



THE COURIER



VOL. XLIX, NO. 2

TENNESSEE HISTORICAL COMMISSION, NASHVILLE, TENNESSEE

JUNE 2011

CERTIFICATE OF MERIT AWARDS PRESENTED

Begun in 1975, the Commission awards Certificates of Merit each May in recognition of National Preservation Month. New categories have been enacted for 2011, with awards being given for achievements in Historic Preservation, Books or Public Programming, and the Commissioners' Special Commendation award.

Historic Preservation Awards

Minvilla Manor, Knoxville. Built in 1913, this once-abandoned architectural jewel has extraordinary historic details. It has been adaptively reused as housing for the formerly homeless and shines again as a centerpiece of the surrounding historic neighborhood.

Nunnely Community Center, Hickman County. Finding new use for a former neighborhood school built in 1924, the local community came together to

adaptively reuse the property as a community center.

Timothy Grindstaff for the McCollum Farmhouse, Greenback. Grindstaff undertook a faithful restoration of this early 19-century farmhouse that is the site of tours for schoolchildren.

Book or Public Programming Awards

Jon P. McCalla, Penny Saucier Glover, Rut Blakey Billingsley, and Louise Woodbridge Rhodes for People and Towns of Northeast Shelby County and South-Central Tipton County. The award recognizes this extensive research and writing project that featured interviews of long-time residents of twelve small communities in a rapidly-developing portion of two Memphis-area counties.

Dean Stone, Maryville, for **Snapshots of Blount County History, Volumes I-VI.** Under Dean Stone's guidance and

leadership, the Maryville Daily Times published one volume per year for six years compiling articles and photographs relating to the history of Blount County.

Commissioners' Special Commendations

Kevin Murphy for Murphy Farmhouse, Knoxville. A comprehensive restoration of this c. 1841 Gothic Revival farmhouse built by present owner's great great grandfathers.

Glenda Brown Milliken, Gallatin. Mrs. Milliken co-authored **Gallatin 200, a Time-line of History Celebrating the Bicentennial of Gallatin, Tennessee** (2002) and **Sesquicentennial, Portland, Tennessee** (2009.) Milliken has helped with the research and writing of many books by Tennessee State Historian Walter Durham, and continues to provide day-to-day assistance.

Input Needed as Plan for Historic Preservation in Tennessee Is Updated

Future for the Past: The Tennessee State Historic Preservation Plan is being updated in 2011. As the state agency primarily responsible for the stewardship of historic resources in the State of Tennessee, the Tennessee Historical Commission has taken the lead in efforts to develop a comprehensive plan for historic preservation in the state. As stakeholders and citizens, your help is needed in providing guidance and input for the plan's revision. The development of the plan is a requirement of the provisions of the National Historic Preservation Act of 1966, the provisions of which are carried out in Tennessee by the Historical Commission. The Historical Commission first developed a statewide plan for historic preservation in 1970 in response to the passage of that legislation. The plan was last revised in 2003. Citizens are encouraged to look over the current edition of the plan, which may be downloaded in full by going to: http://tn.gov/environment/hist/federal/historic_planning.shtml.

A meeting was held at the Statewide Preservation Conference in Collierville in April to discuss the plan's update. A key way to provide input on revising the plan is to participate in a survey, which is expected to be online by early June by going to: <http://www.tn.gov/environment/hist/>.

Other comments to the SHPO may be made by emailing patrick.mcintyre@tn.gov or by sending correspondence to: Patrick McIntyre, Tennessee Historical Commission, 2941

The Tennessee Historical Commission meeting will be on Friday, June 24, in Covington at 9:00 a.m., at the St. Matthew's Episcopal Church Parish Hall, 303 S. Munford Street. The meeting is open to the public.

Look Online First

You can find this issue of *The Courier* in an expanded and enhanced version, along with back issues dating from October, 2003, at the Tennessee Historical Commission's web site at www.state.tn.us/environment/hist. Click on the State Programs Menu to find the newsletter. For information on the Civil War in the Volunteer State visit www.tennessee.civilwarsourcebook.com



The Tennessee Wars' Commission has completed another year of service and the following report will summarize several milestone events.

Ground breaking for Johnsonville State Historic Park Visitor Center

Former Tennessee Department of Environment and Conservation (TDEC) Commissioner Jim Fyke joined other state and local elected officials from Humphreys County and City of New Johnsonville on August 31, 2010 for a groundbreaking ceremony at the Johnsonville State Historic Area Visitor Center. Various local organizations, along Tennessee Wars' Commission Director Fred Prouty, spoke to more than 100 attendees gathered on the recently cleared site, located on the busy highway 70 running through New Johnsonville. Slated to open in the spring of 2011, the Johnsonville State Historic Park Visitor Center will house several interpretive displays and interpretive film detailing the rich Civil War history of the area.

The Tennessee Wars' Commission wrote the original Tennessee Department of Transportation (TDOT) application for federal Enhancement Program Funding (TEA-21) for the City of New Johnsonville in Humphreys County. The Commission also funded a grant to produce an educational documentary film to be shown in the Battle of Johnsonville Welcome Center entitled, *A Success That Failed, The Battle of Johnsonville*, and has recently appeared on Nashville Public Television.

The War of 1812 Bicentennial Committee Update

Nearly twenty state and private organizations have joined to create a statewide initiative to commemorate Tennessee 200th Anniversary of the War of 1812. These organizations are partnering to create both short and long-term events and programs commemorating Tennessee's contributions to the war. The 1812 committee discussed plans for symposium conferences, special living history events, creation of a state wide tourism trail brochure and signage, a traveling historic museum exhibit, community development and partnerships, and developing funding resources. The War of 1812 Bicentennial Commemoration will include events beginning in 2012 through 2015.

As a member of the Tennessee War of 1812 Bicentennial Committee, Tennessee Wars' Commission Director Prouty was named

Chairman of the Preservation and Archaeology Sub-Committee. The committee is tasked with generating a list of potential projects and or sites that would benefit from further investigations and possible funding resources.

ONE AND UNDIVIDED, Historic Film

One and Undivided, A Civil War Memoir is the title of the forthcoming theatrical production being filmed for the Tennessee Wars' Commission through the services of the Multi-Media Department at the Renaissance Center in Dickson, Tennessee. The production uses original accounts from diaries, letters, articles and books of Tennesseans who recorded their experiences during the Civil War years. Collectively, their experiences tell a powerful story of the devastation of the war and the strength of character shown by Tennesseans in rebuilding their state. This captivating production will be made available to all Tennessee schools and is geared towards the 5th, 8th, and 11th grades.

Battle of Franklin Archaeological Investigation and Report Completed

In 2009 the Tennessee Wars' Commission awarded an archeological investigation grant to Franklin's Charge, Inc., a non-profit battlefield preservation organization who plan to restore portions of the Franklin Battlefield to some semblance of its Civil War era appearance.

Using GIS techniques, and close comparisons of historic maps with current landscape features, a well-preserved section more than sixty feet of intact Union fortification ditch was uncovered. The ditch revealed an impressive array of associated artifacts providing a detailed glimpse of the preparations before and action during the Battle of Franklin. Locating the ditch feature suggests that additional well-preserved segments of the defensive line are likely present along the original extent. As the Franklins Charge organization and Save the Battle of Franklin Preservation Association continue to champion the "reclaiming" of their cities significant battlefield property, the Tennessee Wars' Commission will continue to offer support for this important preservation

and interpretation effort.

Wars' Commission TE Grant Approved

Parker's Crossroads Battlefield received a \$90,708 Enhancement TE Grant to create eight interpretive waysides, 5,800 feet of paved trails and will expand and enhance over 8,180 feet of existing trails with 33 interpretive waysides. The TEA-21 Enhancement Fund application was prepared and submitted by the Tennessee Wars' Commission for the continuation of the Parker's Crossroads Battlefield Trail Project.

Federal Enhancement Funds for Tennessee

The Tennessee Wars' Commission was awarded Federal Enhancement Funding by former Governor Phil Bredesen totaling \$3,019,840. The funds are facilitating the preservation and interpretation of projects at Fort Donelson Battlefield in Dover, Tennessee, Shiloh National Military Park in Hardin County, Parker's Crossroads Battlefield in Henderson County and Davis Bridge Battlefield in McNairy and Hardemen Counties.

National Park Service Commitment in Tennessee

Over the past several years the Tennessee Wars' Commission Director of Programs has assisted the National Park Service's American Battlefield Protection Program (ABPP) in updating and revising the State of Tennessee section of the National Park Service 1993 publication, [Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields](#). Within the above Congressional report publication "Stewardship Section" of the State of Tennessee battlefields report, National Parks officials state, "Tennessee offers a model for successful cooperative Civil War battlefield stewardship, with preservation achievements notable at all levels of government – federal, state and local - and made possible through the efforts of many private nonprofit organizations. Together these public and private groups have created a partnership network that supports efforts to protect Civil War battle sites throughout the

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FEDERAL PRESERVATION GRANTS

The Tennessee Historical Commission is accepting grant applications for historic preservation projects for the 2011-2012 fiscal year. These grants, which are federally funded, will be available after October 1, 2011. The precise amount of funds which will be available in Tennessee for such grants will not be known until Congress has passed the FY 2011-2012 budget; however, it is expected to be in the range of \$400,000. After review, applications will be rated and ranked. Decisions on those to be funded will be made when the exact amount of the allocation is known. This may be as late as next spring depending on when the Congress completes work on the FY-2012 Budget.

As in the past, the selection process will emphasize projects for the conducting of architectural, archaeological, and historic site surveys. Such projects are designed to identify and record historic districts, sites, buildings, structures, and objects significant to Tennessee's history and built before 1960. Surveys may be for a specific geographic area or for sites associated with themes or events significant in the state's history, such as the development of railroads in the nineteenth century, or the development of motor tourism in the twentieth century. Priorities for funding survey projects will include areas which are experiencing rapid growth and development or other threats to cultural resources, areas where there are serious gaps in knowledge regarding cultural resources, and thematic surveys based upon existing historic study units produced by the SHPO. In addition to historic surveys, assistance is available for other types of historic preservation projects. These may include preservation planning studies for towns, neighborhoods, and historic districts, the preparation of nominations to the National Register of Historic Places, planning or pre-development work necessary to undertake restoration of an historic property, and restoration of historic properties (for restoration or restoration pre-planning, properties must be listed on the National Register of Historic Places). Unless appropriations are significantly increased, funds for restoration projects will be limited; however, THC always encourages

quality applications of this type. Applications for projects to prepare nominations to the National Register of Historic Places are a priority and are also encouraged.

The grants are matching grants and will pay for up to 60% of the costs of approved project work. The remaining 40% must be provided by the grantee as matching funds.

Applications for grants are available from the Tennessee Historical Commission, 2941 Lebanon Road, Nashville, Tennessee 37243-0442. For further information or for an application, contact the Tennessee Historical Commission at (615) 532-1550. Applications may also be downloaded from the Tennessee Historical Commission Website www.tdec.net/hist/federal/presgrmt.shtml. Completed applications must be submitted by SEPTEMBER 1, 2011.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental federally assisted programs on the basis of race, color, national origin, age or disability. Any person who believes he or she has been discriminated against in any program, activity or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127

Walking tour Nashville

The Metro Historical Commission's Civil War Sesquicentennial Committee is sponsoring a tour at Old City Cemetery on July 16, at 9 A.M. at the Cemetery. It will be led by John Allyn, and is entitled "What Were They Thinking?". He will discuss Civil War burials there, and how they came to die during the war. The public is invited to attend, the event is free, and the cemetery is located at Fourth Avenue South at Oak Street, south of LaFayette Street. Parking is available at the rear of the cemetery.

State-Owned Historic Sites Get Historic Structures Reports

By Martha Akins
Historic Sites Program Director

Two THC State-owned Historic Sites, Hawthorne Hill and Tipton-Haynes, will soon be the recipient of Historic Structures Reports. The Center for Historic Preservation at Middle Tennessee State University has a long-established partnership with the Tennessee Historical Commission and is generously providing two students to complete the much-needed projects this year. Federal funds will be provided by a grant from the Tennessee Civil War National Heritage Area, which is a partnership unit of the National Park Service.

Historic Structures Reports (HSR) provide physical and historical information about a property's history and its existing condition. A HSR may also address goals for the management, interpretation, or preservation of a property. To obtain the information, the students, through the guidance of senior staff, review and analyze existing documentation, undertake field investigations and analyze findings, determine preservation needs, and make recommendations.

Although state-owned since the mid-1940s, the Tipton-Haynes State Historic Site in Johnson City has never had an HSR prepared for it. The property contains several historic buildings, including the main dwelling, law office, slave cabin, smokehouse, pigsty, loom house, still house, springhouse, large log barn, and a corncrib. The site has produced archaeological evidence dating back to the Archaic and Woodland Periods but is most known as the home of early Tennessee politicians John Tipton and Landon Carter Haynes. Leigh Ann Gardner, graduate assistant at MTSU, will be working on Tipton-Haynes' HSR throughout the summer as part of an internship.

Hawthorne Hill, acquired by the Tennessee Historical Commission in 2007,

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JUSTICE JOHN CATRON AND THE COMPLEXITIES OF RACE

presented by John B. Nisbet III©

John Catron, who served as the first Chief Justice of the Tennessee Supreme Court (then called the Court of Errors and Appeals) and as an Associate Justice on the U.S. Supreme Court, weighed in on a number of cases involving racial issues. Most famously, he wrote the concurring opinion in *Dred Scott v. Sandford*. Though he came to the same conclusion as Chief Justice Roger B. Taney, Catron's opinion was based on a completely different argument. While a justice on the Tennessee Supreme Court, Catron wrote in *Fisher's Negroes v. Dabbs* that African Americans were people not chattel and should be treated as such. U.S. Supreme Court Chief Justice Roger Taney, by contrast, considered African Americans little more than savage beasts. In his will, Catron mentioned a \$600 property loan to a mulatto man, James Thomas, who claimed to be his son—a claim that is dubious at best. Catron tried to negotiate the complicated minefield of racial issues on both the state and federal level, often contradicting his own earlier rulings. John Catron's decisions and his correspondence offer intriguing insights into attitudes toward race on the eve of the Civil War. Pulitzer prize winner Harold Raines put it eloquently: There is no trickier subject for a writer from the South than that of affection between a black person and a white one in the unequal world of segregation. For the dishonesty upon which a society is founded makes every emotion suspect, makes it impossible to know whether what flowed between two people was honest feeling or pity or pragmatism. Indeed, for the black person, the feigning of an expected emotion could be the very coinage of survival.¹

These words, written about the mid 20th century South, reflect the complexities inherent in relationships forged in a society build on racial inequality. Although some recently published articles conclude otherwise, there is evidence that John Catron was a man of compassion and benevolence. He stood in marked contrast to many of his

contemporaries who regarded a slave as little more than an ox or a mule. Speaking for the Baptist Convention of South Carolina Reverend, Dr. Richard Furman opined that “the right of holding slaves is clearly established by the Holy Scriptures, both by precept and example.”² Though never an abolitionist, Catron exhibited an empathy toward African Americans lacking in some of his friends and co-workers.

As a white male and a slaveholder from the 1820s to the end of his life, Catron had responsibility for, and ownership of, everything around him—his real property, his wife, his livestock, his slaves. According to the 1850 United States Census, Slave Schedule, Catron owned ten slaves in Nashville.³ Several of Catron's slaves were quasi-independent—meaning they could work, make money (with Catron's permission) and live in their own houses.⁴ Pre-civil war Nashville, unlike the Deep South, proved to be a relatively decent place for a slave to live. As noted in *In Search of the Promised Land*, “Nashville offered good opportunities for a few privileged blacks.”⁵ In his book *The African-American History of Nashville, Tennessee, 1780-1930*, Professor Bobby L. Lovett sets the stage well:

Biracial and changing economic aspects of Nashville's society ultimately produced a complex social structure, including four distinct groups of blacks: free Negroes, quasi-independent slaves, hired slaves and ordinary slaves...Quasi-independent slaves had owners but received their masters permission to live alone and make their own living after sharing the wages with the master. The quasi-independent slaves...were considered to be members of a local white family who allowed the slaves (frequently mulattoes) a great measure of freedom without really granting them free papers...Quasi-independent slaves usually lived separately from the owners, though sometimes they lived in the family's household, going and coming as they pleased...Even though Nashville's slave codes forbade bondsmen to act as free persons, hire out their own time, or trade merchandise and property, the elite whites ignored the rules when convenient to do so.⁶

John Catron's beliefs and actions with respect to slaves show his struggle over the issue of slavery and the treatment of humans in bondage. In *Slavemaster President*, William Dunsiberre points out a specific compassionate and benevolent act by John Catron toward a slave: When Elias was a child in 1824, Sam Polk had given him to James Polk as a wedding present; in James Polk's first will he named Elias one of his three most favored slaves, who was never to be sold out of the family. Polk kept Elias with him as a reliable personal servant in Tennessee, or sometimes in Washington, or hired him out as a household servant in Columbia, but he never sent Elias to work at the Mississippi plantation. During the 1844 presidential campaign, this slave was entrusted to ride horseback the forty miles between Columbia and Nashville, carrying messages quickly and confidentially for Polk. Unhappily, Elias stumbled and lamed Polk's horse and had to leave it to recuperate at John Catron's house in Nashville. Some days later Catron sent Polk a message intended for Elias's ears: “The horse is better recovered than any horse so foundered I have ever known...This, especially for Elias's comfort.” These simple words show genuine concern to assuage the mortification Elias must have felt after the horse stumbled and Catron's words stand forth boldly in the [James K]. Polk Papers because of the rarity, within Polk's male entourage, of any real feeling for a black person.⁷

During John Catron's legal career, he was called upon to write opinions that touched on great issues of the day. In his legal writings, Catron expressed compassion toward slaves. His legal writings

¹Howell Raines “Grady's Gift, *New York Times* (December 1, 1991).

²Rev. Dr. Richard Furman *Exposition of the Views of the Baptists, relative to the Coloured Population in the United States in a Communication to the Governor of South Carolina December 24, 1822* (Printed by A.E. Miller, Charleston SC) p. 6. John C. Calhoun echoed Rev. Furman's points on the United States Senate fifteen years later when he said as follows: “I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other...I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is no kind attention paid to him in sickness or infirmities of age.” John C. Calhoun, United States Senate, February 6, 1837.

³1850 *United States Census*, “Slave Schedule, September 6, 1850”, (Washington City: Government Printing Office, 185X) p. 641. According to the 1830 census, John Catron owned four slaves.

⁴John Catron “Will recorded Nashville, Tennessee June 29, 1865”, Nashville: Tennessee State Library and Archives (TSLA), John Catron papers, 1826-1865, Ac. No. 79, IV-D-5.. Bobby L. Lovett, *The African-American History of Nashville, Tennessee, 1780-1930* (The University of Arkansas Press/Fayetteville 1999): 9-10.

⁵John Hope Franklin and Loren Schweninger, *In Search of the Promised Land: A Slave Family in the Old South* (New York: Oxford University Press, 2006):14.

⁶Lovett: 9-10.

⁷William Dunsiberre, *Slavemaster President: The Double Career of James Polk* (New York: Oxford University Press, 2007): 72-73; John Catron to James K. Polk, July 23, 1844 (Correspondence of James K. Polk, Vol. VII Wayne Cutler, ed. And James P. Cooper assoc. ed. (Nashville: Vanderbilt University Press, 1989), 384. The letter also says “The Horse is shod, feeding on oates etc. My people ride him in & out to the farm, and I think he is better recovered than any horse so badly foundered I have ever known. Send for him any time three days hence. This, especially for Elias's comfort. J.C.”

**Justice John Catron...continued**

concerning citizenship and slavery span the period prior to Nat Turner's rebellion in 1831, proceed through to the Dred Scott decision, and culminate with the end of the Civil War. Catron thought of slaves as human beings, not property.⁸ Unlike some jurists, Catron did not categorize slaves as being like "other domestic animals." He believed slaves had rights and could become citizens of the State of Tennessee.

In *Loftin v. Espy*, a case involving whether a slave could be seized to pay for a master's debt, Catron wrote:

Nothing can be much more abhorrent to these poor people, or to the feelings of every benevolent individual, than to see a large family of slaves sold at sheriff's sale...To treat them as other domestic animals would be to declare, that, as a people, we had, in reference to this class, such all feeling of humanity, and that the slave was not elevated in his sensibilities over the lower classes of animals, which are allowed to have none worthy of the protection of man.⁹

Catron's opinion seems to have been that of moderate men of the time. As Abraham Lincoln argued in his debates with Stephen Douglas twenty years later:

It is said that the slaveholder has the same [political] right to take his negroes to Kansas that a freeman has to take his hogs or his horses. This would be true if negroes were property in the same sense that hogs and horses

are. But is this the case? It is notoriously not so. Southern men do not treat their negroes as they do their horses.¹⁰

Unfortunately, most antebellum states, including Alabama and Maryland were not as reformed, enlightened or civilized toward slaves.¹¹ A.J. Walker, sitting as Chief Justice of the Alabama Supreme Court, expressed a different view on slaves.¹² In *Fail and Miles v. McArthur*, Justice Walker analyzed whether a slave hired for one particular purpose could be used "in another and different service." In ruling that this should not be done without legal consequences, Justice Walker compared the hiring of a slave to the leasing of a horse:

This principle is not only settled in this State, but was well established at common law ...Where one hired a horse, to ride from Boston 4 ½ miles to Brooklin, and, upon reaching Brooklin, rode 4 ½ miles farther to Watertown, he has held liable for a conversion of the horse.¹³

In a case before the Tennessee Supreme Court, *Harris v. Clarissa*, Catron examined the status of Maryland's law regarding slaves. Discussing the status of children born to a slave in the condition of a "slavery life estate" according to Maryland law, Catron described the status of these children as being "like that of other female animals."¹⁴ He went further: "Suppose a brood mare be hired for five years, the foals belong to him who hires, as apart of the use of the dam. The slave in Maryland, in this respect, is placed on no higher or different grounds."¹⁵ In his opinion in *Harris v. Clarissa*, Catron wrote of the "rights" of slaves (as well as his compassion for slaves). Catron wrote of slaves enjoying "every natural right" in *Fishers Negroes v. Dabbs*. Georgia Supreme Court Judge Eugenius Aristides Nisbet criticized this compassionate approach to slaves as "the fervid zeal in behalf of the humanity of the slave."¹⁶

So, to Catron, slaves are human beings with rights. But can they become citizens?¹⁷

Catron's position must be put in historical context. In broad terms, prior to Nat Turner's rebellion, a slave in Tennessee could be freed through a petition setting out meritorious service. According to the 1796 Tennessee Constitution, all males (including freed black males) could vote if they were over twenty-one, owned property and were inhabitants of the state.¹⁸

After Nat Turner's 1831 rebellion, the world for slaves in Tennessee and throughout the South changed dramatically. As Bobby Lovett says, "[i]n the post-Nat Turner era the state's General Assembly paid closer attention to the free Negro population."¹⁹ The Tennessee General Assembly passed legislation making it illegal for "any free person or persons of colour [sic]" to come into Tennessee and reside for more than twenty days. Those who chose to linger were subjected to indictment, with a possible punishment of a fifty-dollar maximum fine coupled with a sentence of "hard labor in the Penitentiary for a term not less than one year nor more than two years."²⁰ If the black person failed to leave the state within thirty days after release from prison, such black person "shall again be liable to indictment as before, and upon conviction be sentenced to labor in the penitentiary for a term double the longest term before mentioned."²¹

In an 1838 case interpreting this statute, *State v Clairborne*, Justice Green, writing for the Tennessee Supreme Court found that freemen "are not citizens in the sense of the Constitution; and, therefore, when coming among us, are not entitled to all the "privileges and immunities" of citizens of this State."²² Justice Green then remanded the case to the circuit court to allow the State of Tennessee to prosecute Mr. Clairborne for violation of the statute.²³

In 1831, the Tennessee General Assembly made it unlawful for

⁸Justice R.W. Walker, writing for the Alabama Supreme Court, stated that "so far as the right to hold property, a slave is not regarded as a person; and whatever he accumulates by his own labor, or is otherwise acquired by him, becomes immediately the property of his master." *Oxford v. The State*, 33 Ala 416, 417 (1859). This idea makes it impossible for a slave to buy his or her own freedom.

⁹*Loftin v. Espy*, 4 Yerg 84, 92, 12 Tenn 68, 74 (1833).

¹⁰Abraham Lincoln, Speech at Springfield, Illinois October 4, 1854

¹¹Maybe it is unfair to compare pre-Nat Turner rebellion Tennessee with Alabama just prior to the Civil War but Justice Nathan Green, again writing for the Tennessee Supreme Court, wrote "A slave is not in the condition of a horse or an ox. His liberty is restrained, it is true, and his owner controls his actions and claims to his services. But he is made after the image of our Creator." *Ford v. Ford*, 7 Hump 91, 95-96, 26 Tenn 71, 75 (1846)

¹²A.J. Walker served on the Alabama Supreme Court from 1856-1859 as a justice and from 1859-1868 as chief justice. Walker owned four slaves in Jacksonville, Alabama according to the *1850 United States Census Slave Schedule*; his father-in-law John Nisbet (my great, great, grandfather), owed seventeen slaves in Jacksonville, Alabama according to the *1850 United States Census Slave Schedule*. Walker married two of my ancestor John Nisbet's daughters, Sarah Nisbet and Clara Nisbet.

¹³*Fail & Miles v. McArthur*, 1 Ala. 26 (1857)

¹⁴*Harris v. Clarissa*, 6 Yer.227, 244-45, 14 Tenn 153, 165 (1834).

¹⁵*Harris v. Clarissa*, 6 Yer.227, 244-45, 14 Tenn 153, 165 (1834).

¹⁶*Neal v. Farmer*, 9 Ga. 555 (1851). My common ancestor with E.A. Nisbet died in North Carolina in 1755.

¹⁷Citizens of the State of Tennessee or the United States. Taney in *Dred Scott* says that free blacks cannot become citizens of the United States even if they can become citizens of a state. *Scott v. Sandford*, 60 U.S. 393, 405-407 (U.S. 1857)

¹⁸1796 Constitution, Article IV, §1.

¹⁹Lovett, 21.

²⁰*Acts of the General Assembly 1831*, Chapter 102, §1.

²¹*Ibid*.

²²*State v. Clairborne*, 19 TN 331, 1 Meigs 331 (Dec. 1838).

²³*Ibid*.

**Justice John Catron...continued**

anyone to emancipate a slave “except on the express condition, that such slave or slaves shall be immediately removed from this State.”²⁴ In *Fisher’s Negroes*, Catron concluded that this meant manumitted slaves were free “conditioned that these freed persons shall be transported to the colony of Liberia, on the coast of Africa.”²⁵

From 1831 to the Civil War, with continuing fears of African American insurrection, the Tennessee General Assembly endeavored to exert more control over the black population, both slave and free. The 1834 Tennessee Constitution rewrote the suffrage section, disenfranchising the free black community. It limited the right to vote to “every free white man, of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote.”²⁶ The new state Constitution allowed only “free white males” the right to “keep and bear arms”; the 1796 Constitution, by contrast, allowed all “freemen” to bear arms.²⁷

In 1834, John Catron staked out a position: slaves in Tennessee could become citizens of Tennessee with the State’s permission. In *Fisher’s Negroes*, Catron explained how a slave could secure freedom through manumission and thereby become a citizen of the State of Tennessee:

The idea that a will emancipating slaves, or deed of manumission, is void in this state is ill founded; it is binding on the representatives of the devisor in the one case, and the granted in the other, and communicates a right to the slave; but it is an imperfect right until the state, the community of which such emancipated person is to become a member, assents to the contract between the master and the slave. It is adopting into the body politic a new member; a vastly important measure in every community, and especially in ours, where the majority of free men over twenty-one years of age govern the balance of the people, together with themselves; where the free negro’s vote at the polls is of as high value as that of any man. Degraded by their color and condition in life, the free negroes are a very dangerous and most objectionable population where slaves are numerous; therefore, no slave can be safely freed but with the assent of the government where the manumission takes place. But this is a mere matter of public policy, with which the master or the slave cannot

concern. It is an act of sovereignty, just as much as naturalizing the foreign subject. The highest act of sovereignty a government can perform is to adopt a new member, with all the privileges and duties of citizenship. To permit an individual to do this at pleasure would be wholly inadmissible. How or when the state assent to the contract of manumission, whether before or after its execution, is beside the contract, has nothing to do with its obligation on the master or the slave, and is unrestricted by the constitution. Was there a general law authorizing all free persons to emancipate their slaves at pleasure, then the assent of the government would be given in advance of the act of the master. Such was the law, in effect and practice, before the passage of the act of 1777, ch. 6, to prevent domestic insurrections, and for other purposes. The act declared no slave should thereafter be set free except for meritorious services, to be adjudged of and allowed by the county court, and license first had and obtained thereupon, etc.²⁸

According to Catron, then, it was possible for a slave to become a citizen of the State of Tennessee if the State gave the slave permission to become a citizen. Thirty years later when the *Dred Scott* opinion was issued, Catron refused to accept Chief Justice Taney’s position that “They [blacks] had for more than a century before been regarded as being of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; as far inferior, that they had no rights which the white man was bound to respect.”²⁹ In *The Dred Scott Case*, Don Fehrenbacher says it bluntly: “John Catron flatly disagreed with the Chief Justice.”³⁰ Catron wrote a separate concurrence (as did the other five majority justices). But Catron found himself stuck between a rock and a hard place: He could neither blindly concur with Taney nor dissent from the majority opinion. Having stated in *Fisher’s Negroes* (and elsewhere) that slaves had rights and could become citizens, Catron could not fully agree with Taney’s majority opinion in *Dred Scott*. Catron could not wholly dissent either because, as a southern slave owner invested in the “Peculiar Institution”, he did not want to limit his (or fellow slaveholders’) rights to take their property (slaves) to other states or U.S. territories.

John Catron found a compromise. Catron’s concurring opinion focused solely on the constitutionality of the Missouri Compromise and its attempt to limit the rights of the citizens living in the new territory. In an article after the *Dred Scott* decision was issued titled “Can a Negro be a citizen of the United States,” the *New York Times* concluded that “the Court stands thus: Three in the affirmative, three in the negative and three silent.” As one of the affirmative votes, according to the Times, “Judge CATRON, when Chief Justice of the Supreme Court of Tennessee, gave an opinion directly involving an affirmative answer to the question [in *Fisher’s Negroes*].”³¹

Much has been written about the *Dred Scott* decision and the offensive language Taney used in his opinion. On the question of citizenship, Justice Taney stated:

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.³²

Taney’s opinion argued that blacks—regardless of whether slave or free—were not and could never be citizens of the United States.

Catron sidestepped the citizenship issue and focused solely on the constitutionality of the Missouri Compromise. “Privately, he [Catron]

²⁴*Ibid.*, section 2.

²⁵*Fisher’s Negroes v. Dabbs*, 6 Yerg 119, 132, 14 Tenn 78, 86-87 (1854). According to Black’s Law dictionary, manumission is “the freeing of a slave by will in either of two ways: (1) the master’s granting the slave freedom outright in the will, or (2) the master’s imposing on an heir the obligation of freeing the slave.”

²⁶1834 Constitution, Article 4, §1.

²⁷1834 Constitution, Article 1, §26.

²⁸*Fisher’s Negroes v. Dabbs*, 6 Yerg 119, 126-127, 14 Tenn 78, 83 (1834).

²⁹*Dred Scot v Sandford*, 60 U.S. 393, 407; 15 L. Ed. 691, 701; 19 HOW 393 (1857)

³⁰Don E. Fehrenbacher, *The Dred Scott Case*, (Oxford: University Press, 1978), 395. Fehrenbacher states that “John Catron flatly disagreed with the Chief Justice, though without the censoriousness that appeared in his oral presentation on March 6.” Fehrenbacher, 395.

³¹*New York Times*, “What the Dred Scott case decided” July 16, 1857.

³²*Dred Scot v Sandford*, 60 U.S. 393, 407; 15 L. Ed. 691, 702; 19 How 393 (1857)

**Justice John Catron...continued**

maintained that the entire section of Taney's opinion dealing with Negro citizenship was dictum."³³ In his concurrence, Catron succinctly stated why the Missouri Compromise was unconstitutional:

My opinion is, that the third article of the treaty of 1803, ceding Louisiana to the United States, stands protected by the Constitution, and cannot be repealed by Congress. And, secondly, that the act of 1820, known as the Missouri compromise, violates the most leading feature of the Constitution--a feature on which the Union depends, and which secures to the respective States and their citizens and entire EQUALITY of rights, privileges, and immunities. On these grounds, I hold the compromise act to have been void; and, consequently, that the plaintiff, Scott, can claim no benefit under it.³⁴

On February 10, 1857 John Catron wrote President-elect James Buchanan and spelled out his rationale regarding *Dred Scott*:

On the contested question, my opinion is that Congress has power to govern the Territories by the fourth and third section of the constitution. So the Supreme Court of the United States held in the case of *Crop. V. Harrison*, 16 Howard, 193. It was done on deliberation and at the instance of Campbell and myself. To hold that no power existed to govern Territories after a practice of 68 years would shock all the substantial lawyers of the country, and subject the court to the ridicule that the Nicholson letter received. Of course, the securities contained in the Constitution limit the power. This, however, does not settle the contested question. Virginia ceded to the old 13 States and N.W. Territory, and conferred jurisdiction on the 13 States. This was all they required to the end of governing. But they had no power to admit new states. This defect the new constitution

remedied—and cognate to this power, and in the meantime till the new State was admitted, the right to govern and dispose of the lands ceded, the second was added as expressed by Gouverneur Morris. See Mr. Carter's speech published in the *Intelligencer* of January 1, 1857.

I read this third article of the treaty, that *all* the inhabitants of *all* the ceded country, were to be protected in their property, of whatsoever description the property (in 1803) was, during all the "meantime" between the date of the Treaty and the time when the acquired Territory was admitted into the Union.

As to the original Inhabitants and their descendants can it be otherwise? And is it not a true and fair construction that where the filling of vacant country was contemplated before new States could be admitted, that both to the treaty desired to provide for immigration so that they should be equals with the original inhabitants. If this be so, then (I think) the treaty settles the controversy.³⁵

Although some scholars maintain that Catron played only a bit role in the *Dred Scott* case and is mainly remembered "as the author of a rather quirky concurring opinion," John Catron's legal decisions (and personal actions) make him an important figure in the monumental issues of the day.³⁶ So the stage was set: according to the United States Supreme Court and the popular interpretation of the *Dred Scott* decision slaves were not people according the Declaration of Independence and could not become citizens of the United States.

James Thomas

In a recent publication on James Thomas's life, *In Search of the Promised Land*, John Hope Franklin and Loren Schwenger claim that a slave, James Thomas, was John Catron's son and that Catron "never acknowledged his relationship to his son."³⁷ The original claim that John Catron was his father appeared in James Thomas's autobiography, *From Tennessee Slave to St. Louis Entrepreneur*, published in 1984. In his autobiography, *From Tennessee slave to St. Louis Entrepreneur: The Autobiography of James Thomas.*, Thomas made a single entry concerning his putative father: "Now my own father was the Hon C and filled chairs of distinction. He presided over the Supreme Court ten Years (of Tennessee) but he had no time to give me a thought. He gave me twenty five cents once. If I was correctly informed that was all he ever did for me."³⁸

In *In Search for the Promised Land*, Franklin and Schwenger support their claim that John Catron was James Thomas's father by publishing a photograph of a bust of James Thomas juxtaposed to a photograph of John Catron, they conclude "the resemblance between [a photograph of the bust of] James Thomas and [a photograph] United States Supreme Court Justice John Catron can be seen in these two profile pictures."³⁹ James Hoobler in an article for the online site Civic Scope repeats the Nashville oral tradition that John Catron was James Thomas's father: "In 1827 attorney John C. Catron fathered Sally's third son, James P. Thomas."⁴⁰ Theodore Brown, in *A History of the Tennessee Supreme Court*, states as follows: "The free African-American barber James Thomas (d. 1913), whose shop was located on capitol hill in Nashville, claimed that Catron was his father, and the allegation has been repeated in the collateral writings of the editor of Thomas's autobiography. There appears to be no surviving corroborating evidence to support this claim."⁴¹

Also in *In Search of the Promised Land*, Franklin and Schwenger discuss a real estate transaction involving James Thomas in Nashville after Thomas had been freed by Ephraim H. Foster:

³³Fehrenbacher, 395.

³⁴*Scott v. Sandford*, 60 U.S. 393, 527; 15 L. Ed. 691, 752; 19 HOW 393 (1857); Catron's Concurrence. Fahrenbacher states that "Catron's view that the treaty of 1803 laid a permanent restriction on the legislative power of Congress was neither original with him nor sound constitutional law." Fahrenbacher, 402.

³⁵John Catron to James Buchanan, February 10, 1857, James Buchanan Papers, Pennsylvania Historical Society, Philadelphia, Pennsylvania. This letter is published in an article by Phillip Auchampaugh in the *Tennessee Historical Magazine*. Phillip Auchampaugh, "James Buchanan, the Court and the Dred Scott Case," *Tennessee Historical Magazine*, (October 1928): 230, 235. Auchampaugh's article identifies (and gives transcriptions of) a total of 4 letters from Catron to James Buchanan relating to the *Dred Scott* case (2.6.1857, 2.10.1857, 2.19.1857 and 2.23.1857).

³⁶Austin Allen, "Jacksonian Jurisprudence and the Obscurity of Justice John Catron," *Vanderbilt Law Review*, 66:2 (2009): 491-492.

³⁷Franklin and Schwenger, 18.

³⁸*From Tennessee slave to St. Louis Entrepreneur: The Autobiography of James Thomas*, edited by Loren Schwenger (University of Missouri Press/Columbia): 60. (Search)

³⁹Franklin and Schwenger, 241.

⁴⁰Jim Hoobler, *Sally Thomas 1787-1850*, <http://www.civicscope.org/nashville-tn/sallythomas>

⁴¹Theodore Brown Jr, *A History of the Tennessee Supreme Court* chapter on the Formative Period (The University of Tennessee Press Knoxville): 379-380, footnote 51.

**Justice John Catron...continued**

As a free black⁴² he [James Thomas] could now (1854) invest his savings, and he soon had saved enough to buy some real estate...he now joined another black man, Willis Hickman, in buying a lot for three hundred dollars at a court-ordered sale...The deed listed James Thomas as a free man of color and Hickman as “a man of color.” As Hickman was almost certainly a slave, it was necessary for someone to hold his property as trustee. The person who promised [to hold the property as trustee for Willis Hickman] was none other than United State’s Supreme Court justice—John Catron—James Thomas’s father.⁴³

Willis Hickman was John Catron’s slave. According to John Catron’s 1862 will, Willis Hickman (deceased since Catron’s 1861 will) was the husband of “my woman Mary a slave” and that “I held these two old people [Mary and Willis Hickman] as slaves by legal title.”⁴⁴ In addition, John Catron loaned James Thomas the money to purchase the real estate with Willis Hickman, and made the note “due from said Thomas to Willis.”⁴⁵

Again, according to John Catron’s 1862 will, “two notes of hand executed to me for Willis’ use by James Thomas a man of color residing in St. Louis, for three hundred dollars each, dated the 24 day of January 1860, being the security for six hundred dollars, due from said Thomas to Willis, for the moiety [sic] of a lot they owed jointly in Hine’s Addition to Nashville; and for which sum of six hundred dollars I hold a lein [sic]

⁴²The man who freed James Thomas was Ephraim H. Foster. According to the “petition to decree the freedom of said negro James” filed in 1851 with the Davidson County Court by Mr. Foster, Mr. Foster was “the legal owner” of James Thomas since January 20, 1834. Mr. Foster serviced twice as a United States Senator from Tennessee (September 17, 1838 to March 3, 1839 and October 17, 1843 to March 3, 1845) and was also twice the Speaker of the Tennessee General Assembly House of Representatives (1829 to 1831 and 1835 to 1837). Although the law in place at the time should have required James Thomas to leave the country for Liberia, James Thomas did not leave the country (or even Nashville) after he was freed; I am unsure of the legal basis for Foster’s actions or a rationale for Thomas not immigrating.

⁴³Franklin and Schweninger, 69-70. Davidson county warranty deed book 18, page 366-367 June 1, 1854.

⁴⁴John Catron “Will recorded Nashville, Tennessee June 29, 186,” Nashville: TSLA, John Catron papers, 1826-1865, Ac. No. 79, IV-D-5, paragraph 11. (Will).

⁴⁵Will, paragraph 11.

⁴⁶Will, paragraph 11.

⁴⁷In his June 21, 1862 will, Catron repeatedly refers to “the white child Margaret Hickman of whom I am also the legal owner” or “a white child Margaret Hickman owned by me and held as a slave and raised by Mary and now and since it was born in my possession to be disposed of by my said executors according to their discretion and Mary’s wishes”. Will, paragraph 11.

⁴⁸Will, paragraph 2.

⁴⁹State of State History in Tennessee 2008 *The Underground Railroad in Tennessee to 1865* by State Historian Walter T. Durham, p. 18 (emphasis supplied).

⁵⁰*Fisher’s Negroes v Dabbs* 6 Yerg 119, 132, 14 Tenn 78, 86-87 (1854).

⁵¹Will, paragraph 2 and 11.

⁵²Tennessee 1834 Constitution, Article 2, section 31 and 1860 Acts, Ch. 128.

⁵³Charles C. Trabue, “Voluntary emancipation of Slaves in Tennessee as Reflected in the State’s legislation and Judicial Decisions,” *Tennessee Historical Magazine*, (1918): 59.

⁵⁴*Ibid* and Act of 1848, Ch. 107. See *Bridewater v. Legatees*, 1 Sneed 135, 33 Tenn 194 (1853).

on said lot.”⁴⁶

So, while not substantially involved in James Thomas’s life, it appears John Catron did more than give Thomas a quarter. Maybe time faded Mr. Thomas’s memory.

Catron’s 1862 will

Toward the end of his life, Catron began to do what all good lawyers do: think about his will. His will mentions ten slaves by name.⁴⁷ Catron clearly intended to take care of his slaves after his death with as much care as possible and to give his slaves as much autonomy as possible: “My object is to give Henry the power to control the property at his death as well as during his lifetime so that he can provide for his family.”⁴⁸ To have merely freed his slaves through manumission would have been treacherous for the slaves. As Tennessee’s State Historian Walter T. Durham sets out, “Another avenue to freedom was through testamentary will by which emancipation was granted at the owner’s death or at the end of a stipulated period thereafter [manumission]...*The method was subject to the laws in force at the time of the testator’s death and to the designs of executors who administered the will.*”⁴⁹ It was likely this legal and legislative uncertainty (and impermanence) that persuaded Catron in his will to choose a well-established, legally binding route that allowed his slaves as much freedom as possible. While manumitting his slaves was certainly an option, Catron expressed the belief that “generally, and almost universally, society suffers and the negro suffers by manumission.”⁵⁰ So, for the sake of his slaves, Catron did not manumit them—he appointed several trustees to look after them.⁵¹

In order to have an understanding of what Catron hoped to accomplish in his 1862 will with regard to his slaves, it is necessary to understand the legal vagaries involved in attempting to manumit slaves in 1860’s Tennessee. The period of Tennessee governing bodies “paying closer attention to the free Negro population” started with the 1834 Constitution prohibiting the Tennessee General Assembly from emancipating slaves “without the consent of their owner” to an 1860 General Assembly Act providing that free men who had “not been emancipated, shall have the privilege of going into voluntary slavery under the laws in force in this state.”⁵²

In 1842 the General Assembly gave the county court the power “to permit emancipated slaves to remain in the state” if the former slave “is of good character and ought to be permitted to reside in the county.”⁵³ In 1849 this authority to “permit emancipated slaves to remain in the State was withdrawn [in order]...to reinstate the strict exclusion policy of the act of 1831.”⁵⁴ Charles Trabue in his 1918 article in the Tennessee Historical Quarterly sets the stage well.

In 1852 it was provided that the county court should appoint trustees for slaves who had been freed by their masters, but to whose freedom the state had not given its consent, and that the trustees should hire out these slaves and apply the proceeds to their support; but this act was very promptly repealed in 1854, and the state then promulgated its final policy, that all emancipated slaves—excepting those who, before its passage, had been legally emancipated and acquired the right to reside in the state—“shall be transported to the western coast of Africa; and that, if means are lacking for this purpose, they “shall be hired out by the clerk of the court until a sufficient fund is raises, which he shall turn into the state treasury, and the governor shall arrange for the transportation of the slaves.” “We regard this,” said Judge Caruthers, “as the most wise and judicious plan which has been yet devised, and,



P U B L I C A T I O N S T O N O T E

By Linda T. Wynn, Assistant Director for State Programs and Publications Editor

Publications of McFarland Press, Box 611, Jefferson, North Carolina 28640, www.mfarland.pub; 800-253-2187 include *Tennessee in the Civil War: Selected Contemporary Accounts of Military and other Events, Month by Month, edited and compiled by Dr. James B. Jones, Jr.* The book is an erudite collection of primary sources including official reports, correspondence, letters, diary and journal entries, newspaper intelligence and editorials, city council minutes and even gunboat deck logs, 1861-1865. It addresses more than the orthodox narration of big battles and famous generals familiar to many readers, offering an innovative context for better understanding the zeitgeist of the conflict. It focuses on diverse topics marginalized by neglect in numerous studies of the Civil War in Tennessee. Jones, the public historian for the Tennessee Historical Commission in Nashville, directs attention to such topics as: public health; camps of instruction (boot camps); the initial scramble for weaponry for Rebel forces; anti-Confederate draft sentiment; committees of public safety; the contraband community conundrum; women's role in the war; urban history; religious history; guerrilla or partisan warfare; the acquisition of cotton seeds; price inflation; anti-Semitism; the lives of common soldiers; occupation; juvenile delinquency and smaller combat actions (skirmishes, for example totaled an impressive 40% of all martial events), to name but a few. Reader friendly, this tome is a major contribution to Tennessee Civil War history, presenting it in a robust and unique fashion that is factually informative, thought provoking and at intervals genuinely entertaining. This anthology is essential reading for tourists, popular readers, students and scholars of the Civil War in the Volunteer State. Jones has written extensively on Tennessee Civil War history in national and state journals. 292 pages, soft cover. Bibliography, index. **Paper, \$49.95**

Publications of the University of Georgia Press, 330 Research Drive, Athens, Georgia 30602-4901 includes:

Civil Rights History From the Ground Up: Local Struggles, A National Movement, edited by Emily Crosby, is a collection of original works from twelve contributors who refocuses the attention on this bottom-up history and compels a rethinking of what and who are deemed central to the movement.

After decades of scholarship on the civil rights movement at the local level, the insights of the bottom-up movement history remain primarily undetectable in the accepted narrative of the movement and secondary to debates on how to research, document, and teach about the movement. *Civil Rights History From the Ground Up: Local Struggles, A National Movement* studies such locales as Sunflower County, Mississippi; Memphis, Tennessee; and Wilson, North Carolina. The contributors engage such issues as nonviolence and self-defense, the implications of focusing on women in the movement, and struggles for freedom beyond voting rights and school desegregation. Crosby, a professor of history at the State University of New York at Geneseo, has adeptly assembled essays and interviews that demonstrate the mistakenness and superficiality of the movement's top down account. **Paper, \$26.95.**

Publications of the University Press of Mississippi 3825 Ridgewood Road, Jackson, Mississippi 39211-6492 includes:

Black Greek Letter Organizations 2.0: New Directions in the Study of African American Fraternities and Sororities is edited by Matthew W. Hughey, an assistant professor of sociology at Mississippi State University, and Gregory S. Parks, a law clerk on the United States Court of Appeals for the Fourth Circuit. Black fraternities and sororities, also known as Black Greek-Letter Organizations (BGLOs), played vital roles within various Black communities, at the turn of the twentieth century. They were an integral part of what Dr. W. E. B. DuBois termed the "talented tenth" the top ten percent of the Black community that would serve as a cadre of educated, upper-class, motivated individuals who acquired the professional credentials, legitimated skills, and economic, as well as cultural capital to assist the race to attain socio-economic parity. *African American Fraternities and Sororities: The Legacy and the Vision* edited by Tamara Brown, Gregory S. Parks, and Clarendia M. Phillips was one of the first scholarly works published on BGLOs. Three years later, in 2008, Gregory Parks's *Black Greek Letter Organizations in the 21st Century: Our Fight Has Just Began* picked up where Brown and her colleagues left off. **Black Greek Letter Organizations 2.0: New Directions in the Study of African American Fraternities and**

Sororities is the third scholarly contribution to the literature on BGLOs and focuses on the role of critical and empirical scholarship. Featuring 15 essays, each with an accompanying chapter commentary, this tome seeks to urge those who cogitate about BGLOs to engage in more critical and empirically based analysis, as they struggle to find their place and direction in a world drastically different from the one that witnessed their genesis. Part of an emerging literature on BGLOs, this volume provides a critical assessment of Black Greeks' and how they can remain vital in an ever-changing world. **Cloth, \$50.00.**

Publications of The University of North Carolina Press, 116 South. Boundary Street, Chapel Hill, North Carolina 27514-3808 includes:

The Won Cause: Black and White Comradeship in the Grand Army of the Republic by Barbara Gannon. The years following the Civil War, black and white soldiers who survived one of modern history's bloodiest wars, joined the Union army's largest veterans' organization, the Grand Army of the Republic (GAR). In this new study, the author chronicles black and white veterans' efforts to establish and maintain the nation's first interracial organization. Gannon, as assistant professor of military history at the University of Central Florida, argues that although black veterans still endured the contemporary racial mores, the GAR honored its black members in many instances and ascribed them a greater equality than previous studies have shown. Using evidence of integrated posts and veterans' thoughts on their comradeship and the cause, Professor Gannon reveals that white veterans embraced black veterans because their membership in the GAR demonstrated that their wartime torment created a transcendent bond comradeship that surmounted even the most insidious social obstruction race-based separation. By upholding a more inclusive memory of a war fought for liberty as well as the union, the GAR's "Won Cause" confronts the Lost Cause version of Civil War Memory. A major contribution to Civil War literature, *The Won Cause: Black and White Comradeship in the Grand Army of the Republic* helps to explicate the postwar experiences of Civil War veterans and

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National Register of Historic Places News

WSM Broadcasting Tower

The Broadcasting Station is a one-story, seven symmetrical bays Colonial Revival-styled painted-white brick building with a full basement, exterior brick chimneys, a brick water table, and a slate shingle gable roof. The building has a T-plan, with the Colonial Revival styled entrance hiding, in effect, a large central wing, which serves as the stem of the T-shape. The southwest facade reflects architect Russell Hart's Colonial Revival interpretation of a Tennessee rural vernacular identified as Tennessee Federal. A projecting Greek Revival-styled one-story portico, supported by four slender stone Tuscan capital columns, defines the central entrance.

The tower antenna was designed and installed by the Blaw-Knox Steel Company of Pittsburgh, Pennsylvania, in 1932. In its design, the company devised what is known technically as dual cantilevered structure but is more generally known as a diamond antenna design.

Originally, the WSM tower was 878 feet tall. This included 758 feet of square structural lattice then 120 feet of tapered mast. By 1939, it was determined the tower was electrically longer due to velocity effect. This contributed to a very high angle of radiation that resulted in a groundwave/skywave cancellation (fade) over Chattanooga some 120 miles distant. This condition was alleviated by an adjustment in height to 808 feet.

The tower's launch in 1932 came a year before the NBC started its famous blue and red networks and two years before the establishment of the Federal Communications Commission and the creation of the Mutual Broadcasting System. Commercial radio had been broadcast since the early 1920s but even by 1935 only 22 million Americans had radio sets; the WSM Tower brought radio

not only to those customers but to the millions who would purchase sets in the next ten years.

By 1932 WSM was ready to take its place among America's foremost broadcasting stations. When all factors are reviewed, such as frequency, location and power, WSM is undoubtedly better equipped than any other station to give national coverage.

The signal reach of the WSM tower signal at late night – as it reached not only every corner of the south but a total of 40 states, Canada and the Caribbean--has been justly acknowledged for making the Grand Ole Opry broadcast a truly national phenomenon. Audiences for the program grew quickly. In 1943 the Opry began broadcasting from the Ryman Auditorium. The Opry also went national on the NBC radio network with a 30-minute show on October 14, 1939.

November 12, 1932 was also when the radio station made its quantum leap into the national radio scene the 50,000-watt license, with an evening program that included an hour-long celebratory link on the national NBC network. A station official bragged: WSM really is grown up with its super-power and magnificent equipment so its friendly visits will be extended to new territory and the name of its great sponsor will become more famous. The new station cost some \$243,000 – and these were 1932 dollars. With their expanding market, the radio station's talent budget grew and the WSM Artist Owen Bradley, the future legendary producer, led a 26-piece orchestra. Milton Estes organized a country music band, the Musical Millers, to also perform regularly. Such stars as Ernest Tub and Roy Acuff performed on the program. The program was broadcast live to a studio audience, except for when McDonald took it on the road to such venues as the Tennessee State Fair. The



antenna resulted also in the station's dedicated news operation that brought national news to its audience. Service Bureau began.

The tower's distinctive look, however, had everything to do with broadcasting engineering, not aesthetics, the tower would be the antenna, rather than have two towers with a wire between them.

The construction and history of the WSM Tower is significantly associated with the national story of radio broadcasting, especially the development of the clear channel concept in the 1930s.

Obtaining the clear channel license directly led to the corporate decision to broadcast at 50,000 watts and to build the new tower. It gave the station a distinct competitive advantage over any other Mid-South station.

Even before the United States entered World War II, WSM radio prepared its listeners for the possibility of war through its patriotic program. Our America during World War II; WSM fulfilled its self-proclaimed role as a national messenger by full coverage of the war effort at home and abroad. The station broadcast the surrender ceremonies in the Pacific Theater on the *U.S.S. Missouri* through the efforts of Irving Waugh, who covered several key events in the Pacific War from late 1944 to the end of fighting in 1945.

After the war, the station turned more attention to rural public service programming.

Adam Alexander Broyles House

The exact year of construction of the Adam Alexander Broyles house in the Greeneville environs is not known. The



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A BLOOD FEUD IN NINETEENTH-CENTURY KNOXVILLE; The Mabry, Lusby, and O'Connor Killings, 1881-1882

By James B. Jones, Jr., Public Historian

In Tennessee history the term frontier most often brings to mind the period just prior to statehood, when Anglo- and African –Americans immigrated from the eastern shore inland, settled and displaced the indigenous Indian populations. In American history and popular culture the term often denotes the last period or the so-called “wild west” of the late nineteenth century. Images of deadly gunfights at the dusty O.K. Corral or in the streets of Yuma seem somehow familiar to all. But at least one east Tennessee city, Knoxville, shared this untamed characteristic with the towns of the wild west, where violence in Tennessee continuing from the Indian wars, the duels of Andrew Jackson, the battles of the Civil War, the coal miners’ strikes of the 1890s, to the murder of Edward W. Carmack in 1908, and labor unrest in Chattanooga in 1917. The violence in nineteenth century Knoxville expressed continuity with the state and national tradition of violence.

As in the surrounding mountains, a sense of familial honor and vengeance worked with the easy access to firearms to produce fatal conflicts. On Christmas Eve 1881, came the first of six murders revolving around the family and fortunes of General Joseph Alexander Mabry, a wealthy Knoxville landowner and speculator. (The title “General” was apparently a sobriquet inasmuch as Mabry never served in a martial capacity in the Civil War.)

The exploit, according to the Knoxville *Daily Tribune*, “has thrown a damper over the entire community, and the man who drinks his glass of whisky to

produce gaiety does so with a shudder.”¹ Don C. Lusby, Constable of Knox County’s second district, engaged his friend Will C. Mabry in a horse race into town on Christmas Eve. Both, “chums you might say,”² had earlier attended cock fights at Wade’s brick yard in North Knoxville and were flushed at the end of their galloping race at Alf Snodderly’s bar at Vine and Gay Streets. Mabry apparently harbored hard feelings against Lusby, who in his official capacity had earlier barred him from Mdme. Maggie Day’s establishment in Shieldstown, because of his rowdy conduct.³

Inside, an altercation developed in which Mabry refused Constable Lusby’s offer of a drink of apple brandy – hostile word were exchanged and soon he and Lusby fought a classic barroom brawl of the kind usually associated with cinematic depictions of the wild west. In the course of the row Mabry hit Lusby on the forehead with a one-half-inch thick coffee plate weighing a pound. Bleeding and enraged, Constable Lusby reached in his pocket and found his pistol. Mabry, realizing his predicament, straightaway ran for the door, chased closely by Lusby. Soon the antagonists were “out on the street. When Lusby shot the first time” said one witness, “I did not hear him cry. When the second shot was fired Mabry grunted. The shots were simultaneous. Mabry dropped on Vine Street about thirty feet from Gay.” Dr. Sam Boyd testified at the preliminary hearing on Christmas Day that the first shot had lodged in Mabry’s neck while the second entered his left side, striking the seventh rib. He died of internal bleeding. Some fifty witnesses, exactly twenty five for each side,⁴ would testify, but no clear picture emerged.⁵ On January 11, 1882, Judge M.L. Hall determined that Lusby, while excited because of the blow to his head, “had brought his mind to the determination to kill him [Mabry] and under these circumstances he is entitled to no bail.”⁶ No verdict was reached.

General Mabry was a Knoxville land

owner, of one of the areas oldest and most prominent families. During the Civil War he had offered to clothe many Confederate soldiers. Prior to the war he had been president of the Knoxville and Kentucky railroad. In that capacity and after the Civil War he worked with General Maney, President of the Tennessee and Pacific Railway Company. Mabry likewise was a lobbyist with great influence with his personal friend, Governor De Witt Clinton Senter (1869-1871). Generals Mabry and Maney worked together to secure public funding for their mutual railroad project, but Mabry’s expected payment for his influence with the State’s Chief Executive was not forthcoming. Subsequently Mabry took \$25,000 from the T&P treasury as a loan. The subsequent lawsuit went against Mabry and he began selling land and his stables of blooded racehorses to meet his obligations. Nevertheless, the General continued to speculate in land and was still a noted businessman/developer in the city. In fact a street in Knoxville bears his name. He was said to have a terrible temper and prone to violence,⁷ for example, “that during his career as a sporting man he killed a man whose name is not now remembered.”⁸ General Mabry was also in heavily in debt as so was engaged in nearly constant litigation. All his property, it was reported, “was involved in law and was time and again sold for taxes and to satisfy judgments, but somehow he always managed to hold on to it.”⁹ General Mabry was a member of the decaying *postbellum* old south land owning aristocracy. Certainly he was preoccupied with maintaining his social authority and political influence and bequeathing it to his sons, one of whom was now dead.

By May, 1882, the criminal court again began proceedings in the matter of the *State of Tennessee v. Don C. Lusby*. The Criminal Court jury acquitted him of murder in the first degree but were divided on the question of whether or not his

cont. next page

¹Knoxville Daily Tribune, 12/28/81.

²Knoxville Daily Tribune, 12/29/81.

³Knoxville Daily Tribune, 12/29/81.

⁴Knoxville Daily Tribune, 12/25/81.

⁵Knoxville Daily Tribune, 12/30/81.

⁶Knoxville Daily Tribune, 1/12/82.

⁷Knoxville Daily Tribune, 12/29/81.

⁸Knoxville Daily Tribune, 10/21/82.

⁹Chattanooga Daily Times, 10/21/82



A Blood Feud...continued

offense could be considered manslaughter. Ultimately finally was released on bond after a mistrial was declared.¹⁰ One newspaper editorialized in response that when a citizen was approached by a peace officer known to carry a pistol, the smart man should “arm himself with a musket or double-barreled shot gun.”¹¹ A yearning for justice by vendetta was growing in some rather prominent Knoxville circles, and the feeling of bitter enmity intensified between the two families. While many contemporaries may not have thought of it this way, blood feuds were products not only of the wild West and the Tennessee mountain clans, but occurred in more urban settings as well. Indeed, a “deadly family feud has existed between the two families” and soon the second chapter growing out of that feud would unfold.¹²

On August 27, Don C. Lusby, who was out on bond, and his father, Moses, were shot while in the presence of General Mabry and his attorney son, Joseph A. Mabry, Jr., and others inside the Recorder’s Court chambers. The Knoxville Daily Tribune called the shootout “A Terrible Sequel to the Bloody Tragedy of Last Christmas Eve.” The General was told that morning that Lusby was “hunting him and would probably kill him and to keep him out of his way.” Apparently taking the information seriously, the General, although he was armed with a pistol, avoided Lusby when he saw him on the corner of Clinch and Gay streets around 10:30 a.m. Mabry went into McCampbell’s drug store to avoid a confrontation, and Lusby crossed the street positioning himself at the side

door, facing Clinch Street, apparently watching for Mabry saying in no uncertain terms that he would kill the General. His father, Moses Lusby, was heard to have said “he would be damned if he (Don) did for he intended to do, it himself.”¹³

It was at this juncture that Knoxville Police Chief W. Harper arrived. Lusby, complained the General was following him in a threatening manner. As Chief Harper left the drug store and stepped into the street followed by Mabry, Lusby called to the General several times, but the General paid no attention. Lusby’s fervor only increased as he began shouting curses at the General saying, according to Chief Harper, “You see he will not speak to me, the damned old scoundrel!” and other bitter words. It was then Harper placed Lusby under arrest. Lusby resisted arrest for some time, but was finally subdued and taken to the Recorder’s Court. His armed father joined his son in the chambers, where a warrant was taken out against Don Lusby for creating a disturbance. The General, his son – also armed with a pistol – Chief Harper, Moses Lusby, the City Recorder and a few city policemen were in the room. The warrant was sworn and Harper then moved to disarm Lusby, to take his pistol. In the ensuing scuffle some five shots were quickly fired. Moses was shot in the chest and because the bullet lodged near his spine, he was dead instantly, while Don was mortally wounded. It was 11:15 am Don was taken towards his home borne on a cot by friends who were unable to get any further than a private house, ironically on Mabry Street, where he died.¹⁴

Eye witnesses testified that while they had seen the elder and younger Mabry with pistols immediately prior to and during the shooting, no one testified that they saw either actually shoot them at the Lusbys. Sheriff C.B. Gossett arrested the two Mabrys on charges of murder and felonious assault. Both the Mabrys posted a \$2,500 bond, yet as the newspaper paraphrased Knoxville Justice Alex Allison, “he would not presume to say that a jury would find them guilty.”¹⁵ Even though the Mabrys were indicted for the double murder, they were acquitted of the charge of murder in Criminal Court.

While they were acquitted,¹⁶ it was widely believed they had committed the crime.¹⁷ In summary, they had gotten away with murder.

Suddenly, on a rain-soaked Thursday morning, October 19, 1882, just after 10 am and within a period of two minutes, three leading Knoxville citizens lay prostrate on Gay street on the West side of the block, between Church and Clinch streets, “their life blood gushing from ghastly wounds.”¹⁸ Shortly, only the cold, pallid, corpses of General Mabry, his son Joseph A. Mabry, Jr., and Major Thomas O’ Connor remained.

The General, after his business reversals and legal troubles, had never been the same man, and had been “of late years...drinking deeply.” His son Will had been murdered in the streets of. His other son, Joseph, Jr., was born and raised and for the most part educated in Knoxville, and was a attorney of local merit and recognition. It was said “recontre [sic] and altercation were distasteful to him.”¹⁹ Nevertheless, as events would demonstrate, he was at least competent with a pistol.

Major Thomas O’Conner, the third victim of this urban blood fued that day, was born in Virginia. He had come to Knoxville in the 1830s as a harness maker. His business improved, and at the time of the Civil War he enlisted as a Lieutenant of Captain Howald’s artillery. His unit after being held a prisoner of war at Johnson’s Island in Lake Erie. He made his fortune thereafter in Atlanta and returned to Knoxville and was acclaimed as one of the shrewdest politicians in the state, having been a member of the National Democratic Committee. The Major had also “rapidly risen among the monied men of the day” and became the major owner of the corporate giant Tennessee Coal and Iron Company. He lived in Nashville, in the Maxwell House Hotel, and in his home in Knoxville. He was a noted local philanthropist, a “whole-souled man” whose latest business venture was the formation the Mechanics’ National Bank on Gay Street.²⁰ He was the epitome of the New South entrepreneur, whose thriving and preeminent class helped created envy and

¹⁰Knoxville Daily Chronicle, 10/21/82.

¹¹Knoxville Daily Chronicle, 10/21/82.

¹²Knoxville Whig and Chronicle, 8/30/82.

¹³Knoxville Daily Tribune, 2/27/82.

¹⁴Knoxville Daily Tribune, 8/27/82 and, Knoxville Whig and Chronicle, 8/30/82.

¹⁵Knoxville Daily Tribune, 2/27/82.

¹⁶Knoxville Daily Tribune, 10/20/82.

¹⁷Knoxville Daily Tribune, 10/20/82.

¹⁸Knoxville Daily Tribune, 10/20/82.

¹⁹Knoxville Daily Tribune, 10/20/82.

²⁰10/20 and Lucile Deaderick, ed., Heart of the Valley: A History of Knoxville, Tennessee, Knoxville: ETHS, 1976).



A Blood Feud...continued

status anxiety among the remaining and rapidly displaced *antebellum* aristocratic class.

That the General and the Major would come to share such bitter enmity can be explained. Some time before Will Mabry's death by Constable Lusby, Major O'Conner had purchased from the General a rather agreeable Knox County properties, the Cold Spring Farm and the Chevannes place, with the condition that the Major should at some later date give the farm to Will. Of course, once Will was dead there was nothing to hold O'Conner to the deal, or so it was reported that the General reasoned.²¹ Apparently the General's mental capacities had been strained by his years of business failure, by the killing of his son, his alcohol abuse, the murder of the Lusbys, and now his anxious conviction that the Major had actually plotted his son's death to maintain a claim to a piece of real estate. One paper reported that after the Lusby killings "the General has seemed to be further than ever off mental balance." A hint of this animosity occurred during the double Lusby murder trial in September, when Mabry first gave utterance to accusations that O'Conner had been responsible for his son's death. Yet there was more the sour relations between the two men. Joseph, Jr. and O'Conner had been partners in an agricultural implement business which had failed. General Mabry had applied for a security loan from O'Conner's Mechanics' National Banks and had been denied the money on the grounds that he was over extended.²² Certainly this sustained and stoked the General's status anxieties, but the first indication of unequivocal rancor came at the Fair Grounds, south of the Tennessee River on Wednesday, October 17, 1882.²³

At the Wednesday afternoon races, at the Fair Grounds, an armed and incensed

General Mabry, in the presence of many witnesses, confronted an unarmed and flabbergasted Major O'Conner and upbraided him, making loud threats against him, thundering that he was responsible for the murder of his son, calling him a "G_d d_d robber and murderer." [sic]²⁴ The General declared his passion to shoot the Major "then and there." The Major replied calmly that the race course was neither the time nor place for gunplay. Later that evening a frenzied General Mabry sent word to the Major "that he would kill him on sight." O'Conner's supporters advised him, in light of these threats, he would be justified in carrying a weapon and shooting the General on sight. Forewarned was forearmed.

At very nearly ten o'clock on the rainy morning of the 19th of October, the General and a friend, Robert Steele, Esq., appeared walking south down the west side of Gay street toward Church street. [see contemporary diagram] Standing across the street in the doorway of his Mechanics' National Bank was Major O'Conner. Suddenly, as the General reached a point across from the Bank, O'Conner brought out a double-barreled shotgun, stepped out on the pavement, cocked the weapon, raised it to his shoulder, took deliberate aim and fired at Mabry, who was about one step in front of Steele. Mabry fell instantly on his face "and as he fell O'Conner emptied the other barrel into Mabry's body."²⁵ Steele ran to the nearby People's Bank, failing to perceive that Joseph, Jr. had arrived on the site. After the younger Mabry saw his lifeless father he had reached a point on Gay Street, where he drew his pistol, took premeditated aim, and fired at the Major some fifty feet away. His marksmanship was excellent, and the Major was instantaneously hit with deadly effect. At the same instant the Major turned to the right and fired his shotgun at Mabry. Young Mabry sunk to the ground and before a second had lapsed Major O'Conner "sank to the pavement falling on his back, [throwing] his arm wide open and [dieng] without tremor. Young Joe Mabry attempted to rise but only got about half way up, then fell on his back and died in a few seconds without uttering a word

and no struggle was perceptible except the twitching of the muscles and the death gurgle in his throat."²⁶ Four shots had been fired. One eyewitness newspaper account elegantly described the incident this way:

The reverberations from wall to wall of a few successive explosions, the curling up of a little sulphurous cloud upon this and that side of a narrow street and and forms prone upon the wet and slippery flagging [pavement], then the hurried tramp of curious feet and pale lips are busy with eager questions. The dead are carried to houses upon either side of the street, which is made dismal by rain and the gathering throng of funeral umbrellas that block the way. The first palsey over, I hurried and fragmentary explanations are given while the curious throng gather around the bullet hole in the wall and the horrid pool of blood on the pavement that is mingling with the descending rain.²⁷

The scene was quiet after the shootout. Three of the most prominent men in Knoxville dead on the wet street. The frame of mind was subdued, "everybody was cool, calm, and sorrowful...All heads were bowed in sincerest sympathy..." The *Daily Tribune*, however, reported that it's all time record breaking sales reached five editions before the public's thirst for news was slaked.

What had been learned from this violence which had "never been approached before in our history, and which are never likely to occur again..."? There was something inherently awful in these events, and they were not held to be characteristic of Knoxville. Perhaps, philosophized an editorial in the *Daily Tribune*, it was a generational lack of respect for the old cultural canons. After all, up until the recent killings "not even the most bitter feuds – which have existed here as they do everywhere – have terminated so fearfully....The old code of adjusting difficulties is regarded by the rising generation here as something to be shunned, and personal animosities, if

²¹Knoxville Daily Tribune, 10/20/82.

²²Knoxville Daily Tribune, 10/20/82.

²³Knoxville Daily Tribune, 10/20/82.

²⁴Knoxville Whig and Chronicle, 10/25/82.

²⁵Knoxville Daily Tribune, 10/20/82.

²⁶Knoxville Daily Tribune, 10/20/82.

²⁷Knoxville Daily Tribune, 10/20/82.



National Register of Historic Places News...continued

1850 census lists sixteen people as living in the residence of Adam Alexander Broyles. At that time, the house was still owned by his father, Adam Broyles, Jr. It is likely that the house was built around 1840. According to the Broylesville Historic District Nomination, the Broyles Mercantile Establishment was constructed ca. 1835. The fact that the Broyles house and the Broyles Mercantile Establishment use similarly colored bricks, the same brickwork, and have similar features is an indication that they were constructed near the same time and possibly by the same contractor. From the census, it would appear that the house was complete and occupied by Adam Alexander Broyles by 1850. The 1840 census lists two Adam Broyles. Based on the ages one of these is most likely Adam Alexander Broyles. One adult female and one child are listed in his household. The 1850 census lists 16 people in Adam Alexander's household.

Thus, it is assumed that the house was constructed after the Broyles Mercantile Establishment, but before 1850.

Adam Broyles, Jr. sold much of his real property to his son, Adam Alexander Broyles, in 1853. Included in that sale were two houses, one of which is the house being nominated.

During and following the Civil War, Adam Alexander Broyles suffered severe financial setbacks. In 1862, upon the death of his father, Adam Alexander Broyles sold the house and 154 ½ acres of land and, apparently, moved into his father's residence, the Broylesville Inn. The house was purchased by Thomas Doyle, who lived there until 1886. At that time, Mrs. Emma K. Miller purchased the home. Mr. B. F. Parker, a railroad engineer, purchased the home in 1889 and resided there until 1908.

Historic Sites...continued

is located in Castalian Springs near three other significant state historic sites, Wynnewood, Cragfont, and the pre-historic Cheskiki Indian Mounds. Likely built sometime around 1800, Hawthorne Hill was the birthplace William B. Bate, Tennessee's 25th governor, a Tennessee senator, and Confederate Major General. Another famous resident was Bate's cousin, Dr. Humphrey Bate, Jr., who was an early founder of the Grand Ole Opry. Currently awaiting restoration funding, the HSR will guide future restoration and interpretation of this new state site. Jessie White, the MTSU student assigned to this project, along with Michael Gavin, Preservation Specialist for the Tennessee Civil War National Heritage Area (MTSU), met with Rick Hendrix, site director of Wynnewood, and THC staff at the site in April to begin the documentation of existing conditions.

Once these Historic Structures Reports are complete, we will have an enhanced understanding of both of these two sites. With a more complete knowledge of how these places fit within the historic Tennessee landscape, we will know how to preserve and interpret them better for future generations.

Justice John Catron...continued

with some amendments, it should become the settled policy of the state.⁵⁵

It is in this legal minefield, subject to change almost overnight (and retroactively) that Catron writes his June 21, 1862 will. Even if Catron had been aware of President Lincoln's intent to announce the Emancipation Proclamation, any such announcement is months away from being signed (and it does not apply to Tennessee slaves).⁵⁶ Not only does Catron take care of them, he gives them property—both real and personal.

⁵⁵Charles C. Trabue, "Voluntary Emancipation of slaves in Tennessee as Reflected in the State's Legislation and Judicial decisions", *Tennessee Historical Quarterly*, (1918): 59-60 quoting Acts of 1854, ch. 50 and *Bridgewater v. Pride*, 1 Sneed 195 (1853).



Published by the

TENNESSEE HISTORICAL COMMISSION

2941 Lebanon Road
Nashville, Tennessee 37243-0442

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Tennessee Historical Commission,
Authorization Number 327324, 8,000 copies
promulgated at a cost of \$0.23 per copy,
011/10.

**Input Needed...continued**

Lebanon Road, Nashville, TN 37214. Thanks very much for your participation in this important undertaking.

Collierville Conference a Success

The 2011 Statewide Preservation Conference and Tennessee Main Street Summit took place in historic Collierville on April 14-15. Over 100 attendees were treated to a variety of interesting educational sessions as well as optional tours of local historic homes and Civil War sites. Thursday evening an event was held at the c. 1840 Heartwood Hall, a restored plantation home about 10 miles from Collierville. Patty Gay, who has been the director of the Preservation Resource Center in New Orleans since 1980 was the keynote speaker, and Jeanie Nelson, President of the Land Trust for Tennessee delivered the closing speech at a luncheon on Friday.

Publications to Note...continued

especially the racially charged political atmosphere that African Americans faced at the local, state, and national levels. **Cloth, \$39.95.**

Another work published by the University of North Carolina Press is *The New Encyclopedia of Southern Culture*, Volume 17: edited by Clarence L. Mohr and Charles Reagan Wilson, General Editor. Sponsored by the Center for the Study of Southern Culture at the University of Mississippi, this volume offers a broad, up-to-date reference to the lengthy history and cultural heritage of education in the American South. Surveying educational developments, practices, institutions, and politics from the colonial era to the present, Volume 17 covers key topics in education, including academic freedom; the effects of urbanization on segregation, desegregation, and resegregation; African American and women's education; and literacy. A professor and chair of the history department at University of South Alabama, Mohr's historically rich introductory overview frames the volume's essays that comprise a greatly expanded and thoroughly updated survey of the shifting southern education landscape and its development over the span of four centuries. **Paper, \$24.95.**

Tennessee Wars' Commission...continued

state. Today, 20,426 acres have been set aside permanently. Public-private partnerships have saved one-third of those lands, some 7,319.82 acres. A good deal of the credit for this remarkable rate of land conservation goes to the Tennessee Wars' Commission established in 1994 as an arm of the Tennessee Historical Commission. Created to coordinate planning, preservation and promotion of the structures, buildings, sites and battlefields of Tennessee associated with the French and Indian War, American Revolutionary War, War of 1812, U.S. – Mexican War, and the War Between the States, the Wars' Commission continues to fulfill its mission by working with battlefield landowners, local governments, the state legislature and other state agencies, the Federal government, and private nonprofit organizations to protect these sites." The Tennessee Wars' Commission is truly honored to have such a strong friendship with our ABPP preservation partners. The ABPP has awarded \$511,467 to proponents of Tennessee's Civil War battlefields.

Thanks to Our Partners

The Tennessee Wars' Commission is indebted to our preservation partners who have helped save over 850 acres of endangered Tennessee Civil War battlefield property last year and contributed funds exceeding \$2,729,000. Since 1998 the National Park Service's American Battlefield Protection Program has contributed over \$3,000,000 for six endangered Tennessee battlefields, allowing the Tennessee Wars' Commission to secure over \$7,464,061 in non-federal leveraged matching funds for a total battlefield land acquisition cost of \$10,350,636.

Madison County, Bemis: The Bemis Mill, once slated for demolition and to be sold for salvage, has been purchased by the previous owners. Mr. J. Helms and Mr. Hall. They plan to repair the leaking roof and use the building for warehouse space. The Bemis Mill and village is listed on the National Register.

A Blood Feud...continued

entertained at all, very seldom come to the surface of society."²⁸ The clash of the new and old social and entrepreneurial codes had borne bitter fruit.

Funeral services for the Mabry's took place at their home on Mabry Hill, on Dandridge Pike on October 20. At about 10 o'clock two hearses conveyed the remains of General and Joseph Mabry Jr. to Old Gray Cemetery, where a double grave was prepared next to Will C. Mabry's cenotaph in the family lot. There were but six of fourteen survivors. A Methodist service was held. Later, on the 21st, Episcopalian funeral obsequies were held for Major O'Conner at Melrose. He was survived by his wife, sister and a brother. His remains were attended by many friends from Nashville and across the state. He was laid to rest also in Gray Cemetery.²⁹

The feud that terminated in the streets of Knoxville claimed six lives. That such a bloody lawlessness occurred in a Tennessee city in the nineteenth century seems somehow out of character, a temporary aberration not characteristic to the civilized East. Yet the allegory of Knoxville's Mabry, Lusby, and O'Conner homicides were not affairs of honor. Instead they indicate that in our past violence was sometimes resorted to by established, conservative men of wealth to settle with irrevocable finality certain real or imagined economic, familial, and social disputes.

²⁸Knoxville Daily Tribune, 10/20/82.

²⁹Deaderick, ed. Heart, pp. 565, 589 and, Knoxville Daily Chronicle, 10/22/82, Knoxville Daily Tribune, 10/22/82.