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Mamie Jones

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# In Cleveland County's Early Days

By MAMIE JONES

Some of the political wire pulling for which Cleveland county is now famous, probably took place between the first meeting of the Court of Pleas and Quarter sessions in March, and the second meeting in August, 1841. For, during this time, the commissioners appointed to select a site for the Town of Shelby had made their decision.

It will be recalled that in the Act of the legislature creating the county of Cleveland out of Lincoln and Rutherford counties, commissioners were appointed by the legislature and required "to designate some point in said county not more than four miles from Thomas Wilson's mineral springs (now Cleveland Springs) which shall be the county seat."

Thomas Wilson's home, the little white house standing on the hill at Cleveland Springs, was the scene of many meetings of this committee.

## TOWNSITE SOUGHT BY BOTH LINCOLN AND RUTHERFORD

From the records it appears that some of the commissioners put in nine days in an effort to find a satisfactory town site; others put in fewer days. The Rutherford county crowd won out.

There was naturally a great deal of jealousy among the representatives of the two counties. The Lincoln county men, namely, Alexander McCorkle, Henry Cansler, El Hoyle, and Judge Robert H. Burton, wanted the new county seat located on former Lincoln county territory. The Rutherford county men, namely, Achilles Durham, Ed Bryant, John McDowell

(D. McDaniel?), David Gray, and Samuel Andrews, wanted the county seat on former Rutherford county territory.

Since it was required that the townsite must be within four miles of Cleveland Springs, and since the county line between Rutherford and Lincoln ran along by the present county home and just this side of the fairground, there were attractive sites in both counties.

Some of the commissioners favored the location where the home of George Sperling now stands on the Fallston road. Others (according to a story by Mrs. Madge Webb Riley, whose mother, Kansas Andrews Webb, was the granddaughter of James Love, grantor of the 150-acre tract) suggested the location known as Rock Cut, near Stubbs on the S.A.L.R.R. As a compromise measure the Lincoln county group suggested that the town be located with the center on the county line road, thereby placing part of the town in old Lincoln and the other part in old Rutherford counties. This would have placed the county seat in the neighborhood of Elizabeth church and the present county home.

## LOVE OFFERS 150 ACRES

James Love, who owned a great deal of land in the neighborhood of Zoar church and from there running north through Shelby, offered to give a site of 150 acres if they would locate the town alongside his lands, which were in the Rutherford county area.

To this end he made deed for 147 acres, dated August 1841; although according to the record it appears he had no legal title to this land. He made application to the state of North Carolina for a grant for this 150 acres under date June 15th, 1841. The grant was signed by the governor on December 6th, 1842. In January 1843 Mr. Love made a second deed to the commissioners for 150 acres.

The record says the commissioners paid him \$10.00 upon execution of the first deed in 1841. Upon execution of the second deed, dated January 11, 1843, the commissioners paid him \$5.00. See Book A, pages 16-17, and 280-285. The grant issued to Mr. Love shows that he paid \$10.00 per hundred acres. So it appears that for the 150 acres he paid \$15.00; and that the commissioners paid him \$15.00

upon execution of the two deeds.  
FIRST LAND GIVEN  
BY WILLIAM FORBIS

The very first land given toward a townsite for Shelby was given by William Forbis, and wife, Elizabeth. On the 18th day of June, 1841, they made an unqualified deed of gift for forty acres, "for an inconsideration of good will and attachment toward the NEW COUNTY measures lately adopted by the Legislature." Although the deed describes this land as "lying on Broad river," I think the tract was close to the present high school grounds on West Marion St. Broad river was merely the nearest fixed boundary.

The deed was dated June 18, 1841, just two days after James Love had made application to the Governor of North Carolina for a 150-acre tract, stating it was to be used for a town. The Forbis deed could not be accepted until such time as the Court should meet, which was in August, 1841. See Book A, page 19, in office of Register of Deeds.

There is a legend that the present Court House square (a part of the Love grant) was part of James Love's hog pen. I do not believe this. Mr. Love and his family lived in South Shelby, near what is now South LaFayette Street. It is difficult to believe he would have had his hog pen so far from his dwelling and other out-buildings.

## PLANNING FOR A TOWN

The first justices composing the governing body of the county and town in that year of 1841, were obviously far-sighted, discerning men. On the 11th of August they issued an order that:

The commissioners appointed to

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# LIFE

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lay off the town lots and public square in the Town of Shelby, convene on the town site on Monday, the 16th . . . and lay off said lots, public square and streets. Also two lots for the purpose of a male and female academy; also four lots for church purposes. (All this in compliance with James Love's requirements). And regularly number all lots of said town beginning with No. 1, and so on, continuing on each square,

"And they shall expose to public sale the lots . . . commencing on the first Monday in October, until all the lots shall be sold. . . and order a publication of sale in the following newspapers: Charleston Courier, Columbia Chronicle, Raleigh Register, Greenville Mountaineer, Rutherford Intelligencer, Lincoln Republican, and Whig Banner."

This August Court was held at the home of William Weathers, as was the county's first term of Superior Court in November. All other Cleveland County Courts have been held in Shelby.

## NO FREE SCHOOLS

Sheriff Charles Blanton reported to the Court that on the 5th day of August, 1841, "an election was held FOR SCHOOL or NO SCHOOL. The vote stood FOR school 243; NO school 562."

A year or two previous the Legislature had passed an ACT requiring "the poll to be opened and all voters in favor of raising taxation \$1.00 for every \$2.00 furnished by the Literary Fund, was to vote FOR schools; those opposed NO Schools" (Ashe). When the vote was favorable the County was to be divided into school districts not more than six miles square. For every \$20 collected by taxation the Literary Fund of the State was to furnish \$40.00.

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