



# SAVE THE FRANKLIN BATTLEFIELD, INC

September, 2019

[www.franklin-stfb.org](http://www.franklin-stfb.org)

Dedicated to the Preservation, Protection, and Promotion of  
Civil War Sites in Williamson County, Tennessee

*Editor's note: The September newsletter is mostly reprints of articles published in local newspapers.*

Letter to the editor: Date: August 26, 2019

About 25 years ago I walked the Franklin battlefield as best I could. I had to maneuver around a Pizza Hut, a Domino's Pizza, a strip mall, a golf course, a flower shop and other modern intrusions. I also took notice that six streets were named after six Confederate generals. I also learned that time really and truly had fragmented the story of the Battle of Franklin.

Several years later, on another visit, I noticed that six wooden posts had popped up along Columbia Avenue. Each had the name of one of the six generals who had streets named after them. These were in addition to six busts of the same six generals that were on display at the Carter House. I was confounded. I knew that the posts did not properly denote where the generals had fallen or where they had died. I asked around to learn if anyone knew who had put the posts up and no one seemed to know.

Through the years the questions about the posts have been almost endless. We regularly heard from visitors, especially at Carter House, who were more than confused by the posts. The responses we have had to provide have been about as endless. "No, General Strahl did not die next to the Carter House mailbox." "No, General Adams did not die on Columbia Avenue. He died close to Adams Street." "No, that post is not for Tod Carter, it is for General John Carter." And on and on.

Even the Cleburne post, which was on Cleburne Street and was about as accurate as to location as any of the other five, disappeared a couple years ago. No one seems to know what happened to it.

A few years ago, the Civil War Historical Commission (formerly the Battlefield Commission) began looking at the disparate signage all around Franklin and discussions ensued about how to make  
**See LETTER, page 2**

## New & Renewing Members August 2019

Karen Arnsdorf	Chippewa Falls, WI
Edwin Bearss	Arlington, VA
David Berry	Jacksonville, FL
Angela Calhoun	Franklin, TN
The Carter House	Franklin, TN
Cam & Kristine Close	Newark, OH
Brandywine CWRT	West Chester, PA
Cape May CWRT	Del Haven, NJ
Hoosier Blue & Gray CWRT	Connersville, IN
Salt Creek CWRT	Glen Ellen, IL
Jim Danley	Germantown, TN
Robert & Shirley Dennison	Franklin, TN
Tom Dodson	McDonough, GA
Michael Duncan	Brentwood, TN
Daniel Fell	Burlington, IA
Fort Negley Visitor Center	Nashville, TN
Michael Green	Tulare, CA
Sam Huffman	Brentwood, TN
James Joslin	Atlanta, TX
Dot Kelly	Knoxville, TN
Mel Mauer	Westlake, OH
Ben Nance	Nashville, TN
Mary Ann Peckham	Reliance, TN
Mark and Karen Perreault	Norfolk, VA
Andrew & Nancy Ramsay III	Berryville, VA
Samuel Smith	Brentwood, TN
Timothy Traver	Clay Center, OH
19 Virginia Vol Inf Hq	Monroe Twp, NJ
Representative Sam Whitson	Franklin, TN

## STFB Annual Meeting & Dinner

Our dinner will be held Thursday, November 21 at 6:00PM at St Paul's Episcopal Church. Details and registration in October newsletter. **Save the date.**

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## **LETTER continued from page 1**

everything more uniform and historically accurate. Since we had spent years working to save the battlefield, we also talked about how we owed it our guests and to the future to make sure that we did the best job possible on all fronts. This included looking at the wooden posts which were never accurate in any sense of the word other than the spelling of a last name.

Recently the posts were removed. They were not removed because of a whim or as the result of some ulterior motive. They were removed as part of an overall effort to be as accurate as we can be with a story that has long deserved to be told. In addition, interpretive signs have been placed on the battlefield detailing the story of what happened on Nov. 30, 1864 in a way that did not exist 20 years ago. As a matter of fact, three dozen interpretive markers have been installed in the last decade.

One of those markers, currently located south of Cleburne Street near a beautiful magnolia tree, details who Pat Cleburne was and denotes approximately where he fell. This is far more appropriate than a wooden post. Another marker not far away notes the approximate location of where Hiram Granbury fell. A marker detailing the death of Otho Strahl and the fighting that raged in the Carter garden is in the works. Another marker is planned to detail the incredible charge led by John Adams and his death. The deaths of States Rights Gist and John C. Carter are being discussed for another marker. It might be noted that neither Gist nor Carter died where they fell so marking any location is problematic because one can potentially outweigh the other.

All in all, the new interpretive markers detail the stories of the Battle of Franklin as a whole. Change is hard, and sometimes emotions can blur the facts, but the goal is to use facts and truth as guideposts.

Eric A. Jacobson - Chief Executive Officer  
The Battle of Franklin Trust

### **Where the Franklin public square ownership case stands now**

**Nashville Tennessean USA TODAY NETWORK – TENNESSEE by Emily R. West**

It's been a year since an attorney for the United Daughters of the Confederacy stood up in a public meeting and threatened to sue the City of Franklin if a project allowing signs near its Confederate statue went on display.

The City of Franklin decided to enter a judgment suit over who owns the public square. As a result, the two parties still sit in a discovery phase of the case.

Judge James Martin was supposed to hear the case in March, but it's since been in a stalemate.

Here's what has happened since last August.

#### **What the city asked in its discovery request**

City attorney Shauna Billingsley filed a discovery motion.

Within her questions, she asked for the group to admit it held no ownership stake in the square.

In the 36-page filing, the city asked the UDC to answer 25 questions about the group's claims of ownership.

Billingsley also asked the UDC to provide documentation of any property taxes paid during the last five years on the land it says it owns. She further solicited for documents related to articles of incorporation and dissolution of the UDC with the Tennessee Secretary of State. According to the state office, the UDC hasn't been an official group since 1991 after its founding as a business entity in 1989.

#### **Arguments over deeds**

The Daughters of the Confederacy have continued to assert their ownership, basing their facts on 1899 Williamson County quarterly court minutes and a documented history written in 1910 about the Franklin chapter.

Later, they said in court filings that two women purchased property on the square.

No deeds in the Williamson County Register of Deeds Office support that claim.

Former historian and UDC member Virginia Bowman, who died in 2018, noted in a 1997 court affidavit that no deed had ever been found for the monument.

#### **Franklin offers settlement**

After a judgment suit sat in limbo, Franklin's legal team offered a settlement in January to the UDC.

That offer went nowhere.

The city offered an official deed to the Daughters of the Confederacy for the square's Confederate monument and 1,000 square feet around it. Ward 2 Alderman Dana McLendon announced the UDC didn't want to

settle. But UDC attorney Doug Jones later told The Tennessean the UDC never received an opportunity.

#### **Markers will still go up**

Aldermen approved in February that two of the markers depicting the history of African Americans in Franklin could go in the square. The new markers will go within feet of the 1899 Confederate statue, placed by the women 120 years ago.

Markers will address the Williamson County Courthouse and Market House, where African Americans were sold as slaves. Before the Civil War, about 12,000 slaves resided in the county.

Another marker in the circle will discuss the Battle of Franklin.

#### **About the Confederate monument**

The Daughters of the Confederacy placed the Confederate soldier statue on the square to remember those who died in the Battle of Franklin.

Around Franklin, the statue's nickname is Chip, after a chunk of the soldier's hat disappeared during its

installation.

“In legend and lay, our heroes in gray shall ever live over again for us,” part of the inscription reads.

The Daughters of the Confederacy spent nearly \$2,700 to erect the monument.

The City of Franklin decided to enter a judgment suit over who owns the public square. The city and the United Daughters of the Confederacy still sit in a discovery phase of the case.

Reach Emily West at [erwest@tennessean.com](mailto:erwest@tennessean.com) or 615-613-1380 and on Twitter at [@emwest22](https://twitter.com/emwest22)

### **Removal of Civil War markers draws ire Sons of Confederate Vets cite heritage law**

**Nashville Tennessean USA TODAY NETWORK  
– TENNESSEE by Emily R. West**

**FRANKLIN** – A complaint filed with the Tennessee Historic Commission alleges that wooden stakes marking the deaths of Confederate generals were improperly removed.

The Franklin chapter for the Sons of the Confederate Veterans filed the complaint last week, claiming the City of Franklin removed six wooden stakes from Columbia Avenue. Each stake symbolized a Confederate general who died in the Battle of Franklin during Nov. 30, 1864. Stakes were installed in 1999, but the SOV said the removal violated the Tennessee Heritage Protection Act, according to the complaint.

State law allows for the protection of monuments and memorials erected before 1970 and those lawfully created after 1970. Neither the City of Franklin or Williamson County’s historian know who provided the wooden stakes in the state’s right-of-way.

“The city reached out to us over a year ago during their conversation, asking if these posts (are) under the provision of the act,” Tennessee Historical Commission executive director Patrick McIntyre said. “We checked with legal counsel and what we found, these stakes were all placed after 1970. The law makes a distinction. We don’t have the authority to grant permission, but they asked us for a read on this situation, and I said it didn’t fall under the act.”

Legal counsel for the Sons of Confederate Veterans didn’t respond to a reporter’s request for comment.

#### **Why the stakes were removed**

Franklin’s Civil War Historic Commission decided to remove the stakes — which stood out of the ground with a general’s name on the side — due to lack of historical context and confusion it created to visitors. The Battle of Franklin is explained on large markers down the state highway at Carter Hill Battlefield Park and at the Carter House.

Two of the historic local commissioners said the stakes were also not placed in the correct spots to mark where the generals died. The men — Thomas Cartwright and Eric Jacobson — help maintain the Lotz and Carter houses.

“Their removal was part of a broader effort by the commission to review a wide variety of signage that had been placed over time with a goal of providing the public with the best, most accurate, and informative markers and signage about Franklin’s Civil War history,” Franklin City Administrator Eric Stuckey said.”

Streets are also named on Columbia Avenue and around Franklin for the generals who died.

McIntyre said he was unsure what would happen with the complaint. All complaints regarding the Heritage Protection Act have a deadline of 120 after an item is removed. The stakes were removed April 1 and April 2, but the complaint didn’t come before the state until Aug. 13.

“It didn’t meet the timeliness,” McIntyre said. “We are in conversation with legal as to where we go next.”

#### **Legal complaint in limbo**

Nearly a year ago, Franklin’s chapter of the United Daughters of the Confederacy alleged they owned the public square. That quandary accelerated the group and the City of Franklin into a judgment suit, which has petered into no movement for the last six months.

The UDC made the claim over ownership when a proposal to add new markers depicting African-American history went before Franklin aldermen. As part of the proceedings, the city has asked the UDC to answer 25 questions about the group’s claims of ownership.

Motions filed in the case showed the UDC based their claims on 1899 Williamson County quarterly court minutes and a documented history written in 1910 about the Franklin chapter. It also claimed that two women purchased land in 1899 and 1907 on the square.

However, neither of those documents exist in the Williamson County Register of Deeds Office in present day.

Further, no deed exists for the property in the Williamson County Property Assessor’s Office. Former historian and UDC member Virginia Bowman, who died in 2018, noted in a 1997 court affidavit that no deed had ever been found for the monument.

#### **About the Franklin Civil War Historic Commission**

The city’s commission — previously named the Battlefield Preservation Commission — is comprised of 18 members. Members make recommendations to the Board of Mayor Aldermen and act as an advisory committee.

Commissioners are from 10 groups throughout the city, including Save the Franklin Battlefield, Sons of Union Veterans, Sons of Confederate Veterans, Battle of Franklin Trust, Heritage Foundation of Williamson County, Tennessee Preservation Trust and city aldermen.

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# Save The Franklin Battlefield, Inc

PO Box 851  
Franklin, TN 37065-0851

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## September, 2019

### Save the Franklin Battlefield Membership / Renewal / Order Form

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Address \_\_\_\_\_ City \_\_\_\_\_

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QTY	Item	Price	Total
	Annual Membership: Individual \$20 ~ Family \$30 ~ Corporate \$50 (circle one)		
	Donations: <b>Marker Fund</b>		
	<b>Land Purchase Fund</b>		
	"Retreat from Pulaski to Nashville" ~ limited & numbered reprint edition, hardcover	\$20.00	
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