DECATUR COUNTY, ALABAMA

1821-1825

by Wendell Page

Presented at the July 15, 1990 meeting of

The Jackson County Historical Association Robert E. Jones Community Center Woodville, Alabama

> by Wendell Page

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A Chronology
with
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DECATUR COUNTY, ALABAMA 1821-1825 With events leading to statehood for Alabama

1790-1890 Era of the Westward Movement in United States history.

1798, April 7 Mississippi Territory established.

1806, January 7 The Cherokee Nation made land cessions to the United States which included all land in present Alabama north of the Tennessee River except New Madison and Jackson County.

Charles J. Kappler, <u>Indian Treaties 1778-1883</u>, P. 90. See Appendix Map No. 1.

1807, October 8 Hans Kennamer sells land in Fairfield County, South Carolina.

Willard C. Kennamer, KENNAMER GENEALOGIES, P. 3

1808, December 13 Madison County, Mississippi Territory created.

1809, January Thomas Freeman takes a census of the Madison County residents for the United States Secretary of the Treasury, Albert Gallatin. Included in this headcount was the enlarged family of Hans Kennamer living in the Maysville area.

Valley Leaves, Vol. 1, No. 1, P. 27.

1810, July 5 The Madison County Commissioners voted to make Huntsville (Twickenham) the seat of justice.

Frances Roberts. "The Public Square in Madison County History," Valley Leaves, Dec., 1969, P. 6.

1811, March The Page, Hodges, and related families arrive in Madison County from Goochland County, Virginia. These families moved to the Woodville community in 1834.

John R. Kennamer, Story of Woodville, P. 170.

1809-1817 Demand for new land in Madison County soon exceeded the supply. Many settlers illegally occupied the land in the Cherokee Nation along the Paint Rock river watershed and the area later called New Madison. Other settlers occupied Indian land in the headwaters of Mud, Crow, and Coon Creek.

John R. Kennamer, <u>History of Jackson County</u>, P. 8. See Appendix Map No. 3.

1812 A wagon road was opened from Huntsville to the salt peter mines in Sauta Cave (Cherokee Nation.) Since the war with Great Britain curtailed the importing of European gunpowder, the niter from the mines was in great demand for the local production of gun powder. This road also offered an easier route for the settlers illegally moving into the Cherokee Nation.

John R. Kennamer, Story of Woodville, P. 10.

1815 Henry Derrick built the first cabin on the Huntsville-Sauta road at a place which would become Woodville. Woodville received its name from another settler named Richard Wood.

IBID, P. 9.

1815 The Hans Kennamer family settled with the Indians in Kennamer Cove.

John R. Kennamer, The Kennamer Family, P. 14.

1817 Mississippi admitted to the union as the 20th state.

William Tillinghest. An Outline of Universal History, P. 552.

1817, March 3 The Alabama Territory organized.

1819, February 27 The Cherokee Nation cedes the remaining part of its land north of the Tennessee River to the United States. This includes present day Jackson County and New Madison. The settlers living in this part of the Cherokee Nation pressured the United States government to acquire this land.

According to the terms of the treaty, certain Indian families who had acquired title to 640 acres of land were allowed to retain title under the United States government. These land holders would not have to move to the designated Indian land west of teh Mississippi River. These reservations are still identified in Madison and Jackson County. Another provision stated that all proceeds from the sale of this ceded land would be used for schools for the Cherokees. These Cherokee Indian School Land boundaries can be found on contemporary maps of Jackson and Madison County.

Charles J. Kappler. <u>Indian Treaties 1778-1883</u>, P. 177. See Appendix Map No. 2.

1819, Fall The Parks, Frazier, and related families arrive at Goosepond Island by flatboats from Lookout Valley, Tennessee.

Lewis W. Page, Sr., unpublished research.

1819, December 13 Jackson County, Alabama Territory, was created. Sauta was designated by the territorial government as a temporary seat of justice. Some sources say Sauta Cave. The new county was bound on the north by the State of Tennessee, the south and east by the Tennessee River, and the west by the 1806 Cherokee Treaty line. This treaty line can be found on the 1965 Alabama Highway Department map of Madison County.

Appendix Map No. 4.

1819, December 14 Alabama admitted to the Union as the 22nd state.

John R. Kennamer, <u>History of Jackson County</u>, P. 17.

1819-1825 With the establishment of a stable government in Jackson County the Indian trails were improved to accommodate wagons. In addition to the Huntsville-Woodville-Sauta-Bellefonte Stage Road, other roads were opened from Huntland and Winchester, Tennessee, to Larkin's Landing, Sauta (Cave), Bolivar, and Bellefonte.

Settlers from East Tennessee braved the growing hostility of some Cherokee Indians as they used the Tennessee River route to migrate. Henry Derrick had arrived at Gunter's Landing from East Tennessee before settling at Woodville. Bellefonte became a river port as the result of this westward movement of settlers.

John R. Kennamer, <u>History of Jackson County</u>, P. 25-26. Lewis W. Page, Sr. Unpublished research.

1820, October 1 Inventory and sale of estate (personal property only) of James Ore, deceased. This is the first known court proceeding recorded at the courthouse at Sauta, Jackson County, Alabama.

Jackson County Court Book. James Russell, Judge, Stephen Carter, Clerk.

NOTE: The original book is in the "Little Courthouse" at the Scottsboro-Jackson County Heritage Museum. There are copies in the office of the Jackson County Probate Judge, Scottsboro and Woodville Public Libraries.

1821, December 7 Decatur County, Alabama, created.

Decatur County, Alabama

(from Acts of Alabama)

(from Acts of Alabama)
Acts of the General Assembly of the STate of Alabama, Begun and held in the town of Cahawba on the first Monday in November, 1821:

Section 5: Jackson County boundaries shall be - beginning at mouth of Sauta Creek to where Winchester Road crosses same; thence on a straight line, to the south end of a ridge east of said creek, which divided the waters of Sauta Creek from the waters of Roseberry Creek; thence with the extreme height of said ridge, to the Winchester Road on the top of the mountain above William Hoskins; thence with said road to the Pole Bridge Branch; thence on a straight line, to Paint Rock River, one mile below the mouth of the Lick Fork of said river; thence on a line due west, to the extreme height of the mountain that divides the waters of Paint Rock River from the waters of Flint River; thence with the extreme height of said mountain, northward, to the Tennessee State line; thence east with said line, to where it strikes the Tennessee River; thence down the same to the beginning.

Section 6:

That all that tract of county lying west of Jackson County, south of the Tennessee State line, east of Madison County, and north of the Tennessee River, shall constitute a separate and distinct county, to be known and called by the name of DECATUR.

Section 7:

That Decatur County shall have criminal jurisdiction over all that tract of country within the limits of the Cherokee nations of Indians, which lies west of Willstown Valley, and east of the road leading from Ditto's Landing to the town of Blountsville.

Judge William D. Page provided the Legislative Act. Appendix Map No. 5.

Why was new county created? It is my opinion that geographic and economic conditions played a major role in the formation of Decatur County. The influx of settlers into the western part of Jackson County was from (Old) Madison County. With the removal of the Cherokee Indian barrier in 1819, the land along the Flint and Paint Rock Rivers was quickly settled. The mountains to the north and the Cherokee Nation to the east hindered the settlement of the eastern part of Jackson County. The seat of justice, Sauta (Cave), was isolated from this growth area in the western part of Jackson County. Huntsville, Nashville, and later New Orleans became the trade centers for Madison County. The lack of suitable roads and the westward flow of the Tennessee River prevented agricultural and forest products from moving east. Therefore, the farmer in the western part of Jackson County developed strong economic ties with Madison County.

Thomas J. Taylor, "Later History of Madison County," <u>Valley Leaves</u>, Dec, 1969, P. 56.

The citizens of the western part of Jackson County could not annex themselves politically to Madison County. But a new county named after the popular naval commander, Stephen Decatur, might be acceptable to the citizens of Jackson County. Also, Sauta in south central Jackson County was isolated from a growth area in the northeastern part of Jackson County at Mount Carmel, Bolivar, and Crow Creek Valley. A rapidly developing settlement at a large spring in the Riley Reservation would become the seat of justice for Jackson County after the new county was formed. I do not find that a large outcry of protest was made when the seat of justice was moved from Sauta to Bellefonte and Sauta was included in the southeastern part of the new county.

There was a trend in Alabama to hurriedly create new counties from the recently ceded Indian lands. Statewide, new counties were created from larger counties. County lines were constantly shifting, and geographic and economic realities played a greater role than political idealogies in determining the course of human events.

1821, December Commissioners appointed by legislative act to select a temporary seat of justice for Decatur County. They were: Robert McCamy, James Holmes, John Kennamer, John Snow, Alex Dulaney, David Boshart, Aaron Rice, William Leg, and _____ Barnett.

John R. Kennamer, "Decatur County,", Progressive Age, 1929.

1822, December 31 The description of the boundary line between Jackson and Decatur County in the original legislative act of 1821 was difficult to understand. On December 22, 1822, a legislative act was passed which gave new information. On Map No. 6A and 6B, I have tried to draw this line by using the information in both acts on one map.

One of the difficulties involves the route of the Winchester Road. It is thought that the Winchester Road followed generally the route of Alabama 69 from the Tennessee state line to Peter Gold Point above Boxes Cove. From this point the road made a very steep descent to the head of Boxes Cove. $SE^{\frac{1}{4}}$ $SW^{\frac{1}{4}}$ Section 20, Township 3, Range 5 East.

Appendix Map 6B, Point 9.

The road traversed the cove to present County Road 145. The Winchester Road then passed through present Larkinsville and Sauta Bottoms before crossing North Sauty Creek. The exact location of this crossing is not known. It is thought to be near the U. S. Highway 72 bridge across North Sauty Creek west of the Goodyear Plant.

Appendix Map No. 6B, Point 2.

A later spur of the Winchester Road descended the Cumberland Plateau from Pole Branch on a ridge between Becky Hollow and Harris Hollow to Maynards Cove. NW_4^1 NW_4^1 Section 14, Township 3, Range 5 East. The route then crossed Dean Ridge to the Fairfield Community. The road then passed through present Hollywood and on to Bellefonte.

Mrs. Nola Simmons and W. C. Brandon.

1822, May A series of acts was passed by the Alabama Legislature for Decatur County and Jackson County. Namely, voting precincts were designated, a militia was established, a court system was instituted, civil offices were organized with temporary officials, schedules for tax collections were worked out, and Justices of the Peace were named. At the same time a commission was appointed to find a site for the seat of justice for Jackson County.

See Decatur County file, Woodville and Scottsboro Public Libraries.

1822, December 31 Acts of the General Assembly of the State of Alabama, begun and held in the town of Cahawba on the third Monday of November, 1822:

An Act to better designate the line between the counties of Jackson and Decatur.... Section 1: That the line between Jackson and Decatur Counties be as follows, to wit: Beginning at the mouth of Sauta Creek; thence up said Creek to where the Winchester Road crosses said creek; thence to Jesse Thompson's; thence to Caswell Bibey's, including said Jesse Thompson, William Cundiff, Hiram Jackson, Thomas Jones, John Smart, and said Caswell Bibey's in Decatur County; thence from said Bibey to the top of the mountain above William E. Hoskins, where the Winchester Road descends the Cumberland Mountains; thence to the most leading point at the mountain between the mouth of the Lick Fork and the mouth of Larkin's Fork of Paint Rock River; thence to the top of said mountain; thence a northwest course, to the Tennessee State line.

1823, September 9 Letter from Woodville, Decatur County to Governor Israel Pickens.

Appendix, Page 1.

1823, December 17 Woodville selected as the permanent seat of justice for Decatur County.

Thomas Owens, History of Alabama, P. 475.

NOTE: The courthouse site at Woodville was shown on an Alabama map as early as 1822.

Appendix Map No. 7 and No. 8.

1824, April A marriage contract was signed at the courthouse in Woodville.

Appendix, Page 2.

- 1824, December 24 Legislative act establishing an election precinct in the house of Henry Derrick of Decatur County.
- 1824, December 25 Legislative act appropriating \$6.00 to Henry Derrick for provisions furnished to person in jail of said county.
- 1824, December 31 Legislative act appropriating \$7.00 to David Boshart, Sheriff of Decatur County, for feeding prisoners in jail of said county.
- 1825, December 28 Legislative Act(s) to repeal all previous acts with respect to Decatur County. The land area was divided between Jackson and Madison Counties. All records and funds assigned to Jackson County.

See Decatur County folder. Appendix, Page 3. Appendix Map No. 9.

- 1835 A treaty signed by the Chief of the Cherokee Nation at New Eschota ceded to the United States all Cherokee land in Alabama.
- 1836 Legislative acts establishing the present boundaries of Madison, Jackson, Marshall, and other North Alabama counties.
- 1853 A listing of Jackson County towns having a postoffice shows Bellefonte and Woodville also having a courthouse.

Farrow and Dennett's Directory, Mobile Public Library, Researched by Judge William D. Page.

1990 During this 175th year of the founding of Woodville, a marker is being erected to commemorate the event.

Grateful acknowledgement is in order to those who gave assistance and encouragement in the preparation of this paper:

Mrs. Alice Ruth Page, Woodville
Mr. Denton Kennamer, Woodville
Judge William D. Page, Huntsville
Mrs. Catherine Gilliam, Huntsville
Mrs. Rubilee Smith, Scottsboro
Mrs. Ann Chambless, Scottsboro
Mr. Carlus Page, Scottsboro
Washington, D.C. Staff of Congressman Ronnie Flippo

Copies of some of the sources cited and of the working papers used in the preparation of this paper are contained in a folder labeled DECATUR COUNTY. These folders are on file in the public libraries in Woodville and Scottsboro, Alabama.

DECATUR COUNTY

The following letter was found by Judge William D. Page in the State Archives in a file containing election returns for Decatur County. Copied and contributed by William D. Page.

Woodville, Decatur County Sept. 9th 1823

Israel Pickens, Esqr. 4

Dear Sir:

GOVERNOR A LABAMA

Excellency the melancholy fact that Alexander W. Dulany,
Esquire, a member to the State Legislature, departed this
life on the evening of the 7th instant. At the late General
Election Mr. Dulany has been elected by a large and
respectable majority to represent the counties of Jackson
and Decatur in the House of Representatives of the State
Legislature, and by his death the legislature is deprived of
an honest and well meaning member and his fellow citizens
have been left to deplore the loss of a useful and most respectable
citizen.

With respect & esteem, I am Dr. Sir

Your most obt. servt.

Silas Parsons Sheriff of Jackson County and returning Officer for the counties of Jackson & Decatur.

P.S. Your excellency has seen that in case of a vacancy in either house of the General Assembly the Constitution requires the Governor to issue his writs of election to fill such vacancy upon that subject. I would only suggest that the 4th Monday in October next would interfer less with other public business and perhaps on other accounts would be the most suitable time to hold the election. On the 2nd Monday in October there will be circuit Court in Jackson and on the 3rd Monday the Circuit Court in Decatur will be held.

S. P.

Jackson County

Decatur County, Alabama Marriage Contract William Steadman and Margaret Turvin

The following Marriage Contract between William Steadman and Margaret Turvin was contributed by TVGS member Delaine Edwards of Modesto, California. Mrs. Edwards found the contract while researching McNairy County, Tennessee records. This Contract was on Pages 186-188 of McNairy County, Tennessee Deed Book "A." The document is of special importance since, to our knowledge, it is the only Decatur County marriage record in existence. Decatur County existed from December, 1821 to December, 1825. At its abolishment its records were deposited in the Jackson County courthouse which was burned during the Civil War by Northern soldiers.

This indenture made 1 April 1824 between William Steadman and Margaret Turvin, both of Decatur Co., Ala. Both are of legal age and plan to be married. It is their desire that all property now owned by and possessed by Margaret Turvin shall remain her sole and separate property free from any incumberance, contract, or marital right of Steadman.

Therefore, Steadman relinquishes unto Margaret all interest in the property or estate which by law might be otherwise acquired by him upon their marriage. The property now owned by Margaret consists of one negro woman named Comfort (aged 25) and her four children: Moses (age 12), Annie (age 10), Mary (age 8) and Jerry (1 year); one roan mare, 7 head of cattle, 35 head of hogs, 3 beds and furniture, one sideboard, 2 tables, and "other articles of household and kitchen furniture."

Witness:

william X Steadman mark

E. H. Childress J. T. Thornton Wm. McBroom

Margaret Turvin

Proven in Decatur County Circuit Court by James T. Thornton, a witness, in the April, 1824 term of court. Certified by Wm. B. Jones, Clerk, on 21 April 1824.

Proven in Madison County, Tennessee, in open court in the February term, 1833 by E. H. Childress, witness. Certified February 4, 1833 by R. McIver, Clerk.

Certified in Jackson Co., Ala. on 15 February 1833 at the courthouse in Belfonte by R. B. Clayton, Clerk, and Thompson M. Rector. Judge of the County Court, with the following notation:

"I, Richard B. Clayton, Clerk of the County court of Jackson County aforesaid, do certify that what was the County of Decater in this state has since the month of Aprile 1824 by an act of the General Assembly of this State, been abolished and its territory added to the Counties of Jackson and Madison and the records & Archives of the said County of Decater required to be deposited with the clerks of the Circuit & County Courts of the said County of Jackson according to their nature & kind; that the records of Deeds, conveyances & have accordingly been deposited in my office; And I further certify that the deed which is herein annexed between William Steadman and Margaret Turvin dated the first day of Aprile, 1824, and which was proven in the circuit court of the said County of Decater at Aprile Term thereof, 1824, has this day been recorded in the county Court of the County of Jackson aforesaid in Book D, pages 192 and 193 pursuant to the laws of said State for the registration of all deeds, conveyances &c.

"In testimony whereof I have hereunto set my hand and private seal not having any official seal yet, proved at office in Belfonte this 12th day of February, 1833."

R. B. Clayton, Clerk CC

I, Thompson M. Rector, sole Judge of the County Court of Jackson in the State of Alabama do certify that Richard B. Clayton, whose signature & certificate appear above, was at the date thereof and is the Clerk of the said court duly Elected & qualified; that his attestation above is in due form of law by the proper officer and entitled to full credit. Given under my hand & seal this 15th day of February, 1833.

Thompson M. Rector

Judge of the county court

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attended a school meeting and met one of the most progressive teachers of Madison County, who said to him: "Was Woodville ever the county sent of Jackson County?" .: Others have asked similar questions. Some have asked the question, was there ever a Coffee County in the Tennessee river valley or North Alabama?

It is a privilege and a duty we owe to the present and coming generations to preserve the historical facts of our beloved country, hence the reason for this, and maybe other articles that will follow.

Decator County was created by act of the Legislature Dec. 7, 1821, out of Jackson County and the part of Madison County east of Flint river. Its area was described in the act of establishment as including "all that tract of country lying west of Jackson County, south of the Tennessee State line, east of Madison County and north of the Tennessee river." All the northern part of the present county of Marshall was included- in Decatur County. -

The boundary line of said county was made a little more definite in 1822 as follows: "Beginning at the mouth of Sauta creek; thence up said creek to where the Winchester road crosses said Sauta Creek thence to Josse Thompson's; thence to Caswell Bibeys; thence from said Bibeys to top of the mountain above William E. Haskins, where the Winchester road descends Cumberland mountains; thence to the leading point of the mountain, between the mouth of Lick Fork and the mouth of Larkin's Fork of Paint Rock river; thence to the top of the mountain, thence a northwest course to the Ten nessee state line."

The county was of irregular shape,

Not many months ago the writer being about 40 miles in length and varying in width from 3 to 25 miles. Woodville was chosen as the county soat by a commission appointed by the Legislature and consisting of the following persons: Robert Mc-Camey, James G. Holmes, John Kennamer, John Snow, Alex W. Dulaney David Boshart, Aaron Rice, William Log and Mr. Barnett, and county officors were elected on the first Monday in February, 1822. Hesekiah Bayles, a Revolutionary soldier from Virginia, who had lived a_short while in Madison County, was its first County Court Judge.

But Decatur County had a brief existence. It was abolished by the Legislature on December 28, 1825, the reason assigned was that it did not possess the territory as required by the Constitution

The question may arise in the mind of the readers, why, did the arise in the Legislature not know this when the county was created? One should remember that in 1821, no part of this county or Jackson County had been surveyed. General John Coffee, a brother-in-law of President Andrew Jackson, had been appointed surveyor general with his office in Florence, Ala., did not survey this part of the State until 1822 and the years immediately following. He had as deputies, James W. Exum, Hunter Peal, William B. Jones and others who surveyed this county.

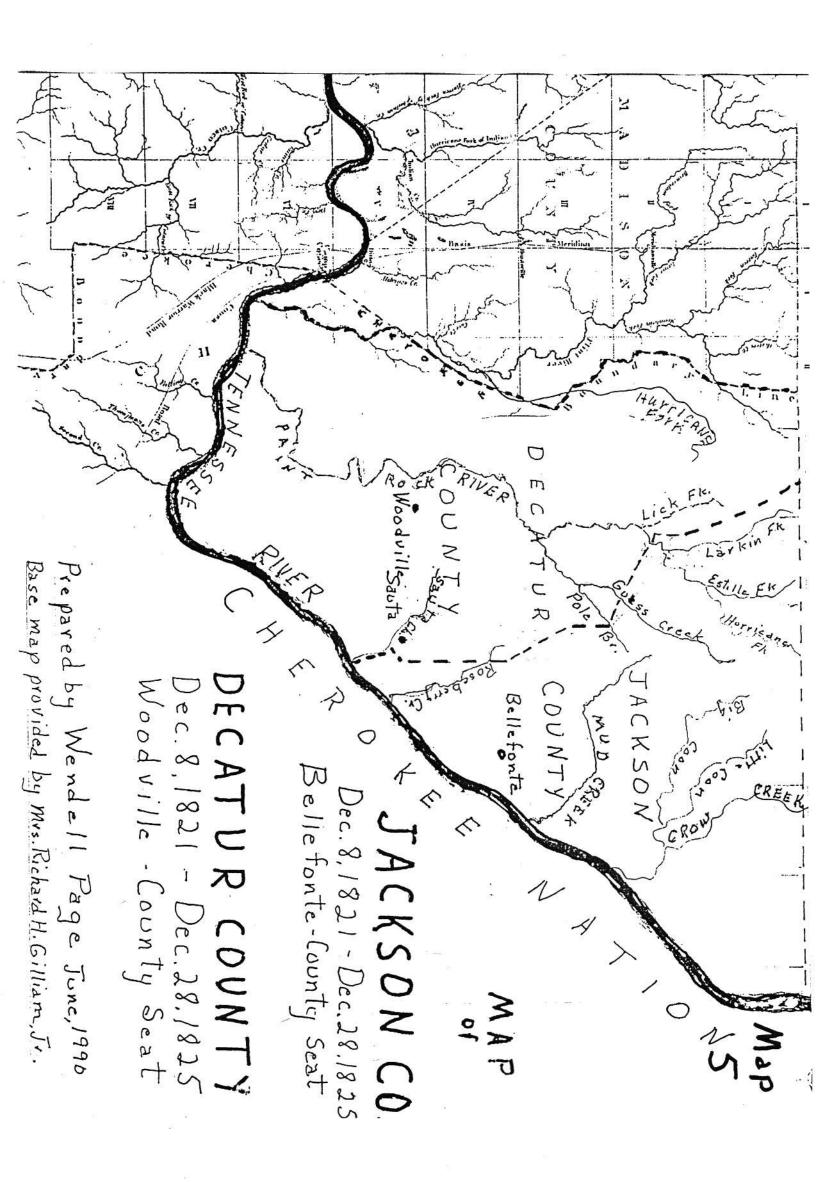
Through the kindness of a friend, Mr. E. H. Caldwell, of Scottsboro; I am permitted to study a splendid map of Alabama which was made in 1822; or 1823, by F. Lucas, Jr., of Baltimore, Md. This map shows Decatur County. At that time there were only 32 countles in the state, and not more than half of them had been surveyed by the Government.

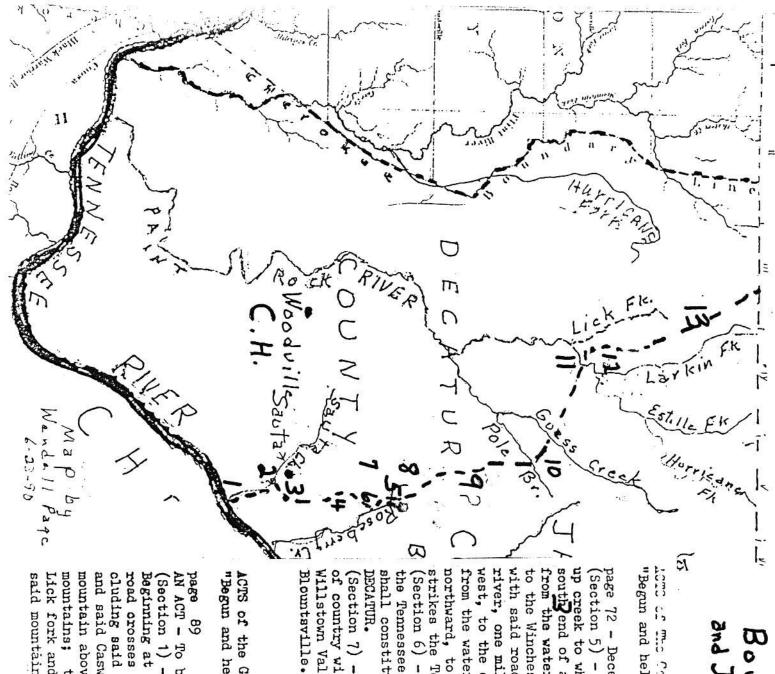
ver D. Street for the number of commissions who selected Vices as the county seat of Decreary brace out the winds

e na allana "aca

Why Called Decatur Co. Many heroes of the America: and navy have their names perso ed in towns, cities and counties too often the residents in th too careless or ignorant cone the deeds of said horoor. County was named for Stap catur, Jr., who was a famon hero, who brought such reac this country by his builling. in the war with Tripoli Thomas Jefferson's adminati President. What a strange. such a fearless patriot to end at the hands of Commission Barron in a duel in the yes Who will not say that we he some progress in civilizat we have done away with May we see the day soon with nations will have lawed forever!

To Be Continua





and Jackson Lo. Boundary ・・・ 5581-128 Between Decalur -

Ranger East

"Begun and held in the Town of CAHAWBA on the first Monday in November 1021" ACTO of The Company Assembly of the State of Alabama

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from the waters of Roseberry Creek; thence with the extreme height of said ridge, to the Winchester road, on the top of the mountain, above William Hoskins; thence with said road, to the Pole Bridge branch; thence on a straight line, to Paint Rock river, one mile below the mouth of the Lick Fork of said river; thence on a line due west, to the extreme height of the mountain that divides the waters Paint Rock River from the waters of Flint River; thence with the extreme height of said mountain, south end of a ridge east of said creek, which divided the waters of Sauta Creek up creek to where Winchester poad crosses same; thence on a straight line, to the shall constitute a separate and distinct county, to be known and called by the name of strikes the Tennessee River; thence down the same to the beginning. northward, to the Tennessee State line; thence east with said line, to where it the Tennessee State line, east of Madison County, and north of the Tennessee river, (Section 6) - That all that tract of county lying west of Jackson County, south of (Section 5) - Jackson County boundaries shall be - beginning at mouth of Sauta Creek,

Willstown Valley, and east of the road leading from Ditto's landing to the town of of country within the limits of the Cherokee nations of Indians, which lies west of (Section 7) - That Decatur County shall have criminal jurisdiction over all that tract

"Begun and held in the town of CAHAWBA on the third Monday of November 1822" ACTS of the General Assembly of the State of Alabama

cluding said Jesse Thompson, William Cundiff, Hira Jackson, Thomas Jones, John Smart, and said Caswell Bibey's in Decatur County; thence from said Bibey to the top of the mountain above William 4. Moskins, where the Winchester road descends the Cumberland said mountain; thence a north-west course, to the Tennessee State line 13 mountains; thence to the most leading point at the mountain between the mouth of the Beginning at the mouth of Sauta/Creek; thence up said Creek to where the Winchester road crosses said creek; thence to Jesse Thompson's; thence to Caswell Breey's, in-AN ACT - To better designate the line between the counties of Jackson and Decatur..... Lick fork and the mouth of Larkin's fork of Paint Rock river; thence to the top of (Section 1) - That the line between Jackson and Decatur counties be as follows, to wit: - December 31, 1822

