th Tennessee, and was killed in Battle in Virginia.<sup>18</sup>

William Shy, lieutenant-colonel of the Twentieth Tennessee, was killed at Nashville.

<sup>18</sup> Edmund C. Cook, Colonel in the 32th Regiment, Tenn. Volunteers Confederate Army, was mortally wounded while in command of Brown's Brigade in the Battle of Powers Springs Road near Marietta, GA., on Wednesday the 22nd of June 1864. He died Thursday night of the 23rd of June. This information was found in the handwriting of his widow, Eliza Maney Cook. V.B.

W. S. McLemore was a colonel under Forrest, and his regiment was the principal force that captured Colonel Streight. After the war he was judge of the Criminal Court and Circuit Court fourteen years.

N. N. Cox was a colonel in Forrest's cavalry, and was twelve years in Congress.

Thomas Benton Smith was colonel of the Twentieth Tennessee regiment and the brigadier-general, and was one of the youngest, if not the youngest, brigadiers in the Southern Army. He was captured at Nashville, and after being carried toward the rear was struck a severe blow on the head. Subsequently he went to the Middle Tennessee Hospital for the Insane, where he still remains. Gen. Smith enjoyed a high reputation for courage and efficiency.

## DR. SAMUEL HENDERSON'S DIARY

Dr. Samuel Henderson settled in Williamson County in the first half of the last century and spent much the greater part of his life-time on his farm five miles southeast of Franklin. He was a physician and farmer, and a successful and highly respected citizen.

Dr. Henderson kept a diary beginning with 1834, in which he made entries in a very brief form. He deals mainly with church and family matters, farming memoranda and notations with respect to extremes of temperature, and high waters in Harpeth River and Five-mile Creek. So, the greater part of the diary would not interest the general public so much as would the various dates and special facts which will here be selected from the rest.

To begin, the years 1842-3 have been chosen. It was certainly a time of "signs and wonders", thought the doctor, being a man of strong common sense, makes no point of this. There were several earthquakes, and a great comet appeared. This was the comet of 1843, always classed as the most brilliant in modern times at least. Then on March 15 the snow fell to an average depth of 18 inches, and the temperatures ranged around zero for many days. Four or five inches of snow fell on March 19, and other snow came on the 28th.

The writer, when a boy made inquiry of old citizens about this snow, and found that Mrs. W. J. Cummins, Col. John McGavock, Mr. H. S. Ewing, and Barnett R. Hughes, Esq., had either measured it or seen it measured, and they severally placed it at from fifteen and a half inches to sixteen and a half inches. The writer did not know at that time that a second snow had fallen on March 19. It seems that there was snow all through the springtime. Mr. James M. Gault said that there were said to have been patches of snow under rock shelters in the South Harpeth hills as late as June 1. No war occurred, and usually fine crops were produced that year, some said the land yielded double quantities.

In 1892 the snow culminated on March 17 with twenty inches, but it remained only a few days.

## DR. SAMUEL HENDERSON'S DIARY.

Winter 1842-3 unusually cold; in January and February had several shocks of earthquake; 1843, January 7, snow fell to an average depth of 9 or 10 inches.

March 10, a comet was discovered above the horizon with a tail 47 degrees extending from southwest to the east; 15th, snow fell to the average depth of 18 inches - uncommon depth for this country; 17th the thermometer below zero early in the morning, only 4 above at 8 o'clock; 18th thermometer as low as zero; some snow; 19th; snow fell to the depth of 4 or 5 inches; 24th; thermometer as low as 10 early in the morning; 26th, the ground covered with snow to a considerable depth; 27th, large quantity of rain fell -- melted the snow; 28th, some snow fell; more unusually cold weather than I ever witnessed at this season of the year. Very cold the greater part of the winter.

April 1: the comet is disappearing: The tail can scarcely be discovered with the natural eye; extending from S. W. eastwardly across the firmament; 11th, at night, in a shower of rain, appeared a yellow sediment next morning having the appearance of sulphur.

(Note: This last is known to have been pine pollen from Southern Forest.--Ed.)

August 15, 1844: Democrats had a large convention at Nashville; 3,200 persons are said to have marched in line.

August 21, the Whigs had one of the largest conventions in Nashville ever held; 212 volunteer companies, making nearly 7,000 volunteers in uniform, attended.

August 22, the thermometer rose to 92 degrees, and political excitement is as hot as the weather.

September 24, 1846: Steam Doct. Towell murdered Steam Doct. Ellis by shooting him from an upper window or door across the street in Franklin.

December 27, 1847: helped to inter the remains of Dr. McPhail in Masonic order after they were brought from Mexico.

January 8, 1848: Assisted in burying Nicholas Perkins, Esq.

July 23, Abram P. Maury died and was buried the following day.

February 24, 1850: Sunday night about 10 o'clock William Barham and John Eelbeck were killed in the street in Franklin in attempting to arrest a man, supposed to be a negro, with stolen bacon, by being stabbed each in the breast with a large knife; 25th: old Mr. John Parkes was killed with a sweep when prizing tobacco, by accident.

1851: Just finished delivering my crop of cotton, 15,103 pounds, \$450.03; May 2: This morning there was a heavy frost and hard freeze, destroying vegetation, killing corn, cotton, fruit, and even the leaves on some trees.

November 16, 1852: Sometime in July last the railroad company was organized, and began to work on railroad between Franklin and Nashville November 26; December 8, John McAlpin finished laying brick of the seminary.

February 22, 1853: Dr. Hughes and myself have undertaken to grade and do the masonry on the railroad through Franklin. March 3, we first began to move dirt; August 22, I first observed a comet setting in the west with its tail upward; April 16, very cold; on the next day, heavy snow storm; 18th, frost; 28th, turned quite cold; 29th and 30th, killing frosts.

May 12, 1854; P. J. Stiver Perkins was shot today by young man Shy. It will likely be fatal. (But it was not--Ed.)

October 8, 1858: My birthday, and the close of the fair at Franklin. The comet is beautiful, and had been for the last week or two. It now sets in the west about 9 o'clock at night. The new Douglas Church was dedicatead by Revs. D. D. McFerrin and Huston October 17, 1858.<sup>19</sup>

The first company of volunteers under Hanner and House to go into camp left Franklin May 18, 1861. Capt. Waggoner's company of Irishmen left Franklin June 1, about midnight. Company under the command of Capt. Carter left June 3 at noon. Capt. Buchanan's company left the same day.

February 16, 1862: Sunday morning, the battle of Fort Donelson, near Dover . . Gov. Harris left Nashville, and many of the citizens; February 23, the Federals entered Nashville and took possession of the city . . .

March 14, large freshet; Big Harpeth is said to be higher than it has been in forty years. March 16, the Federal army pass through Franklin; 10,000 or 12,000 passed today; 18th, 7,000 or 8,000 passed today.

April 11, upward of 40,000 Federal soldiers have passed through Franklin.

<sup>19</sup>The Douglass Church, a large brick building, was located at the corner of Douglass Road (now Henpeck Lane) and Lewisburg Pike. Named for Rev. Thomas Logan Douglass, whose home still stands nearby, it was destroyed by a tornado in 1920. V.B.

September 26, Little Bill ran off; gone to the Federals at Nashville, as I suppose.

November 13, the Franklin turn-pike bridge across Big Harpeth was burnt this morning about 1 o'clock by the Confederate cavalry; my boy Jack with John Hughes' Isaac and Adam and two boys from Dr. Hughes ran off last night, etc.; November 20. I am told that the Little Harpeth bridge was burnt by Confederate cavalry about 18 inst.

1863, the diary gives an account of the Federals taking all the horses, mules, meat, feed, and remaining negroes.

1864, June 19, 6 a.m. an earthquake accompanied by loud rumbling.

November 29: Federal cavalry when falling back to Nashville of about 4,000 formed line near my house and looked for an attack, they took my gray horse and work mule.

December 30: mentions the battle of Franklin and Nashville.

May 12: Frost last night that killed a great part of my cotton, beans, cucumbers, etc. The doctor gives a good many readings of the thermometer during 1872, 1873, 1875, and 1876 especially giving the maximum and minimum temperatures. It would have been better if he had given the temperature every day with the hours. For 1872-3 he gives 32 days below freezing; lowest 4 degrees on December 22. For 1875, in January and February, he gives 26 days below freezing, on January 10, at zero; 1876-7, he also shows very cold. His hot days were: 1874, June 27, 97 degrees; 28th, 98; July 3, 95; 4th, 98; 5th, 96; 6th, 100; 7th, 101; 8th, 101; 24th, 98; 26th, 97; August 10, 102; 11th, 104; 12th, 103; 13, 102.

## THE CIVIL WAR. (1)

The County of Williamson, in February, 1861, voted heavily against a convention, which convention, if held, meant war. The people of the State earnestly desired to avoid war, to maintain, along with Kentucky, a neutral position, and to adopt and apply peaceful remedies, if possible. In this the Governor and others holding office concurred. This county was strongly of that way of thinking. The people did not wish to fight on either side; they did not wish to fight the northern states, and they did not wish to fight the southern states, though they believed their interests were identified with the latter, as their sympathies were.

Then came the fatal act that compelled this State to decide whether or not it would take part in favor of the northern states in a war against those southern states which had seceded. Lincoln called on the Governor to furnish soldiers for service in the Union Army. The Governor declined to do so, the penalty for which was that the State would be coerced and compelled to furnish them, which could not be done without taking charge, in a great measure, of the State.

A new election was held in June, 1861, and Middle and West Tennessee voted almost solidly for secession, Williamson voting nearly unanimously that way.

The war spirit was high, and a number of men volunteered several companies in Williamson County long before the State voted to secede. These companies were gathered into concentration camps, mainly at Camp Trousdale in Sumner County and Camp Cheatham in Robertson County and Camp Harris near College Grove.<sup>20</sup> The companies organized in Williamson County in the early part of the war were the following:

Williamson Greys, Co. D. 1st Tenn., Capt. James P. Hanner, regiment formed May 2, 1861; Geo. Maney, Colonel; camped at Camp Harris, Allisona, near College Grove.

<sup>20</sup> There was no "Camp Harris, Allisona, near College Grove." There was never a Confederate training camp or staging area near College Grove. What Mr. Marshall is confused about is the fact that there was a Camp Harris at Allisonia, Franklin County, where US 41A and the L & N (formerly NC & ST. L) Railroad cross Elk River. C.B.

Co. E, 3d Tenn., partly from Williamson; N. F. Cheairs, Captain.

Co. B, 20th Tenn., Joel A. Battle, mostly at Nolensville; then W. M. Clark, then Thomas Benton Smith.

Co. D, 20th Tenn., mostly of Triune and College Grove; Wm. P. Rucker, Captain.

Co. H, 20th Tenn., Franklin, M. B. Carter, Captain; then M. F. deGraffenreid.

Ed C. Cook's company of 32d Tenn.

Capt. J. T. Martin's company of Holman's battalion, Wheeler's Cavalry.

Co. I, Douglas' battalion, Thos. F. Perkins, Captain. The two above battalions formed the 11th cavalry later.

Co. G, 3d Cavalry, James W. Starnes, Captain.

Light Dragoons, Wm. Ewing, Captain.

Captain J. W. Hill's company.

Capt. John A. Wilson's company.

These companies, as fast as organized, were sent to training camps, mainly to Camp Harris at Allisona, Camp Cheatham in Sumner County, and Camp Trousdale in Robertson County; and then went to different armies for service. These are not meant to be understood as covering all the men who took part in the war from the county and many joined from time to time throughout the war. After these companies were formed a new regiment, called Starnes' 4th Tennessee, was formed, James W. Starnes being colonel, and there were many Williamson County men in it. The number of troops furnished by the county is placed at 1,600.

Though it would be in line with a proper history, yet the writer will not attempt to give an account of all these matters. Very few able-bodied men remained at home, and the county furnished a very large number of soldiers to the Confederate army.

Kentucky endeavored to remain neutral, and Tennessee sought to respect that neutrality. But the Federal troops invaded Kentucky, and some of the Tennessee troops advanced into Kentucky to meet them. In the first part of September, 1861, Isham G. Harris, Governor, sent commissioners to Kentucky to negotiate and if possible reach an agreement under which neither the Tennessee nor the Federal troops



would occupy that state. The War Records, Vol. 4, contain some of the correspondence. Harris telegraphed as follows:

"Nashville, Tenn., Sept. 13, 1861. His Excellency, Jefferson Davis:

"On the 4th instant I sent John Marshall, Andrew Ewing and Dr. Bowling as commissioners from Tennessee to Kentucky. They returned last night and think it of the highest importance that our troops be withdrawn. They say withdrawal secures to us a majority in the State (of Ky.). If not withdrawn, overwhelming majority against us and a bloody contest. They think our withdrawal secures withdrawal of Federal troops. They are able and reliable men. I submit the report for your consideration. ISHAM G. HARRIS."

President Davis replied to this:

Movement to Columbus was reported to me as a defensive measure, rendered necessary by the descent of the Federal troops. If they can be safely withdrawn it would conform to my declared policy of respect for neutrality of Kentucky."

So it went. The Confederate generals said they must protect Kentucky from Federal seizure, and so protect Tennesseese. The Kentucky election was approaching and the Federals claimed that the Confederate element was about to seize the state, and many Kentuckians were very jealous about troops being in Kentucky from other states.

Perhaps there was no way to handle this situation properly. Anyway, while the Tennessee commissioners were at Bowling Green appealing for neutrality Tennessee and other troops advanced into Kentucky territory and engaged in fighting. Warrants for the arrest of the commissioners were issued and placed in the hands of an officer, though none were more humiliated than the innocent commissioners at the unexpected turn and reached Nashville the night of September 12, 1861.

After the fall of Fort Henry, and then of Fort Donelson on February 16, 1862, which opened the Cumberland River, the Confederates had to come south of this river; and as Nashville could not be defended, it was seen that the Federals must soon occupy Nashville and adjacent territory. Indeed, the Confederate forces were withdrawn to the south of the Tennessee River, Albert Sidney Johnson's army going to north Mississippi. Grant gathered his army at Pittsburg Landing, and Buell, who had occupied Nashville, marched an army of 25,000 men to Grant's assistance. The advance infantry of Buell's army reached Franklin on March 16, 1862, and the army march through the town on that day and on the 17th and 18th. The only Confederates in the town when Buell

came was a small force of about 400 Louisiana cavalry under a Col. Scott and of course these retreated without a fight. Col. Scott had two small guns called "pop-guns," which stood at the place occupied recently by the electric power-house, and someone spiked them with rat-tail files.

The Williamson County volunteers had been sent away as soon as organized. The first Confederate troops who came to Franklin from elsewhere were Terry's rangers, being the 8th Texas Cavalry, about 600 strong. They tarried several days on their way to Kentucky, where Col. Terry was killed at Green River. The next soldiers were Scott's Cavalry regiment, which was at Franklin when Buell came.

After the passage of Buell, there was a Federal garrison at Franklin under a Col. Moody, who was at the same time a Methodist preacher. He took charge of the courthouse and fortified it by placing large, flat stones in the windows, with openings for small arms.

Upon Bragg's advance into Kentucky in the latter part of the summer of 1862, Buell's army was withdrawn from Tennessee, except a small force left at Nashville. Among the Federal troops was Palmer's division, about 5,000 strong, which marched through Franklin on its way to Kentucky in September, 1862. These troops were followed and much harassed by a small force of mounted Confederates which planned to make a stiff fight at Holly Tree Gap, four or five miles north of Franklin. When Palmer reached Franklin he scoured the town and took all the men he could find, and used them as hostages, walking them six miles toward Nashville before he released them, and so there was no attack at Holly Tree Gap. The men were W. H. Crouch, Ed Sherman, H. P. Fowlkes, Dick Gault, Bob Brown, Mack Craig, Will Ragasdale, Charley Wall, Jim Carr, Dee Crutcher, T. L. and O. C. Owen.

In 1899 Gen. Palmer told the writer that the first news he heard about the intended ambushade at Holly Tree Gap was from an elderly citizen whom he passed about a mile and a half south of Franklin. He said the man abused his troops in a loud voice, but told the general, in a low voice, about Holly Tree Gap, and advised him to arrest citizens and carry them along as hostages, and that he (Palmer) thought it a good idea and adopted the plan.

These citizens, thus made use of, considered it a great outrage, and several who were young enough immediately joined the Confederate army. But the most of them were elderly men, and a walk of six to twelve miles in hot weather was not pleasnat, especially when they feared they might be shot in case an attack should be made. The Confederates did follow closely through the town, capturing a few stragglers.

It was at this time that William Wright was murdered by his servant, Henry.

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XXVIII

THE CIVIL WAR (2).

After Buell had withdrawn to Kentucky and was engaged in the movements that culminated in the Battle of Perryville, there were several skirmishes around Brentwood on and about September 19, 1862.

About this time also there was a dash into Franklin by the 28th Miss. Cavalry, several men being killed on each side upon and near the Lewisburg Turnpike, just at the edge of town.<sup>21</sup>

After the Confederate army came back from Kentucky and took position at Murfreesboro, Franklin was the frontier position in possession of Bragg on his left wing, the Union army being at Nashville, with Brentwood open country between. At this time Pat Cleburne's division was at College Grove, Gen. John A. Wharton's brigade of Wheeler's Cavalry having its headquarters at Nolensville.<sup>22</sup> One of Wharton's regiments of cavalry, under Baxter Smith, was encamped in H. S. Ewing's woods, adjacent to Franklin, for some weeks.

<sup>21</sup>The engagement in which the 28th Mississippi Cavalry took part was part of an action by Van Dorn's Cavalry Corps against the Federal defenders of Franklin on 10 April, 1863.

Conceivably, the action attributed to Capt. Thomas F. Perkins took place in the late winter or early spring of 1862; it followed Fort Donelson and preceded Forrest's capture of Murfreesboro. See Newton Cannon's Reminiscences. C.B.

<sup>22</sup>Cleburne's Division was at College Grove for about 10 days just prior to the Battle of Murfreesboro (31 Dec., 1862). There is no mention of the action quoted as of 12 Dec., 1862, in the Official Records of the Union and Confederate Armies, but the people mentioned as having been in action were actually in the vicinity on 10 April, 1863. C.B.

A strong reconnaissssance advanced from Nashville toward Franklin, and skirmishes took place near Owen's Cross Roads and on the pike between Brentwood and Franklin, Dec. 9, 1862. The federals returned to Nashville.

A second reconnaissence, with a much stronger force, came out the Wilson Pike and to Franklin by way of the Liberty Road. It was under the command of Gen. Stanley and Col. Kennett and attacked Baxter Smith's regiment on December 12, 1862.

This force of 2,000 or 3,000 men deployed at the Liberty Road, very near the northeast margin of the town, and a part of them advanced toward Spencer's large mill that stood on the east end of Main Street, while a part moved past Figuer's bluff so as to strike the Murfreesboro Road. Col. Smith's cavalry regiment resisted the attack along East Margin, or Mill Street until the Federals crossed Harpeth River in their front. Smith then retreated to Triune, some of his men going by way of the Murfreesboro Road, but the most of them being compelled by the flank movement to take the Lewisburg Pike. Col. Baxter Smith, Lieut-Col. Malone, and three men with them, were the last to leave the town. They were hotly chased along Main Cross Street and across the ford (there being no bridges), and out the Murfreesboro Road, where they ran the gautlet of the flanking force. The three men were all shot from their horses, and several balls perforated the coats of both Col. Smith and Col. Malone, but they escaped almost as by a miracle. About twenty men were killed or wounded on each side, one of the Confederates being Capt. McMillan, who died in the brick house afterward known as the Shea residence.<sup>23</sup> The large flour mill was not burned, but all of its machinery was wrecked.

The movement to Franklin was a surprise, as the Federals were on the Wilson Pike going towards Triune, but turned off to Franklin by way of the Liberty Road. As soon as it was learned that they had changed their course Gen. Pat Cleburne, who was camped with infantry at College Grove, moved toward Franklin to protect the mill; he passed through Triune and several miles more toward Franklin when he learned that the damage had already been done. He returned to College Grove, and the Federals to the vicinity of Nashville.

<sup>23</sup>The Shea residence, the large brick built by Wm. D. Taylor, sat flush with the sidewalk where Dominion Bank is located on East Main Street. V.B.

On December 15, 1863, there was a force of some 5,000 Federal infantry and cavalry in the vicinity of Brentwood with a number of forage wagons picking up corn, hay, fodder, etc. Capt. Tom Perkins, with about twenty boys, caught three of the wagons, with their guards separated from the others. He charged and dispersed them and brought his prisoners and captured horses back to Franklin. His success was a surprise to the old citizens, as they did not believe the boys could do so much, especially with their poor equipment. The Federal reports state that they lost one man wounded, six captured, two horses killed and five captured, and one wagon captured and burned.

All this time Bragg's army was at Murreesboro, with one wing at College Grove and Triune, and a small cavalry outpost at Franklin. When the Federal army began its general advance culminating in the battle December 31 and January 1, a division of infantry and cavalry advanced to Franklin and thence toward Murfreesboro by way of Triune, and the Confederates joined their main army. The Federal division passed through Franklin and vicinity December 26, 1862.

After the battle of Murfreesboro, Bragg took position further south, where he remained until the latter part of June, 1863. He held outposts within ten or twelve miles of Murfreesboro and held Columbia and Spring Hill in force. Franklin again became Confederate territory. In the latter part of January, General Forrest was sent with about 800 men to harass the shipping on the Cumberland. Gen. Joseph Wheeler was in chief command of all the cavalry. He came to Franklin with a small force and staid about a week as the guest of John Marshall, directing the movement of the men. He then overtook Forrest and ordered the attack on Dover and Fort Donelson. The attack was made February 3, 1863, and was a failure, and the Federals sent strong reinforcements from various directions to trap Wheeler, which forced Forrest to retreat through Hickman County, but Wheeler himself and some of the men came back through Franklin and spent the night here.

Brig.-Gen. Jefferson C. Davis came to Franklin in command of several thousand of the troops in pursuit of Wheeler, and scoured the north halves of Hickman and Williamson Counties.

On February 18 he sent out from Franklin a scouting party 375 strong, who were driven back from Thompson's Station into Franklin by Lieut. Col. Woodward.

At this period Gen. Earle Van Dorne was in command of the Confederate post at Spring Hill, and Gen. C. C. Gilbert commanded the Federal post at Franklin. By command of Gen. Rosecrans several heavy columns were sent forward to push

back the wings of the Confederate army. One of these columns went out the Nolensville Pike through Triune to Chapel Hill; the other advanced from Franklin on the Columbia Pike and was expected to take possession of Spring Hill. It was in command of Gen. John Coburn, and officers under him were Col. Gilbert, Col. Opdyke (who later commanded a brigade at the battle of Franklin), and Col. W. R. Shafter (who was many years afterward in command of the troops in the battle in the Cuban War).

This column was composed of 2,837 men, besides a battery of six Rodemen guns and the men necessary to manage their eighty wagons. Six hundred of their soldiers were cavalry. The Confederate cavalry had a considerable skirmish with this force on March 4, 1863, near the Gillespie place and Winstead's hills some three miles from Franklin.

Coburn advanced and attacked Van Dorn, who 6,000 men, at a stone fence running at right angles to the pike at Thompson Station. Coburn was driven back past the railroad cut, and was there attacked from the eastward by Forrest. Coburn lost altogether in killed, wounded and captured about 1,500 men and the remnant was pursued to Franklin. Cols. Coburn, Gilbert, Opdyke and Shafter were captured, and were carried to Virginia and exchanged.

Soon after this occurrence Maj. Gen. Gordon Granger was in command at Franklin, having a large force. His camp covered the area from the large fort, called Fort Granger, to the Liberty Road, and also extended to the Nashville and Franklin Pike. At an earlier period of the war stockades were built close to bridges, trestles, and other places to be protected. These were made by making a wall about ten feet high composed of timbers, squaring about twelve inches, set firmly into the ground and having portholes about every two feet all around. These were generally used throughout the war, but after Fort Granger was built the town, bridge and depot were under its guns, and so the stockades here were no longer occupied and were torn away.

Fort Granger was a large work about 900 feet long, and correspondingly deep, on Figures' bluff, at the southeast border of Franklin. It was armed with two high-power rifled seige guns, one being a thirty pounder Parrot and the other a twenty-four pounder rifled gun, both mounted on revolving platforms. There were also several three inch rifled guns.

The trunks of two trees, used as "spy trees", were left standing within the fort. The small hill about 600 yards southeast of Fort Granger was also capped by a fort, and Granger's headquarters were at that place. There was another small fort three hundred yards still further east; and another on Johnson's hill, half a mile from Franklin on

the pike. Besides the two large rifled guns Granger had eighteen field guns. He had 5,194 infantry and 2,728 cavalry, making a total of 8,000 men which constituted the force at Franklin for a long time. In addition, shortly afterward Roper's Knob was fortified.<sup>24</sup> A fort was built on its top and was roofed over. There was a tramway up the steep part of the knob, up which were hauled the guns by means of block and tackle. From Granger's report made for April 10, 1863, it seems that he did not have any howitzers, but it is certain that there were two large guns of that kind in the large fort very shortly after that date, and that they remained there until Hood came to Franklin. These two guns were in the north end of the fort. They were eight-inch smooth bore guns about seven feet long and fired spherical shrapnel.

When Schofield retreated from Franklin, November 30, 1864, one of these large guns was left standing at the side of the railway with its wheels cut down; what became of the other one the writer could not learn. Thus was Franklin held for many months while the Confederates held Spring Hill, and frequent skirmishes took place between the two places.

<sup>24</sup> The fortification on Roper's Knob had as its primary purpose the protection of one of the chain of visual signal stations by which there was communication with Murfreesboro and Nashville. C.B.

## THE CIVIL WAR (3).

After the battle of March 5, 1863, at Thompson Station, many of the Union troops who had taken part in that fight were placed in a fortified position nine miles north of Franklin, at Brentwood, and others at Little Harpeth bridge, a little nearer to Franklin. Forrest with 1000 men and two guns, passed between Franklin and Triune, both heavily garrisoned, and on March 25, 1863, captured 521 soldiers at Brentwood and 275 at Little Harpeth, with teamsters and others present. He also took many wagons and other government property. With prisoners and booty, Forrest crossed over to the Hillsobro Pike, so as to pass to the west of Franklin in making his "get-away". Of courses, Granger sent a large force in pursuit; this force overtook Armstrong's brigade on the Hillsobro Pike, dashed into it and recaptured three or four of the wagons. Armstrong's men rallied and, assisted by Col. Starnes, recaptured the lost wagons but was compelled to burn them. Four men were here killed on each side and twenty or thirty wounded. Forrest carried all of his prisoners and nearly all the wagons to Columbia. On his return, there was a hot quarrel between Van Dorn and Forrest because Forrest had given the captured small arms to such of his men as needed them, and ordered them to place their fowling-pieces in the wagons which he brought back.

On April 10, 1863, Forrest made a reconnaissance to Franklin. He approached by way of the Columbia, and Lewisburg Pikes, Col. Starnes following the front column at a distance of two miles. While the advance Confederates were nearing Franklin, Capt. Freeman, with four guns of his battery, was following on the Lewisburg Pike, Starnes being behind Freeman at some distance. Meanwhile, Gen. Stanley, with 1,600 cavalry, had been sent from Triune to reinforce Granger.

Stanley was ordered to turn to the left and go to Hughes' ford on Harpeth, being toward Forrest's right. Stanley could hear the firing as Forrest went toward Franklin, so he crossed the river and followed Henpeck Lane to the Lewisburg Pike, at Douglass church, with the idea of coming in on Forrest's rear, but in doing so he ran into Freeman's four guns from the side as the battery was passing, the artillerymen having no idea there was a Yankee in two miles. The battery was surprised and captured, Freeman himself being taken. Starnes, coming up, retook the battery and all the men except Capt. Freeman and one or two others, and Stanley was driven back across Harpeth, although two infantry regiments and two guns had been sent to his assistance.



On their retreat, Stanley's men killed Capt. Freeman and Dr. Skelton, assistant surgeon, who were prisoners at the time. Two of Freeman's guns were at the time at the front with General Armstrong. The fighting at Franklin was at Carter's gin and on the Lewisburg Pike, right into the town, and Forrest himself came into the town. Only a part of Granger's men were in this fight, he having sent a considerable force, on a false alarm, to Brentwood, and having sent some to Hughes' ford. Forrest had 3,100. The fight was not an attempt to capture and hold Franklin, but only a demonstration to draw men from the main Federal army. At the time of this fight, Forrest himself, with his escort, came into Franklin and rode through Main and Main Cross streets.

Soon after this, Gen. Granger moved his headquarters to Triune and left Franklin in charge of Col. J. P. Baird. Granger had a fort at Triune from which signaling was done to Roper's Knob on one side and to Murfreesboro on the other. On June 4, 1863, there was a fight at the Lewisburg Pike and Henpeck Road, about four miles from Franklin, between a reconnoitering force of Forrest's men and a large force of Cavalry sent from Triune which crossed at Hughes' mill. Neither side cared to press the other very far. While Baird was at Franklin, Peter and Williams, two young Confederate officers, visited the camp dressed as Federal officers. They obtained information for the Southern cause, and started on horseback toward Nashville, but by some chance the Federals became suspicious after they had left and followed and arrested them. They were convicted and hanged on a tree that is still standing a little west of the Liberty Road, in sight of Franklin. The War Records disclose a fact that would have excited the citizens of this time had they known it: Baird asked permission to burn the town of Franklin, so he could better see the Rebels when they approached, but no reply to this is found in the Records. That such a thing is not beyond belief is found in the fact that Stanley, a major-general, gave orders to burn the houses in the country of all men whose sons were in the Confederate army, and he did actually burn twenty houses of such men. He burned, among others, a large barn of John Tulloss', containing over twenty-five wagon loads of corn, and the only regret expressed in any reference to it was that Stanley did not know that there were twenty-five wagon loads of corn in the barn, so that he could first get the corn. There were, fortunately, not many officers having the savagery, when not in danger, of Stanley and Baird.

For a long period, the latter half of 1863 and the first half of 1864, there was little occurring. The Federals held all this part of the State with strong forces, doing Garrison duty, disturbed only now and then by skirmishes with small detached scouting parties.

In the summer of 1864, while the two large western armies were engaged in a death struggle in Georgia, the Confederates undertook to disturb the Federal communications in Middle Tennessee. Gen. Joseph Wheeler was sent on a raid from Georgia with about 3,000 men. He could not cross the Tennessee, which was very high, so he followed the far side of it to northeast Tennessee, where he crossed in August, 1864, then crossed the mountains and came close to Nashville. He had considerable fighting about the Nolensville Road, a few miles from Nashville. He then came through Williamson County and began to tear up the railroad immediately south of Franklin. A large number of cavalry was sent against him and a brigade of Federal infantry was marched from Smyrna and took part in the fight at the Winstead hills and Columbia Pike, some three or four miles south of Franklin. Wheeler tore up and destroyed some miles of railroad and burned bridges and trestles along the line; then withdrew. The fight just referred to took place September 2, 1864. In it the Confederates lost a valuable and dashing officer in Brigadier Gen. John H. Kelley. He was shot by a sharpshooter on the pike near the railroad crossing and died at the second house east of the pike beyond the crossing.<sup>25</sup> Gen. James P. Brownlow was in this fight and was wounded in the leg. Wheeler, having done most of the work intended, returned to Atlanta, having been out many weeks.<sup>26</sup>

Within two weeks, Forrest came into Middle Tennessee. He captured, or killed and wounded about 1,300 men at Athens before reaching Tennessee, and came up the line to Pulaski and Columbia; then crossed to the Chattanooga line; then back to the Decatur Road in Williamson County. He did not find much railroad left to destroy north of Spring Hill, but wrecked it mostly south of that point. His raid lasted from September 16, 1864, to October 10. There was not much fighting around Franklin at this time, but the Federals sent very large forces of all kinds through Franklin and other routes, aggregating perhaps 25,000 men, so as to occupy all points. Meanwhile, Forrest proceeded to north Mississippi, and at once made his famous raid to Johnsonville, where he captured several gun-boats and destroyed millions of dollars

<sup>25</sup> The Harrison House, where Brig. Gen. John H. Kelly died and behind which he was buried for a time, is west of the Columbia Pike. C.B.

<sup>26</sup> Gen. Brownlow, I have read, was seriously wounded, shot through both hips. He was carried to the home of Dr. Daniel B. Cliffe for treatment and recuperation. One of his nurses, Miss Belle Cliffe, became Mrs. James P. Brownlow on Oct. 3, 1865. Their home was in Knoxville, but the Brownlows and their young children are buried in Rest Haven in Franklin. V.B.

worth of stores. He then joined Gen. Hood at Florence, Ala, and came with him to Franklin at the time of the disastrous battle of November 30, 1864.

There is no purpose in these chapters to give any connected history of the events alluded to. This is only a brief county history, and the object has been, so far, to give the troops and officers who visited the county and town, with some few sentences to explain when and why they were here.

The battle will be spoken of more fully.

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THE CIVIL WAR (4)

Franklin, with all the tribulations it had suffered from the war, was still destined to be the scene of the bloodiest battle of the entire war, numbers considered. Those days are long past, but it should interest the new generation to know the places in their midst where once, half a century ago, men struggled and gave up their lives, and cannon thundered their salvos of destruction. So, an attempt will be made to give an account, in as brief a form as possible, of the battle, and of the situation that led up to it.

After Johnson's<sup>27</sup> army had slowly moved from Dalton to Atlanta, before the army of Gen. Sherman, in the summer of 1864, and after the command had been transferred to Gen. John B. Hood and the battles of Atlanta and Jonesboro had been fought and Sherman still held his ground, Hood moved his army from Sherman's front, near Atlanta, and shortly marched to Gadsden, Ala., and thence further north in Alabama. It was a bold movement to double back on the line of the "hundred days' battle" from Dalton to Atlanta, cut Sherman's communications and retake possession of Middle Tennessee and Kentucky. Briefly, the results hoped for were to be accessions and supplies to be gathered in Tennessee and Kentucky, and the withdrawal of Sherman's large army which was in position to drive through South and North Carolina and so to approach Gen. R. E. Lee's position from the South while Grant was pressing him from the north and east.

<sup>27</sup>The Army Commander was Joseph E. Johnston: not to be confused with Bushrod, Adam or "Allegheny" Johnson. C.B.

In August, and to September 8, Gen. Wheeler had traversed East and Middle Tennessee, and Forrest had raided Middle Tennessee in September to October 10. Forrest had then immediately gone to West Tennessee and destroyed vast stores at Johnsonville. The object of all this was to cripple transportation southward, both by rail and by river. Meantime, Hood advanced to Florence, Ala. It was said that his object in going so far west was to better supply his army and also to be in position to be joined by Forrest on his return from Johnsonville. Hood remained at Florence several weeks and when he did advance it was late in November and he met with perhaps the worst weather ever known at the time of the year. His delay was fatal. It gave the Federals time to arrange to send very heavy forces into Middle Tennessee, so that it was comparatively safe for Sherman to abandon his communications and embark on his "March to the Sea."

Late in November, Hood advanced through Lawrenceburg to Columbia, accompanied by Forrest's cavalry, and having 30,600 men of all arms, of which about 5,000 were cavalry.

Gen. George H. Thomas was stationed at Nashville in command of the Federal troops, but Schofield was in command of the army in front of Hood. Schofield had the Twenty-third corps, two divisions of the Fourth corps, and Wilson's cavalry, althogether about as many men as Hood had. Schofield took position on the north bank of Duck River. Hood placed S. D. Lee's corps confronting Schofield, but crossed Duck River four miles above with Forrest's cavalry and Cheatham's and Stewart's corps, and marched rapidly to Spring Hill, half way between Duck River and Franklin. Thus, the Federals seemed to be trapped, but they marched rapidly past Hood's position, without serious molestation, on the night of November 29.

On November 30 Hood pursued them toward Franklin. At Winstead's hills, about two miles or more from Franklin, the Federal army was drawn up in line of battle, but, on the approach of Hood's infantry, they withdrew to the works at the south border of the town.

The position at Franklin was fortified in the following manner: On the south-west of the town a line of breastworks began within twenty yards of the railroad at the bend of the river and ran to the Lewisburg Pike near Mr. J. H. Rolffs' gate, and a heavy hedge of osage orange which ran along side the pike and railroad was cut down and placed in front of the works. Fifty yards behind these works and from fifty to 100 yards from the railroad, were two batteries of artillery, one of four guns and one of six, firing over the heads of the men in the works. In the works at the east side of the Lewisburg Pike were two guns. West of the Lewisburg Pike the works bowed out and ran along a sort of

ridge to Carter's gin, about 100 yards from the Columbia Pike; there the works angled sharply and ran toward the Carter House until they struck the pike about eighty yards south of that house. Just at the gin were two guns, and in the "refused" part of the works between the gin and the pike were four guns. West of the pike the works resumed the westerly course again, passing the locust thicket, but curved to the right with the edge of the higher ground to the William House<sup>28</sup> place on Main Street, at which place there were two guns; the works continued then in nearly a northerly direction through Mt. Hope cemetery to the river road near the stone bridge on Sharp's branch, except there were none on the low ground between the two small branches in the old Fair grounds. For several hundred yards on east side of the Columbia Pike the works were high and protected by headlogs. About twenty yards south of the Carter house and sixty yards from the main line was an interior line that began a little east of the pike and ran west, flush with the south wall of the little brick smoke house and continuing some two or three hundred yards, so as to pass the locust thicket. Just west of the smoke house were four guns in this interior line. There were eight guns held in reserve in the yard of the residence, later, of Atha Thomas,<sup>29</sup> and after the battle began four of these were used at the locust thicket, two joined the battery at the smoke house, and two were used on the pike in front of the Carter house. Thus there were thirty-four guns in use at one time at the front. Gen. J. D. Cox in his book says there were twelve guns in reserve behind the works that were brought into use, but the captains in their reports only mention these eight.

It has been mentioned that Fort Granger was a large fortress just at the northeast border of the town. It was in easy firing distance of the battle field. It has also been stated that there were forts on two small hills southeast of that fort, and two others back of it. These forts were not occupied by garrisons at this time. Jacob D. Cox, in command of the Twenty-third corps, speaks of Granger as a "dismantled fort." The two large rifled guns had been removed from it, but for some reason the two eight-inch smoothbores were still there; if these were used in the battle the fact is not mentioned in any report.

<sup>28</sup> The William House place (see page 117 in "Historic Williamson County") V.B.

<sup>29</sup> The Atha Thomas house was torn down to build the International Harvester Building on the west side of Columbia Pike. The Farm and Home Supply store is there now. V.B.

On November 30, the day of the battle, the division of Gen. Wood was placed in reserve north of the river. They were 4,000 strong all the artillery of the Fourth corps was with them. Gen. Schofield and Gen. Stanley were at Fort Granger in person. Woods division were distributed along through the Rozzsell (now Mayberry) place<sup>30</sup> and to Fort Granger, and one brigade threw up works from that fort to the fort on the next hill. Two of the batteries of the Fourth corps, being rifled guns, were sent to the fort and were used in the battle, though only one of them did the firing; thus there were added some eight to twelve guns to the thirty-four already mentioned.

During the progress of the battle five of the guns, mentioned as being used not far from the railroad back of the old McNutt place,<sup>31</sup> were removed to the left and rear and placed at the railroad just at the town end of the Murfreesboro bridge, from which position they raked the Lewisburg Pike. They were rifled guns and drove Featherston's Confederate troops from the railroad. There was no bridge there at the time.

The Confederates had advanced so rapidly that they had been able to bring up only eight guns. Four of these came with Stewart's corps through the McGavock place, and four were with Bate at the Everbright farm. They fired very few shots just before the charges were made and could not be used at all in the thick of the fight without doing damage to their own side.

Other guns were brought into position, but only after the Federal army had retreated. It was from one of these newly-arrived batteries that the town suffered more damage an hour before daylight than at any other time.

<sup>30</sup> Dr. Jeff Bethurum owns the Mayberry place today.  
V.B.

<sup>31</sup> The old McNutt house stood on the rise at the corner of Margin Street and Lewisburg Avenue. The big grey brick owned by O'More School stands on the site today. V.B.

## THE CIVIL WAR (No. 5)

## THE BATTLE OF FRANKLIN

When Gen. John B. Hood reached the crest of the Winstead Hills about two miles from Franklin he looked down upon the plain in which the town lies. From his position the Columbia Pike runs straight into the town at the Carter house. West of him half a mile the Carter's Creek Pike runs to within 300 yards of the place where the main line of works ran about that distance west of the Carter House, but at that point this pike turns sharply westward and follows that course four hundred yards, then runs north again and reached the works within the town at a point near the Wm. House residence, which is considerably further north and west than the Carter House, because the works just west from the Carter House bent very much toward the northwest. To reach that point, or any point west of that, an attacking force from the south would have to march at least a quarter of a mile further than would a column attacking at a point near the gin. This fact should be kept in mind, as it is important in relation to Maj. Gen. Bate's part in the battle, and will be alluded to again. Many batteries bristled along these works and from the vicinity of Fort Granger, which was in easy reach of the plain in front of the works. As already stated, Gen. Wagner lay in hastily constructed rifle pits with two brigades about half a mile in front.

Hood and his generals surveyed this panorama at 3 o'clock a beautiful autumn day, November 30, 1864, and debated the question of the advisability of making an attack.

Evidently Hood first thought of making a flank movement, and the belief that he would pursue that course prevailed in Schofield's army. Indeed, Schofield had decided that he would fall back across the Harpeth toward Brentwood at six o'clock, which meant just as soon as he could get his artillery and wagons out of the town, and he had only fortified his position to protect his trains until that time. Brentwood is nine miles from Franklin and is at least four miles east of a line drawn from Franklin to Nashville; four and a half miles on the way is Holly Tree Gap, a defile in the hills through which the pike passes. A map will show that Stewart's corps and the main part of Forrest's cavalry, both formed southeast of Franklin, were about as close to Holly Tree Gap as were the Federal troops near Carter's gin.

Forrest strongly desired to cross Harpeth two miles above Franklin and strike for Holly Tree Gap, and Hood actually asked Gen. Stewart if he could easily cross the river with this corps and was told that it would be no trouble at all. Forrest and the Federal cavalry were in contact on the Lewisburg pike and the latter were driven across the river and as far as the Murfreesboro Road at the Nolen, Matthews and H. S. Ewing places. Hood, however, decided to make a very vigorous frontal attack on their works at their strongest point from the Lewisburg to the Carter's Creek Pike, and anticipating a victory, Forrest's movement on his right, and Chalmer's division of Forrest's cavalry, on his left, would serve to harass, if not to destroy, the enemy from both wings upon his retreat. As the Infantry attack did not dislodge the Federals the cavalry was withdrawn to the south side of the river so as to be in closer contact with the main army.

Gen. Hood decided to attack the works with his whole force of infantry along the front extending from the Harpeth River on the southeast to the Carter's Creek Pike south-southwest of the town, a space of about half a mile, being about half the Federal front.

The cavalry division under Gen. Chalmers was to operate on Hood's left and was supposed to take position confronting the Federal right wing, which was not attacked by the infantry and which extended all the way from Carter's Creek Pike or Main Street in Franklin near Dr. Gentry's residence to a point near the mouth of Sharp's branch on Big Harpeth northwest of the town. That portion of the Federal line was weakly fortified, there being only an ordinary ditch and earth thrown up to a height of about four feet, except that there was no breastwork on the flat between Sharp's branch and the small spring branch in the old fair grounds over a space of 100 yards. It seems that there was only one man killed on the Federal side west of the Carter's Creek Pike. In fact there was no serious fighting on that part of the field, as a portion of the Federal troops held advanced positions behind stone walls at the Wm. S. Campbell farm and Chalmers did not strongly attempt to dislodge them with his cavalry.

Gen. Hood's infantry consisted of two corps, commanded by Stewart and Cheatham, respectively; the corps of Stephen D. Lee having been left at Duck River when the other two corps made the rapid flanking advance past Spring Hill on November 29. Hood had also left nearly all of his artillery far in the rear, having only eight field guns with the two corps at Franklin, four at the right and four at the left. These guns were of scarcely any service and were only used for a few minutes at the beginning of the battle in engaging the battery on the Federal left and the one at the Carter's



Creek Pike; in the midst of the battle they could not be used without damage to the advancing lines.

The Confederate line of battle was formed less than a mile from the Federal main line of works. It was south of the John McGavock residence and its right was close to the river at that point, and the line extended northwest a little way across the Columbia Pike at a point in the dip just south of the Charles A. Merrill residence.<sup>32</sup> Stewart's was the right corps and this was composed of the divisions of Walthall, Loring, and French; the corps extended from the river to within about two hundred yards of the Columbia Pike. Then began Cheatham's corps, composed of the divisions of Pat Cleburne, John C. Brown, and Wm. B. Bate. Cleburne extended from Stewart's left to the pike and Brown was drawn up on his left. Bate was ordered to advance at an angle of about thirty degrees toward the left so as to pass behind Merrill's hill (a knob about sixty feet high), so as to extend his line to the Carter's Creek Pike near the Everbright<sup>33</sup> house while his right would connect with Brown. Of course it required time for Bate to get his men to this position, and of course in marching forward at such an angle he could not reach the works as quickly as could the other divisions moving straight forward. Bate could not have reached the enemy's works as quickly as did Cleburne and Brown even had they all marched with the same speed; much less could he do so when Cleburne and Brown charged upon Wagner's advanced brigades and followed them to the works in a dead run.

It is well to go back to the beginning when the Confederates stood in line of battle as above indicated. From that position two-thirds of Cheatham's corps, namely, Cleburne and Brown, advanced with Brown some little distance west of the Columbia Pike while Cleburne was next east of the pike. Bate, as stated, moved at an angle to the left so as to line up on Brown's left. Stewart, being Hood's right corps, advanced through the McGavock farm, having four field guns distributed along his front. He had to pass through a tract covered with a heavy growth of large and small trees, the latter interlaced with grape-vines, and later encountered a dense tangle of trees, blackberry bushes and cane covering perhaps a hundred acres. These obstructions delayed Stewart and caused him to emerge into the more open

<sup>32</sup> Rosehill, the Charles A. Merrill residence, stood on Columbia Pike across from CPS Corp., but the house has been moved to DelRio Pike. V.B.

<sup>33</sup> Everbright, the home of Mrs. Richard Whitman Hyde Bostick during that time, was in the vicinity of Everbright Street but its grounds covered many acres. V.B.

ground several hundred yards, too far back for a proper alignment with Cleburne's right. It would seem that the proper thing at this juncture would have been for Cleburne and Brown to halt until Stewart could line up on the right, and Bate could do the same on the left; but just at this moment the two central corps struck Wagner's two brigades lying out in front of the rest of the Federal army, and with a yell charged them. A few of Wagner's men, just east of the pike, remained in their works and were run over and captured, but the bulk of them fled to their main works at points on both sides of the pike, while Cleburne's and Brown's men followed them to the works, and at places over the works, while Bate was still some distance away. Stewart on the right, not being so much advanced, was slower also in reaching the works, and only his left came in contact with Wagner's left. For a short time therefore the main fury of the battle was directed against Cleburne and Brown from their front, right and left.

Destruction was belching forth from forty pieces of Federal artillery and twenty thousand muskets, and the whole field was covered with smoke. Stewart's misfortunes did not end with the thickets and brier patches, for close to the works along half of his front from the river to the Lewisburg Pike he ran into a mass of osage orange trees which had been cut and placed in front of the works; it was impenetrable and could not be pulled aside by the men. Stewart's corps was split in twain, a part of it under Gen. Featherstone turning to the right, passing to the right of the works and along the railroad and river bank. It was to meet this movement that the Federals sent five three-inch rifled guns from their left to the Murfreesboro bridge site and with them raked the railroad as far as the Lewisburg Pike, driving Featherstone away. The rest of Stewart's corps turned to the left and advanced at an angle, being thus telescoped behind Cleburne. In fact they were already so telescoped to some extent because the course of the river had forced the whole corps somewhat to the left of a direct forward course. But, in addition to this, of the troops which angled to the left to avoid the obstruction, many, in the murky condition of the atmosphere, took a course across the line toward the works and actually charged in the direction of the gin. A number of Stewart's men even crossed the Columbia Pike and struck the works to the left of the pike. A colonel in Stewart's corps testified that he planted his flag on the works west of that pike. They thus charged to the works after Cleburne and Brown had been beaten back, though the men of the several commands had become mingled together.

On the left, when Bate reached the Carter's Creek Pike and advanced along it, he was puzzled to discover the great angle in the pike running to the Atkeison house,<sup>34</sup> and did not know whether to proceed along the course the pike first pursued, or to follow it in the direction in which it had angled. He decided to place about three hundred of his Florida troops on the west of the pike and to advance in the direction the pike first ran. Bate's attack was made necessary after the force of the attack of Cleburne and Brown had been pretty much exhausted.

Perhaps "exhausted" is not the right word; the gray line swept over the main line of works from the gin to a point on the west of the pike nearly to the locust thicket, and inward as far as the Carter house, even passing over the inner line. The Kentucky battery in the works immediately on the east side of the pike was captured and its guns turned on the enemy, but its captors had no friction primers and so could not use the guns, while reserve batteries were brought up by the Federals. When Wagner's men had gone over the works they turned and joined the forces that had been defending them. It has been mentioned that Opdyke's Federal brigade of seven regiments was in reserve on the west side of the pike just behind the Carter house, and on the east side of the pike two of Riley's regiments were lying down in reserve. Also a regiment was sent across to the Columbia Pike by Gen. Henderson from his safe position behind the osage orange hedge. All of these ten regiments, in addition to Wagner's two brigades, joined with the regular Federal line in a violent attack upon the intruding Confederates, who were thus slowly driven back; but a part of the Confederates did not retire behind the main line of the Federal works but held them all night from the pike a short distance westward. When the Confederate lines went over, others from left and right, seeing the front line go over, supposed the battle won and converged toward the break and passed over, and in a number of cases were captured. The losses were tremendous. From the apparently successive attacks, due to the causes mentioned, the Federal officers believed that their works were attacked by five or six lines of battle, whereas there was in fact only one line of battle. During the hottest part of the battle the Federals had behind the works at the pike men enough for five lines.

<sup>34</sup> The home of Tilman Atkeison was in the bend of the road where West Main Street becomes Carter's Creek Pike. A large two story frame with two columned porches, one on the east side and on one the south side, it burned many years ago. It took several direct hits during the Battle of Franklin and had cannon balls embedded in its floors. V.B.

## THE CIVIL WAR (No. 6)

## THE BATTLE OF FRANKLIN

When Bate's division reached the works Cleburne and Brown had already gone over at the center; at least a part of them had gone over and a part had been beaten back, and afterwards made repeated charges in conjunction with, and partly mingled with, the troops of Stewart's corps. As before stated, the breastworks to the westward of Carter's locust thicket curved strongly from a westerly to a northwesterly course until they ran nearly north. This curve was in front of Bate's position at the Everbright farm. As a result of this the right of Bate's line struck the works while his left was still far away from them. Bate was repulsed after several charges. Johnson's division, which arrived about dark and was the only part of Lee's corps to reach the field of battle, then charged over the same ground over which Bate had passed. This small division was also repulsed. This part of the battle was from the Baptist Neck Road (a prolongation of the main course of the Carter's Creek Pike), eastward nearly to the locust thicket, but the left of the line, which would have extended about to Dr. Gentry's residence, did not approach close to the works, owing to the northward curve in the works while the Confederate line was stretched east and west.

Bate's failure to take the works in his front has been sometimes alluded to with a certain amount of blame directed at him, but it should be noted that he was forced to attack at a time when the enemy could devote practically the whole of their attention to him and were thus able to give him a severe cross-fire. It was also true that Bate was unacquainted with the form of the works in his front, and did not know that it would have been better if he had swung his left far in advance of his right, so as to enable all of his force to join in the attack. Even had he known the situation it is not likely that he could have taken the time to make the movement while the rest of the army were in such deadly grapple; also, he had no orders to do so.

Jealousies which sometimes spring up in armies are as unreasoning as they are at other places; it was said that Bate did no great amount of fighting. The records do not bear this out. Bate went into the fight with 1,600 men, and lost 310, or nearly 20 per cent, a loss much above the average of battles, but small compared with that of the two other divisions of the corps.

Having failed to capture the works except at one point, the Confederates, after numerous charges, lay in front on

the field and contented themselves with random firing. At 11 o'clock at night the Federals withdrew and marched to Nashville.

The battle was beyond question the most deadly of the entire war. Though in several battles as many as 150,000 men were engaged, and in this one only about 40,000, yet there were more men killed on one side at Franklin than were killed on one side in any other battle, in one day, Antietam alone excepted, and there were perhaps twice as many killed in two hours at Franklin as were killed in the same length of time even at Antietam. The only battle within a century comparable to it in heavy losses was the battle of New Orleans in 1815; and even in this there is a coincidence: The men behind the works at New Orleans were Tennesseans and Kentuckians, while at the deadliest spot in Franklin the works from near the gin to the Columbia Pike were occupied by Riley's brigade, in which, out of six units, composed of five regiments and one battery, four of the units were Tennesseans and Kentuckians, namely, three regiments and the battery. This even on the Union side.

Harpeth River at Franklin was at ordinary stage and about three feet deep, but the pike bridge had been burned, and Schofield was not sufficiently supplied with pontoons. The banks of the stream were muddy and steep and it would have been hard for artillery and wagons to make the crossing. After the pike bridge had been first burned there had been one built on trestles, but this also had been burned but some of the lower parts of the timbers still stood in the stream; these were cut to even heights and timbers laid on so as to make a crossing. Planks were also laid on the railroad bridge, and both bridges were used by the army in retiring to Nashville. The Federals, after crossing, destroyed the bridges. The burning of the railroad bridge caused the Confederates, about an hour before day on December 1, to open a heavy cannonade through the southeast part of the town by mistake. The mistake occurred in this way: The Confederate scouts following the Federals closely into the town discovered the bridge on fire and reported the fact. Hood had by this time brought up his artillery and was ready to advance, but wished first to develop the enemy in case they had stopped in line with the fort north of the river; so a battery of Napoleon guns was ordered to fire 200 yards to the right of the fire, which meant to fire at the fort; but before the scouts had reported the bridge had burned into and fallen into the river, and at the same time a fire had broken out in a livery stable about fifty yards south of the public square, and eight buildings were burned, including the old newspaper building on the corner opposite the courthouse. The Confederates took this fire to be the railroad bridge and fired 200 yards to the right of it, making the town between the square and the Murfreesboro bridge with about 150

four-inch solid shot and shell. This explanation was given by the Confederates the same morning when they entered the town. Many houses were struck four or five times. The writer counted the marks of twenty-four of these shot on the two acres of the home where he lived.

Strange to say, very few persons were hurt, though considerable damage was done by the cannonade. The battery firing these shots was located on the slight ridge a little west of the old Winder house and was within fifty feet of the small railroad cut and just on the west side of the track. It was composed of twelve-pounder Napoleon guns heavily charged, and even the veterans were surprised at the very noisy uproar they made in breaking the stillness of the early morning hour and in the darkness that preceded the dawn. The Confederates entered the town by daybreak, their advance capturing about 100 stragglers. Some of the troops were left to bury the dead on the battle field. The main part of the army marched through on Main Street, but Stewart's corps crossed about a mile above the town and passed through Ewingville. Bate, with his small division, was ordered to go to Murfreesboro to hold Rousseau, who occupied that town with 8,000 men. Bate crossed above town near Ewing's branch and took the Murfreesboro Road.

The battle-field was a gloomy scene, the Confederate dead filling the trenches and lying thickly in front, while the Federal dead were thick in the inner trenches. Hood lost altogether about 6,000 men in this battle, and the Federals about 2,400. When one looks upon the streets and fields, quiet and peaceful as this suburb now appears, it is hard to believe that within the memory of men now living this place was such a scene of desolation and carnage, with ditches filled with dead men, many of them torn and shattered beyond recognition; nearly all of the dead lying stripped of their shoes and most of their clothing, by those who had need of them, while the dead had not.

The severity of the battle may be judge by the fact that six Confederate Generals who went into the battle on horseback were killed on the field. These were Generals Cleburne, Granbury, Adams, Strahl. Gist, and Carter. Five of these were carried to the residence of Col. John McGavock, and all lay on the porch at one time.<sup>35</sup> Gens. Brown, Cockrill, Quarles and Scott were wounded and Gen.

<sup>35</sup> Only three of the generals who were killed at Franklin were laid out on the McGavock porch. See Civil War Times for August, 1969. The sixth general officer to die was Brig. Gen. John Carpenter Carter. No kin to the Franklin Carters; he was born in Georgia. He is buried in Rose Hill Cemetery. C.B.

Gordon captured. Fifteen colonels were killed, with 1,700 men, rank and file. On the Federal side Gen. Stanley, who was for a time in command on the field, was wounded. Gen. Jacob D. Cox, in command of the Twenty-third corps, was thrown from his horse when a shell exploded under him, but remained in command.

It has been published that Gen. Patrick Cleburne was buried hastily on the desolate field of battle, but this is not true. At 10 o'clock, December 1, his body, resting in a coffin, was conveyed in a hearse and interred in the cemetery on the Polk estate at Ashwood, Maury County. In passing Ashwood the second day before the battle of Franklin, Gen. Cleburne had been struck with the beauty of the vine-clad chapel of the Episcopal church at that place, and had remarked that if he were killed he would like for his body to rest amidst such surroundings.

Theodoric (Tod) Carter was fatally wounded in sight of his home. He was a captain on Gen. Bate's staff. At the time he fell he was making his way, in the thick of battle, toward his home, and seems to have shaped his course so as to go over the works with the charging line at that part of the field. He did not fall in the yard of the residence but at a point about fifty yards in front of the mainline, and perhaps 150 yards from the residence. The family were informed of the fact that he had been shot, and searched for him with a lantern and found him before daylight. He had two wounds, from one of which he died after some twenty-four hours of suffering, though given every attention in his own home.

Capt. Carter was quite a young man, and when the war began had just entered the legal profession. His home was the famous Carter house right on the battle field. Fifty dead Federal soldiers lay in the yard of that house within a space about fifty feet square, and at a distance reminded one of large sticks of cordwood thrown out of wagons at random.

During the battle a small frame building, used for an "office", stood in four feet of the little brick smokehouse; it was penetrated by 565 balls, as nearly as could be counted. The Federal report shows that about 3,400 rounds of artillery ammunition were used, and 100 wagon loads of ammunition, altogether, on that side. As to the numbers engaged in this battle it is hardly proper to argue the question here in detail. One of the best statements of this point seems to be that of Gen. Jacob D. Cox, in command then of the Twenty-third corps, in his book "The Battle of Franklin." Without giving his process of arriving at the facts it may be said that he places the numbers engaged, or partially engaged, at substantially 23,750 on each side, and this appears to be a reasonable estimate. But it is evident

that the hardest part of the fighting by the Confederates and by far the greatest part of the losses sustained fell on about 12,000 men in the central parts of the battle. It is perfectly plain that the battle was imprudently fought on Hood's part. The enemy was retreating and doing his best to get to Nashville, but Hood's theory was that it was best not to permit him to do so, but to run over him and disorganize his forces. He believed he could do this, and in fact missed doing so by a hair's breadth. But the Federal position was extremely strong and Hood could not attack with any more troops than they had. He should have had a double number in order to attack such a well fortified position. But, more than this, it appears that Hood did not take time to fully explore the shape of the defenses, nor did he take time to bring his lines into proper form for attacking, in view of the obstructions in his front, and of the curve of the works to be attacked. True, if he was going to attack he had little time, for darkness was coming on. No doubt the monumental fiasco at Spring Hill the night before had much to do with it, causing a supreme, but ill-judged, effort to be made at Franklin to compensate for the failure at Spring Hill.

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In a previous article these lines appear: "Cleburne's line extended east and west of the pike. John C. Brown's line extended from the pike westward."

The above should have read this way: "Cleburne's division extended to the Columbia Pike and joined Gen. Stewart on the right, or east."

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XXXIII

THE CIVIL WAR (No. 7)

THE BATTLE OF FRANKLIN

While Hood's army was holding its position in front of Nashville there were very few troops in Franklin, and most of them were nurses, hospital men, etc., under a Col. Cox.

The railroad bridge was partly rebuilt on trestle work and was about ready for the rails when the retreat took place; it was destroyed.

The battle of Nashville took place on December 15 and 16, 1864, and Hood's army retreated through Franklin during the morning of the 17th. About December 3 the weather had



become extremely bad; it was very cold, with wind, snow and sleet. Many limbs were broken from the trees by the weight of the frozen rain. Two days before the battle of Nashville a partial thaw set in, but this made the road perhaps worse than ever, for they were badly cut up and mingled masses of mud, ice and stones. It was over such roads as this that the barefooted soldiers and the cavalry, wagons and artillery had to flounder along. It was raining during the morning of the retreat, and the scene was a doleful one altogether.

In a sharp cavalry engagement at the northern edge of Williamson County, very near the end of Granny White Pike, Gen. Rucker, of Forrest's cavalry, was wounded. When the Confederate rear guard reached Franklin they placed a section of artillery on Front Street, at the east end of Main Street, and fired a few rounds at the advancing Federals, but the Federal artillery did not reply.

A small number of Confederates, perhaps 200 or 300, reached the river after the pontoons had been taken up, and found the stream too deep to cross. Being unable to cross, they fell back south past Ft. Granger after doing considerable fighting along the railroad from the Liberty Road to the river; they finally surrendered near the fort.

All the vacant buildings in the town, as well as several of the churches, were used as hospitals or for military purposes. The storehouse which then stood about where Buford's store now is was used as a large repair shop for damaged rifles, of which perhaps a thousand were piled on the counters. It required a number of men to clean and repair them. There were also many rifles piled on the long platform which at that time extended 300 feet at the rear of the N. & D. Freighthouse and which had been used for loading cotton. Several wagon loads of artillery and small arms ammunition was stored in the freight-house and the Confederates set fire to the roof of that building. This led to a rather heroic deed on the part of Mr. Robert Rainey, an old citizen who kept a small store near the railroad station. When the Confederates retreated, Mr. Rainey placed a ladder on the building and put out the fire by means of buckets of water, though the burning roof was directly over the ammunition. Cinders and charred pieces of shingles dropped through and fell about the ammunition, but fortunately did not explode it.

When Forrest, then near Murfreesboro, learned that the battle had gone against Hood, and that he himself must move so as to join the main army near Columbia, thus passing through a part of Williamson County, he exercised one of those acts of good judgment, so characteristic of him, by sending Gen. Buford to help out the retreating Confederates at points between Brentwood and Franklin. Buford was

perhaps the last important Confederate officer to cross the river at Franklin.

There was considerable fighting by both cavalry and artillery all the way to Spring Hill on the 17th of December.

Soon after the return of the Union troops, all the wounded men at Franklin were removed to Nashville. The town was garrisoned then for several months by a regiment called the Seventy-fifth Indiana, composed entirely of German mercenary troops, very few of whom could speak English. They were under command of a Col. Matsdorff. This Matsdorff was a bibulous and characteristically German person, and seems to have been something of a rascal, as he was afterward tried by court-martial for conduct unbecoming an officer and was said to have been suspended from office for three months; that was after he left Franklin, but the charges related to his conduct at Franklin.

This may be a good place to close the chapters on the Civil war, so far as Franklin and Williamson County were concerned. There were a few troops in the town perhaps until June, 1865, but no further fighting, as all the Confederate troops were further south and there was no hope at all for re-entering the state.

(These chapters on the history of Franklin and the county will now be discontinued, at least until a future date. In case the public manifest an interest, a recital of events subsequent to the war may be taken up by and bye. Many persons have advised the author to publish all he has written for THE NEWS in book form, and a number have offered to buy four or five copies each if such a publication should be issued. It would give the author much pleasure to do this, but he hardly thinks the sales would pay the expense. Such a publication would require a number of maps, statistical tables, and a recast of the printed matter with some corrections, so as to make it more suitable for that form of publication, and this would involve time, labor and expense. It is somewhat doubtful whether this would in the end be justified or not.)

Words 50,814

I promised this matter to the Tenn. Historical Society, and if it ever get a suitable building I hope it will be placed there. However, if such a thing should come to pass it is likely to result in consolidation with Dept. of Library, Archives & History.

P. M.

Clipping, dated April 1, 1920

THE OLD PRESBYTERIAN CHURCH AT FRANKLIN

By Park Marshall

The location of the original Presbyterian Church is a matter of unflagging interest not only to the members of the Presbyterian church but to many other of our citizens. For this reason I think it worth while to quote the records as they show the facts beyond all cavil. Although the records plainly show the place where the church stood, yet the location has been and is a matter of contention, many being of the opinion that the building stood in the Old Cemetery and near its old gate on North Margin Street, while others believe that it stood in the middle of the cemetery.

The idea also prevails that the cemetery was in its inception the work of this church, and that it was its church-yard or burying ground. I was myself told by a very old lady that the church was within the cemetery and near its old south gate, and that she had herself often attended the church. The lady was of the best social standing and was a person of unquestioned veracity; it was simply the lapse of time--seventy years-- that caused her to fall into the mistake.

The church building was constructed in 1813 or 1814 and stood on a lot adjoining the Old Cemetery on its north side, that is, on the side toward Harpeth River. The church lot was for many years occupied by Mr. Bryant and another family through the seventies and eighties. My mother often told me about having attended the church when a young girl, and distinctly stated that it was on the far side of the cemetery. Other citizens have informed me that its foundation stones were visible there, up to a time subsequent to the Civil War.

The following records show the exact location very clearly.

Book C, page 98, date September 19, 1811: Joel Parrish conveys to Commissioners of town of Franklin two acres of land, "Beginning in the northwest margin of the Town of Franklin at a stake opposite the most northern corner of Lot 97 and on the northwest side of Main Cross Street in said Town, and running south 52 degrees west along said Margin twenty-four poles to a stake opposite the southwest corner of Lot 137; thence north 38 degrees west thirteen and one-third poles to a stake, thence north 52 degrees east 24 poles to a stake; thence south 38 east 13-1/3 poles the beginning."

the same corner as is at present occupied by Bennett & Campbell. Mr. H. P. Fowlkes always thought that the right of way referred to run through the old McNutt lot, being probably misled by the reference to the church on the corner, which, however, was not built until 1842.

(5) On Nov. 2, 1822 the Board of Aldermen appointed a committee to receive from Andrew Johnson a deed for a street from the Margin, leading by the church, to the river." This order was rescinded, but the fact remains that it says the church was on the side of this street. This refers to the north end of Indigo Street, which was then being extended along the west side of the Old Cemetery northward to the river.

All of this shows beyond controversy that the church was just outside of the cemetery on its north side and fronted on the road or street at that point.

This old church is notable because it was for twelve years--1811 to 1823-- under the charge of one of the greatest pulpit orators of his day, Rev. Gideon Blackburn; also, because in it was held the Chickasaw Indian treaty of August-September 1830 the only treaty between the United States and the Indians ever held in Middle Tennessee. It was, also, of course, the place of worship of the first Presbyterian congregation at Franklin.

(I have lately unearthed the Corporation minutes from October 25, 1815 to October 30, 1830, and I expect to review the same for this paper.)

April 15, 1920

#### OLD MINUTES OF FRANKLIN FOUND

by Park Marshall

#### MAYORS AND RECORDERS

1815 to 1830

Turner Saunders, Mayor Nov. 4, 1815 to Nov. 2, 1816;  
Nov. 3, 1817 to Nov. 7, 1818; Nov. 6, 1819, to Dec. 6, 1819.  
Total two years and one month: (resigned.)

Charles H. McAlister, Nov. 2, 1816, to Nov. 1, 1817.  
William G. Dickinson, Nov. 7, 1818 to Jan. 26, 1819.

After Jan. 26, 1819, there was no meeting until May 6, on which day, and until May 18, R. P. Currin was Mayor pro tem; he then resigned from the Board

Joel Parrish was Mayor pro tem from May 18, 1819, to October 30, inclusive. May 18 Dr. Samuel Crockett was elected to the Board in place of W. G. Dickinson, removed. This word "removed" is of doubtful meaning. It is certain that Dickinson was living in the Town after that date.

William Eastin, Nov. 6, 1819, to Nov. 4, 1820.

Dr. Edward Breathitt, Nov. 4, 1820 to Nov. 1, 1823; Feb'y 3, 1825, to Nov. 3, 1827. Total four years and nine months.

Wm. E. Owen, Nov. 1, 1823 to Feb'y 3, 1825. Resigned.

James Park, Nov. 3, 1827, to Nov. 3, 1828.

B. S. Tappan, Nov. 3, 1829 to Nov. 4, 1830 (and perhaps longer).

#### RECORDERS

Ewing Cameron, October 30, 1815 to October 29, 1823.

Carey A. Harris, Nov. 1, 1823, to Feb'y 17, 1824.

Resigned.

Thos. H. Hiter, Feb'y 17, 1824 to Nov. 7, 1825.

Wm. P. Campbell, Nov. 7, 1825, to Nov. 1, 1828.

H. P. Bostick, Nov. 7, 1828, to Nov. 4, 1830. (May be longer.)

When the old market house that stood on Main Cross Street was ordered to be sold upon the completion of the second market house (which stood on the public square). October 27, 1816, it was ordered that the proceeds of its sale be appropriated to the public school.

There were many orders relating to the market house, all endeavoring to make it a decent place. Among other things, it was attempted to prevent horses, oxen, and cattle from being fed or hitched there, but the order of November 15, 1828, would appear to "take the cake," as it were:

"Resolved that E. T. Collins and H. P. Bostick be a committee to put the market house in such order as to prevent cattle from sheltering under it."

The order to build a new, or third, market house was made in May, 1830. It was to be sixty feet long, and to have a room on each side of one end of it. It probably took until the first of 1831 to complete it, and it was removed in 1838.

#### THE PUBLIC WELL

The first order for digging this well on the public square was made on August 27, 1816, and was to this effect: "That a public well be dug on the public square thirty feet from the southwest door of the Courthouse with a good pump

therein and walled in with good rock or brick under the supervision of E. Cameron."

We find that up to June 12, 1817, this well had not been finished, and that in the meantime it was left open and uninclosed, and that dead animals and offal had been thrown into it. Afterward it was ordered to be enclosed, and appears to have been cleaned out very frequently. Indeed, it is such a bold stream that the fact that it had to be cleaned so often awakens the question, why?

In 1825 a house was built over the well by Felix Gunter at a cost of \$60., painting house \$12., cleaning out and new bucket, \$5.64

#### FIRE COMPANY -- TOWN BUYS A WATER ENDJOIN

July 14, 1818, it was--

"Ordered that Joel parrish be authorized to procure a good Fire Endjoin for the use of the corporation and to forward the same with all possible speed."

This is afterward called a "water endjoin." It appears later that the board did procure this "endjoin" and place it in use. (By the way, I think this word was pronounced eengine, and that "endjoin" was a kind of stylish flourish in spelling.) This machine was disposed of along in the fifties and a new and better one obtained and kept until a few years ago.

On May 13, 1819, it was ordered that a house be built for the water endjoin.

From the following statement, we gather that this endjoin could not pump water, but water had to be carried and poured into it, or maybe there were no places from which water could be pumped by it. Before that a double line of men was formed from the spring to the fire, and buckets of water were passed along and up to the men on the house where the fire was. Now a company is organized and they pass the water to the endjoin.

January 22, 1822, then new ordinance for the prevention of fire was passed. Every man from 15 to 55 was to be a member of the fire company, and every floor of every house was to be provided with a good leather two-gallon bucket. Forty men were particularly to serve as hook and ladder men, axe men, engine men, etc. Upon a fire alarm, everyone must repair to the place, and the greater part of them were to form a line to the nearest place where water could be obtained and pass the water to the endjoin.

## DISTINGUISHED CITIZENS

November 10, 1813, John Bell appears as a member of the Board. He was made a trustee for the public school and directed to draw up rules for its observation.

July 1, 1825: Ordered that the Board of Mayor and Aldermen receive Gen. Andrew Jackson on his expected visit, and invited the citizens to join them.

## DEATH OF ABRAM MAURY

January 2, 1825: Ordered unanimously that a public meeting of the citizens "be held tomorrow at twelve o'clock at the Bell Tavern and that this Board wear crepe on the left arm for thirty days as a testimony of respect for our worthy courtly man and fellow citizen, the late Major Abram Maury."

## SMALLPOX HOSPITAL

An ordinance was passed May 25, 1818, stating that the health and lives of citizens are endangered by the passage through town of persons from Orleans and Natchez afflicted with smallpox. So, officers are appointed to keep watch on the southwest side of the town to inspect all travelers from that direction, and if any be found suffering from that disease, to conduct them on their way past and outside of the town. If any such be found, such as poor boatmen without means to provide for themselves, they are to be conducted to certain houses of Dr. Young A. Gray, who has voluntarily offered them as a hospital, there to be provided for at the expense of the corporation, and the high constable shall solicit the charitable attention of the gentlemen of the (medical) faculty, etc. This last sentence is so creditable that I could not think of not quoting it. Dr. Young A. Gary's memory should be perpetuated as an enlightened citizen of that early period.

April 22, 1920

OLD MINUTES OF FRANKLIN FOUND

BY MAYOR PARK MARSHALL

THE PUBLIC SCHOOL

October 21, 1816: "Ordered that Turner Saunders and Joshua Farrington be appointed to take a deed from Abram Maury, Sr., for lot where the school house is to stand, in

behalf of the corporation, and deposit it with the Recorder."

If this was ever done, the deed was never recorded, and was lost, a fatality that was new at the time, but the precedent of neglect has several times been followed since then by town authorities.

The school-house was built at once and the school was opened. The lot was just outside of the original town limits, opposite the east end of Church Street, and was the same lot reserved for the Methodist meeting house in 1802. It is plain that when the town was preparing to erect a new school house on the same lot in 1830 it thought it had a deed to the lot. It had no doubt been the intention of Abram Maury to donate this lot to the town, as he had donated the spring-lot and the market house, jail lot, and possibly he did in fact make the deed, but he died in 1825; no deed was found, and his estate was divided according to law, he having died without a will.

March 5, 1830, we find this: Resolved that F. L. Owen and James Park be a committee to confer with the committee that superintended the building of the school-house and learn what claim, if any, the corporation had to the ground on which the said school-house stands, and if found that the corporation has no claim, to open a subscription and purchase the ground of the owners for the use of the corporation."

Next we find a committee to confer with C. A. Harris about this lot. (See, the deed could not be found.)

The previous year the town had paid C. A. Harris fifteen dollars as rent, October 24, 1829. The town finally paid James P. Maury and C. A. Harris \$200 for the lot, Nov. 22, 1831.

According to the rules adopted in 1816, the school was to be kept open from April to October, from 8 to noon, and from 2 to 6 o'clock; and from October to April, from 9 to noon and from 1 to 4 o'clock, and average of seven hours, without any vacation.

The school was limited to thirty scholars, unless the principal teacher should employ an assistant, in which case there might be twenty-five "Pupples" for each assistant or usher. Numerous examinations were prescribed and small prizes offered. Corporal punishment could be inflicted on "Pupples" under twelve, but if over twelve, the duty of the teacher was to suspend for one day, then call a meeting of the Aldermen and report his action, when the Aldermen might restore, suspend, or expel. "Lying, cursing, swearing,



fighting, immoral and obscene language, shall be discountenanced and punished with the utmost rigor."

Afterward, it was provided, the school could have thirty-six pupils, and thirty for each assistant employed by the teacher.

It is not stated in the minutes that there were any free pupils, but tradition says that, in cases where parents were unable to pay, the town paid the tuition, but this certainly was not so in the beginning, else it would have been mentioned.

For teaching reading, writing, arithmetic, spelling, and English grammar, the teacher could charge ten dollars a year; for higher courses, at his discretion. But this was as of January 25, 1824, previously to which the tuition probably was less.

#### CORPORATION SEAL

January 13, 1824: The Mayor was authorized to procure town seal "which shall be used by him and his successors in office," etc. Thos. Hiter made this seal and charged five dollars for it.

#### CHARACTER OF MINUTES

I have called attention to a few faults of spelling, but this does not alter my opinion that Ewen Cameron and H. P. Bostick were more intelligent than any other Recorders from their time to that of Mr. Fowlkes. Their omissions may be excused upon the ground that this was an extremely small town, in which almost every citizen was supposed to know about all of the trifling public facts that existed. Hence the administration fell into the habit of doing a large part of its business orally. There are many things left out of these minutes that are of more importance than some others that are recorded. For example Price & Saunders' subdivision had been included in the town limits, and Bell Town and Hincheyville were later laid out so as to overlap the boundary. Of course this involved important streets, but none of them are mentioned. Several pieces of land were purchased without being mentioned in the Minutes at all, except that in one case it was ordered that \$1.25 be paid to the County Register for recording deed from Benj. White.

The town itself (as county records show) sold and conveyed all of the town spring lot except ten feet square and the branch leading from it, in exchange for another piece of ground, but this transaction is not even referred to in the Minutes.

Public officers are now and then set- (This clipping appears to be incomplete).

## OLD MINUTES OF FRANKLIN FOUND

By Mayor Park Marshall

I suppose that many of our people know that I have prepared and published a new and complete volume of "Bylaws and Ordinances of the Town of Franklin" up to March 1, 1920. To do this I had to examine all town records over a period of forty years, all County records and State laws over a period of one hundred and twenty years. Naturally, I was anxious to be perfectly accurate, and was justified in stating that there were no town minutes before June 11, 1883, as the minutes of that date state that the minutes have been destroyed, and every one supposed that ALL the minutes had been burned and lost in the fire that destroyed Mr. I. G. Neely's place on Main Street that summer.

Within a week after the new "Bylaws and Ordinances" came out, I found, by chance, in a very old desk in the City Hall a volume of the minutes covering the dates October 25, 1815 to October 30, 1830.

The minutes take up 254 pages of this volume, and in addition, there are eleven pages entered by different Recorders from 1824 to 1830, showing licenses issued and sums turned over to the treasurer.

### COMMISSIONERS' GOVERNMENT

#### CHARTER OF 1815

Previous to 1815, October 25, the Town was governed by Commissioners having very little authority and not constituting strictly a town government.

The two acts of 1815 of October 9 and 25-- were together the first charter of the Town. The second of these acts extended the old corporate limits to the river on the South, East and North sides of the Town, and on the West side as far as Sharp's branch and to the little branch that goes under the arch on Main Street and thence to the river on South side of Town, taking in the present Winstead place.

This was a new form of Town government altogether. The Town operated under the Commission from October 26, 1799 to October 25, 1815, at which latter date the municipal government began.

The minutes referred to properly begin with setting forth the two acts of October 9 and 25, 1815. They are written in the handwriting of Nicholas Perkins, who adds:

"The above has become a law

NICHOLAS PERKINS

25 of October 1815."

At its first meeting, the Board elected Ewen Cameron to be Recorder, and the same day elected Turner Saunders, Mayor. Under the charter, seven aldermen were elected, and these elected one of their number to be the Mayor. They also elected a Recorder, a High Constable (who was the tax collector), and a Treasurer, all of whom, with the Aldermen, served one year. The Board also elected patrols (that is policemen), from time to time, for terms of sixty days, there being from four to eight of these patrols whose duty appears to have been mainly to look out after the negroes and prevent too much loafing and running about by night. It looks as if every able-bodied white man in the Town must have been on this force at one time or another, there being so many different persons named as appointed to that service.

After some years a different system was adopted: Watchmen were elected instead of patrols. Their duties were more sharply defined, serving ninety days, and sometimes a whole year on salary, and being required to patrol the Town at least three nights in the week for at least five hours, between nine o'clock P.M. and daybreak the next day.

Compensation of officers was as follows: Aldermen and Mayor, and as I believe, patrols, were paid no compensation; Recorder, most of the time, \$50 a year, but toward the last only \$25 or \$30; Treasurer, 5 per cent of receipts; High Constable, 6 per cent of collections; watchman \$9 to \$10 a month, and in one case as much as \$150 a year; market house superintendent, \$60 a year, soon reduced to \$10 a year, High Constable for opening a grave (for a burial in graveyard) 50 cents; for removing a carcass to boneyard, 25 cents. For services similar to county officers, similar fees.

Taxes appear to have been levied on town lots, but not on personalty. Two or three citizens were appointed to assess the value of realty-- that is, town lots. The levy was as follows:

On Town lots, 10 cents on the \$100, (once 15 cents, and 13 cents); poll-tax ran from, white 50 cents, colored 25 cents, to white, \$1; colored 75 cents. This poll-tax was levied on white men over 21 (no age limit), and on colored men from 12 to 50 years old. Of course the colored poll was taxed against the master.

License for business houses and taverns, \$5 a year; at another time a "store" was \$5, and a "grocery" was \$4. (I am under the impression that "grocery" means a place selling

intoxicating liquor) theatres, \$10; shows, \$10; Caravan of Animals (Circus), \$10; Stall in Market-house, \$4 a year.

The market house was a very poor investment from the start; some years nothing was collected, and other years \$12, \$13, etc. Three (meat) blocks were made for it in 1825, and I think these were rented. The Town on several occasions issued notes to meet expenses-- once \$300, once \$600, and once, as I gather, \$1,000. These were the sources of revenue.

During the fifteen years covered by these minutes, the revenues run from \$350 in round numbers to \$611 in 1829.

None of the financial statements are given in detail until the fiscal year 1825. I will here give the treasurer's report for 1825 and let it serve for a sample of the others:

1824, Nov. 1. To cash in treasury, \$144.23; 1825, Jan. 5, Recorder, licenses, \$20.10; rent of stalls, 1824, \$12.87-1/2; Taxes year 1824, \$19.39; Taxes year 1825, \$388.29; Recorder, licenses year 1825, \$12. Total receipts \$596.88-1/2.

#### Expenditures--

Streets 1824, \$79.75; Watchman two months, \$18; Recorder 1824, \$30; Watchman two months, \$20; witness in suit, \$1.56; Commissions, \$1.33; watchman six months, \$40; house over well, \$60; work and bucket for well, \$5.64; painting wellhouse, \$12; graveyard, \$6, additional watchman, \$20; repairing streets 1825, \$80; Collecting taxes and ex officio, \$68.67, Treasurer's commission, \$22.63. Total, \$483.58. Balance in Treasury, \$113.30.

I have taken the liberty to write these items solid, and have omitted the names and some of the words necessary in an account.

The Aldermen elected in October 1815 were: Dr. Young A. Gray, Hinchia Pettway, (Hinchey Petway), Nicholas Perkins, John White, Thomas Hiter, Joshua Farrington, and Turner Saunders.

These Aldermen met and elected Turner Saunders Mayor, and Ewen Cameron, Recorder; and passed this resolution:

"Resolved that the Market House in said Town shall be removed from its present scite and erected on the Public square the place agreed upon by the Court of Williamson and that Thos. Hiter and Joshua Farrington are appointed to let the same to the lowest bidder and superintend the work."

(Orthography and punctuation as found)

This naturally brings us to the subject of market houses. The Town has had three as these minutes show. The town held a lot of 28 feet front on Main Cross Street, part of lot 102, 198 feet deep. It was presented by Abram Maury by deed of gift and on it were the original market house, jail and stocks. Some of the old stones may be seen now. It is where Mr. S. P. Watson resides. Maury's deed is dated Sept. 15, 1810. When the Town erected the market house on the square it sold this lot to one Ephraim Beasley, Nov. 13, 1816.

The new or second, market house stood until 1831, at which time a third market house was built on the square. The minutes close before that, but they show at the end of 1830 that the new building was fully decided upon. The building was to be on the public square and was to be sixty feet long, and to have a room on each side of one end of it. There was a division upon the question, and the vote was four in favor of the plan and two against it, the Mayor, of course, not voting, as it was not a tie.

I think I may have something further to say about this second market house, as the minutes often mention it.

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OLD MINUTES OF FRANKLIN FOUND

By Mayor Park Marshall

STREET PAVING EXTENSION

November 17, 1819, a committee was appointed to draft a bill for extending the streets of the town. No doubt this refers to Price & Saunders addition near Murfreesboro bridge and to parts of Bell Town and Hincheyville, parts of which were in the town; but the action of the committee is not recorded. They were also to inquire into the best manner of working streets.

Next we find, January 26, 1820, "The high constable is authorized to hire for the term of one year two negroe men and to purchase one yoke of oxen and cart, and necessary mattocks and for the purpose of repairing and keeping in repair the streets of the Town."

Next, a committee is appointd to open books for subscriptions to pave Main Street, work to begin as soon as \$1,500 is obtained.

A number of times subscriptions are called for to do work or purchase property, but we never find that the money is ever refunded to the subscribers. I am sure that it was not refunded, but intended to be, as it in fact was a contribution to the town.

August 14, 1821, William Peebles was allowed to haul rock from the public quarry to pave the square. It has been said that the county paid a part of the expense. The paving thus far covers only the square and Main Street as far as West Margin Street.

Next we find Main Street east of the square being paved to the "bluff," thence to the Nashville bridge, November 16, 1826, and March 22, 1827. The street was paved and the large retaining wall from Dempsey's spring to the bridge was built soon after this last order, for we find on November 7, 1828, an account of the expenditures for 1827, in which A. Montgomery was paid for building stone wall \$166.50.

This may not have been the whole charge, as part of the bill may have been paid by subscription. The wall was afterward, October 19, 1829, ordered to be raised 2-1/2 or 3 feet. Amount \$57.

By order of October 23, 1829, Camp & Brown were paid for paving the street from Main Street to White's shop (just at the bridge). At Doyle's house they paved fifty feet of a width of twenty-nine feet for \$1.14 a running foot; and also paved 230 feet long by 16-1/2 wide at 65 cents, making \$149.50 Total \$206.50.

All of this shows that the street from Main Street to the bridge was about twenty-nine feet wide; that the town bought a strip 230 feet long and twenty-five wide, and on this built a retaining wall and filled in the street next to it; and afterward this fill of 16-1/2 feet was paved, making the width of street 45-1/2, which is the case now to the inside of the wall.

There are just a few facts not mentioned in these minutes. Either this wall was not as high as it is now, or else the stones were later moved from it. Certainly, in the early seventies, a railing made of five or six inch cedar timbers existed along the brink of this wall. It was removed and the upper part of this wall built or re-built thirty or forty years ago.

The public square and streets are referred to as being "paved" from time to time. This work was not macadam, as that form of street building had not been invented. The streets and square were in fact paved with large flat stone. Some of them, two feet wide, have been found under the

macadam which has been placed over them in later years, and thousands of them are now under the streets and square.

#### LICENSES ISSUED

In the back part of this old minute book, the Recorders kept account of licenses issued, and from these we get the names of the business firms of the town. We must, however, remember that farmers bringing their home produce for sale were then, as now, not taxed.

I have in past years talked with several of our older citizens about the condition of business in the town as they were impressed with it either from memory or from hearsay, and found that they generally considered the business greater in the early days than at the present time, that is, the mercantile business. But the showing of this minute book hardly bears them out in this yet, there was an increase in business between 1824 and 1830 and no doubt a greater increase from 1830 to 1840. There was a factory in the town, and an examination of the census returns will show that there were tailors, gunsmiths, blacksmiths, carpenters, and some other small industries, none of which appear to have been required to pay license.

The following persons and firms paid license during the period from March 27, 1824, to October 27, 1825, the nature of business not being indicated:

Owen & Campbell; Brown & McClellan; G. Striker; Estes, Tappan & Olmsted; Thomas L. Robinson (this was a tavern); John F. Smith & Co.; Michael Doyle; Benjamin White; Dan Dwyer; John N. Charter; Joseph Dwyer; Thomas Ryan; H. R. W. Hill & Co., (this was a big business house, and Hill became "the merchant prince" after leaving here); Thomas Ryan, William Cayce; Lyon More; T. H. Bostick; Thomas C. Smith; Peter Lenahan; Tappan & Olmsted. These make a total of nineteen names.

From October 19, 1825, to October 30, 1825, the names are: Peter Risin; McAlister, Hill & Co.; John N. Charter; Joseph Dwyer; Daniel Dwyer; Thomas Reynolds; Thos. Ryan; Michael Doyle; Benjamin White; E. C. Foster, peddler; Thos. L. Robinson; John F. Smith & Co.; "wax figures"; F. L. Owen; E. Brown; Tappan & Olmsted. Total, 18, beside the peddler & wax figures.

From November 1826, to November, 1827, there were: Taverns, Thos. L. Robinson, Smith & Perkins; stores, Erastus T. Collins, McAlister Hill & Co., Peter R. Ryson & John L. Wheaton, Danl. Dwyer, Currin & Olmsted, E. G. Clouston, Bostwick & Perkins, W. E. & F. L. Owen, Charter & Doyle, Tappan & Perkins, Joseph Dwyer; groceries, R. Carter, Thos.

Ryan, Lewis Hick, Benj. White, A. & W. P. Campbell, O. J. Noyse, G. W. Walker, Hugh Dempsey, E. Brown & Sons; theatre, J. I. Bryant & Nicholson; circus, Pippin's Co., show, Doolittle & Co. Total 22 stores, taverns and groceries, and three shows. These last were passing shows.

In 1828 the following new business names appear: Wm. D. Taylor, James C. Hill, Collins & McConnico, I. and Wm. Wallace, Jas. Rice, Jeremiah Field, and Dwyer & McConnell. There was only one show, Purdy & Co.

For the period from Oct. 30, 1828 to Oct. 30, 1829, these new names of business men occur: Wm. B. Jones, Isham R. Thweatt, Smith & Peeables, Wm. E. Owen, F. G. McCauley, Perkins, Pannill & Co., Franklin R. Owen, N. Pelhan & Co., White, McConnico & Co., Andrew, Park, and Tappan, Perkins & Co. Two theaters visited the town. Five licenses issued for taverns, namely to T. L. Robinson, Smith & Peebles, James Rice, Hugh Dempsey, and White, McConnico & Co. There were twenty-three stores, groceries and taverns. Of course, some firms would drop out.



## ROPER'S KNOB

Roper's Knob, an almost perfectly circular hill, together with the somewhat elongated hill of less height adjoining it, dominate the fertile rolling valley of some forty square miles that surrounds Franklin and through the centre of which valley Big Harpeth River flows. The scene, looking northward from the Columbia Pike gap in the Winstead hills, I regard as the most extensive and beautiful view to be found in Williamson County. Old soldiers of Hood's army, who survived the carnage of November 30, 1864, often, to near the end of their lives, remembered and spoke of the impression made on them by that view that burst upon under the almost level rays of the sun when they reached the gap that day.

The late J. B. Lillie told me that he had made an estimate of the amount of wheat grown in this valley; he said that from the roof of his home he could see 400,000 bushels of growing wheat. If the wheat crop be estimated at twenty bushels per acre that would seem to make some thirty square miles in wheat visible from one spot.

From Winstead hills the scene seems to be an amphitheatre surrounded by high green hills. This is deceptive more or less to the eye, however, as the hills are not of equal distances from a common centre. Roper's Knob lies much toward the north-north-east part of the figure. By the quadrangle of the U.S. Geological Survey its apex appears to be about 950 feet above sea level, being about 304 feet higher than the public square in Franklin. The other hill is about 930 feet. Included in the above the upper knob is somewhat more than forty feet high. At some remote time there has been a landslide on the northerly side of Roper's Knob extending from the very top to Spencer's Creek, where it formed a small bluff of ten or fifteen feet now. I disturbed the rocks in the upper knob and left some of them helter-skelter, forming good hiding places for foxes and other animals, and a bluff in the Knob. It was at this place that Mr. Ab. W. Moss did some digging by way of exploration. He showed me a small thin stone with a small amount of coal tightly attached to it, less than an inch thick at one edge and knife-edged at the other. The tops of our highest local hills are subcarboniferous.

I am not informed as to the original grant of Roper's Knob. It may have been owned by McEwen or by Goff, but we seem to have no record to that effect in this county. Grants for lands here are recorded in Davidson County up to 1800. Even if one should find a grant it is not likely to mention a hill, especially by name; hills then had no names.

However, the north boundary of Anthony Sharp's grant is known; it runs nearly east and west across the southerly slope of the hill near Roper's Knob and close to the south side of that hill, and the line of the rock fence is still visible. From that line to the McEwen and Goff tracts is only a short way.

A man named Roper lived a great many years on Roper's Knob, but he does not seem to have owned the land. His house was jam-up against the top knob but on the flat space next to the knob or upper part. Some of its foundation and chimney stones are still there.

Somewhere not far away the Long Hunter and pioneer, Thomas Sharpe Spencer (Big Foot Spencer) owned a tract of 320 acres. We have a record of sale by William Spencer of a part of this tract in which he says the land lies on both sides of Spencer's Creek and was inherited from his brother, Thomas Sharpe Spencer. I think that land must have been a mile or two above Roper's Knob on the creek which took its name from the Spencers.

Among surprising things that were said in the early days of the Civil War was one by an old lady neighbor of ours. She came to see our family to tell us that the Yankees were going to put a gunboat on the top of Roper's Knob. The Yankees indeed were busy out there. They cut down all the trees but left a pear tree about half way up the upper knob. They built a large fort covering the whole top of the knob and a strong line of rock and earth works all the way around, and half-way up the upper knob, the remains of both of which are still there. The pear tree stands till today in this line of works, old as it is. They constructed a tramway from the nearly level space, or "bench", to the fort at the top of the Knob. It had heavy crossties and heavy square wooden beams for the rails. An engine and derrick were installed with ropes and drum to draw up heavy artillery with which the fort was supplied. A large horizontal limb from the pear tree extended over this tramway; the scar where this limb rotted off is still there. After a time the Yankees covered the entire fort with a roof. Right at the foot of the upper Knob and on its N. W. side are several large stones that look like the upper work of a cistern there to which water from the roof was carried.

Roper's Knob, as also was Fort Granger, was a signal station - signaling by wig-way by day, and by colored fire balls by night, to Nashville, and to a line of stations to Murfreesboro. The fort was not garrisoned at the time the battle was fought.

As I have spoken of Roper's Knob having the site of a large fort I believe I shall be pardoned for an excursus here. In addition to Roper's Knob the Federals had three

other forts here. Fort Granger looking down on Franklin right at its east boundary was in fact a fortress some 900 feet long and from 100 to 250 feet wide. For months it had 18 field guns and four heavy guns and was supported by 8,500 troops. There was a smaller fort within 1,000 yards of Granger and another on the Nashville Pike south of Spencer's Creek. To strangers I may say that these forts were all northeast and east from Franklin, while the battle was fought south and southwest of the town.

Fort Granger was the only one whose guns could reach any part of the ground where the battle was fought, and that at the distances of half a mile to a mile. For months before Nov. 30, 1864, these forts had been vacant, however, and the heavy long range guns had been removed from Fort Granger. On Nov. 22, Wood's division of 4,000 or 5,000 men, with 24 field guns of the Twenty-third Corp., had been sent north of the river near the Liberty Road. Soon after the battle began Gen. Wood sent one brigade of his reserve with two batteries (8 or 10 guns) to the Murfreesboro Road to stop Gen. Forrest, who was driving the Union cavalry across the river on the southeast side of Franklin. One of those batteries, with the Union brigade, reached the Murfreesboro Road near where Judge Burke now lives, and there opened fire on the confederates about Capt. Tom P. Henderson's place. I have seen a letter from the captain of the other Union battery and he says in the letter that his battery stopped at the fort and did not fire as they believed Forrest would soon charge them. Gen. Jacob D. Cox, in his book, says that Granger was then a "dismantled" fort. Although there are stories enough about the work of Ft. Granger that night, personally I do not believe there were any long range guns in it, nor do I believe any artillery fired from it. I myself lived then as now four or five hundred yards in front of that fort, and I was down at the railroad in plain view of the fort until a little after dusk. I did not see or hear any shots from the fort, and certainly if big guns had been used after night they would even have produced a tragic effect and would have dominated everything. The fact is there was no garrison at the fort. So completely was Middle Tennessee occupied that forts were not considered at all necessary at that time, and their artillery was removed to other fields. Hood's advances was a surprise and was a kind of a raid in force.

I remember that Dr. Hugh Ewing used to say that while the battle was going on he stood for hours at the gate near Spencer's Creek and that no cannons at all were used. Naturally he was used to hearing those big guns at previous times, and if he did not hear them then he would not much notice smaller guns so much farther away and confused with the musketry. He was sincere about that, and insisted upon it.

The "duds", large unexploded shells found round about, are easily explained, for in 1863 Van Dorn attacked the town in April, and Forrest in June; at both times hundreds of shots were fired from that fort. Also in 1863 the artillery-men practiced with those guns every Wednesday for months. I was with the crowds of boys and negroes many a time to watch them shoot.

## THE OLD NATCHEZ TRACE

An Historic Southern Road of By-gone Days

1911 April

Park Marshall

I was reared at Franklin, Tenn., a town which will be known for ages as the scene, near the close of the Civil War, of the most desperate battle perhaps of modern times. One of the traditions there was, and is, that the signs of an ancient road beginning at the Institute, now the High School, in that town and running southwestward, to Cunningham's bridge, in the same county of Williamson, mark the course of the old Natchez Trace.

I have learned that similar traditions prevail, in their respective localities, with respect to the "Page Road," which leaves the Harding Road six miles west of Nashville and runs south and joins the Hillsboro Road; with respect to the Hillsboro Road itself running from Nashville southwest a distance of twenty-five miles to Cunningham's bridge, which is in Williamson County, ten miles southwest from Franklin; and with respect to the road running from Mount Pleasant, in Maury County, to Napier's Furnace, near Buffalo Creek, in the northern part of Lawrence County.

To understand the points here referred to one should have a good map of Tennessee before him. The four roads spoken of all of which date from at least as far back as 1808, were of old not called "Natchez Trace," but "Natchez Trace Roads," indicating that they led to the Natchez Trace, as one would say the Atlanta Road, or the Memphis Road, meaning roads entering those places. From the use of the descriptive name of the road, and from the habit of dropping from it the word "road," the public, in time, came to regard these branches, or forks, as parts of the original Trace. This error occurs in the report of the Bureau of Ethnology for 1883-4 in the map of Cherokee cessions, which represents the Natchez Trace as running from Mount Pleasant, Maury County, Tenn., straight to Florence, Ala., and over the same branch road which I have above referred to. This not only places the Trace some eighteen or twenty miles too far to the east, but it at the same time has the effect of extending the territory ceded by the Chickasaws and Cherokees to that line, their treaties of 1806 running their northern boundary with Duck River from its mouth to the Natchez Trace, therein called "The Columbian Highway." That would make the land ceded extend eastward to Columbia, Tenn., which every one knows to be absurd, as the Trace in fact crosses Duck River at Gordon's Ferry, sixteen miles

northwest from Columbia, and at the present border of Maury County.

It is best to describe the course of the Natchez Trace, and afterwards show the manner in which it was laid out, and its uses and object. What is known as the Basin of Middle Tennessee lies diagonally across the center of the state in a northeast and southwest direction, a distance of over one hundred miles, and is eighty miles east and west. It is surrounded by uplands, known as the Highland Rim, which rise four hundred feet higher than Nashville, and which, west and south extend to the Tennessee River. From the foot-hills of the Cumberland Mountains a watershed starts and runs west half way between Columbia and Franklin, and continues west until it strikes the Highland Rim. This watershed is known as Duck River Ridge and it runs on in the Rim until it is near the Tennessee on the west, when it curves northward and goes into Kentucky, between the Tennessee and the Cumberland. All the waters north and east of this ridge run into Cumberland River, and all those south and west of it run into the Tennessee. At the time of the French and Indian war the Confederacy of the Six Nations claimed that they were sovereigns by right of conquest over all the country north and east of the Tennessee River, and a treaty was made with England at Fort Stanwix in 1768 ceding that part of the country to England. This extinguishment of Indian title was all that was held by North Carolina as to its western lands, and the white people, acting on the theory that that cession was valid, was one of the causes of wars with the Cherokees. Both the Cherokees and the Chickasaws disputed the North Carolina title, the latter claiming that they had driven the Shawnees out of the country from the Tennessee River to a point on a line running north and south through the Chickasaw Old Fields, on the Tennessee River, the meridian of which place is east of that of Nashville, while the Cherokees claimed that they had assisted in the war, and also that they (the Cherokees) were the holders of the country east of that meridian. Whilst these Indian claims were thought to be doubtful, yet it appeared that George Washington had at least recognized the Chickasaw contention. Negotiations were therefore opened and treaties were made with the two nations at Hopewell, S.C., in 1785 and 1786, whereby the Indians ceded the country, making the boundary line run with Duck River Ridge from a point near Waverly, in the present Humphries County, southeast and east to a point south and east of Nashville, so that a line run north from the east end of the line would strike the Cumberland River forty miles east of Nashville. Matters remained in this shape until the year 1801, at which time treaties were made with the Chickasaws and Choctaws for the opening of a wagon road through their territories from Nashville, Tenn., to Natchez, on the Mississippi, to be located as the president of the United States might indicate, and to be for the perpetual use of the people of

the United States and of those nations. Gen. Wilkinson was then in command of the Military Department of the Southwest, and he at once started the work of opening the road under the immediate charge of Capt. Robert Butler and Lieut. E. Pendleton Gaines with four companies of men and several Indian guides; and a little later started the work in the Choctaw country with ten companies. No other road was ever provided for in any treaty, for which reason this road -the Natchez Trace (named in later documents "the Columbian Highway"), must be deemed as that which ran through Indian territory by virtue of treaty stipulations, and the other Natchez Trace "Roads" were its approaches.

The most direct route from Nashville to the north end of the Natchez Trace was and is along the present Hillsboro Road, which bears southwest from Nashville until it reaches Cunningham's Bridge, (which is only the crossing of a small branch), ten miles southwest from Franklin, at which point the wagon road strikes and ascends the Highland Rim, and in two or three miles crosses Duck River Ridge. The road is now on a ridge with Lick Creek on its right and Leipers' Creek on the left, which streams run southwest into Duck River; and in three miles more the road crosses the Maury County line five miles east of the Hickman County line. Pursuing its southwest course, the Trace in five miles reaches Lodebar (formerly Kindehook), and four miles thence passes an old well called "Jackson's well," or "Haunted well," and in another four miles crosses Duck River at Gordon's ferry, in Hickman County four miles northwest from Williams-port, of Maury County. Then the Trace runs about seven miles in the eastern part of Hickman County and veering toward a south course comes to the common corner of the counties of Hickman, Maury, and Lewis; thence it runs west several miles along the general course of the line between Lewis and Hickman. It then resumes its southwest course and after eight miles crosses Swan Creek at the old Dobbins stand, now Gordonsburg, running through the property of the present Mayfield phosphate mines. Thence in four miles the road passes a mile and a half west of the site of Newburg, the old county seat of Lewis County, near the center of that county, and two miles further on it passes the grave and monument of Meriwether Lewis, from whom the county was named. Pursuing the main ridge it, in nine miles, passes Napier's Iron Furnace, near the Lewis and Lawrence line, after crossing Buffalo Creek. It then passes through the northwest part of Lawrence County, and into Wayne, five or six miles south of its northeast corner, and runs across the headwaters of Cypress Creek, in that county. It then passes into Alabama at its northwest corner, and reaches the Tennessee River at Colbert's ferry, about twenty miles west of Florence, and several miles east of the mouth of Bear Creek. This place is very near the old Indian town of Coldwater, where the fight took place between James Robertson and the Indians in 1787, the result of the

Coldwater Expedition. The curse of the Trace in Mississippi has been marked out in that state. It runs through Tishomingo and Lee Counties, and passes two and a half miles west of Tupelo, and seventeen miles east of Pontotoc. It visits the vicinity of old Harrisburg, where the battle was fought during the Civil War, and so on in that course to Natchez.

In 1871, and again in 1873, I was one of a party of boy campers who spent vacations on the clear and beautiful streams that flow through the western part of the Highland Rim, and although the Natchez Trace, though still used in most of its parts, had lost its glories as a great commercial and military highway, I remember how familiar its course was to all the inhabitants. It is a road having a history, and although its traditions come down to the present generation dimmed by the mists of a hundred years, yet they are of sufficient force to keep alive a mild form of awe. Whenever you are directed to any place the Trace must be a part of it, if you are to touch it or in the manner that a meridional line serves the astronomer or geographer. Throughout all its seventy-five or eighty miles in the middle Tennessee uplands it follows the main ridges between the water erosions on the right and on the left, but never abandons its main purpose to reach Natchez by the Father of Waters; and, like many another faithful public servant, it is cast aside, if not contemned, when well worn and when the requirements of a more advanced condition render it of less utility.

So many cross roads have been made in later times that one constantly runs the risk of taking one that will lead to some hut in a nearby hollow, or to some saw mill, from which fact there is a saying that "Natchez Trace is easy to travel, inasmuch as it keeps to the ridges and does not often lead one up and down very steep hills, but it is hard to follow because it is frequently intersected by other roads, some of which have much the same appearance.

After a century the solitary grave of Meriwether Lewis, by the wayside in the blackjacks of Lewis County, never fails to awaken a solemn interest in the history of that promising but unfortunate young officer whose remains have rested there since his tragic death in the year 1809. A man named Griner settled near Centreville in 1807 with his family, and in 1808 moved to the Natchez Trace and established a "stand" a place to care for traveler, man and beast. His place was the last white settlement toward the southwest. Meriwether Lewis was a young man of promise and a friend of Jefferson, who commissioned him and Clark to make the great overland exploration to the Pacific in 1803. This great work having been done with complete success, Lewis was later made Governor of the District of Louisiana, which embraced the present Missouri, but not New Orleans.



In the early part of 1809 he was ordered to report to Washington, and took his course down the Mississippi and across West Tennessee to the Natchez Trace, accompanied by a Creole and a negro servant. Before reaching Griner's stand his horses had stampeded, and I believe the men were not with him at the time. At the stand he was given a small "office" to sleep in. His conduct was said to be strange and his manner excited or gloomy, so that the women at the "stand" were afraid of him. By their account Griner was not then at home. In the night two shots were fired, and Lewis was heard moaning and asking for water. Many crimes had been committed in the then condition of the wild country, and the women seem to have been afraid to go to his assistance. They found where he had attempted to get water from a well. In the morning he was dead, and was buried where his remains lie to this day. There were those who had a different belief from that which is above implied, and Griner was accused of murder and robbery, was tried, and cleared. Others believed that Lewis' servants murdered him and made their escape. The people are still divided as to the manner of the death. Thomas Jefferson speaks of it as if there were no doubt that it was a case of suicide, and the facts seem to justify that opinion. Gov. Lewis was certainly known to be subject to melancholy, and Jefferson was acquainted with this fact at least. The description of Lewis' actions would tally with this theory, and the wearysome journey and depressing scenery could easily have affected him at the time. Many years afterward the state caused a small monument to be placed over the grave. Around this the country people from time to time interred the bodies of their dead until now there are some fifty graves there in the blackjack woods with no fence about them. The base of the monument is crumbling, and as nothing seems sacred to the relic hunter, several pieces have been broken from the stone itself.

What manner of men have within these hundred and ten years trodden the course of the old Natchez Trace, and what oxen and horses in so long a time have assisted the rains and sleets in so greatly eroding its steep places?

First of all, the Natchez Trace should not be confused with Jackson's Military road. The Military road runs from Columbia and Mount Pleasant down by the way of Shoal Creek to Florence, Ala., and thence diagonally across Alabama to the middle of the east side of Mississippi, while the Trace runs much more to the westward, passing over twenty miles west of Florence and into the northeast corner of Mississippi. The Military road seems to have been begun in 1808, while the Trace was begun in 1801. The purpose of the Trace was chiefly commercial, though there can be no doubt that it was important, from a military point of view, to have a road leading to the French, Spanish and Indian possessions. During a quarter of a century the Natchez Trace

was the greatest and most important highway in all the country within two hundred miles or more of the Mississippi. Practically all of the export trade of Tennessee, Kentucky, and of the Ohio, went down the rivers to New Orleans, and the men and returns came back over the Natchez Trace. The stories of these journeys, of the goings and comings, and of the highwaymen who, for several years infested the road, were legion, and many of them are told by firesides to this day.

As to military purposes, it has frequently been said that Andrew Jackson went to New Orleans over the Trace in 1814, but this is a palpable error, inasmuch as Jackson and Coffee were at Pensacola when the tocsin was sounded, and went from that place. In the Creek war the concentration was at Fayetteville, and Jackson went from that place to Huntsville, and over the Sand Mountain. After conquering the Creeks he was in Florida just before going to New Orleans. When the British were suspected of intending an invasion of the South in 1812, Jackson started to meet them at New Orleans. At the time of his departure he issued an address dated Nov. 14, 1812, which may be said to contain the key to the great importance which the people of the West assigned to the Natchez Trace and to the possession of the Mississippi. He said: "Every man of the western country turns his eyes instinctively upon the mouth of the Mississippi River. He there beholds the only outlet by which his produce can reach the markets of foreign nations, or of the Atlantic states. Blocked up, all the fruits of his industry rot upon his hands; open, he carries on a commerce with all the nations of the earth." At this time Gen. Coffee took 650 cavalry to Natchez by way of the Trace, while Jackson carried 2,500 men down the rivers and met him at Natchez. There the men were held some time without orders, during which Jackson asked to be allowed to go to Detroit to retrieve the disgraceful losses of Gen. Hull. He was ordered to dismiss his men and turn over equipments to Wilkinson's order, which he refused to do, and marched the army back over the Natchez Trace until he got to the vicinity of the Lewis mounment, and there dismissed them. This closed what was called the Natchez Expedition.

SEE NOTE NEXT PAGE

NOTE: NATCHEZ EXPEDITION

JAN. 1813

A Letter by Jackson just before starting says the troops were as follows:

Col. Coffee, Cavalry, by Trace,	670
Col. Benton, Infantry, by River,	700
Col. Hall, Infantry, by River,	<u>700</u>
Total	2,070

They are said by Haywood to have started on January 7, 1813. Buel, page 261, says Coffee went by way of the Trace, Jan'y 4, 1813; and the two foot regiments on Jan'y 8. He says that the numbers were as follows:

Col. Coffee, Horse,	696
Col. Benton, Foot,	916
Col. <u>Hall</u> , Foot,	<u>976</u>
Total	2,588

Jackson's figures are meant as round numbers. Benton afterwards spoke of the army at Natchez as being 3,000 men - this being a round number also. It has always been said that a number of volunteers went by way of the Trace in small squads, as they happened to get together, and joined the regiments at Natchez.

P. M.

When Jackson left Florida for New Orleans he caused Gen. Carroll to convey about 2,500 men down the river from Nashville. At that time many volunteers went to Natchez to meet the expedition there, but in squads of a few men each, not as organized commands. After the battle the army was marched back over the Natchez Trace. After reaching Cunningham's bridge, which merely means the edge of the hill country, it is uncertain which roads were followed. It is certain that some portions of Jackson's armies camped at Franklin, and that being so, they, of course, did not travel the Hillsboro Road. The probabilities are that between Nashville and the Trace proper they moved some on one road and some on another, as convenience to the particular men dictated. Jackson made a gift of a small cannon was long afterward, with apparently the consent of the citizens, taken away by a volunteer going to the Texas War of Independence, and was said to have been used at San Jacinto.

Water and heat worked the undoing of the Natchez Trace. When the expanding water vapor in the first boiler turned a wheel the Natchez Trace, as a through line, was doomed, for when watercraft plied the rivers upstream as well as down, and the iron horse visited their shores, there was no further need to plod for weeks over a road sometimes dusty and sometimes at places obstructed by overflowing rivers. Few persons now living have ever traveled the entire length of the road, and yet it is still in use throughout all, or nearly all, its original length for going to and from places within its limits. The present road is not always on the exact track of the old road, for, at least on its northern half, it runs through a rather thinly settled section on lands not well suited to agriculture, so that whenever a tree has fallen across the way, or a mud-hole, or a badly worn place has developed, instead of repairing it the people have preferred to "drive around" it, that being the cheaper and shorter way to solve the problem. In some instances a new ridge has been taken, involving a parallel of several miles. Thus the whole road is appreciably longer than it was at first. In Wayne County, Tenn., the Trace is at many places almost completely lost.

Notwithstanding these things the old highway is a subject of unfailing interest to almost every one in Middle Tennessee and North Mississippi who is in the least interested in the traditions and history of his country. It is a mute witness of the energies, sacrifices, and heroisms of the pioneers of a past century.

So far as the writer has been able to ascertain, there has been no connected description of this road written, and such mentions of it as occur in different books generally contain mistakes. If any reader be inclined to look further into the matter, he will find the subject, or some related matter, in the following publications: State Papers -

Indian Affairs, Vols. 4, 5; Bureau of Ethnology, Report for 1883-4, Map 2 (with erroneous placing of Columbian Highway, or Natchez Trace); Spence's History of Hickman County, Tenn.; Clayton's History of Davidson County (old map); John Allison's "Twentieth Century Map of Tennessee;" Surveys (1835), in office of Secretary of State, Nashville; Jo. C. Guild's "Old Times in Tennessee;" Colyar's Life of Andrew Jackson; U. S. Geological Survey - Quadrangles of Nashville, Franklin, Columbia, Waynesboro, and those of Mississippi; Goodspeed's History; Ramsey's Annals, showing outline map of Military road; U. S. Statutes at Large Vol. 7, Survey's 1835 in office of Sec. of State of Tenn.

# INDEX

Adams, John	116	Blount, William	2
Alberson, Isacc	52	Blount, Willie	55
Allison, David	47,49	Bond, Burke	79,85
Akin, J. H.	86	Bond, Peggy	64
Allison, T. F. P.	85	Bond, Wm.	31
An-to-ko-woh	53	Booker, Peter R.	56,57
Anderson, Joseph	47,49	Bostick, John	31
Anderson, Patten	72	Bostick, H. P.	124,128
Anderson, Tub	53	Bostick, T. H.	134
Anderson, John	30	Bostick, R. W. H.	85
Andrews, Mark L.	74,79,83	(Richard Whitman	
Anthony, Wm.	81	Hyde)	86,111
Atkeison, Tilman	4,43,113	Bowling, Dr.	95
Badger, F. H.	81	Boyd, H.	30
Bailey, Francis	49	Boyd, William	35
Baird, J. P. Col.	103	Bradley, Robert	30
Balch, Alfred	55,58	Bradley, Thomas	30,76
Banks, J. M.	81	Bragg, Gen.	74,97
Banks, William	31,81	Breathitt,	
Barham, Wm.	72,73,90	Edward, Dr.	30,63,81,124
Bate, Wm. B. Maj. Gen		Breathitt, Mary	30,63
109,111,112,113,114,116,117		Brevard, J. L. Mrs.	69
Battle, Joel A.	94	Brien, Judge	74
Baugh, Brodice	80	Brooks, George	81
Baugh, John W.	70,80	Brown, Aaron V.	53
Baugh, Joseph W.	41	Brown, E.	133,134,135
Baughman, C.	30	Brown, James	53
Baxter, Nathaniel	74	Brown, John C. Gen.	
Beale, C. W.	86	111,112,114,116,118	
Beasley, Ephraim	16,132	Brown, H. H.	81
Bedford, J. R.	32	Brownlow, James P.	104
Bell, David	31	Bryant, J. I.	135
Bell, John	41,53,59,62,84	Bryant, Mr.	121
	85,87,126	Buchanan, Capt.	91
Bennett, Alex	30	Buchanan, John P.	84
Bennett, Henry	72,73	Buell	96,97
Bennett, Mrs. Laura	13	Buford, Gen.	119
Benton, Jesse	30,57,70	Buford, James	9
Benton, Mary	57	Buford, Spencer	30
Benton, Samuel	57	Bullock, T. W.	
Benton, Thomas H.	23,30,56	(Dick)	79,86
57,59,61,85,87,146		Burke, Judge	138
Berkley, Polly	31	Burge, Henry A.	83
Berry, C. R.	86	Burr, Aaron	58
Berry, David	82	Butler, Robert	142
Berry, Tyler	87	Butt, A.	31
Bethurum, Jeff Dr.	108	Calhoun	63
Blackburn, Gideon Rev.	123	Cameron, Don	79
Blackburn, J. N.	81	Cameron, Ewen	128,130
Blount, Thomas	47,49	Cameron, Ewing	124

Campbell, Andrew	81	Collins, Erastus	124, 134
Campbell, Arthur	30, 122, 135	Collinsworth, Wm.	51
Campbell, D.	73, 86	Cooper, Edmund	61
Campbell, E. B.	69, 80	Cook, Eliza Maney	87
Campbell, Geo. W.	50	Cook, Ed C.	86, 87, 94
Campbell, John K.	30	Courtney, Robert	16
Campbell, M. W.	81	Covington, J. J.	77
Campbell, Wm. P.	124, 135	Cox, Jacob D.	107, 117
Campbell, Wm. S.	110		118, 138
Cannon, Letitia Thompson	62	Cox, N. N.	74, 84, 88
Cannon, Newton	48, 62, 70, 84, 85	Cox, P. E.	79
Cannon, Robert	30	Craighead, David	53
Cannon, Samuel	69	Crenshaw, Daniel	59, 60
Carothers, Robert	23	Crockett, Andrew	30
Carroll, Gov.	62, 147	Crockett, D. T.	40
Carroll, J.	30	Crockett, Samuel Dr.	
Carson, John	30		30, 81, 83, 124
Carsey, Thomas	30	Culbert, G.	30
Carter, E.	134	Currey, Jas. W.	82
Carter, Fauntain B.	40	Currin, Robert P.	16
Carter, John Carpenter	116		30, 53, 81, 123, 134
Carter, M. B.	42, 91, 94	Dabney, Charles A.	83
Carter, Tod	117	Dalton, John	30
Caswell, Richard	33	Davis, David S.	82
Catron, John Judge	55, 60	Davis, Frederick	30
Cayce, William	134	Davis, James B.	24, 33
Chambers, Gen.	110	Davis, Jefferson	95
Chambers, Moses	15	Davis, Jefferson C.	99
Charter, John N.	134	Davis, Robert	81
Cheairs, N.F.	94	DeGraffenreid,	
Cheatham, B. F.	110, 111	Abram Maury	52
Childress, H.	55	DeGraffenreid,	
Childress, Stephen	16, 30	Benjamin Rees	52
Chrisman, J. J.	87	DeGraffenreid,	
Childress, W. G.	85	Mrs. Lucy Gee	63
Clark, W. M.	94	DeGraffenreid,	
Clark, William	81, 143, 144	Matilda	52
Cleburne, Patrick Gen.	98	DeGraffenreid,	
	111, 112, 114, 116, 117, 118	Matthew Fontaine	52, 94
Clemm, James C.	30	DeGraffenreid,	
Clemm, Jas. E.	82	Metcalf	52
Clemm, James S.	81	DeGraffenreid,	
Cliffe, Belle	104	Sarah Rees	52
Cliffe, Daniel B. Dr.	104	DeGraffenreid,	
Clousen, E. G.	81, 134	Susanah	52
Cockrill, Gen.	116	deGraffenreid, T.P.	80
Coffee, John	27, 53, 67	Dempsey, Hugh	135
Colbert, George	53	Dibbrell, General	87
Colbert, James	53	Dickens, Charles	54
Colbert, Levi	53	Dickinson, William G.	
Colburn, John	100		123
Coleman, Henry	52	Dickinson, G.	30

Dickinson, W. G.	81,124	Gaines, E. Pendleton	142
Dilliard, Joel	30	Gault, James M.	10,89
Dillion, John	30	Gentry, Meredith P.	61,84,85,87
Donaldson, John	51	Gentry, W. M.	31,42,58,110,114
Donaldson, Wm.	51	Germain, Joseph	11
Dowing, Wm.	30	Gibbs, A.	87
Doyle, Melissa	82	Gilbert, C. C.	99,100
Doyle, Michael	82,133,134	Gillespie, George	122
Dozier, N. B.	71	Gillespie, William	33,51
Dudley, Ann Bland		Gist, States Rights, Gen.	116
Dudley, Guilford	30,69	Glass, Jonathan	51
Dudley, Thomas	30	Glass, Samuel F.	81
Dwyer, Daniel	134	Goff,	136,137
Dwyer, Joseph	134	Gollady, George	31
Eastin, William	124	Gooch, Nathan	30
Eaton, Mrs. Elizabeth	63	Gooch, Thomas	31
Eaton, John H.	51,57,62,63,67,84	Gordon, James	31
Eaton, Maj. John Eaton	51	Gordon, R. J.	58
Eaton, Gen. Tom	69	Graham, Mr.	10
Eaton, Pinkham	62,51	Granbury, Hiram G.	116
Edmondson, Robert	84	Granger, Gordon, Gen	100,102,103
Edmondson, William	9	Grant, U.	95,105
Eelbeck, Henry	81	Gray, Henry L.	82
Eelbeck, John G.	72,73,90	Gray, Jacob	31
Elliott, James	30	Gray, John	47,49
Ellis, C. C.	86	Gray, Young A. Dr.	126,131
Everett, Edward	59	Green, E. E.	42,44
Ewin, John H.	22	Green, Jo J.	42
Ewing, Andrew	95	Grundy, Felix	55,56,58,59,84,87
Ewing, Alex	33,51	Gunter, Felix	125
Ewing, Hugh Dr.	138	Guthrie, Robert	31
Ewing, H. S.	89,97,110	Haigler, David	31
Ewing, William Capt.	86,94	Hamilton, Elijah	122
Farmer, Lemuel	16,74	Hamilton, Jos S.	82
Farr, David	78	Handy, Thomas K.	12,14,15,63
Farrington, Joshua	82,126,131	Handy, Mariah Louise	63
Faw, W. W.	87	Hanner, James P.	91,93
Field, Jeremiah	135	Hardeman, Nicholas R.	31
Floron, Lazarus	51	Hardeman, Frank	85,86
Forrest, Nathan Bedford	87,88		
99,102,103,104,106,110,138,139			
Foster, E. C.	134		
Foster, Robert C.	59,60,73,84,85		
Fawlkes, H. P.	86,123		
Foster, Robert C. Jr.	85		
Freeman, Capt.	102,103		
French, Samuel	111		
Fulton, W. D.	86		



Hardeman, Thomas	81
Harper, Berryman	31
Harris, Carey A.	61,79,80
	124,127
Harris, Isham Gov.	91,94,95
Harrison, Woodson	73
Hasbrouck, Wm. C.	64,71
Haynes, Natus J.	79
Haynes, Thomas E.	79,86
Hay, Preston	53
Hays, Patsy Thompson	47
Hays, Rachel	47
Hays, Robert	47,49
Haywood, John	55
Helm, M. F.	31
Henderson, Gen.	113
Henderson, John	51
Henderson, Robert	31,63
Henderson, Mrs. R.	63
Henderson, T. P.	30,138
Henderson, Samuel	89
Hendrix, Thomas	31
Henry, John J.	31
Hick, Lewis	135
Hicks, Ed	5
Hicks, James	31
Hightower, Richard	31,51
Hill, Green	31
Hill, Harry	65,68,69,81,86
	134
Hill, James C.	135
Hill, John D.	31
Hill, J. W.	94
Hill, Hezekiah	74
Hill, McAlister	134
Hiter, Thos. H.	124,128,131
Hogan, James	79
Hogan, James, Jr.	85
Holland, Kemp	31
Hood, John B. Gen.	105,106
	109,115,118
House, Samuel S.	86
House, William	107,109
Houston, Sam	64
Howlett, Dr.	15,44
Howe, William	51
Hughes, James	31
Hughes, Dr.	91
Hughes, Barnett R.	89
Hulme, William	31,45,55,56

Hunt, Gershon	31,81
Hunt, Memucan	51
Hunt, S.	31
Hush-la-ta-be	53
Huston, Rev.	91
Hyde, Rich'd W.	31
In-he-yo-chit-tubbe	53
Im-me-houl-la-tubbe	53
Im-mo-la-subbe	53
In-no-wa-kache	53
Irwin, James	58
Ish-te-hecha	53
Ish-te-ya-tubbe	53
Ish-ti-ki-yo-ka-tubbe	53
Ivey, Lieut. Curtis	51
Jackson, Andrew	6,27
	28,31,47,56,57,59,63
	68,126,145
Jefferson, Judge	122
Jefferson, Thomas	143,144
Jones, Anney Jones	31
Jones, James G.	85
Jones, Wm. B.	135
Johnson, Albert Sidney	95
Johnson, Andrew	74,122,123
Johnson, John, Sr.	9
Johnson, J. B.	86
Johnson, Joseph E.	105
Johnson, T. B.	86
Johnson, Wm., Maj.	70
Kelly, John H. Gen	104
Kin-hi-chi-chief	53,54
King, B. F.	86
King, James	65
Lane, B. W.	81
Lane, H. H.	87
Lawrence, Edward	31
Lavender, F. M.	69,86
Lee, R. E. Gen.	105
Lee, Stephen D.	106,110
Lenahan, Peter	134
Letterer, William	7
Lewis, Meriwether	142,143,144
Lewis, Seth	52,84
Lewis, William B.	53
Liggit, William	43,44
Lillie, J. B.	136
Lillie, James	40

Logan, William	31
Loring, William W.	111
Lucas, Benj.	33, 51
Lyon, Henry	31
Lythe, Capt. William	69
Mabane, Col. Robert	51
Mabane, Wm.	51
Mabry, Thomas G.	31
McAlister, Charles	16, 31, 123
McAlister, Frances	65
McAlister, John	81
McAlister, Margarette	65
McAlpin, John	91
McCawley, F. G.	135
McClaren, Franklin	31
McClish, J.	53
McConnell	73, 135
McConnico, Garret (Garner)	31, 135
McConnico, W. L.	86
McCorkle, D. E.	87
McCrory, Thomas Sr.	6, 7, 31, 52
McCutchen, Samuel	23, 29, 51
McCutchen, Patrick	51
McEwen, David	35
McEwen, John B.	16
McFall, D. M.	86
McFerrin, D. D. Rev.	91
McGan, Eli	31, 81
McGavoch, James	51
McGavoch, John	25, 89, 111, 116
McGavoch, Randall	58
McGee, William	80
McGilvery, William	31, 53
McKay, John	10
McKay, Thomas	10, 12
McKay, William	10
McLemore, Atkins	83
McLemore, Peggy Ss.	83
McLemore, Robert	83
McLemore, W. S.	88
McLemore, Young	31
McMillan, Capt.	98
McNutt	123
McNutt, Mrs. Sallie Hines	57, 108
McPerson, Jonathan	52
McPhail, Dr.	90
Magness, David	72

Magness, Jonathan	72
Magness, Perry	72
Mairs, Joseph	11
Malone, Lieut. Col	98
Maney, Geo.	93
Maney, Thomas Judge	60
Manniffee, Jerrot	51
Manley, Caleb	31
Marshall, Humphrey	
Marshall, John	73, 85, 87, 95
Marshall, Park	4, 14, 69, 86, 93, 120, 121, 123, 126, 129, 132, 140
Maratin, A. L.	81
Martin, J. T. Capt.	94
Martin, William Col	85
Matsdorff, Col.	120
Maury, Abram, Sr.	11, 14, 31, 33, 34, 35, 43, 45, 47, 52, 76, 84, 85, 122, 126, 127, 132
Maury, Abram P.	57, 58, 59, 61, 79, 80, 82, 84, 85, 90
Maury, Dabney H.	64
Maury, Diana Minor	64
Maury, Elizabeth Branch	57
Maury, John Minor	64, 82
Maury, Martha Worslan	57
Maury, Matthew Fontaine	64
Maury, Richard	31, 64
Maury, Thomas T.	85
Mayberry, H. H.	78, 108
Mebane, George	31
Meeks, George B.	82
Meeks, George S.	82
Merrill, Charles A.	111
Merritt, Thomas	31
Miller, John W.	15, 74
Montgomery, Lemuel P.	56
Moody, Col.	95
Moore, Samuel	51
More, Lyon	134
Morean, James	82
Morrow, Wm.	31
Moss, Ab	76
Moss, Ab. W.	136
Moss, A. W.	86

Murfree, Hardy	69	Perkins, Constantine	53
Murfree, Mary Moore	69	Perkins, Daniel	9
Murfree, William	69	Perkins, Leah Pryor	62
Neely, I. G.	129	Perkins, N. C.	71
Neeley, Isaac	31	Perkins, Nicholas, Sr.	31, 55, 56, 57, 59, 85, 90
Neeley, John	31	Perkins, Nicholas, Jr.	31, 57, 40
Neeley, Wm.	31, 84	Perkins, Nicholas	
Nelson, John	47, 51	"Bigby"	58
Nelson, "Major"	49	Perkins, Nicholas Tate	16, 31, 58, 84
Newell, Wm.	51	Perkins, P. G. Stiver	42, 86, 91
Nichols, Black Hawk	69	Perkins, Samuel	31, 85
Nicholas, John Sr.	32, 52, 68, 69	Perkins, Thomas F. Capt.	86, 94, 97, 99
Nicholas, John Jr.	31, 68, 69	Perkins, Thomas Hardin	31, 58, 81
North, Abraham	31	Perkins, W.O.N.	15, 57, 58, 86
North, Elisha	31	Petway, Hinchey	16, 31, 58, 122, 131
Noyse, O. J.	135	Polk, James K.	59
Nunn, W. M.	86	Porter, Joseph	35
Oh-he-cubbe	31	Price, James	31
Olmsted	134	Priest, Miles	82
O'Neill, Peggy	63	Pryor, Norton	47, 49
Ook-la-ma-ya-ubbe	53	Puryear, Hezekiah	31
Old, Thomas	31	Ragsdale, Edward	83
O'More, Mrs.	15	Ragsdale, John	83
Opdyke, Emerson Col.	100, 113	Ralston, Joseph	52
Orr, James	31	Redman, C. C.	86
Orr, Phillip	31	Reece, Sarah	31
Orton, Richard	31	Reed, James L.	31
Otey, James H. (Bishop)	71, 64	Reid, John	31, 56, 57, 63
Otey, John H.	80	Reid, Nathan	57
Overton, John	24, 68, 89	Reynolds, Thomas	134
Owen, F. L.	127, 134	Richards, Josiah	31
Owen, Franklin R.	135	Rice, Jas.	135
Owen, Robert	31	Ridley, John B.	87
Owen, R. S.	80	Ridley, Thomas	81
Owen, Wm. E.	81, 85, 124, 135	Risin, Peter	134
Palmer, Gen.	96	Rizer, Y. M.	34
Pannill	135	Robertson, James	24, 55, 85, 142
Parham, Wm.	31	Robinson, Thos. L.	31, 83, 134
Park, James	81, 124, 127	Rolff, J. H.	106
Parkes, John	90		
Parks, Thomas	81		
Parrish, Joel	29, 58, 85		
	121, 122, 124		
Parrish, John	68		
Pearre, Thomas	31		
Peeables	135		
Peebles, William	133		
Pelham, N.	135		

Rosecrans, Wilham Gen.	99	Sumner, Thos. E.	31
Rousaeau, Lovell	115	Stuart, Thomas, Judge	31, 32, 55, 56, 59, 72
Rucker, Wm. P. Capt.	94, 119	Swisher, Henry	31
Russell, F. C.	87	Tappan, B. S.	65, 66, 81
Rutherford, Henry	52		83, 124, 134, 135
Ryson, Peter R.	134	Tappan, E. S.	65, 81
Ryan, Thomas	134, 135	Tatom, Absolon	51
Sappington, John	31	Taylor, Thomass	51
Sappington, Roger B.	55	Taylor, W. D.	81, 98
Sappington, Thomas	31	Taylor, William	135
Saunders, Turner	31, 121, 122	Terry, Col.	95
	126, 131, 132	Thomas, Andrew	31
Schofield, John Gen.	101, 106	Thomas, Atha Hon	72, 86, 107
	108, 109, 115	Thomas, George H. Gen.	106
Scott, Gen.	116	Templeton, James	31
Scott, Henry	73	Thompson, Elijah	85, 86
Scurlock, James	89	Thompson, J.	81
Sevier, John	9	Thompson, L.	81
Shafter, W. R. Col.	108	Thompson, Robert	33, 51
Sharp, Andrew	33	Thompson, Thos. A.	82
Sharp, Anthony	137	Thorpe, Sophia	57
Simpson, Wm	51	Thweatt, Isham	82, 135
Skelton, Dr.	103	Trimble, James	58
Smith, Baxter, Col.	98	To-rul-ka	53
Smith, Daniel	5	Triggs, Samuel	31
Smith, John F.	134	Trotter Ch. R.	31
Smith, Thomas Benton	88, 94	Tulloss, John	103
Smith, Thomas C.	134	Turley, W. T.	80
Smith, William	31, 55, 56, 81	Turner, James	31
Sneed, Wm. H.	85	Van Buren, Martin	59, 56
Soule, Bishop	71	Van Dorne, Earl, Gen.	99, 100, 139
Southall, James	31, 52		
Sparkman, William	24	Van Pelt, A.	80
Spencer, Thomas Sloupe		Venable, S.	73, 85
(Capt.)	51, 137	Waggoner, Capt.	91
Spencer, William	137	Wagner, George D.	112, 113
Stanley, Gen.	98, 102, 103	Walden, Henry Jr.	66
	108, 117	Walker, G. W.	135
Squire, David	31	Walker, Joel	85
Starnes, James A. Col.	87	Walker, Otey	24, 70
	94, 102	Wallace, I.	135
Stead, Lieut. Jesse	51	Wallace, Wm.	135
Stewart, A. P. Gen.	110, 111	Walthall, Edward C.	111
	112, 118	Walthall, John	5
Stewart, J.	81	Washington, George	64
Stith, Dr. Ferdinard	69, 72		141
	81, 82	Watkins, R. H.	79
Stockett, Thos. W.	31	Watson, John	31
Strahl, Otho F.	116	Watson, S. P.	12, 14, 15
Streight, Colonel	88		28, 44, 132
Striker, G	134		

Webb, Wm. S.	31
Weakley, Robert	85
Welborn, Rachel Starnes	62
Welk, Edmund	31
Wharton, Jesse	52
Wheaton, John L.	134
Wheaton, Sterling	83
Wheeler, Joseph, Gen.	99, 104, 106
White, Benjamin	11, 31, 134, 135
White, Chapman	11, 31, 52, 84, 122
White, Hugh L.	59, 62
White, John	13, 15, 31, 131
Whiteside, Jenkin	55
Whyte, Robert	55
Wikle, Douglas	87
Wilkins, John A.	57
Wilkinson, Gen.	142, 145
Williams, Oliver	31
Williamson, Gen. Hugh	76
Williamson, Sarah	81
Williamson, Tom	69
Wilson, John	51
Wilson, John A.	94
Winchester, Gen.	
Winstead, John M.	16
Winstead, W. E.	15, 58
Witherspoons	28
Wood, Gen.	138
Woodward, Lieut. Col.	99
Wooldridge, Kessiah	59
Word, Samuel	31, 82
Wright, Robert W.	31
Wright, William	74, 97