

# Some Revolutionary Heroes of Rutherford

## Incidents of The Revolutionary Period in Rutherford County and Sketches of Some of the Participants.

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PART EIGHT.

William Gilbert.

Lyman C. Draper, who published in 1881, his "Kings Mountain and Its Heroes," says on page 159:

"William Gilbert, with whom he (Major Dunlap) was stopping (at Gilberttown) while recovering from his wound, was a loyal friend of King George; and while he himself seems to have gone off with Ferguson, Mrs. Gilbert and family remained to take proper care of the invalid."

In making this assertion Draper placed Gilbert in an unpleasant light and made an error which has been regretted by the many descendants and relatives of this worthy man until this day. In December, 1898, there appeared an article in a Nashville, Tennessee, newspaper, written by Hon. Flournoy Rivers, of Pulaski, Tenn., one of the state's outstanding historians, in which he proceeded to correct this error made by Draper, which was also copied by others. The clipping has been preserved by Mr. Horace L. Carpenter, of Rutherfordton, and through his kindness the portions of the article vindicating the good name of Gilbert is reproduced here:

William Gilbert, of "Gilbert-Town." This article is intended at present to be only an outline as to these two pioneers, William Gilbert and James Holland, because I am under promise to compile at some early date a more extended refutation of the statement contained on page 159 of Draper's "Kings Mountain and Its Heroes," that William Gilbert, of Gilbert-Town "was a loyal friend of King George."

Judge David Schenck, of Greensboro, N. C., follows Draper's statement in his "North Carolina in 1780" but he has conceded his error. Dr. Draper is dead. He never visited this locality, never examined the court records of either Tryon, Lincoln or Rutherford, a strange oversight for so indefatigable an investigator, and he seems to have presumed that Gilbert was a loyalist simply because Major Ferguson camped at Gilberttown, as though an invading army would ever quarter on a friend while in an enemy's country.

As a fact, the Assembly was then sitting at Hillsborough, and Gilbert being the county's Representative in the House of Commons was most likely absent there, and Ferguson in his absence most probably quartered on him as an object-lesson by way of "making treason odious," as it were. It was often so done during the recent civil war.

At the July term, 1775, William Gilbert took his seat as a Justice of the Court of Pleas and Quarter Sessions with William Graham and several others known to North Carolina history, and this court he adjourned for lack of a quorum at its April term, 1776.

"Under Which King, Bezonian?" On October 25, 1775, he and many others, including the "Committee of Safety," signed the "Association Oath," which reads more like a miniature "Grand Remonstrance" than an oath of fealty—profound regret that his Britannic Majesty had been so ill advised as to encroach on the undoubted rights of the colonies as Englishmen, with the firmly expressed intention of sustaining both the Continental and the Provincial Congresses. See North Carolina State Records, Volume 10, pages 296, 297.

In 1777 and 1778 Gilbert was assessor of taxes in Capt. McFadden's militia district, and in 1778 collector. At the July court, 1778, he took his seat as a Justice of the Court of Pleas and Quarter Session under the new Government.

In January, 1779, he represented Tryon county in the House of Commons, and on Monday, February 8, 1779, he was expelled from the House and forced to resign his commission as J. P., on the charge of duplicating his vouchers as commissary of the militia of Tryon county. See N. C. State Records, Vol. 13, pages 603, 703, 708, 714, 715.

How He Was Vindicated.

What was the right of the question, in all likelihood will never be

known, for Gilbert, denying his guilt, was again chosen Representative from the new Rutherford county in 1780, 1782, 1783. In 1781 he was again appointed a Justice, and at the October term he was made Chairman of the Court. The court vindicated him of the Legislative charge of duplicating his vouchers by the following order:

"On motion of William Gilbert, Esq., and testimony produced to the satisfaction of the court, it is ordered that the opinion of the court be entered on the records, to-wit: It is the opinion of the court that the said William Gilbert is not guilty of the charge laid against him to the General Assembly, and we do certify that the said William Gilbert never plundered, nor was guilty of plundering, to our knowledge."

In October, 1783, he designed to visit his wife's relatives in Philadelphia, and the court, sitting at his son-in-law's house, prepared, under the seal of the court, a statement of his standing and civic virtues, by way of a letter of introduction: "That the said William Gilbert hath long been an inhabitant of this county, hath frequently represented the same in General Assembly, that he is first in commissions of the place, and that it appears from the lists of assessment returned into the clerk's office that he is possessed of and hath given in for assessing more taxable property than any other person in the County of Rutherford, and that he hath uniformly distinguished himself as a warm Whig and a true friend to his country in times of the greatest distress and defection during the war."

After the "warr" he lost his property, was engaged in numberless suits at Rutherfordton in consequence of this, sojourned for a time in 1786, 1787 and part of 1788, at Charleston, S. C., and died at Gilberttown (which he had sold to Maj. James Holland, his son-in-law) in 1790; but the locality of his grave there is unknown. His wife survived him until December 22, 1822, having been born in 1737. She is buried where her son-in-law settled, at "Holland's Ford," "Holland's Ferry," on Duck River, above Columbia, in the fourth District of Maury County. Gilbert's 5,000-acre grant there was No. 110, July 10, 1788, entry 542, October 27, 1783. See Land Office Records; capitol, deed book 2, page 593, Franklin, Tenn.

He was a Presbyterian in religion. His wife was Sarah McCandless, of the Scotch-Irish family of that name in Southeast Pennsylvania, and he himself was a Scotch-Irish immigrant.

Major James Holland.

James Holland was sheriff of old Tryon county before its division in 1779, from July 1777, to July 1778. He qualified as sheriff July 23, 1777, On November 26, 1776, by the Provincial Congress, then sitting at Halifax, he was named Second Lieutenant of Capt. Joseph Hardin's company, Col. Francis Lock's Regiment, North Carolina Militia. See N. C. State Records, Vol. 10, pages 931-937. (Capt. Joseph Hardin was the member from Tryon county in that Congress, afterwards removed, to Tennessee; Hardin county was named for him, and I think he was the progenitor of the Hardins of that section.)

Lock's Regiment defeated the Tories at the battle of Ramsour's Mill, near the present Lincolnton, N. C., on June 20, 1780, but I am not able to give any details of Holland's military services or rank. Book A, entry, 6,908, in the Auditor's office at Raleigh, N. C., shows an allowance of eleven pounds, three shillings, made him under the head of "services."

After the war he was in the State Senate, 1783, 1797, and in the House 1786, 1789.

He was a member of the First board of trustees of the University of North Carolina, 1789-1795. He was also a member of the second North Carolina Constitutional Convention, that adopted the Federal Constitution, 1789, and was in Congress in 1795 to 1797 and 1801 to

1811.

On October 15, 1793, he was licensed to practice law in Rutherfordton.

In January, 1780, he married Sarah Gilbert, daughter of William Gilbert, the marriage bond being dated January 12, 1780.

During his first term in Congress his oldest son, William Blount Holland, had been sent with his effects and negroes to open a settlement on his land grant on Duck River, in the present Maury county (Tenn.) This removal to Tennessee must have been in the winter of 1808-09, because taxes were assessed between the November term and the February term of every County Court, and I found at Columbia, Tenn., a petition from Maj. Holland—Tuesday, March 17, 1812, page 342—praying to be released from the double tax penalty laid on delinquents for the year 1809 and 1810. His property was evidently there then, and his son, William Blount, died at the new settlement June 16, 1810, the first burial in the new graveyard there. Major Holland served his last term as a North Carolina Congressman, 1809-11, after the partial removal of his family and effects to his Tennessee settlement. He contemplated an earlier removal, but being taunted by some unfriends that his removal was timely, he accepted the challenge, announced his candidacy and was once more elected.

In 1812 he was named a Justice of the Peace for Maury county, Tenn., (Legislative Journal) and served until 1818, I think. I have him noted as signing the court minutes as late as January 26, 1818.

182— he was an unsuccessful candidate for Congress in this district.

For a full history of his land grants, see the case of Childress vs. Holland, Third Haywood's Tenn. Rep. page 274. His will is construed in Second Yerger's Tenn. Rep., page 341, in the case of Tyree Rods and wife vs. James Holland, Jr., and others.

The Haywood case was decided in 1817, and the will case in 1830.

The former case discusses both his and Gilbert's grants, which were continuous, at the mouth of Fountain Creek, on Duck River, Maury county. Both are "treasury" not "service" grants, as they show on their face, and chapter 51, page 55, acts of 1820, allowing him time to prove that the consideration of the entire grant had been paid, shows the same thing.

Holland's grant lay on both sides of Duck River, at the mouth of Fountain Creek, and the Gilbert grant embraced both sides of Fountain Creek.

By tradition in Tennessee and in western North Carolina, by such writers as Draper ("Kings Mountain and Its Heroes") and in the epitaph on his tombstone, he is called "Maj. Holland", as he is in the Childress-Holland lawsuit (1817) in Third Haywood's Report.

I do not know if he really was a major in service during the Revolutionary War or in the militia afterwards. The epitaph on his tombstone is a long one."

"In memory of Maj. James Holland, who was born A. D. 1754, and departed this life on the 19th of May, 1823, in his seventieth year. He served his country in a military and civil capacity throughout the war of American Independence, and was afterwards for many years a member of the Legislature of North Carolina, and a Representative in Congress from that State. In 1811 he retired to private life with great popularity and weight of character after an arduous and faithful public service of thirty-seven years."

The grave yard is now owned by Jeff Gilliam, and is in the present District Four, of Maury county.

I omit the moralizing part of the epitaph. He made his will February 25, 1816 probated January 8, 1824, and of record in Will book "C," volume 1, pages 145, 146, county clerks office at Columbia.

His widow died at Tuscaloosa, Ala., September 10, 1841, and is buried there.

Major Holland is even yet called by tradition in Western North Carolina "Big Jim" Holland, from his size. His people were Episcopalians. He had doubts about the equality of the Christ in the God-head and was most likely a Deist. I am told he was.

Major Holland's 5,000 acre grant was No. 74, issued July 10, 1788, on entry No. 421, October 25, 1783.

See records in the Tennessee Land

(Continued on Next Page)

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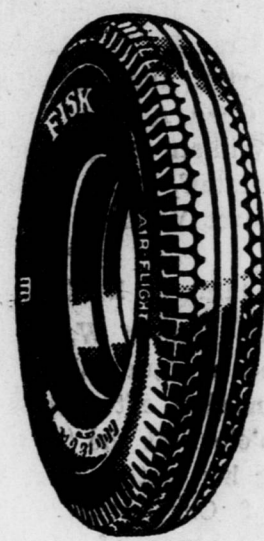


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