

“FROM THE GROUND UP”

The Untold Story of the Burleson-Hinds-McIntire House

Finding the house today is easy. Go to “Old Town” Decatur, get on Sycamore Street and head northeast. Just when you think you might run off into the Tennessee River, stop and look to your left and there it is; a tall, stately, two-story brick, ante-bellum home with four tapering columns which look out over a tree shaded lawn surrounded by an iron fence almost as old as the house. Yes, finding the home today is easy, but if we turn around and look back to find a route to take us to the history of the house, the pathway is dimly lit and obscured in the shadows of the lives and memories of men and women who have been lost to time.

In the past seventy years stories about the house have appeared in numerous books, magazines, newspapers, booklets and brochures. It seems every story is inconsistent in terms of when the house was built and who built it. The year of construction varies from 1818 to 1850 and the builder ranges from John Burleson to Jesse Wharton to Horace Greene to John Rhea to Aaron Burleson. Attempting to find the history of the house from information written in recent years proves difficult. There is no clear-cut path from today’s view of history to lead us to the story of the house’s origin. To find the origins of the house, we must look, not from this side of history but from the other side. We must analyze fragments of the story contained in old land records, last will and testaments, affidavits, court papers, bank records, census records, newspapers and marriage records. These pieces provide clues which when taken individually can lead in the wrong direction. However, by piecing these fragments together, we can lay out a map which provides an interesting story which begins almost twenty years before the house was built.

Since our topic is real estate, the best way to tell the story is to start with the land and follow it from the founding of Decatur to the construction of the home then continuing to the start of the War Between the States and finishing a few years after. In other words, build this story “from the ground up”. By doing so we find the site, which later included the house, had at least six different owners before it came into the hands of the Burleson family. The owners included a United States senator, a medical doctor, local merchants, a wealthy plantation owner and a Scottish beekeeper.

In January 1820 President James Monroe directed land for a town be reserved south of the Tennessee River in Cotaco County (name changed to Morgan County in 1821). General John Coffee, the Surveyor General for the northern region of Alabama was instructed to survey the land and send the finished plats to the District Land Office in Huntsville. The land reserved contained 1,085 acres and was located in fractional sections 7, 17 and 18 in Township 5 South, Range 4 West. On June 5, 1820, this acreage was filed on and purchased from the U S Government by five men: Jesse W. Garth, Henry W. Rhodes, McKinney Holderness, Isaac Lane and George Peck. The five were wealthy landowners who lived near or adjacent the reserved townsite. The property was purchased in two tracts, one containing 778 acres, the other adjoining tract containing 307 acres. Sales price was \$2.00 per acre. It was purchased with understanding the property would be developed into a town with the five purchasers becoming the “Trustees” of the new community. On June 6, 1820, the day after purchase, in Huntsville a document was signed called “The Articles of Association of the Decatur Land Company”. By virtue of the “Articles” the new town had a name and a plan. The trustees were to lay out a town thereon, and “make such

reservations and donations of land or lots for streets, alleys, squares, or other public purposes as they may think proper". In addition, the trustees were to record a plat of the town in the office of the County Court Clerk.

The original town plat has been lost, however, based on later survey work, it appears it was late 1820 or early 1821 before the town plan was completed and lots were available for purchase. The earliest deed on record is dated June 6, 1822 whereas the five trustees sold Lot #36 to Amos Hardin for \$50.00. Keep in mind that many early deeds were never recorded and possibly several lots had been sold before June 1822. Mr. Hardin's lot fronted on Water Street and Canal Street with the Tennessee River forming the northern boundary.

The original town was laid out with streets and lots running parallel and perpendicular to the river which flowed along and formed the northeastern boundary of the town. Later additions in the 1830's followed this same pattern. In more recent additions, lots were laid out based on compass points, north to south and east to west, not on geographical features. The entire 1,085 acres reserved for the town was not initially included in the town plat. It appears only about 90 acres along the river were included.

The site, where the subject of this story would later be built, included four adjoining lots, each containing one-half acre. They were lots #90, #91, #104 and #105 of the original town plan. They comprised a rectangle, 264 feet by 330 feet, which formed an entire city block. It was bounded on the south by Market Street, the north by Water Street, the west by Grove Street and the east by Sycamore Street. The future house site was located less than 200 feet from the south bank of the Tennessee River.

From this point our story picks up in the late 1820's where we find three of the four lots being purchased by a former United States Senator from Tennessee, Jesse Wharton. Mr. Wharton had been born July 29, 1782 in Albemarle County, Virginia. He was educated in Virginia and became a lawyer. On April 29, 1804 he married Mary (Polly) Philips. They made their home near Nashville in Davidson County, Tennessee. Mr. Wharton became a man of great prominence in Tennessee in the early 1800's. In addition to serving as a state representative, he served in the U S House of Representatives from the Mero District in 1807 and was a U S Senator from 1814-1815. After serving he returned home to Davidson County to continue his law practice. He lived on a large farm located three miles south of Nashville. Mr. Wharton was a friend to General and later President Andrew Jackson. He served as a trustee of Cumberland College in Nashville. He was one of the original directors of the State Bank of Tennessee when it was organized in 1825. He also served in the Davidson County court system. In 1832 he served on the Board of Visitors to the U S Military Academy at West Point. In addition to his public service Mr. Wharton found time to become a land buyer and speculator. In the early 1820's he became associated with Malcolm Gilchrist in Alabama. Mr. Gilchrist was an early landowner in Morgan County and later in Lawrence County and Lauderdale and Colbert Counties. It appears Mr. Gilchrist knew the economic value of the Tennessee River as several of his purchases were near or adjacent this important waterway. It was possible through his relationship with Mr. Gilchrist that Jesse Wharton decided to invest in Alabama lands. Included in his purchases were fourteen lots located in the new town of Decatur. Included in these lots were Lots #90, #91 and #104; three of the four lots involved in this story. The settlement of Jesse Wharton's estate by his son-in-law, Dr. Sydney Smith provides us the next chapter of this story, but before that, some background information is warranted.

Jesse Wharton and his wife Polly had several children before her death April 11, 1813. Within the year he had remarried and the first child of his second marriage was born in 1815 and was named Eliza Jane. She married prominent Nashville medical doctor, Sydney Smith, January 10, 1833. Later that year Jesse Wharton became ill. He made his "Last will and testament" May 2, 1833 and several weeks later died July 22, 1833. The will named Sydney Smith as the Executor of the estate. He spent the next few years settling the estate which included liquidating Mr. Wharton's personal and real estate assets. Sadly, during the midst of the estate settlement, Dr. Smith's wife, Eliza Jane, became ill and died November 28, 1835. She was only twenty years old.

Dr. Smith first shows up in the Morgan County probate records in 1834. On March 2, 1834 he gave his power of attorney to Horace Greene, a merchant in Decatur. In the instrument he appointed Mr. Greene his true and lawful representative to sign for him and dispose of the Decatur lots owned by the late Jesse Wharton. The lots had previously been advertised "to be sold at public sale to the highest bidder on the 12th of March 1834 at the store building of Horace Greene in the town of Decatur". Cash sales and credit sales up to one year were authorized with Mr. Greene given full authority to sign deeds and other legal documents. At this point the story moves into the shadows. There are no records to verify the auction ever took place. There are no recorded deeds or other instruments from Mr. Greene or from Mr. Smith at any time in 1834 concerning the fourteen lots the estate owned. The story emerges from the shadows in early 1835. On January 21, 1835, a document was signed by Jesse W. Garth, Isaac Lane and Henry W. Rhodes whereas on that date they acknowledged the receipt of \$970.00 from Sydney Smith which represented payment in full for the fourteen Decatur lots that Jesse Wharton had purchased at an earlier date from Jesse W. Garth, Isaac Lane, Henry W. Rhodes, George Peck and McKinney Holderness, the trustees of the town of Decatur. All right and title in the lots were conveyed to Sydney Smith as Executor of the Jesse Wharton estate. This instrument indicates either the 1834 auction never took place or there were title issues because Jesse Wharton had not fully paid for his Decatur property and it took until January 1835 to resolve them before deeds could be signed.

On January 22, 1835, the day after completing the purchase, Sydney Smith sold Lots #91 and #104 to Horace Greene for the sum of \$170.00. These two lots are most important to our story as of the four lots encompassing the grounds of the Burleson-Hinds-McIntire home, these two adjoining lots form the south one-half of the two-acre site and are the two on which the house was later constructed.

Horace Greene had been born in Virginia in 1789 and had moved to Decatur prior to 1830. On February 9, 1830 he married a widow, Diana Amy Elizabeth Frances Patrick (maiden name was Moseley). They made their home in Decatur where Mr. Greene became a successful merchant and prominent citizen. In 1834 he was elected to serve on the Board of Directors of the Decatur Branch of the State Bank of Alabama. In 1835 he was elected President of the bank. He died in about 1857. His widow and children were living in Decatur in 1860.

Lots #91 and #104 were held by Horace Greene until October 14, 1837 when he and his wife Diana Greene sold the vacant lots to John Sevier Rhea for the sum of \$500.00. It was on these two lots that John S. Rhea constructed the house known as the Burleson-Hinds-McIntire home.

Joh Sevier Rhea was the grandson of John Sevier, the first governor of the State of Tennessee. Rhea was born in Tennessee in the year 1806. On December 18, 1827 in Davidson County, he married Sarah P. "Sally" Scales. There is a "John S. Ray" shown in the 1830 Franklin County, Alabama census who could be our subject, as John S. Rhea owned property in Franklin County. In the early 1830's Mr. Rhea was in

the wholesale grocery business in Tuscumbia with James Conner. By middle of the year 1837 the business partnership had been dissolved. Prior to that, in 1834 Mr. Rhea had opened John S. Rhea & Co. in Decatur. Advertisements in area newspapers in September 1834 described the business enterprise as: Wholesale Grocers, Commission Agents and Forwarding Merchants. Also sold was bagging, bale and rope twine. Mr. Rhea soon made his presence known in Decatur. He purchased several town lots; the first of which was Lot #54 purchased in the name of John S. Rhea & Co. from Henry W. Rhodes. Sales price was \$650.00. The lot fronted Water Street on the south, Main Street on the west and the river on the north side. (NOTE: Early deed records for Main Street property use the name Spring Street and later deeds use the name Bank Street.) Sales price included ferry privileges on the Tennessee River at Decatur. This was the only lot purchased in the company name which indicates it was the location of his business. This commercial property was located two blocks east of his future home.

On June 18, 1835, Rhea purchased from Smith Murphy and his wife Sarah Lot #90 shown in the Decatur town plan. He paid \$100.00 for the property which was one of the four lots that eventually formed a city block around the Burlison-Hinds-McIntire home. The lot had possibly been sold to Smith Murphy by Sydney Smith in January 1835 however, the deed was never recorded. As previously mentioned, on October 14, 1837 Rhea purchased vacant lots #91 and #104 from the Greene's. Mr. Rhea must have commenced construction on the house shortly after purchasing the two lots because by May 1839 deed references place a "brick dwelling house" on the property. It should be noted the house has fourteen-foot ceilings on the first and second floors and the walls are eighteen inches thick and of solid brick construction. Given construction techniques and tools and equipment available, a house of that size and finish work would have required a minimum year and a half to two years to build. More than likely, the house was not finished by May 1839. The construction of such a massive brick home in a town with a population of less than 400 people, must have been a "sight to behold" and the subject of much conversation.

At this point our story moves into the shadows once more. By May 1839, Mr. Rhea owns Lot #105 which is the fourth lot of the two-acre rectangle surrounding the home. However, there are no deed records showing its conveyance to Rhea. Also, there are no deed records going back as far as 1820 conveying this lot to anyone from the five town trustees. From 1839 forward, the lot is included in all conveyances.

While in the midst of constructing his new home in 1838, Rhea purchased other properties including a 41-acre tract located about two and a half miles west of Decatur along the Tuscumbia, Courtland and Decatur Railroad. In analyzing his activities and purchases, his entrepreneurial approach during this time can best be described using the technical business jargon of today: "He was boring with a big auger". Events were already in motion by 1837 which would ultimately lead to Mr. Rhea's financial ruin. A worldwide economic depression had begun in 1837 and by 1839 was being felt in Alabama. Over inflated land values, false monetary value and banks excessive lending practices led to a financial panic that in Alabama caused real estate values to fall over 55% during the four-year period from 1837 to 1841. The Alabama state banking system collapsed in 1841 and the branches, including the one in Decatur, closed a few years later. Without access to funds, many overextended planters and businessmen could not operate and eventually lost everything they had. John S. Rhea was one of them. In an attempt, to keep his struggling business afloat and possibly to secure funds to complete his home, Rhea, on May 18, 1839 borrowed \$5,000 from wealthy planter James Fennel. The loan paper he signed was a promissory note, mortgage and deed all rolled into one instrument. He promised to pay the loan

back by July 1, 1848 and was to pay the eight percent interest in annual payments starting July 1, 1839. To secure the loan Rhea conveyed to Fennel Lots #90, #91, #104 and #105, "situated in the Town of Decatur, containing in all two acres, upon which is situated Brick dwelling house with other improvements". Mr. Fennel was to hold the real estate in trust and if the money plus interest was paid back as stipulated, the deed portion of the indenture was to become "null and void". Unknown to Fennel, Rhea in late 1837 or early 1838 had borrowed \$1,000 from the State Bank of Alabama and had given as security Lots #90 and #91 in the Town of Decatur. Rhea could not pay the debt and in March 1839 a lien had been filed against the two lots by the Circuit Court of Tuscaloosa. On October 25, 1839, a court order was issued authorizing the sale of the property. A sheriff's sale was held in Morgan County on January 6, 1840, at which time James Fennel, in order to protect his interest from the prior claim, paid \$1,200 and was given a Sheriff's deed to the two lots. As Mr. Rhea was not able to pay back the money owed Fennel or to the bank, title to the property including the house eventually passed to Mr. Fennel.

Rhea's financial troubles continued. In February 1841, a Tennessee newspaper reported that John S. Rhea was a resident of Alabama and that he was insolvent. By October 1842, he was bankrupt, and the courts ordered the sale of 656.5 acres he owned in Mississippi and the liquidation of business interests and land he owned in Franklin County, Alabama. Hidden in the shadows is when and to who he sold his other real estate holdings in Morgan County. It is known the State Bank of Alabama took possession of some of his property mortgaged to them. Unknown is the date Mr. Rhea moved from Decatur; he was still living in Decatur in mid-1840 when the federal census was taken. However, by October 1, 1842 he was in Mobile, Alabama and was in business listed as a Commission Merchant. By April 1844 he had formed a partnership with Colonel James T. Sykes of Decatur and James J. Sykes. It was called "Rhea, Sykes & Co." with offices in Mobile and business services were listed as commission agents and cotton factors. Rhea and James T. Sykes had known each other for several years; they had both served as trustees for the Decatur Female Seminary in 1837 and 1838. By December 1845, both James T. and James J. Sykes had withdrawn from the Mobile partnership and disposed of their interest in the business.

John S. Rhea moved from Mobile to Texas in 1849. On March 31, 1849 President Zachary Taylor, in one of his first acts as president, appointed Rhea the Collector of Customs at Brazos de Santiago, which is located on the south Texas coastal plain between South Padre Island and Brazos Island. While there he also served as overseer of the Port Isabel Lighthouse. He later moved to Galveston, Texas where he became a merchant, land agent and cotton factor. His wife, Sally died in 1848; they had had four children together. He later married Susan E. Gardiner of Galveston and they eventually had one child, a daughter. In 1870 Rhea was elected "Recorder" for Galveston County and took the oath of office August 16th of that year. He served as Judge of the Recorder's Court for several years. John Sevier Rhea died on Galveston Island May 11, 1887 at the age of eighty.

After James Fennel acquired the Rhea home through default on the loan, it is unclear if he ever lived there. He and his wife Mary had earlier built a large, elegant plantation home between Decatur and Trinity. It was called "Walnut Grove" and was only about three miles from downtown Decatur. They also maintained a summer home called "Summerseat" on Trinity Mountain. It is doubtful they wanted another home. Also, it was clear from the legal documents the Rhea home was collateral for a loan not a house in which Fennel desired to live.

James Fennel was born February 27, 1803 possibly in Wake County, North Carolina. As a child he moved with his parents, Wylie (or Wilie) Fennel and Sara Fox Fennel to Alabama. In 1829 he married Mary Curtis King of Leighton. James Fennel was a large-scale planter with vast land holdings around Trinity and in Lawrence and Colbert Counties. He also served as a director of the Tusculumbia, Courtland & Decatur Railroad. The railroad placed a special station for him where the tracks ran through his estate. He is given credit as the builder of the Decatur Branch of the Alabama State Bank in early 1830's. The limestone rock used in construction was hauled from his quarry at Trinity. He served several terms on the board of directors of the bank and at one time served as president. James Fennel died July 9, 1849 when he was 46 years old. He left his wife and five young children, four girls and one boy. His wife, Mary, and his brother, Nelson Fennel, from Lawrence County, were named the Executors of the estate which included the tall brick dwelling house in Decatur.

The next chapter of the story involves the wedding of a sixteen-year-old girl, who before she turned twenty-one would become the owner of the "brick dwelling house" on Sycamore Street. Her name was Margaret "Janet", and she was the only daughter of Alexander and Elizabeth Pattison.

Alexander Pattison was born in Paisley, Renfrewshire, Scotland on September 1, 1777. He came from one of the most prominent and respected mercantile families in Scotland. He emigrated to the United States in 1804 and settled in Pennsylvania where he became a merchant. By 1816 he had become a naturalized U S citizen. By 1820 he had married Elizabeth Ramsay who was born about 1797. They are shown living in Indiana County, Pennsylvania in 1822. They were living in Madison County, Alabama by 1829 as Margaret Janet Pattison was born in Huntsville November 12, 1829. They were still in Madison County in 1830. By 1834 the family was living in Decatur where Mr. Pattison became a successful merchant. He was also locally known as an accomplished beekeeper as he kept several beehives either near his home on the corner of Church Street and Grove Street or on a vacant lot used for his garden located between Water and Market Streets near the river. His mercantile business was located on Main Street (Bank Street), about a block and a half south of the Tennessee River. Alexander, like most Scots, was thrifty and industrious and was able to provide a good living for his family, which included four boys and one girl. By December 1845, in addition to his mercantile business, he also served as a cotton factor working in conjunction with his son, William H. Pattison, who was a general commission and forwarding agent doing business in New Orleans. Alexander would make financial arrangements with local cotton growers, then ship their cotton to New Orleans where William would handle the selling and shipping to foreign markets.

By late 1839 a young medical doctor had moved to Decatur. He had been born August 1, 1816 and was reared about ten miles south of Decatur. After receiving his medical training, he decided to make Decatur his home. His name was Aaron Adair Burleson. In addition to his medical practice, from about 1842 to 1845 he and Alexander Pattison were partners in a dry goods store called "Burleson & Pattison". It was probably during this time Aaron and Janet became better acquainted. Undoubtedly, their paths had crossed frequently since 1839; Decatur being such a small town. On December 4, 1845, less than a month after her sixteenth birthday, Janet and Aaron married. They made their home in Decatur where Aaron, after his partnership with Alexander Pattison ended, continued to operate a general merchandise and dry goods store specializing in blacksmith tools and farm supplies. The business was named "Burleson & Company" and was operated on Main (Bank) Street, next door to his father-in-law. Hidden in the shadows is when he and Janet moved into the brick house on Sycamore Street. Family tradition has the couple living there by 1847.

A year after the death of James Fennel in 1849, the executors of his estate, Mary C. Fennel and Nelson Fennel, sold the brick house and two-acre lot to Alexander Pattison. The deed date was July 11, 1850. On the same day, Mary C. Fennel sign a separate deed which conveyed her dower interest in the property to Mr. Pattison. The total consideration paid was \$1,100.00 which was considerably less than the market value of the home. This would indicate that other consideration had been paid prior to the date of sale, which could substantiate Aaron and Janet living there for a few years. The deed does state the house is "at present occupied by A. A. Burleson".

On July 13, 1850, two days after acquiring the property, Alexander and Elizabeth Pattison deeded the house to their daughter, Margaret Janet Burleson. It was stipulated the property was to be held by Janet as her "sole and separate estate apart from the control and management and in no wise subject to the contracts and debts of her husband, Aaron A. Burleson". If Janet was to die "without living children and without having disposed of the property, then it was to go to her heirs". It appears the old Scotsman was an astute businessman and was looking out for the future welfare of his only daughter. Also, he may have known too much about the business dealings of the Burleson family!

Though he owned the house for only two days, Alexander Pattison has the distinction of being the only owner of the property to be buried there. He died June 1, 1853 and was interred in the twenty feet by twenty feet reserved cemetery located behind the house along the back line of the two-acre lot. He was such a well-known merchant and was from such a prominent family, the "Times-Picayune" newspaper in Mobile carried his obituary as did newspapers in Glasgow, Scotland. Aaron A. Burleson was named executor of Alexander's estate and after Elizabeth Pattison died in about 1871, he handled the disposition of the remainder of the estate.

I will close now. The story of the Burleson family's years in the home up to and including the Civil War was presented in my article entitled "Lord Byron's Journey" written in January 2020 and included in "Recollections of the Burleson Family Research Group" early last year. This article will correct some mistakes I made in the previous article concerning the date the house was built, who built it and the chain of title. I hope you enjoy it.

David A. Burleson

January 11, 2021

SOURCES

Information for this article was obtained from several sources. I have listed some below:

“A History of Morgan County Alabama” By: John Knox. Published in 1967 by: Decatur Printing Company, Inc. Decatur, Alabama

“Burlson family research papers of Howard L. Burlson” Compiled between 1934 and 1970 and held in private collection of David A. Burlson

Early deed and probate records of Morgan County held in the Probate Office at the Morgan County Courthouse, Decatur, Alabama

Early deed, probate, estate files and marriage records held by the Morgan County Archives in Decatur, Alabama

Federal census records for the years 1830, 1840, 1850, 1860 and 1870 for Morgan County, Alabama

Federal census records for the year 1830 for Franklin County, Alabama

Various issues of city newspaper printed between 1820 and 1860 from Alabama, Louisiana, Tennessee, Texas and Pennsylvania

“Morgan County, Alabama Cemeteries Volume II” By: Marilyn Sue Short Marine and Ivydene Simpson Walls. Published in 1984 by: Marine/Walls Historical Publications, Hartselle, Alabama

Original “Tract Book” entries and “Land Patents” for the State of Alabama for Federal land conveyances of the General Land Office. Records now held by the Bureau of Land Management under the U. S. Department of the Interior, Washington D. C.