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Jones: From the Archives: Madison County, Mississippi, Territorial Period
**From the Archives: Madison County, Mississippi,
Territorial Period: 1804-1817**

(January 1971), pp. 34-45.)

Kathleen Paul Jones

My interest is in tracing families, but to do that one must read all sorts of records to formulate impressions of the conditions under which they lived.¹

About 1805 Thomas Freeman and Pharoah Roach began to survey the land now included in Madison County. But earlier than that, East Tennesseans had heard of this rich new country through John Hunt who had come here game hunting. Judge Thomas Jones Taylor tells of a personal interview he had with Isaac Criner, who came with his uncle, Joseph Criner, and another kinsman, Stephen McBroom, apparently early in 1804.² Criner said that in the fall of that year Hunt and David Bean spent the night with them. The next morning, his uncle's wife baked bread for them, and they went on to Huntsville's Big Spring, built a cabin and then returned to Tennessee.

Earlier in the year Samuel Davis and several of his sons arrived at the Big Spring, cut some poles, then went back to Tennessee for their families. A great grandson of Hunt wrote that when Hunt built his cabin, he found a pole lean-which, he thought, Ditto had abandoned. But almost surely the lean-to was made of the Davis logs. When the Davises got back and discovered that a cabin had been built of their poles, they were furious. Samuel Davis said angrily he would never be a neighbor to a man who would use another person's logs, so he settled near Plevna.

The family tradition of the Criners indicates that they went first to the Big Spring, did not like the water, and settled on Mountain Fork. Many years ago an old river man recalled that, as a boy, he frequented Coopers Tavern in Huntsville, where the "first comers" were often discussed. It was generally agreed that Criner, Ditto and Hunt all came about the same time, but that Hunt was a hunter, Ditto an Indian trader and river man, and the Criners the first to clear and till land.

The first comers picked out a likely spot, built cabins and prepared to farm- these were called their "improvements." Sadly enough, when the land was put up for sale in August, 1809,³ many were unable to make the required payments and bid high enough, so they lost both the land and their labor. Much of the land was bought by wealthy speculators, as is generally the case. The minimum bid allowed was two dollars an acre, plus three dollars down for each quarter section, or five dollars for a section to pay for

the surveying. One fourth of the price had to be paid in forty days, with the balance in one, two, and three years with interest. Cash was a very scarce article in those days. Barter and promissory notes were usual. Most of the early lawsuits were efforts to collect past due notes, which had passed through several hands, much like endorsing a check today.

Madison County of that day, though not a residence area for Indian tribes, was claimed by both Cherokees and Chickasaws as a hunting ground. Old maps clearly show the Indian boundary lines and deeds mention them. Huntsville architect G. W. Jones told that one man once refused to give the surveyors a drink of water, so they told him they would run the line around him and leave him on Indian land - and they did.

In an effort to prevent squatting on Indian land, soldiers were stationed here to remove those who did. But many settlers like the Criners went right back. These settlers maintained two cabins to move back and forth from Madison County proper to east of the line. Apparently no effort was made to burn them out, although some old stories indicate that this was often done by the soldiers.

The Indians here were not hostile, but they did pick up things which were left lying around. The Criner women had their loom in a shed, as there was no room for it in the cabin. Each night they had to cut out what cloth had been woven that day. Now and then a settler reported a horse or two missing; but if he found his property and could prove that it was his, the Chief always made the thief return it. One time the Criners tracked some of their horses to what is now Guntersville and got them back with no difficulty.

Because of the proximity of the Natchez Trace west of Huntsville, and accessibility of Muscle Shoals as the head of navigation on the Tennessee River, there were many white people in the Shoals and on the Trace long before a white man ever settled here. But they came rapidly once the lands were opened for settlement. In January 1809, a census listed 2,223 whites and 322 slaves. All these had come into rich and fertile virgin land, with towering forests so shading the ground there was no undergrowth. One could see a deer running for a quarter of a mile and drive a wagon anywhere under the trees.

Those trees would be priceless now, but the only thought then was to get them out of the way. Even many years later, they were still plentiful, so that it was easy to get planks wide enough to make a coffin with no joints except at the corners. The houses built in the 1820s and even later, usually had paneling around the lower parts of the best rooms, the centers being of eighteen-inch wide plank, and often matching windowsills.

It seems that those who came first were preponderantly from John
<https://louis.uah.edu/huntsville-historical-review/vol28/iss3/6> Ginger, Hawkins, 2

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Anderson, Washington, and others near them. Many, however, were natives of Virginia or the Carolinas, which a little later, along with Georgia, supplied most immigrants. These earliest settlers were true pioneers with but very few slaves. They did most of their work with their own hands and very inadequate tools. Cabins were necessarily small, so that one wonders how such large families were raised in them. At least the children had plenty of room for an outdoor playground.

Coming by foot, horseback, and in ox carts, the settlers brought only the barest necessities with them. Slips of the creeping myrtle, which blankets so many old graveyards today, were brought by the women who knew there would be fresh graves to cover. There were doctors among the newcomers, as old bills against estates show, but their skills and drugs were quite limited. They had emetics, purges, blisters, morphine, and little else. The sick and injured suffered; many died from diseases that are now practically wiped out. Death from childbearing was great and second and third wives common. A lack of knowledge about sanitation was a factor which, coupled with poor refrigeration, made many infant and children's graves, even without the recurrent epidemics of diphtheria and scarlet fever.

By 1807 a few whites, without hindrance from the Indians, had squatted near the spring, among them Stephen Meal, later the first sheriff; Hunt's son-in-law, Samuel Acklen; and the Morgans, who were later merchants. By 1809 there was a settlement of several hundred inhabitants within reach of the spring. There were no buildings on what is now the downtown square, rough, rocky, knoll, sloping on every side with a large pond at the northeast corner.

Judge William E. Skeggs of Decatur, a great-grandson of John Hunt, wrote that Hunt kept a public house, and having many mouths to feed at the land sale, entrusted his money to LeRoy Pope to buy the quarter on which the spring is situated for him. Pope bid up to ten dollars an acre which was far beyond Hunt's ability to pay. As the story goes, Hunt was so incensed that he would have killed Pope had not his friends protected him. Later, however, Pope reimbursed Hunt and the matter was settled.

On January 1, 1818, Anne Royall gave a lucid description of the bustling community:

The land around Huntsville... is rich and beautiful as you can imagine, and the appearance of wealth would baffle belief. The town stands on elevated ground, and enjoys a beautiful prospect. It contains 260 houses principally built of brick; has a bank, a courthouse and market house. There is a large square in the center of the town . . . and facing this are the stores, twelve in number. These buildings form a solid wall, though divided into apartments. The work-

manship is the best that I have seen in all the states; and several of the houses are three stories high and very large. There is no church. The people assemble in the Court House to worship.⁴

There are no records before 1809. Judge Taylor's daughter once told me that couples who wished to marry used the Quaker (and frontier) method of declaring before witnesses that they considered themselves to be man and wife. After Madison County was established an Act was passed (presumably by Mississippi authorities) legalizing all such unions. One of our earliest records is of a marriage on August 28, 1809, between a couple, whose descendant said they lived near Elk River, and rode horseback all day to get here to be certified by the proper authorities.

Even in 1810 there was only one gristmill in the county. For many this meant an all day's journey to have their corn ground. But soon mills sprang up along all the good watercourses. The first settlers, after gathering their cotton, sat near the fire at nights and handpicked the lint from the seed, so that it might be spun. By January 1814, there were eighteen cotton gins in the county. There was one, long abandoned, at my grandmother's which I dimly remember. It ran by mule power. The little gin heads were about the size of one of today's small pianos, and ginning must have been a slow process indeed. Naturally, stills came in with the pioneers, and are mentioned in many estates. One man willed "my still and tubs" to his wife.

How little these people brought is shown in the inventories of old estates. What was done about property of those who died before courts were set up remains a mystery. Perhaps the heirs settled the matter among themselves. One of these was Spencer Rice who died in 1808. His widow went back to North Carolina, taking her two youngest sons with her. Soon she died, however, and the unhappy boys, about ten and twelve years old, joined a caravan of neighbors moving to Madison County, and returned to their brothers' homes near New Market, making the trip in less than two weeks. When local laws were established, after the executor or administrator was named, men were appointed to appraise the personal property of the decedent, down to the last pot, pan, or other small article. Then a sale was held, and what the family wished to keep, they had to bid on. Later a "year's provision" was allowed to be set aside for the widow and minor children. One of these listed a tablespoon of pepper.

From the start, Alabama's laws were in some degree concerned about women; at least no man could sell his homestead without her, "without fear, constraint or threat" signing the deed, or later signing a relinquishment of her dower right. In a few cases a suit was brought and her right established. But the poor married woman could not hold title to property

<https://louisiana.edu/huntsville-historical-review/vol28/iss3/6>, was immedi- 4

Jones: From the Archives: Madison County, Mississippi, Territorial Period. Jones was fully and legally vested in her husband and subject to seizure for his debts. So the careful father often left his daughter's heritage in the hands of a trustee, for her benefit, and after her death to go to the heirs of her body.

Of course, schools were few. While many newcomers were well educated, there are many more legal papers signed with a mark than with the maker's signature. Where there were enough children, often someone, usually a preacher, set up a small private school, but for children of the very early years getting an education was a struggle.

To clear the great forests, the pioneers first girdled the trees and then let them die. A little corn could be raised between them but not much. After a time the branches rotted and fell and had to be piled. When the trunks were felled, the huge logs, some so large a man could not see over them, were notched at about ten-foot intervals. A fire was built and a dead branch laid across it; and as that branch burned out, another replaced it until the fire had burned all the way through. As soon as enough "cuts" had been made, the landowner sent out a call for a log rolling, and all of the able bodied men were expected to come and help. Often there were as many as forty or fifty men present.

In order to stack the logs, the first cut above the one at the roots was turned at right angles. Then several others were rolled alongside it for the base of the heap. Long dogwood spikes were inserted under the remaining cut logs, and all together the men raised the log and walked with it to the log heap and slid it into place. There was quite an art in getting the hand sticks placed so that the load was distributed fairly. This originated the phrase "to tote fair," and also probably the story about getting the short end of the stick. If the men at each end of the stick were both strong, the stick was placed evenly. But if one were less strong, the more able man was given the shorter end, and thus, the heavier part of the load.

After all the logs were piled they were set afire and illuminated the night. Log rollings were indeed hard work with not even a rope and pulley to help the men who worked from early morning till sundown. The host always furnished supper, passed the jug, and frequently had a dance or "frolic."

Skilled axmen that they were, the men cut the trees for their buildings, rived the boards to roof them, and adzed the half logs for the puncheon floors. Roof boards were held down by weight poles, nails being too few and precious for such. Instead pegs were used in construction. Later the local blacksmiths made the square-ended hand wrought nails in old fences and buildings.

The early settler usually arrived with dogs and a gun, an ax or two, some iron wedges, and a cross cut saw, which he sometimes had to borrow. If he had only his wife for help, he had to use poles which he could handle

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himself; if there were friends to aid, then larger logs could be cut, notched, and put in place. Chimneys were made of stick and clay, window shutters of boards, and hinges of wood.

These hardy people traveled long distances over new roads, through untraversed forests, and across unbridged streams, often waiting for flooded ones to subside. Water came from a well which the pioneer dug, or more likely a spring some distance away. Isaac Criner's spring was at the foot of a steep bluff. Until old age blinded him, he washed his face in it every morning, often returning to the house with icicles in his beard when the weather was exceedingly cold.

Washing was probably done as it was in my mother's childhood in the after-war years with baffling sticks and soft soap. The clothes were soaked, soaped, and laid on a table or rock, and beaten with sticks resembling long, slender paddles, the blades about an arm's length and some three inches wide. There were no washboards in those days. This battling resulted in many broken buttons, because of the vigorous threshing given the clothing. When I was small, I can recall seeing the old paddles still around the old home.

To obtain the main necessities of bread and salt, the earliest settlers often had to go from fifty to a hundred miles, and at times do without. After corn was raised each family had hominy. A mortar was made by burning a bowl shaped hollow in the end of a block of wood, and with that they used a large wooden pestle, usually run by a sweep. The lye for making the hominy came from leaching wood ashes. Ash hoppers were V shaped troughs of boards with a vessel underneath. The ashes were placed in the hopper and water poured on them; as it seeped through and fell into the vessel, it leached out the lye. This was also used in making soft soap from waste grease, a slimy, loathsome, ill smelling stuff. Salt first brought in from Nashville, was later obtained more easily from the Whitesburg trading post where shipments were received from East Tennessee. Iron and other necessities were also obtained at the trading post.

Flintlock rifles were popular for hunting. A supply of lead was usually hard to obtain. Powder was scarce and dear, but the dirt in caves was worked for the saltpeter.⁵ Sulphur was bought, charcoal burned, and gunpowder manufactured. When cattle became plentiful, tallow candles were dipped. Judge Taylor tells of taking a wick, twenty or thirty feet long, dipping it into pine resin and beeswax, and wrapping it around a cob with the end pulled up; after lighting, it gave light for a good while.

Life, despite its hardships, had its pleasures. Horse racing was a favorite sport: Andrew Jackson raced his thoroughbreds at the tracks at Buckhorn, Green Bottom Inn, and other spots, and it is said, fought his cocks as well.

Quite a bit of card playing seems to have gone on, and some of the very

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first citizens were arrested for gaming. Apparently “dancing frolics” were often held at private homes.

People then were much as people are now. Some were honest; others definitely were not. Some were peaceful; some preferred strife. Some were good husbands and wives; some were not. Some seem to have enjoyed litigation; others preferred to settle matters their own way. These people had fought figuratively and literally to stay alive and were ready to do so again. The county was very well represented with soldiers at Emuckfau, Horseshoe Bend and New Orleans. Many of the early arrivals had fought in the American Revolution.

An old Court Minute Book of 1811 reveals that most cases were for assault or riot. An amusing legal phrase concerns value: “Did stab him the said Samuel with a large knife of the value of one dollar, in and just above the second rib on the left side.” The testimony in this case might have been interesting, as the jury found the defendant guilty but fined him only twenty-five cents. One wonders what the value of the weapon had to do with the case.

The pioneers who settled Madison County worked hard, lived hard, and played hard. They wore no man’s collar.

ENDNOTES

¹This paper was read to a meeting of the Huntsville Historical Society on January 17, 1965.

²Thomas Jones Taylor, “The History of Madison County, Alabama,” 7. Typed copy in Huntsville Public Library of Mss., written from 1880-86.

³It had taken that long because the rattlesnakes were so numerous that surveying could only be done in certain months.

⁴Anne Newport Royall, *Letters from Alabama, 1817-1822* (Tuscaloosa, Alabama, 1969), 199.

⁵Records show that Sauty Creek on Jackson County as early as 1812 was used to make saltpeter.

Administration

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