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The Public Career of Joseph Alexander Mabry

Jerome Gregg Taylor

University of Tennessee, Knoxville

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Major Professor

We have read this thesis and recommend its acceptance:

Accepted for the Council:

Vice Chancellor for Graduate Studies and Research
THE PUBLIC CAREER OF JOSEPH ALEXANDER MABRY

A Thesis
Presented to
the Graduate Council of
The University of Tennessee

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Jerome Gregg Taylor, Jr.

December 1968
A cursory examination of the public career of Joseph Alexander Mabry reveals little of the man that is good; indeed the first impression is that he was little more than a political and financial dilettante with a diminutive moral fiber. After making such an examination this writer set out to investigate further into Mabry's life in order to bring more facts to light.

The investigator of Mabry's career operates under a disadvantage—his private papers are practically nonexistent. There is no large collection of private documents which might show more of his personality and give deeper insights into Mabry as a man and a public figure. A disappointingly small number of documents was made available by a descendant, Miss Evelyn Hassen. This lack of an extensive body of private papers creates some gaps in his career which cannot be satisfactorily documented or scientifically explained; in most of these cases the writer has had to rely on personal interviews and his own reason to shed light on the events and to attempt to draw them into logical order. The writer hopes that his interviews have been accurate and his reasoning clear.

The most outstanding fact about Joseph Alexander Mabry was that he was, above all, a man of action. An examination of his career shows that he was always on the move, always doing something. The turmoil of the 1850's was the training ground for many important leaders of
our country; conversely it produced many rogues and men with a lesser
sense of propriety. General Mabry fits into both categories.

His career is filled with apparent contradictions and incongrui-
ties. He was a man who sued his widowed mother-in-law when she was on
the verge of bankruptcy, but he also gave money to any Civil War
prisoner for the asking. He was a deacon in the church; yet he prac-
tically lived by the gun, was involved in several shootings, and was
once even tried for murder. During the Civil War he offered $100,000
to the Confederacy and outfitted a company of soldiers at his own ex-
 pense, but after the war he worked hand in glove with the Radical
regime and suffered no ill consequences for his previous rebellious
actions. In the 1860's he was one of the wealthiest men in Knoxville,
but in the 1870's he was forced to sell much of his land in order to
meet taxes.

The career of General Mabry was as colorful as it was varied.
He appears as a dynamic person as capable of kindness as of malice.
He was an interesting man who deserves attention because the significant
role he played in the history of Knoxville.

The writer wishes to thank Dr. Stanley J. Polmsbee who has
patiently guided and directed this thesis. His encouragement and
criticism have been invaluable. Dr. John Muldowny and Mr. Charles
Johnson have been most helpful in their comments and suggestions.
Thanks must be tendered Miss Pollyanna Creekmore for first suggesting
the subject and for her help throughout the writing. Miss Evelyn
Hasen, granddaughter of General Mabry, has been ever willing to
comment and clarify when the facts of the situation have been in doubt.

If her interest in the past were shared by others the task of the researcher would be greatly lightened.
ABSTRACT

The aim of this investigation into the career of General Joseph Alexander Mabry has been to determine, if possible, the character of this man who had had such a noteworthy career in Tennessee public affairs. The great majority of the source material used on General Mabry has been from original, contemporary sources, since, to date, there has been little written on him by historians.

The scope of this paper has been limited by necessity to his public activities, as they are the only ones upon which there is any information available. General Mabry’s activities as railroad entrepreneur, land owner, politician and journalist are the facets of his kaleidoscopic career around which this thesis has been centered. It is from the examination of his machinations in these areas that one must arrive at any conclusions which he is to make concerning General Mabry. This writer has duly examined the source material but has been unable to arrive at any concrete conclusions. For this reason it is felt that perhaps General Mabry must continue to occupy an uncertain position in the history of East Tennessee.
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CHAPTER I

THE EVOLUTION OF A KNOXVILLE LEADER

Joseph Alexander Mabry was a descendant of a prominent and influential family. One of his ancestors, Robert de Mowbray, was among the English barons who forced King John to sign the Magna Charta at Runnymede on June 15, 1215.1 Mabry was descended from George W. Mabry, one of three English brothers who immigrated to the United States around 1750.2 Joseph Alexander Mabry, General Mabry's father, was a man of influence in local and state affairs who possessed a considerable fortune and represented Knox County in the state legislature between 1835 and 1837. He was also a brigadier-general in the state militia and a representative to the state constitutional convention of 1834.3 One of Mabry's brothers-in-law was C. W. Charlton, a noted agriculturalist, editor, and church leader who married Mabry's wife's sister, Elizabeth Churchwell, in 1848.4 Another brother-in-law, William Montgomery Churchwell, was a congressman, diplomat, and financier.5

1Interview, Miss Evelyn Hasen.
3Ibid.
4Knoxville Daily Tribune, July 14, 1889.
Mabry's family ties brought a large amount of prestige to him that he might not otherwise have had. He was related to the great East Tennessee historian, Dr. J. G. M. Ramsey, albeit rather loosely. Ramsey's sister, Elisa Jane Naomi Baine Alexander Ramsey married James Scott, Jr., the brother of Alice Hare Scott Mabry, General Mabry's mother. A son of James Scott, Jr., Francis Alexander Ramsey Scott, married Elisabeth Jane Crozier, a member of the prestigious Crozier family.

Mabry was born April 26, 1826, on a large estate thirteen miles west of Knoxville, Tennessee. His father, Joseph Mabry, and his mother, Alice Scott Mabry, had four other children: George W. Mabry, Mary Mabry (Dick), Calpernia Victoria Mabry (McMahan), and Margaret Paralee Mabry (Swan). 6

Little is known of his early life. He was educated at the common schools of Knox County during his youth. 7 His higher education is assumed to have been at either Tusculum 8 or Holston College. 9 He

6 Rosece C. d'Armand, DeArmond Families of America (Knoxville, 1954), pp. 580, 582-583; Knoxville Chronicle, October 20, 1882; interview with Miss Evelyn Hasen.


8 Reference is made in the National Cyclopaedia, p. 563, to his having graduated from Tusculum College but a letter from the Registrar (Jack C. Haakon, January 3, 1967), states that he was not graduated; however, he may have attended.

9 George W. Stanbery, II, "The Constitutional Convention of 1870" (unpublished Master's thesis, University of Tennessee, Knoxville, Tennessee, 1960), p. 44, refers to his having attended Holston Seminary, the records of which are not available. The National Cyclopaedia, p. 563, also stated that he attended Oberlin College, but their archivist, W. E. Bigglestone, January 6, 1967, could find no record that Mabry ever attended.
married Laurel Evelyn Churchwell, member of a prominent local family, on October 12, 1852. They were married for over 30 years and had seven children.

The story of their offspring is unusual, if not significant. Their two eldest male children were murdered in the prime of life, at ages 27 and 24; two others died before reaching their second year, two before their fifth year, and the last at the age of 17. Mabry's father had also met his death under peculiar circumstances. He had been killed while Mabry was in his early teens in a shooting incident in Alabama. Thus, Joseph A. Mabry, Sr., General Mabry, Joseph A. Mabry, Jr., and William M. Mabry all met their deaths **vi et armis**. Such a series of tragic deaths must have had some effect on Mabry; it is hard to imagine that this would not have embittered him a great deal.

Throughout his life, General Mabry was a citizen of Knoxville and a participant in local and state affairs. As a large land owner, professional man, business man, and real estate dealer, he had a great vested interest in his city, as well as in his section, the South.

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10 Records of Knox County, Marriage License Record Book (Knox County Courthouse, Knoxville), Number 2, 1850-1861, p. 18.

11 Mrs. John Trotwood Moore, comp., Tombstone Records of Old Gray Cemetery (Work Projects Administration, Nashville, 1938), p. 84.

12 Interview, Miss Pollyanna Creekmore; the particular details of this death are lost but Miss Creekmore recalls them as having been quite nefarious.
He was a pronounced Democrat throughout most of his life, however, as the intersectional and intrastate tensions grew in the period preceding the Civil War, Mabry is said to have been noted for his moderation and attempts at pacification of his fellow Knoxvillians.  

Once war was declared and Tennessee had officially joined the Confederacy, Mabry offered to uniform in gray cassimere the first company of infantry and volunteers in Knox County.  

He was also responsible for the establishment of a "Depot of Clothing and Tents" in Knoxville which was to serve as a clearing house for materials to be distributed throughout the Confederacy. It began with poor prospects, but his great ability for management and organisation turned it into a successful operation, and soon clothes were being ordered "all the way from New Orleans."  

Mabry did not actively participate in the war, probably due to the fact that he was running the Tent and Clothing Depot and because he was president of the Knoxville and Kentucky Railroad and, as such, was cooperating with the Confederate authorities by hauling wood.  

During the course of the war, Mabry was one of ten men who agreed to contribute $100,000 each to the Confederate Treasury.  

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13 The National Cyclopedia, II, 563-564.  
14 Knoxville Daily Register, October 17, 1861.  
15 Ibid., December 31, 1861.  
16 Knoxville Journal, May 7, 1893, as cited in Digby G. Seymour, Divided Loyalties (Knoxville, 1963), p. 87; his statement indicates that he never gave the money.
This was a very generous proposal for a man whose wealth was estimated at $91,000 in 1860, and there is no evidence that he actually gave the money. 17 His generosity was offered not only to the government but also to prisoners of war. He was the frequent recipient of letters such as the following from a prisoner in Chattanooga, dated June 19, 1864:

Being in prison and in rather staraitened [sic] circumstances and also knowing your generous spirit, I take the liberty of addressing you ... in the hope of getting some small pecuniary assistance ... to get some necessary articles. I belong to Co. A, Third East Tenn. ... A. E. Bishop

On the back of the letter is a notation that $30.00 was sent on July 19. 18

It is a well known fact that the majority of East Tennesseans sympathized with the Northern cause. When Major General Ambrose E. Burnside rode into Knoxville, September 3, 1863, he was greeted by an enthusiastic group of citizens who welcomed the change of government. Although Mabry was not as enthusiastic as others about the change, it did not take him long to take advantage of the situation. Realizing that the Union troops would most probably be in control of Knoxville for the remainder of the war, he sought to establish himself

17 Knoxville Whig, December 15, 1860; and 1860 Original Census Returns, Eighth Census, 1860 (Microfilm, Knoxville Public Library).

18 A. E. Bishop to Joseph A. Mabry, June 19, 1864, Mabry Papers (in possession of Miss Evelyn Hasen, Knoxville, Tennessee, to be deposited with the Special Collections, University of Tennessee Library, Knoxville, Tennessee).
as a loyal supporter of their cause. This act of questionable probity would have the dual advantage of keeping him out of trouble for his rebellious activities and of allowing him, he hoped, to collect damages from the federal government.

In September, 1863, Mabry approached Captain H. S. Chamberlain, the unit quartermaster for the Union forces, and after admitting his pro-Confederacy activities during the earlier part of the war:

I have nothing to conceal concerning my attitude or what I have done, but I am here to tell you that whatever I have that will be of use to your army, you can have it and I shall attempt to conceal nothing.19

Thus with the change of governments, Mabry quickly changed his loyalties. This was not done as a result of fear for his personal safety, but because of his voracity. He had suffered financial losses as a result of the war and he had claims against the federal government, but these claims were honored only for men who had been faithful to the Union cause. If he were to recoup his losses, he must establish his loyalty to the United States.

Mabry's love of "the dollar" was greater than his loyalty to the lost cause. It is no justification of his actions, but it should be noted that the Knox County judge, Columbus W. Jones, and about 75 per cent of the members of the court who had taken "An Oath to Support the Constitution of the Confederate States of America" on January 6, 1862, swore with equal circumspection to support the Constitution of

19Seymour, Divided Loyalties, p. 87, citing Knoxville Journal, May 7, 1893.
the United States of America on October 5, 1863. The court's love of power seems to have been as Mabry's love of money.

The amnesty oath was a prerequisite to having one's loyalty established and Mabry took it January 29, 1864, along with 280 of his fellow citizens. He immediately presented the Provost Marshall General of East Tennessee, Colonel F. M. Keith, with two accounts totalling $643 which he wished to have paid him by the federal government. Keith replied to Mabry in an open letter which appeared in Brownlow's Knoxville Whig and Rebel Ventilator; he listed reasons why he would not endorse Mabry's appeal:

1st. You advocated and urged the people to vote for secession.
2d. You furnished money to arm and equip soldiers to fight against the United States Government.
3d. You offered ... to clothe and uniform ... a regiment of men.
4th. You are charged with being an accessory to the murder of Charles S. Douglass ... and with taking the murderers to a room where you dealt out ... champaigne [sic] in commendation of the murder. ...
5th. You ... recommended the use of bloodhounds to run down Union men conscripted by rebels. ...
6th. You have pointed out Union men as subjects of rebel vengeance.
7th. You have given all the moral and material aid to the rebellion that your high social position and great wealth would enable you to give.22

21 Brownlow's Knoxville Whig and Rebel Ventilator, February 6, 1864.
22 Ibid., February 13, 1864.
The article goes on to say that although Mabry had committed no disloyal acts since the occupation of Knoxville, the confiscations had taken place while he was a rebel, and therefore he did not have a right to claim restitution.

Mabry's activities during the Civil War gave a valid reflection of him. He was aggressive, opportunistic, and had a knack for staying within the letter of the law although he disregarded its spirit with abandon. If one cannot serve two masters at the same time, it must be noted that Mabry did not attempt to do so: When he was a Confederate, he was a good Confederate; when he was a Unionist, he was a good Unionist. He cannot be accused of treachery to a political cause.
CHAPTER II

POLITICS AND JOURNALISM

The career of Joseph A. Mabry, like that of many other prominent men of the day, included a venture into politics. His interest in politics was undoubtedly stirred by the fact that his father had served in the state legislature (1835-37), as had his brother, George W. Mabry (1851-52). His close connection with the legislators as a lobbyist for his railroad must also have aroused his interest.

His high social position and unusually powerful financial situation made him, almost naturally, a worthy political contender. An editorial in the Knoxville Daily Press and Herald in July, 1868, noted the fact that the Radicals were talking of running him for Congress as a representative at large from the state. The editorial neither advocated nor denounced his candidacy; the feeling of the paper was that "in all matters affecting the rights of the people of Tennessee, General Mabry would be a most effective worker. . . ." He was not nominated for this post in 1868; instead, in 1870, after the Radicals had been overthrown in Tennessee, the Knoxville Chronicle ran an editorial saying that Mabry had been mentioned as a possible Democratic candidate for Congress. Although the Memphis Sun had charged him with being a Radical, the editor of the Chronicle insisted he was a Democrat and an honorable person.

1Knoxville Daily Press and Herald, July 15, 1868.
2Knoxville Chronicle, June 2, 1870.
Thus within a period of two years both the Radicals and the Democrats had mentioned Mabry as a possible candidate for Congress, another illustration of his chameleon-like character. Many politicians are able to stand "in the middle of the road," but Mabry was able to shift from one side to the other with amazing facility.

In view of some of his later statements, it is probable that Mabry declined both of these offers to run for Congress and probably also other opportunities to make himself available for lesser offices. His reason is clear enough—if he were in Washington he would be too far removed from his local business interests, especially the Knoxville and Kentucky Railroad, which required his constant attention, great managerial skill, and incessant lobbying. If he were to be elevated to the state legislature, he might not have been able to lobby for railroad bond issues because he would thus open himself to charges of conflict of interest. He preferred to work behind the scenes. Because he worked clandestinely, most of what he did remained unknown. His relationship with William O. ("Parson") Brownlow was an example of this.

The personality and persuasions of Brownlow are well enough known to preclude their discussion here. His vehement journalistic and political attacks on all who opposed him have earned him the title of "the most Radical of native Southerners." He was a rabid

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pro-slavery Unionist and was forced to leave Tennessee during the latter part of the Confederate occupation of Knoxville. He returned on the heels of the Union army and re-established his newspaper. Renaming it Brownlow's Knoxville Whig and Rebel Ventilator, he began to "ventilate" the rebels. He published long lists of names of people who had been loyal to the Confederacy, and many were given notice to leave town and not return until after the war. He even advocated the establishment of female prisons for the confinement of the "most hateful and disgusting rebel women--traitors to the government, as mean as the men of the same faith."4

Brownlow was certainly a man poisoned by hate, especially for Confederates. It is then interesting to question why he did not turn his wrath on Mabry. Mabry was a man who was famous for his support of the Confederacy during the war; yet he never felt the sting of Brownlow's tongue. While Brownlow was driving other men out of town for "crimes" less heinous than Mabry's, Mabry was allowed to go uncondemned. This, and later developments, point to a rapport between the two men which transcended political differences. Possibly, it was due to the "Parson's" willingness to forgive a "repentant sinner" whose services might be useful to him.

The only elective office which Mabry ever won was membership in the Constitutional Convention of 1870, after he had deserted the

4Brownlow's Knoxville Whig and Rebel Ventilator, January 9, 1864, as quoted in Rothrock, French Broad-Holston Country, p. 142.
Radicals and returned to the Conservative fold. The Convention was called to complete the wresting the control of the state government from the minority, already largely achieved by the state election of August, 1869, restore to the former Confederates their rightful influence, and accept the results of the War for Southern Independence. Mabry was petitioned by the people in late November, 1869, to declare his candidacy. He replied, "I have no political ambitions to gratify; and I consent to become a candidate with the distinct understanding that I am not to engage in a scuffle for the office." On January 10, 1870, he took his place at the convention in Nashville as the duly elected representative of Knox and Sevier counties.

At the convention he served on a committee of five to take charge of any printing which might be necessary for the Convention to have done, and also as a member of the Committee on Finance, Internal Improvements, and Corporations. An examination of the Journal of the Constitutional Convention shows that Mabry did not play an extraordinary role in the proceedings, making twelve motions: five to amend previous amendments, two to reconsider previous votes, one to refer to an amendment to committee, two to table proposals, and twice to call for adjournment. His motions for amendment received varied treatment from the floor. He proposed an amendment to Article VI, Section 4, to

6Knoxville Daily Press and Herald, November 28, 1869.
7Knoxville Weekly Whig, December 1, 1869.
require that judges of the circuit and chancery courts be native-born citizens of the state. His proposal was not adopted. New counties of Mabry's other four amendments were first proposed to change the minimum size of new counties from 250 square miles to 275, and it was adopted. This same section originally required that "no line of such [a newly created] county shall approach the Court-house of any old county, from which it is taken, nearer than twelve miles"; Mabry asked that this be changed to ten miles, but this was defeated 30-41. He then suggested that it be made eleven miles; this carried 38-33. Mr. John F. House, of Montgomery County, wanted to make it the responsibility of citizens of a newly formed county to continue to pay their portion of the debts contracted by their counties prior to separation. Mabry suggested that any railroad for which the debt was incurred must pass within three miles of the newly separated section to make the debt valid. His amendment was tabled by a vote 60-8.8

The financial excesses of the Radical regime were driving the state deeply into debt and doing great damage to her credit. The Conservatives sought to correct this situation by curtailing the greatly abused practice of issuing state bonds to railroads regardless of their financial or physical condition. To this end the Finance Committee reported, and the Convention adopted, Section 33 of Article II which forbade the issuance of state bonds to any railway company which "at the time of application ... shall be in default" in interest payments

8Journal of the Constitutional Convention of the State of Tennessee, 1870 (Nashville, 1870), passim.
on the State bonds previously loaned to it or who "have sold bonds at less than par." This section, and also Section 31, which prohibited the lending of the state's credit to any corporation, may be directly traced to the Brownlow regime's abuse of the system of state aid to railroads, especially to the one with which Mabry was connected. 9

Mabry's stand on this issue is not surprising: he opposed it and was one of the three members who submitted a minority report which disagreed with the report of the majority. 10 They argued that the report (of the majority) should not be adopted for three reasons: First, this type of proposal was a matter for legislation and should not be in the body of the state constitution; second, it should be passed on by the judiciary; and third, a restriction of the proposed type was a violation of the guaranteed right of contract. 11 These arguments of the minority were immediately tabled and the majority report was adopted.

Mabry's situation here definitely involved a conflict of interests and his stand on the issue was probably dictated by the fact that he was president of the Knoxville and Kentucky Railroad. In this capacity he had bad bonds issued to him when his company was in default on interest payments and, also, he had sold bonds at less than par. Thus if he had supported the majority report, he would have been


11Ibid., pp. 291-292.
condemning his own activities.

The Convention was theoretically non-partisan, but the Conservatives and Radicals took definite and different stands on some issues. In assessing Mabry's position, it is found that he allied himself with the Radicals on the critical suffrage and militia problems. The Radical minority had been able to keep control of the state by denying the franchise to the "unreconstructed element," that is the ex-Confederates. The Conservatives wanted their right to vote to be guaranteed in the constitution; the Radicals sought to prevent the adoption of universal manhood suffrage. The guarantee was embodied in Article IV, Section 1, and it was passed by the Convention. Mabry voted against its adoption.12

Governor William G. "Parson" Brownlow had often used the state militia as his personal army, and it had even been used to guard polling places to insure that only the proper people were allowed to vote. Article III, Section 5, was to restrict the power of the governor to call out the militia and it provided that he must have the prior consent of the General Assembly. Conservatives were for the restriction; Radicals opposed it. Mabry again voted with the latter group, but again the Conservatives won and the power of the governor was bound by the requirement of legislative approval. The Conservatives wanted their right to vote to be guaranteed in the constitution, but they wished also to add a new restriction, the payment of any poll taxes

12Ibid., p. 177.
levied as a prerequisite for voting. This conceivably might reduce the number of votes cast by Negroes, whom the Radicals had enfranchised. Mabry voted against these new provisions.\textsuperscript{13}

Although Mabry did not play one of the most exciting roles in the Convention, he nevertheless received a vote of thanks from his associates as they were about to adjourn. He was thanked for supplying each delegate with a copy of his newspaper, the \textit{Daily Knoxville Whig}, during the Convention.\textsuperscript{14}

Mabry's political affiliations were always based on his financial interests. He was a Democrat before and during the first part of the Civil War; then he became a Radical Unionist (later Republican) upon the Federal occupation of Knoxville in 1863 and remained in that group until the termination of the Constitutional Convention, although he posed as a Conservative (Democrat) as soon as that party had obtained control of the state government in 1869. After the Convention adjourned he completed his return to the Democrats. An adversary, John Baxter, accused him of supporting three different and antagonistic causes at the same time. Mabry was condemned for being Conservative locally, Republican at the state level, and Radical nationally, "without blemish and without guile."\textsuperscript{15}

It is interesting, if not confusing, to note that while Mabry

\textsuperscript{13}\textit{Ibid.}, p. 158. \quad \textsuperscript{14}\textit{Ibid.}, p. 399. \quad \textsuperscript{15}\textit{Daily Knoxville Whig}, June 15, 1870; Mabry made a witty reply to this, offering to help Baxter on all three levels of government, if he had enough money to pay for the aid.
was voting with the Radicals in Nashville, his newspaper, the Daily Knoxville Whig, was extolling the Democracy. As he was voting for discrimination, favor, and the maintenance of an unjust, undemocratic political establishment, his paper was beginning a new volume in order to show the people the complete change which had been made in its policies; it was now disavowing any connection whatsoever with Brownlow.16 Mabry appears as a master of contradiction—but there is something of an explanation. Although he owned the paper, Mabry left the editorial policies in the hands of his brother-in-law, C. W. Charlton.

Mabry's career in journalism lasted but a year and was little more than an investment for him. He purchased the Knoxville Whig from T. Haws and Company, in mid-September, 1869. Brownlow had originally owned the paper and had published it under a variety of mastheads, the final one being Brownlow's Knoxville Whig and Rebel Ventilator. The outspokenly extreme policies of Brownlow were maintained by T. Haws and Company and their editor, Thomas H. Pearne, and Brownlow wrote them a congratulatory letter when it was announced that they were selling the paper.17 Joseph A. Mabry and Company were stepping into an established tradition of journalistic radicalism.

The readers of the Whig must have been surprised at Mabry and Charlton's first edition, September 16, 1869, in which they stated

16Knoxville Weekly Whig, February 16, 1870.
17Knoxville Whig, September 15, 1869.
their aim as to give more news and less politics, and claimed that they were tied to no party and independent in our course. . . .

As to party that is a dead cock in the pit. Let it rot, and let the buzzards and the carrion crows devour its putrid flesh. We can never consent to make Democracy our oracle, nor Whiggery our fingerboard to guide us in the sear and yellow leaf. . . . We must recognize the living, moving, stirring, PRESENT.18

Joseph A. Mabry and Company were declaring themselves apolitical. Remembering the personal vendettas of Brownlow, they announced also a change in the journalistic style of the paper, by that they were "wishing to harm no one and wanting no one to harm us."19

The style of the paper became comparatively bland, and indeed there was little to set it apart from other newspapers of the day. It was written on an elevated moral level, and its editor generally kept the promise of presenting more news and less politics. Editorial comment was usually confined to innocuous subjects and urged such things as cooperation and tranquility among the people.20 Although political comment was subdued, the paper was not apolitical.

When Mabry and Charlton converted the paper into a daily, it was not the only change made: its politics became Democratic. A prominent East Tennessee journalist has noted,

When Senator Brownlow dissolved his connection with the Whig, he announced that he had assurances that its

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18 Knoxville Whig, September 16, 1869.
19 Ibid., October 12, 1869.
20 Knoxville Weekly Whig, January 12, 1870.
politics would remain unchanged, but he had reckoned without his host. It had lived a long and eventful life as a Whig, but it died as a Democrat.21

The politics, at first, remained unimpassioned and subdued. In mid-February the aforementioned break with Brownlow and Pearne apparently was made and the Whig pledged herself to the conservative Democracy.

The change was greeted by plaudits from the Tennessee Advertiser, which noted the great and favorable change in the Whig since Brownlow, Pearne, and company had left. It said they knew of no more sensible paper in East Tennessee, "ably edited, high-toned and magnanimous . . . knowing no capitolae North, South, East, or West, but our whole country."22

The Whig lost little time in rallying the political forces of conservatism; they called for an organisational meeting and offered the use of their offices as a meeting place.23 At the meeting C. W. Charlton was appointed as temporary secretary, then as permanent secretary. Mabry was not mentioned in the press report of the activities of the meeting.24 Mabry had again, as always, chosen to remain behind the scenes and out of the limelight.

A marked change came over the editorial policies of the Whig


22 Tennessee Advertiser, as quoted in Knoxville Weekly Whig, March 2, 1870.

23 Ibid., March 30, 1870. 24 Ibid., April 6, 1870.
during the spring of 1870. An article in the Atlanta New Era accused the Whig of falling into the "modern Democratic slough of Despond."\(^{25}\) The Whig replied that this was not true; they favored conservative change and sponsored the principles of any party which they felt would build up the country.\(^{26}\) A few days later the Knoxville Chronicle labeled the Whig "the leading organ of the new Democracy in East Tennessee."\(^{27}\) That the Whig should advocate the Democracy is not surprising, the Democrats had been the leading party in the state since the Constitutional Convention had guaranteed universal manhood suffrage, and Nabry always liked to be with the winners. Some of the editorials are out of the paper's usual character—the Whig began to denounce the North and the Negro.

A violent anti-Northern article in the Whig brought condemnation from the usually friendly Chronicle.\(^{28}\) A week later the Chronicle again criticized the Whig, this time for a racist article.\(^{29}\) An editorial in the Whig had accused the Negroes of degrading the white race and added that "the Anglo Saxon race was never born to drink the dregs of such degradation."\(^{30}\)

It is unfortunate that the relationship between Nabry, Charlton, and the Whig cannot be accurately established. It is not know to what

\(^{25}\) Atlanta New Era, as quoted in Daily Knoxville Whig, May 4, 1870.
\(^{26}\) Ibid.
\(^{27}\) Knoxville Chronicle, May 22, 1870.
\(^{28}\) Ibid., May 20, 1870.  
\(^{29}\) Ibid., May 28, 1870.
\(^{30}\) Daily Knoxville Whig, June 1, 1870.
degree Mabry dictated to Charlton the policies to be assumed by the paper. It appears most probable that Charlton had a relatively free hand in running the paper until near the end. As the policies of the Whig became more and more vehement, Charlton must have begun to oppose Mabry because it was reported that "Charlton lost his editorial job for not being willing to conform to the dictatorial policies of his employer [Mabry]."31 Whatever the relationship, Mabry must have depended upon Charlton to run the paper because nine days after Charlton was fired32 Mabry sold the paper.33 The fact that Mabry was unable or unwilling to manage the paper by himself points to the conclusion that it was little more than a financial investment for him, and was not a cause to which he was irrevocably committed. Indeed the only thing to which Mabry remained loyal seems to have been the land.

Mabry's political influence was amply demonstrated when on March 1, 1854, a month before his twenty-eighth birthday, Mabry was appointed by the state legislature to serve as a trustee to East Tennessee University.34 Being a trustee was both an honor and a service. Mabry

31 Clipping from an unidentified periodical of the Holston Methodist Church (in possession of Mr. Earl G. Woolwine, Nashville, Tennessee).

32 *Daily Knoxville Whig*, August 10, 1870.

33 Joseph A. Mabry to Rolfe S. Saunders, August 19, 1870, in General Real Estate Conveyances (Knox County Courthouse, Knox County, Tennessee).

34 Minutes of the Meetings of the Board of Trustees, East Tennessee University (Board of Trustees Collection, Administrative Building, University of Tennessee), Vol. 1, p. 91.
qualified for the honor by virtue of his favoritism; however, he did not follow through with the expected service. The irregularity of his attendance indicated that he did not take his position too seriously. During his entire tenure of office he served on but one standing committee, the committee on repairs.\(^\text{35}\)

An interesting sidelight on his politics was manifested in connection with the board. In the fall of 1865 the loyal members of the board, led by Mabry's arch foe John Baxter, removed seven trustees because they had been loyal to the South during the war. Mabry was not one of those removed.\(^\text{36}\) Since he had done little that would have made him valuable as a board member, he must have been so close to the politicians in Nashville that the board feared that his removal might bring retributive action from them.

As further evidence that the board realized Mabry's political power, the University made use of his services as a lobbyist whenever he was in Nashville. In 1868 he was lobbying at the legislature for the passage of an "Omnibus Bill" for the benefit of the Knoxville and Kentucky Railroad, and other delinquent companies. The trustees of the University, acting on the suggestion of O. P. Temple, asked Mabry also to work for the passage of a bill which would establish (at the University) an agricultural and mechanical college. He was successful

\(^\text{35}\)An investigation of the Minutes shows that Mabry seldom played a leading role.

\(^\text{36}\)Stanley J. Voleaee, East Tennessee University, 1860-1879. University of Tennessee Record, 62 (Knoxville, May, 1959), 50.
with neither bill, although the latter aim was achieved at the next session, during his absence.  

Although Mabry's attendance at meetings never was very good, as the years passed it got worse. He would sometimes miss them for almost a year at a time and by 1880 he apparently had quit altogether. Nevertheless, his social and civic standing was further demonstrated by his selection as a deacon in the Missionary Baptist Church and his ability to advance to the highest degree of Masonry.  

37 Ibid., pp. 59-60, 62.  
38 Goodspeed, History of Tennessee, p. 1002.  
39 National Cyclopedia, II, 564.
CHAPTER III

LAND AND AGRICULTURE

The repository of wealth in the Old South was the land, and a man's means were measured in acres. It was by this yardstick that the community deemed Mabry a man of financial consequence and it was upon this base that his name and fame were built. His father, a large land owner and entrepreneur, willed his family an estate of approximately 1,500 acres, located in West Knoxville.1

Throughout his career Mabry was to handle over 8,500 acres in more than 295 separate conveyances, and more than 300 lots and tracts of land, most of which were within the city and its outskirts.2 His transactions were so geographically diverse that it was evident that he was speculating rather than attempting to consolidate an estate. A meaningful estimate of his success in real estate maneuvers cannot be made from examining the various deeds alone because many of them were exchanged for "a sufficient and valuable consideration" rather than for a stated price.

The best available means for determining his real estate worth

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1Deed Book 6 (Knox County Courthouse, Knoxville, Tennessee). Since the size of the estate was not specifically given in the will, this figure was arrived at through the General Index to Real Estate Conveyances, Knox County, Tennessee, From Beginning to December 31, 1931 (Knox County Courthouse), passim. Both the Direct and Reverse indices were used; Direct lists property according to grantor and Reverse according to grantee.

2General Indices to Knox County Real Estate Conveyance, passim.
is the examination of the county tax records,\(^3\) they do not, however, give a complete picture of his financial situation because he had other interests which netted him income. His real estate was valued at $31,660 in 1860, but he estimated his total wealth at $91,000,\(^4\) leaving almost $60,000 in interests other than real estate.

In the decade preceding 1860, Mabry had his most active trading period, making 34 purchases and 101 sales involving over 5,500 acres of land within the city. Tax returns are available only for 1859, at which time his worth was listed as $29,500.

From 1860 to 1869, Mabry consummated 105 property actions, 27 purchases and 78 sales. In tax district two (generally East Knoxville) he had $7,200 worth of property in 1860. By 1863 his holdings there were valued at $57,000; by 1865 it had shrunk back to $17,000. The most reasonable explanation of this is that during the war Mabry must have held some land for friends who had fallen out of political favor and feared that their property would be confiscated. It might also indicate that Mabry returned it all to them. In 1868 his total land holdings were worth $37,500.

The 1870’s saw him enjoy both his greater prosperity and his worst defeat. Although involved in transactions amounting to less

\(^3\) The Knox County tax records are very incomplete throughout the period of Mabry’s life, 1859 being the first year for which the records are extant. For only eight years until between that date and 1882, the year of Mabry’s death, are returns for both the first and second districts available; when the records are present they are considered as reliable.

\(^4\) Brownlow’s Knoxville Whig, December 15, 1860.
than one thousand acres, he nevertheless accumulated, in 1873, probably with the aid of the panic of that year, property worth $62,850. By 1876 this had fallen slightly to $55,150, an indication that he had overextended. Undoubtedly realizing what was ahead, he transferred in that year $7,450 to his wife; then disaster struck. In February, 1877, he was evidently overcome by his debts and unable to pay his taxes; therefore, he was forced to make a tax sale to the county—the property involved was a glass works, 59 town lots, including 5 acres on Flint Hill, the hill upon which the present Knox County Courthouse is located, and 2,255 other acres of land! This would have been a crippling blow to any man, especially to one with the fierce pride of General Mabry. He had had forced sales threatened before, but he had always been able to raise the money and thus avoid the public disgrace of not being able to meet his debts.6

His financial troubles were lightened somewhat the next year with a supreme court decision in favor of Mabry and his wife which awarded them two farms and several valuable town lots appraised at $100,000.7 However, less than a year later he was forced into a chancery sale, presumably for debts.

In 1881 he was obliged to give up, or at least reduce, his

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5Deed Book W3, p. 229.
6Knoxville Daily Chronicle, March 10, 1872.
7Knoxville Daily Tribune, November 3, 1878. This case, involving his step mother-in-law, will be discussed later.
participation in one of his favorite sports, horse racing, with the sale of his blooded horses.\textsuperscript{8} He had been a great racing fan and often a big winner with his famous "Helmet" series of thoroughbred racing horses.\textsuperscript{9} These fine horses had been famous throughout the southeast and Mabry took great pride in racing them.\textsuperscript{10} They would have been one of the last things to be sold; thus it was evident that by 1881 Mabry was on the verge of financial collapse.

During his life, General Mabry was a farmer-landowner before anything else. He undoubtedly felt that if all else should fail, he would still have the land. As a businessman he realized the need of scientific farming, and he supported and encouraged the development of modern agricultural methods.

His farm was often the site of various types of agricultural contests and demonstrations.\textsuperscript{11} Not only did his farm employ the latest farming techniques, but it was offered as an example for his neighbors to emulate. He employed an English overseer\textsuperscript{12} to keep the estate in prime condition as his business interests in the city kept him too busy to devote the requisite time for maintaining the farm himself. Mabry and other local notables such as O. P. Temple, Perez Dickinson, C. W.

\textsuperscript{8} Ibid., May 6, 1881.
\textsuperscript{9} Knoxville Daily Chronicle, May 21, 1871.
\textsuperscript{10} Interview, Miss Evelyn Hasen.
\textsuperscript{11} Knoxville Daily Press and Herald, June 22, 1870.
\textsuperscript{12} Interview, Miss Evelyn Hasen.
Charlton, and Hunter Nicholson, are listed as gentlemen farmers who played their part in the development of Knox County agriculture.  

To advance the lot of East Tennessee agriculture, Mabry and other prominent men of the region joined together in 1850 to form the Knox County Agricultural Society. The Society sponsored local fairs, including the State Fair when it was held in Knoxville.\textsuperscript{1b} The Eastern Division Fair was in Knoxville for a number of years, and in 1858 Mabry was elected by its board of directors to serve as a delegate to it.\textsuperscript{15} Mabry also competed for prizes at these fairs. He made no entries in the first Division Fair, but in 1856 he won the premium in three contests.\textsuperscript{16} The next two years he did not make an entry.

Mabry's connection with agriculture was further enhanced by his interest in Mabry, Turner and Company. The firm consisted of Mabry, his brother George, and C. Turner; they specialised in modern farm equipment, mechanical implements and steam engines.\textsuperscript{17} Mabry advised the use of the latest agricultural techniques in "The Farmer," a column which he ran in the Whig while he owned it.\textsuperscript{18}

\textsuperscript{13}Unfortunately there is little quantitative knowledge about them, Rothrock, \textit{French Broad-Holston Country}, p. 200.

\textsuperscript{14}\textit{Ibid.}, p. 77.


\textsuperscript{16}\textit{Ibid.}, pp. 131, 132, 134.

\textsuperscript{17}Knoxville \textit{Weekly Whig}, March 2, 1870.

\textsuperscript{18}\textit{Ibid.}, passim.
It seems obvious that Mabry was generous in his aid to his fellow farmers in East Tennessee. When he was prosperous, Mabry was generous to a fault, and this generosity was amply demonstrated when, in 1858, his brother George became ill and was unable to continue his business interests in town and became almost wholly dependent upon the farm. Mabry, realizing the situation, sold George his half of the family estate for $5,000. It has been said that he gave the land to George; this is quite possible as there is no proof that George ever had to pay the $5,000.19 This shows Mabry to have been a truly charitable man, especially with blood relatives, because it was certainly a disinterested act that cost him a good deal of money and was done for no other reason than to help alleviate the financial concerns of his ailing brother.

Mabry's most well known community service concerned his real estate. He and his brother-in-law, William G. Swan, gave the city of Knoxville the lot of land upon which the Market House was erected.20 Although it was a rather valuable piece of land, Mabry and Swan in return for the gift required only that the city "erect a neat and durable market house . . . of sufficient dimensions to answer fully the purpose for which it is intended. . . ."21 This was indeed a fine and useful

19Tax records indicate that the land was worth at least three times this amount. Miss Evelyn Hasen claims that the payment was never made.

20Rule, Knoxville, p. 102.

21Knox County Minute Book D (Knox County Courthouse, Knoxville, Tennessee), pp. 167-168.
present for the people of the French Broad-Holston County. It was also a useful tool for J. A. Mabry and Company. The land was given in March, 1853; in October, Mabry sold 66 lots of land which surrounded the market on three and one-half sides. The amount of land in the lots to be sold was approximately seven times as great as the land in the gift. 22

A month after donating the Market House land, Nelson, Mabry and Company offered to give the city four acres of land and to build a new courthouse worth $10,000 in exchange for the old courthouse. 23 The offer was evidently refused, because Mabry did not get the land until 1857, when he bought it at public auction. 24

In 1869 Mabry offered the city twenty acres within the corporate limits for use as a park if the city would enclose and improve the land. He offered two prime locations, one of which was a former residence of Hugh Lawson White. 25 As the press was lauding Mabry for his generosity, he was petitioned by the people to become a candidate for the Tennessee Constitutional Convention. 26

Mabry's land gifts to the city were well advised: the first one was undoubtedly a well planned maneuver to raise real estate values;

22Diagram of lots to be sold, J. A. Mabry and Company, Joseph A. Mabry Papers (in possession of Miss Evelyn Hasen, Knoxville, Tennessee).
23Sons of Temperance (Knoxville, Tennessee, April 9, 1853).
24Knoxville Register, March 19, 1857.
25Knoxville Daily Press and Herald, October 12, 1869.
26Ibid., November 28, 1869.
in regard to the other one, although there is no reason to suppose that it was a deliberate scheme to get himself elected to the Convention, he was certainly aware of the beneficial effect that the good publicity would have on his chances of being chosen.

After the death of William M. Churchwell (his father-in-law) in 1862, Mabry seized his property and sued Churchwell's widow because of Churchwell's indebtedness to him. 27 The indebtedness included the funeral expenses of $110, the balance on a note for $1,750 and some worthless notes of the Bank of East Tennessee (of which Churchwell had been president). The suit led Mrs. Churchwell to write President Andrew Johnson and express her fear that she would be reduced to beggary. 28 The case was in litigation for sixteen years and the supreme court finally decided in favor of Mabry, who was awarded $100,000 worth of real estate. 29 If Mabry had been heartless in suing his own step-mother-in-law, then the size of the final award to Mabry indicates that she had not been altogether honest in her letter to Johnson saying that she would be reduced to poverty.

Another strange case involves Mabry and C. E. Pryor. Pryor, a Confederate sympathiser, had been jailed during the Union occupation of Knoxville and while in jail he had been advised to give his land to

27 This was Churchwell's second wife; hence of no relation to Laura E. Churchwell Mabry, Mabry's wife.


29 Knoxville Daily Tribune, November 3, 1878.
a friend to hold for him during the occupation. It was a common practice in this divided city that men would give their land for safekeeping to friends who were on the other side of the political fence. Pryor wrote: "Mabry was acting the Union man"; so he had asked him to hold some land for him. In 1868 Mrs. Pryor wrote her attorney, T. A. R. Nelson, saying that she had contacted Mabry concerning the land but had received no reply and she asked Nelson to look into it for her. \(^{30}\) She wrote Nelson a second letter in March saying that if he could not get the land back he should try to secure a compromise. \(^{31}\) On the evidence of these letters it appears that Mabry was guilty of a dishonest act. There is, however, a deed between C. E. Pryor and Mabry dated September 18, 1863. The deed transfers 125 acres to Mabry in return for $2,500 "cash in hand." \(^{32}\) This deed, together with the fact that Nelson evidently took no legal action against Mabry, indicates that either Pryor was confused or that it was a deliberate attempt at fraud. Mabry, as a wealthy and landed man, must have been the frequent target of such ventures.

The examination of Mabry's community activities has indicated that he was interested in being of service to his fellow citizens. It has not showed him to have been any great leader as much as a great supporter, especially in agriculture. His proclivity for remaining

\(^{30}\) Mrs. C. E. Pryor to T. A. R. Nelson, January, 1868, T. A. R. Nelson Papers (Lawson McGhee Library, Knoxville, Tennessee). The day of the month was not given.

\(^{31}\) Ibid., March, 1868.

\(^{32}\) Deed Book B-3, p. 466.
out of the public eye and keeping his name out of the press makes it difficult to make a quantitative judgment of his activities.

The greatest amount of publicity was showered upon Mabry in connection with his dealing during the construction and operation of the Knoxville and Kentucky Railroad and it was partly favorable and partly unfavorable.
CHAPTER IV

RAILROAD PRESIDENT

Joseph A. Nabry was best known as "the erstwhile 'king pin of the railroad lobbyists,'"¹ and as such was regarded as a scoundrel and an opportunist who sought to enrich himself at the expense of the taxpayers of Tennessee. He served as president of the Knoxville and Kentucky Railroad from 1858 to March, 1864, and from January 1, 1868, until being appointed as receiver September 16, 1869.² During the existence of the railroad the state issued to the company $2,350,000 in bonds.³ When the railroad was sold in October, 1871, the state received $350,000 in depreciated bonds, which represented a loss of at least $2,000,000 to the state.⁴

The details of the actual operation of the railroad are clouded by a lack of the company's records, but the investigations by the state legislature in 1870 and 1879 brought forth enough information to get a good idea of the situation.


³Ibid., p. 75.

⁴R. O. Biggs, "Development of Railroad Transportation in East Tennessee During the Reconstruction Period" (unpublished Master's thesis, University of Tennessee, Knoxville, 1934), p. 78; for much of the information concerning the Knoxville and Kentucky Railroad this writer is indebted to Biggs' thesis.
The chartering of the Knoxville and Kentucky Railroad was an answer to a great need in East Tennessee. The geographic situation of the eastern grand division demanded that a great amount of attention be given to the improvement of its transportation facilities. The mountainous terrain made transportation quite difficult and thus had a detrimental effect on the growth of the economy. Indeed, it has been written that East Tennessee was economically one of the most isolated regions in the United States.

Prior to the advent of railroads the farmers and merchants of the region were dependent upon wagons for the import of manufactured goods and upon the Tennessee River for export. This system was slow and expensive, especially when compared to the excellent river and land transportation which was available in Middle and West Tennessee. After flirtations with river improvement the people of East Tennessee began to believe that railroads would be the perfect answer to their needs for faster and more economical transportation. Their spirit was given voice by the Hawkins County editor who wrote, "Railroads are the only hope of East Tennessee. . . . They are the only improvement at all suited to her condition."\(^5\)

The ineffective financial policies of the state until 1852 doomed the early railroads to failure. As the state matured, the question of

\(^5\)Thomas P. Abernethy, From Frontier to Plantation in Tennessee (Chapel Hill, 1932), p. 300; Rail-Road Advocate, June 14, 1832, as cited in Eric R. Lacy, Vanquished Volunteers: East Tennessee Sectionalism from Statehood to Secession (Johnson City, 1965), p. 76.
aid became more and more of a political issue, with supplying considerable opposition and the Whigs being more in favor of aid at state expense. The political ramifications of the issue go beyond the scope of this thesis, but the fact that East Tennessee was predominantly a Whig section was due, in part, to the desire of its inhabitants for state aid.6

The Knoxville and Kentucky Railroad was chartered with two lucrative purposes in mind. First, it would serve as a link in the chain of roads that would connect Cincinnati and Charleston. Roads had been built in Kentucky to Lexington from both Louisville and Cincinnati. The Knoxville and Charleston (when completed) was to be joined with the Tennessee River Railroad of North Carolina, the Blue Ridge Railroad of Georgia, and the Blue Ridge Railroad of South Carolina to form the "Rabun Gap" railroad line which would connect Knoxville and Charleston. The value of having a connection from Knoxville to Lexington was obvious. The second reason for the railroad was that on the route to Kentucky it would pass through the rich coal fields of Anderson and Campbell counties. Thus while the construction of the road was still in progress, it could be used to transport coal into the Knoxville market and into Georgia, South Carolina, and Virginia by shipping it out on either the East Tennessee and Georgia or the East Tennessee and Virginia Railroad. The above factors have led one historian to write that perhaps for no

other railroad projected in East Tennessee prior to the Civil War could so many sound arguments be advanced for its construction.\footnote{Ibid., January, 1852.}

The original charter was granted February 10, 1852. The legislature empowered the Lexington and Knoxville Railroad (as the company was originally known) to connect Lexington and Knoxville, either by a direct route or by connecting with a city in Kentucky which had rail connections with Lexington. The books of the corporation were to be opened for subscriptions until the next November, by which time 15,000 shares were to have been sold.\footnote{Acts, 1852-52, pp. 385-386.}

In an amendatory act of December 22, 1853, the name of the road was changed to the Knoxville and Kentucky. It was forbidden to construct its road outside Tennessee, although it was instructed to build in the direction of Cincinnati, Louisville or Lexington.\footnote{Knoxville and Kentucky Railroad Company: Charter and Reports (Knoxville, 1854-1870), pp. 4-6; this little bound collection contains the original pamphlets of the charter, the revision of the charter, the Proceedings of the Meeting of Stockholders of the Knoxville and Kentucky Railroad, 1860, and the report of the 1869-70 investigation of the railroad. The McClung Collection has the only volume that this writer has been able to locate.} The reason for this intrastate restriction was that Kentucky had failed to grant a charter to the proposed extension of the Lexington and Knoxville in Kentucky. The action by the Tennessee Legislature was one of revenge for what they considered a slight by Kentucky.\footnote{Riley O. Biggs, "Development of Railroad Transportation in East Tennessee During the Reconstruction Period" (unpublished Master's thesis, University of Tennessee, 1934), p. 57.} The story of the
Knoxville and Kentucky from its inception until 1858 is not a very lively one. The first three presidents accomplished little, and it was not until 1856 that the company began a major campaign for funds. It obtained pledges for $1,60,000 and began to let contracts for the first thirty miles of construction. Work began in earnest, only to be halted by the panic of 1857. Early in 1858 Mabry was elected president.

There was apparently no construction during Mabry's first year at the helm. In his "President's Report" to the stockholders in 1860, he said that when he took office the company had a potential capital of $1,60,000 and an estimated cost of $525,000. An additional $150,000-$250,000 was needed, he felt, to begin construction. To rectify the situation he made arrangements with a skillful financial agent, but this effort came to naught. He and two other members of the board of directors then went to New York to raise the needed money. There they were told by some financiers that if they could secure for them land in the Cumberland Mountains, they would purchase the railroad's

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11 Ibid., pp. 261-262.
13 "Proceedings of the Meeting of the Stockholders of the Knoxville and Kentucky Railroad, 1860 (Knoxville, 1860), hereafter cited Proceedings, 1860. This report is contained in Knoxville and Kentucky Railroad Company: Charter and Reports (Knoxville, 1854-1870), which is in a little bound collection of pamphlets which also includes the original text of the charter, the revision of the charter, and the report of the 1869-1870 investigation of the railroad. The McClung Collection of the Knoxville Public Library has the only volume that this writer has been able to locate.
stock. Mabry then returned to Tennessee where he secured 80,000-90,000 acres of the promised land.\(^1\) It was then suggested to him that perhaps the company would profit if it had the road resurveyed and the cost reappraised. To this end O. A. Mee was hired from the East Tennessee and Virginia Railroad. In due time he reported that he had redone the work of Prichard and he figured the cost of his proposed road to be $230,900. This enabled Mabry to report to the stockholders that the road to Coal Creek (the present Lake City) could be completed within eighteen months and at a saving of from $200,000-$350,000 over the original estimate for the total length of the road. The activist policies of Mabry were indeed paying off.

In his "Engineer's Report" Mee further told the stockholders that within eight months the first six miles from Knoxville should be completed. He promised that by November, 1861, enough of the road would be completed to allow the company to begin drawing the $10,000 per mile aid from the state under the general internal improvement laws of 1852-1854, thus enabling the road to be constructed to Coal Creek within eighteen months. Mee had been able to lower the cost of the road by changing the route from that proposed by the former chief engineer, Prichard, and by taking advantage of new engineering principles which had apparently been unknown to his predecessor. In Mabry and Mee the Knoxville and Kentucky had at last found the dynamic leadership necessary to get the tracks laid.

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\(^1\) This land deal was evidently dropped when Mabry learned of the new cost estimates.
Financial uncertainties had caused a delay in Mabry's plans. Before he could begin to relet the road to the contractors it was necessary for him to get the maximum of $100,000 that a state-aid law of 1854 allowed for the construction of a bridge over the Clinch River. Senator James S. Byrd and Representative John Williams were requested to help the company with necessary arrangements. The result was an authorization empowering the railroad to draw from the state for general construction the difference between what an acceptable bridge across the Clinch River would cost and the actual $100,000 loaned for bridge aid. The Knoxville and Kentucky eventually netted $180,000 from these two acts.  

The treasurer's report of 1861 showed that only $9,252.75 had been spent on the Clinch River bridge.

Mabry seems to have almost always been successful in his efforts to get aid from the state. An act of February, 1860, extended the time limit three years for the completion of the railroad and provided that the company might draw aid for ironing the road upon the completion of each ten-mile section.

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15 Acts, 1859-60, p. 5b8, "Report of the Joint Select Committee" in House Journal Appendix, 1870-71, p. 93, as cited in Biggs, "The Development of Railroads," p. 60; Biggs points out that $100,000 of these funds were used to iron the first ten miles of the road.

16 Proceedings, 1861, Joseph A. Mabry Papers.

17 Acts of Tennessee, 1859-60, p. 5b8; Biggs, "The Development of Railroads, p. 59."
The stockholder's meeting of 1861 was the occasion for the receipt of hopeful news. The "Treasurer's Report" of John L. Moses noted that the receipts for the year were $207,762.66 and the disbursements were $204,391.67, leaving the company with $3,370.82. The capital stock had made an increase of $9,626.66, making a new total of $137,769.88. He congratulated the stockholders on the comparatively favorable financial condition of the company, but at the same time warned them that:

It will of course be understood that the company does not expect to realise from her assets their full nominal value, and that the aggregate will be reduced by whatever discount will be necessarily sustained in their use. . . .

Perhaps this statement best summarizes the spirit of the Mabry regime: they wanted to get the job done, and the successful completion of their task justified the means used to accomplish it.

Although the country was being convulsed by political and economic troubles, the construction of the road was being completed as promised at the meeting of the preceding year. The "President's Report" further stated that the cost estimations which had been given were holding true. He assured the meeting that the road could be completed to Coal Creek with the yet unexpended resources of the company.

The "Engineer's Report" of C. A. Mee told of the gratifying progress that was being made on the construction of the road. During the previous year ten miles of the road from Knoxville to Copper Ridge had

18 Proceedings, 1861.
been graded and nine miles of track laid. The road from Copper Ridge to Clinton was half graded and was to be completed by the fall. An especially encouraging note was the fact that the cost of laying the nine miles of track had been less than $12,000 per mile; this was quite a savings when compared with the costs of the other roads being laid. In October the first train had run on the nine-mile stretch from Knoxville to Beaver Creek and the passengers had deemed it a worthy ride.

The prospects for the Knoxville and Kentucky seemed bright on the eve of the Civil War. Nine years had passed since the Lexington and Knoxville Railroad had been chartered in 1852 and the company, under that name and its successor, had built only nine miles of railroad. Had Nabby not taken charge it is possible that they might never have had a car on the tracks. He had successfully acquired state aid in amounts sufficient to begin construction and purchase rolling stock, and had the Civil War not stopped construction the road would probably have been pushed forward with the same vigor as before. After a slow and inauspicious beginning, the Knoxville and Kentucky began to get under way only to be halted by the interregnum conflict.

The railroad's activities during the war were limited to hauling wood and other materials for the Confederates during their occupation of East Tennessee. This profitable activity stopped when the train became stranded in Virginia. C. A. Mee went there and assumed control and operated the train for the rest of the war, making a profit of over $20,000.19 John Baxter accused Nabby of permitting the Confederate

authorities to take up a mile of his track and of receiving a credit for it which he pocketed. The charge was denied by Mabry and he produced a letter from the former quartermaster stating that he had taken the track but that he had received no cash or any credit vouchers for it. In addition to the above charge, in the case of John Baxter vs. Joseph A. Mabry, et al., Baxter stated that Mabry had been false to all his obligations to said company (Knoxville and Kentucky); used his office to enrich himself; and by cunning, ingenious, and fraudulent devices he had appropriated a large amount of funds of the company for his own use.

The "Answer of Joseph A. Mabry and the Knoxville and Kentucky Railroad" was filed July 17, 1869. It stated that the respondent Mabry was embarrassed by the generality of the charges of the bill and added that if the complainant had specified any particular transaction regarding the use of the road, that the books of the company were open to inspection. In reply to a vague charge that he was heavily in debt to the company, Mabry said that the books would show that he had advanced the company enough money to pay the interest due on the state bonds in July, 1861, and again in January, 1862.

Baxter's accusations against Mabry were deemed immaterial by

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21 Knoxville Weekly Whig, June 22, 1870.
22 Baxter vs. Mabry, p. 160.
the state legislature, which found "it (the case) bears upon its face
the impress of a private quarrel, which, in the opinion of the com-
mittee, is of no importance to the people of the State."²⁸

From 1864 to 1868, C. M. McGhee served as president of the road
and it was during this period that the "Comibus Bills" of 1866 and
1867 were passed. Although Mabry's only official position with the
company at the time was as a stockholder, he was responsible for the
lobbying at Nashville.²⁵ The aid bill of December 7, 1867, which
appropriated $3,700,000 to fifteen roads was the child of those activi-
ties.²⁶ The Knoxville and Kentucky received $300,000 from this bill
alone, but it was all acquired before Mabry took charge as president
in 1868.

Upon reassuming command, Mabry began to throw his weight behind
a move to get another "Comibus Bill" passed in 1868, but the effort
was fruitless and the end was near for the days of the big spenders
in Nashville, even though Mabry claimed that he had the legislature
in his pocket. Comptroller G. W. Blackburn, by emphasizing the pre-
carious financial conditions of the state, was able to prevent the
passage of the bill.²⁷

²⁵Alexander, Political Reconstruction, p. 170.
²⁶Stanley J. Volkes, "The Radicals and the Railroads," Chapter
42 of P. M. Hazer, Tennessee: A History, 1673-1932 (4 vols., New York,
1933), II, 662.
²⁷Ibid., p. 668.
The last of the appropriations received by the Knoxville and Kentucky was the $130,000 received in order to build branch lines to handle soft coal transportation into Knoxville. This was in 1868 after the road had been extended to Coal Creek and the company wanted authorization to build "spurs." The construction of the branch lines helped the revenue of the road and significantly increased the amount of coal being brought into Knoxville, but it was also a factor causing delay in the extension of the main line. 28

The road attained its maximum length when it was extended to Wheeler's Station (the present Caryville, Campbell County), a distance of thirty-nine miles from Knoxville. The construction went no further due to the company's bankruptcy, cessation of state aid, and the investigations by the legislature. 29 In September, 1869, Nabry was appointed receiver by Governor D. W. C. Senter, 30 in compliance with the regulations of the internal improvement laws of 1852 that demanded the appointment of receivers for companies in default in the payment of interest on the bonds due to the state. 31

The investigations of 1869-1870 and again in 1879 have brought to light some interesting information. Perhaps first was the realization that the state had contributed 85 per cent of the total investment

28 Biggs, "Development of Railroads," p. 70.
31 Ibid., p. 73.
of the road: $2,350,000 of state bonds matched by only $378,911.55 of funds from all other sources. Thus the thirty-nine miles of the Knoxville and Kentucky had cost the taxpayers $60,000 per miles.\textsuperscript{32} The problem which faced the investigators was two-fold: (1) how the money was obtained, and (2) how it was spent. Although at times they seemed more like "witch hunters" than legislative investigators, they accomplished their mission.

The total value of the Knoxville and Kentucky Railroad Company on September 15, 1869 (after being placed in receivership) was $1,694,197.11,\textsuperscript{33} or $300,000 less than the state investment. The amount realized from the sale of $2,062,000 in state bonds was but $1,689,322;\textsuperscript{34} thus the company sustained a $372,678 loss in selling the bonds; when this amount is combined with depreciation allowances and losses suffered through loss, breakage, and errors in bookkeeping, it becomes evident that there was no fraud connected with the management of the funds after they had been received by the company. This

\textsuperscript{32}"Report of the Committee to Investigate the State Debt," \textit{House Journal}, 1879, \textit{Appendix}, pp. 210-211, also shows the following:

<table>
<thead>
<tr>
<th>Road</th>
<th>Length</th>
<th>Cost Per Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral Home</td>
<td>0</td>
<td>$100,000</td>
</tr>
<tr>
<td>E. T. &amp; W. N. C.</td>
<td>5</td>
<td>80,000</td>
</tr>
<tr>
<td>Knoxville &amp; Charleston</td>
<td>16</td>
<td>45,000</td>
</tr>
<tr>
<td>E. T. &amp; Co.</td>
<td>125</td>
<td>13,000</td>
</tr>
<tr>
<td>E. T. &amp; Va.</td>
<td>130</td>
<td>19,000</td>
</tr>
<tr>
<td>Nashville &amp; M. W.</td>
<td>167</td>
<td>20,000</td>
</tr>
</tbody>
</table>


\textsuperscript{34}Ibid., p. 111.
conclusion is upheld by the previously mentioned Baxter vs. Mabry case
and also in the case of Shea vs. Mabry, et al. Shea, a stockholder in
Knoxville and Kentucky, charged Mabry with misapplication of funds,
specifically that the $28,300 Mabry spent lobbying in Nashville in 1868
should have been used instead to pay the stock dividends. The state
supreme court found that Mabry had been authorised and instructed by
the company to go to Nashville and that the money be spent had been
duly credited to him. The court regretted that it had "not the clearest
possible light in which to act in deciding the case. . . ." 36 The
legislature never charged Mabry with being dishonest in the application
of funds. His methods of acquiring the funds were more open to ques-
tion.

Mabry fully deserved the appellation "King pin of the railroad
lobbyists." In an attempt to sway the legislators, Mabry made thirty
barrels of brandy available to them; 37 for those who did not drink he
opened an account with H. A. Huntington, clothier, where they could
charge clothing. Mabry said his bill there was between $2,000-$5,000. 38
These disgraceful means produced the "Omnibus Bill" of 1867 which granted
the Knoxville and Kentucky $800,000. Mabry was certainly not alone in
these manipulations, bribery being the prevalent method used to lobby

35 Later Baxter admitted that Mabry was not involved in any fraud
as manager. Knoxville Weekly Whig, June 8, 1870.


38 Ibid., p. 174.
with the Radical legislature. These methods produced results, and results were what Mabry was judged on. The conservative Knoxville Free Press commented, "Much praise is due ... General Mabry for the faithful and able manner in which he has presented the subject (Omnibus Bill) to the legislature..." It does not seem to have mattered that Mabry carried the legislature in his "pocket" just that he was able to get the money. Condemnation waited for failure.

Mabry, and other railroad officials, were also guilty of tampering with the state's credit. These men were trying to maximize their returns on the sale of the state bonds. This is understandable since if they borrowed $100,000 they were expected to repay $100,000; however, they realized an average of only $67,500, in an effort to raise state credit. When money was sent to New York for the payment of the interest on Tennessee bonds due July 1, 1868, the price of bonds rose considerably. Mabry and the other railroad presidents sold themselves "short" in state bonds. Then they had the interest money in the name of holders of defaulted bonds. When the date arrived for the interest payment and no payment was forthcoming, the price of the bonds dropped sharply and the conspirators bought heavily of those bonds to fulfill


50 House Journal, 1879, Appendix, p. 133.

51 House Journal, 1870-1871, Appendix, p. 79.
their "short" accounts at great profits. The effect of this on the state's credit was almost disastrous. 42

It was in connection with speculation that Mabry, Thomas Galloway, C. M. McGhee, R. T. Wilson, and John R. Banner presented Governor Brownlow $5,000. These men, while in New York, consulted the celebrated spiritualist, Madame Mansfield. She advised them that the price of bonds was about to fall; there was going to be trouble in Tennessee; not to go to Nashville because they would be arrested; but they could control "Old Scratch" (Brownlow) with money. Since they had speculated in the bonds and made almost $5,000 (probably much more), Mabry suggested that it be given to Brownlow. Mabry and Galloway went to his home and found him reclining on a lounge. They offered him the five $1,000 bills and be instructed them to give it to his wife, who accepted it. 43

There can be no justification for what Mabry did; it was nothing but bribery; but does all the blame lie with Mabry? Brownlow's biographer contended that Brownlow was ill and "did not know what had happened." 44 This hardly seems fair for it takes two to make a bribe. Furthermore, the minority report of the investigation pointed out that "however reprehensible the transaction was, it had nothing to do with the passage of any law or the issuance of any bonds, and, is not,

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44 Coulter, Brownlow, pp. 379-380.
therefore, relevant to the matter being considered [the state debt].

If Mabry alone cannot be held to account, then neither are the politicians, as has been suggested by a prominent historian who wrote that the corrupt "merely crept in through the venality of the politicians. . . . "

The truth of the matter was probably best summed up by the "Committee" of 1879 in their conclusion that it was "the result of a vicious policy and corrupt legislation, superinduced by the various corporate bodies interested in securing aid for the State."

Mabry's connection with the railroad probably netted him little personal profit, but it gives a good example of his willingness to follow the expedient course of action in order to accomplish his ends.

or maybe he was just a lousy businessman.

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46 Coulter, South During Reconstruction, p. 239.
48 If anyone made a large profit from the railroad it was most likely C. N. McGhee who was president of the Knoxville and Kentucky and later was one of the five men who purchased it from the state for $250,000. Biggs, "Development of Railroads," p. 78.
CHAPTER V

VIOLENCE AND DEATH

The most sensational side of Mabry's life is concerned with violence. He was involved in three shooting incidents, the last of which was his own murder on the streets of Knoxville.

The first of the shootings occurred on June 13, 1870, when Mabry shot John Baxter. It was about 9:30 a.m., and Baxter was standing on the street talking with an associate when Mabry approached them. He addressed Baxter saying, "Business is business," drew his pistol and shot him in the wrist. Baxter was also armed but he chose to run rather than shoot it out on the streets. As Baxter began running, Mabry threw his pistol at him, drew another one from his pocket and gave chase. Soon the ruckus was broken up by the appearance of Sheriff Gossett, who took Mabry off to jail. There he paid $1,000 bail and was told to appear before the circuit court.1 Baxter evidently never pressed charges because Mabry never stood trial. The reason for the shooting is not clear.

The history of ill feelings between the two men was a long and impassioned one. It may have begun during the Civil War when Baxter and Mabry supported different causes, although it must be remembered that Baxter did not seek Mabry's removal from the board of trustees of East Tennessee University in the previously mentioned purge. By 1870,

1Knoxville Press and Herald, June 14, 1870.
however, they were at each other's throats with accusations and cross-accusations, suits and cross-suits. The local press during 1870 was filled with their letters of public condemnation of each other.

Baxter accused Mabry of being a rascal, a tyrant, an opportunist and completely unprincipled. Mabry took advantage of his newspaper, the Whig, to denounce and accuse Baxter. Mabry took great care to show the deceit of Baxter in connection with the Mineral Home Railroad. Baxter had two libel suits against Mabry for a total of $50,000; Mabry was suing Baxter for $75,000, once for libel and once for slander.

In addition to the personal bitterness toward each other, there was a debt between them of $65,000. Baxter, M. A. Reagan, and W. B. L. Reagan acknowledged themselves to be in Mabry's debt, but the final payment was to rest upon the decision of the court in Regan vs. Mabry. Mabry had a suit which countered this one and matters seemed to be pretty well at a deadlock.

It is, therefore, most probable that Mabry's statement of "Business is business" referred to the debt and Baxter's unwillingness to pay. The shooting, however, settled nothing, and the men continued to accuse each other with what was almost gay abandon. In one of Mabry's

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2 For example, Knoxville Daily Chronicle, June 1, 1870.
3 Baxter had been president of this railroad which drew $100,000 in state aid; yet a route was never even surveyed. It was the one instance of the state repudiating its debt.
4 Knoxville Daily Whig, June 7, 1870.
suites against Baxter, the defendant was accused of the following: horse
stealing; being the scion of a convicted felon and indentured servant;
polygamy; being in the embraces of a Negro woman the day his second
wife lay a corpse in his own house; making beastly attempts toward his
third wife as she was on her death bed; deliberately driving his late
business partner insane and several other indelicate offences against
the laws of man and nature. The court asked Mabry to withdraw these
charges and he consented. The final disposition of all the suits shows
logic returning to the men. They withdrew all charges and each paid
the other's court costs.

In the final years of his life Mabry is said to have turned
heavily to drink and was often known to have violent outbreaks of
temper. The loss of a great deal of his land and further business
complications seem to have almost gotten the best of him. The murder
of his youngest son, Will Mabry, seems to have caused him to lose his
mental balance.

Christmas Eve, 1881, Will had gone out for an evening of
tippling at Alf Snodderly's bar and had ridden into town with his
friend, Constable Don Lusby. A quarrel took place and Lusby entered
the saloon alone, Mabry coming in a new moments later with a cut over

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6 Cross Interrogations filed for J. A. Mabry vs. John Baxter,
in Mabry Papers.

7 Circuit Court Records, Vol. 20 (Old Records Office, Knox
County Courthouse), passim.

8 Knoxville Daily Tribune, October 20, 1882.
his eye. He asked Lusby why he had mistreated him and then smashed him in the face with a plate. Nabry ran from the bar, and Lusby pursued him, shot twice, and Nabry fell dead.9

The trial that followed brought forth the conclusion that the incident was the result of heavy drinking. Witnesses testified that Will Nabry was a good person but was dangerous when drinking.10 The proceedings ended in a mistrial and Lusby was freed on bail.11

General Nabry was enraged. He could never accept the fact that the shooting was the result of a barroom quarrel; he felt that it was part of a conspiracy headed by Thomas O'Conner to cheat him out of some land. At this point the story becomes rather involved. During the hard times of Reconstruction in the South many Confederate veterans went to new towns and cities to try to get a new start. They seldom had much money with which to establish themselves in the new town. One such man was Thomas O'Conner. He was a native of Georgia who had fought well during the war but was in financial straits when he arrived in Knoxville. Nabry set him up in a harness business, in which he prospered and soon became wealthy. The two men became friends and O'Conner often acted as Nabry's agent in business deals. In time, the relationship became strained.12 In 1871, Cherry O'Conner and Company leased the entire

9Knoxville Daily Chronicle, December 25, 1881.
10Ibid., December 29, 1881.
11Knoxville Daily Times, August 27, 1882.
12Interview, Miss Evelyn Hasen.
state penitentiary for labor purposes. Mabry is said to have gone to Nashville and lobbied for the repeal of the convict lease system. Although the lease system was not repealed, O'Conner became very angry with Mabry, and it has been said that they were never close friends again. By 1881, however, they did engage in negotiations about two pieces of land, the details of which are very obscure.

There are two accounts of this land deal of 1881. One is that Mabry was to purchase the land with O'Conner as his agent. After the deal had been made Mabry was called out of town and he entrusted the final details of the signing of the papers to his son Will Mabry and to O'Conner. When the night came to sign the papers Will became sick, so O'Conner went alone. He is accused of having had the land signed over to himself alone by making some last minute changes in the contract. In order to protect himself, he either hired or encouraged Don Lusby to kill Will Mabry. The other account of this incident is that O'Conner was purchasing the land for himself and that General Mabry thought that he intended to present the land to Will. When Will was killed, Mabry felt that O'Conner had commissioned the work to get out of having to give the land to Will. Whichever of the stories is accurate, if indeed either is, Mabry was convinced that O'Conner had played a role in the death of his son.

14 Interview, Miss Evelyn Hasen.
15 Knoxville Chronicle, October 20, 1882.
Both of these accounts are interpretations of the fact O'Conner purchased some 320 acres from Joseph and Will Mabry in May, 1881. Before the shooting of his son Will, General Mabry had accused O'Conner of duplicity, but O'Conner had denied it and they became friends. After the death of Will, Mabry again began to accuse O'Conner of cheating him and also of being involved in the death of his son.

When the court declared a mistrial in Lusby's case, Mabry decided to take things into his own hands. He evidently had been making some nasty remarks about Lusby because Lusby let it be known that he was going to "get" Mabry. On August 26, 1882, Mabry and Robert Steele were up-town, and Lusby approached Mabry and began cursing and insulting him. Before anything could happen, Mabry called the police chief, who arrested Lusby and took him to the courthouse to register charges against him. Lusby was accompanied by his brother Moses. They were taken into the Recorder's office, where the police attempted to disarm their prisoners.

As they attempted to disarm the Lusbys, a scuffle broke out. General Mabry and Joseph Mabry, Jr., appeared in the room and came to the aid of the police. During the scuffle both Lusbys were shot to death. General Mabry had been seen hitting Moses with a book, and Joseph, Jr., trying to fire a defective pistol which refused to operate.

16 Knox County Deed Books W-J, p. 519.
17 Knoxville Daily Times, October 20, 1882.
18 Ibid., August 27, 1882.
On these grounds the Mabrys were arrested and charged with felonious assault and murder. The press accounts of the trial indicate that it was little more than a formality and the Mabrys were soon cleared of all charges. When the verdict was announced they were congratulated by those present in the courthouse and were wished well all day on the streets of Knoxville.\(^{19}\)

Mabry had part of his revenge. All that remained was to reciprocate the injustice he felt O'Connor had done him. To augment the hostility Mabry already felt toward O'Connor as a result of Will's death, O'Connor began to buy land from Mabry's family estate at a time when they must have needed money and hence were forced to sell at a very low price.

In June, 1882, O'Connor purchased from Joseph, Jr., one-seventh of the family estate for $500. In September, Laura Mabry, General Mabry's wife, sold O'Connor another one-seventh (60 acres), also for $500. The transfer agreement carried the stipulation that she had an absolute right to repurchase within three years.\(^{20}\) This indicates that the Mabrys must have been in financial difficulty but felt certain that they would get out of it. General Mabry evidently thought O'Connor was a Shylock and was after his "pound of flesh."

On the night of October 18 at the Fair, Mabry and O'Connor ran into each other and began arguing. Mabry upbraided him for making

\(^{19}\)Ibid., October 10, 1882.

\(^{20}\)Deed Book X-3, pp. 902, 178.
threats against his life, and challenged him to fight it out then and there. O'Connor said that it was not the time or the place, and friends succeeded in separating them.  

O'Connor's conception of the proper time and place became evident two days later. It was raining and muddy in Knoxville as Mabry and Robert Steele were innocently walking down Gay Street between Clinch and Church streets. At 10:20 a.m., O'Connor was hiding in the door of his bank, the Mechanic's National, as the men approached. Suddenly he leaped into the open and shot Mabry with a shotgun. A crowd began to gather immediately. O'Connor waved them aside and shot Mabry again. From inside the bank he was handed another gun, he then yelled for Steele, who had ducked into a store, to come out. At that moment, Joseph Mabry, Jr., who happened to be near by attending to some business matters and had heard the shots, ran into the street, drew his pistol and fired at O'Connor. The shot found its mark, but as he fired O'Connor saw him, wheeled around and shot him. Two minutes from the first shot, all three men were dead and seven bystanders had been wounded.

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21 Knoxville Daily Chronicle, October 20, 1882.

22 This is the same man who was with Mabry when Lusby accosted him.

23 Account is taken from both Times and Chronicle, October 20, 1882; this press account of the killing was used by Mark Twain in Life on the Mississippi to illustrate his point that life in the South was not entirely as gentle as many Southerners contended. Mark Twain, Life on the Mississippi (New York, 1961), pp. 238-239.
The newspapers were appalled by this outbreak of violence, which they deemed to be the worst since the Civil War. The attitude, if not the expressed sentiment, of the papers was in O'Connor's defense. Their comments lead the reader to believe that O'Connor was justified in what he did because he had received a threatening note from Mabry. They do not mention that O'Connor had first threatened Mabry, and worse yet, had murdered him from ambush.

It was a fairly common occurrence for men to settle their arguments violently during this past, Reconstruction era. Since many men went about armed constantly when they became angry they simply settled it "then and there" and the instruments used to settle the differences were too often violent.

In any event, October 20, 1882, was a good day for the fourth estate; they sold more newspapers on that day than on any other in Knoxville history. The obituaries were of the usual type, the only detrimental comment being on Mabry's heavy drinking since complications had overtaken his business. Otherwise, he was considered the most liberal and generous of open-handed gentlemen.\(^2\) He was interred at Old Gray cemetery beside six of his children who had died earlier.\(^2\)

General Mabry had certainly lived a full life during his 57 years. Born into a wealthy and influential family, he rose to a lofty position in social, political, and financial circles. He was

\(^2\) [Knoxville Daily Times, October 21, 1882.]

\(^2\) [Moore, Old Gray Cemetery, p. 84.]
able to impose his will on the local and state government with what is best described as that raw and sometimes brutal power that results from wealth. He was reputed to be kind hearted and generous to his friends, yet an awesome figure to those who opposed him. He was neither a great saint nor a great sinner, rather an extraordinarily powerful gentleman who sometimes was willing to sacrifice consistency for expedience. Circumstances, some of which were certainly of his own creation, destroyed first his financial well being, then seem to have undermined his mental balance. Toward the end he was not the same man that undertook to establish a clothing depot to supply Southern troops all the way to New Orleans. The man who was reduced to a shooting argument at the Fair was not the man that had taken such a leading role in getting the agricultural movement underway in East Tennessee. As times changed, so Mabry changed, but unfortunately his changes were not always for the best.

General Joseph Alexander Mabry is probably not a name that will live forever with historians, but he was certainly a man who played a considerable role in the development of the French Broad-Holston country and, as such, deserves recognition.
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VITA

Jerome G. Taylor, Jr., is a native East Tennessean. His early education was in the public schools of the city of Knoxville and he later attended high school in Chattanooga, at the McCallie School. He then began his work at the University of Tennessee and received a Bachelor of Arts degree in 1964 with a major in history and minors in political science and philosophy. Upon graduating he enlisted in the U. S. Army and was sent to the Defense Language Institute where he studied the German language for six months. After being released from active duty he won a fellowship from the Chapman College, Orange, California, which enabled him to spend a semester traveling around the world studying aboard ship in their Seven Seas Division. He then returned to the University of Tennessee and completed the work for a Master’s degree in History, with an emphasis on Tennessee history.