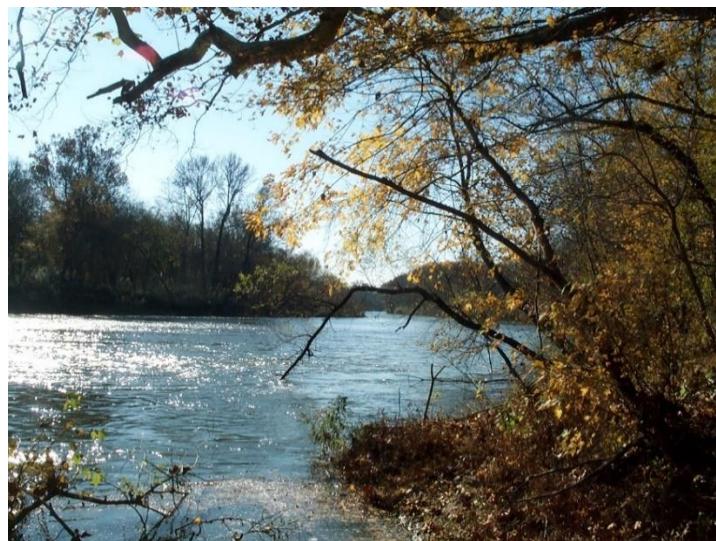


## JACOB BROWN, THE TRADER MORE QUESTIONS THAN ANSWERS

Jacob Brown...the trader, blacksmith, husband, father, adulterer, money-launderer, and real-estate agent is one of those people that leave you wondering what made him tick...you wonder just who was Nancy Henderson...did Ruth know about the relationship between her husband and Nancy...and was Ruth just happy to get Jacob out of South Carolina for a while? So many questions.

According to websites and family trees on Ancestry.com, it is suggested that Jacob came from an area called “Browns Creek” in the 96 District (one does not call it the “96<sup>th</sup> District”, as I found out in my research), in Union County, South Carolina. He was born in 1736, likely the child of Gabriel Brown and wife, Mary Keen Brown. A source that feeds the theory that he was from South Carolina is the Union County, South Carolina Probate Court, Minutes of Union Court, Book A (1783 – 1791). A list of Brown names from the index show that there is a Jacob Brown mentioned, as well as Gabriel, George, Daniel, Hannah, Joseph, Rath, and Ruth. Jacob was married to Ruth Gordon around 1760 and were the parents of four sons, Jacob Jr., Thomas, Benjamin, and John Gordon—all were born before Jacob left South Carolina and came into the Nolichucky River area in 1772 (Lyman Draper, “Kings Mountain and Its Heroes”).

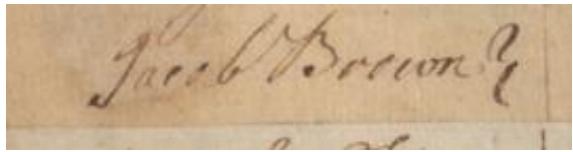
Now, many have speculated that Jacob and his wife, Ruth were “estranged” or had “separated.” I don’t buy into this theory. I believe that Jacob heard that settlers were beginning to move into the land across the mountains, and he saw an opportunity. He knew that these settlers would need supplies, his blacksmithing talents, and he possibly had ideas of becoming a 1780’s version of today’s real-estate agent. Ruth, I suspect, told him to go on and do what he felt he needed to do. It has been suggested that she was staying close to the Gordon relatives in South Carolina. He felt that Ruth and the children were safe, and she felt secure with her family.



A view of the Nolichucky River from Jacob Brown’s property.

Shortly after arriving in the Nolichucky area in 1772, Jacob entered into a lease agreement with the Cherokees. He set up a trading post, and became known to the natives and the other settlers who were

migrating into the area. Although the Cherokee and the settlers traded goods and at times had a friendly relationship, there were times of hostilities, as well. The settlers were not satisfied with the lack of protection and assistance from North Carolina, especially since they were still taxed by the state. They assembled in a convention and elected thirteen citizens as “Commissioners.” Jacob Brown was one of these. The organization was called, “the Watauga Association. Their goal was to set up a small government here in the wilderness, settle disputes, keep records of land transactions and deal with other day to day legal proceedings.



Jacob's signature on the Watauga Petition (1776), the document sent to the North Carolina General Assembly asking that the state provide them with a more formal local government.



The “signature” marks of the Cherokee Chiefs who signed the Watauga Purchase: **Oconostota** (Oconostota), Chief Warrior and representative of the Cherokee Nation, **Attacullicully** (Attacully), **Tennessy Warior**, and **Willinawaugh**.

Jacob having formed friendly relationships with at least some of the Cherokee was surely instrumental in the land transactions outlined in Washington County's Deed Book A. On March 19<sup>th</sup>, 1775, the first land transactions were put to paper at Sycamore Shoals (modern-day Carter County). The leaders of the Watauga Association purchased land from the Cherokee chiefs, Oconostota, Attacullicully, Tennessy Warrior, and Willinawaugh for 2,000 pounds sterling. A few days later, on March 25<sup>th</sup>, Jacob Brown made additional purchases from the Cherokee. These two transactions were for considerably less—10 shillings for one purchase and 700 pounds in Virginia money for the second purchase.

#### Two legends:

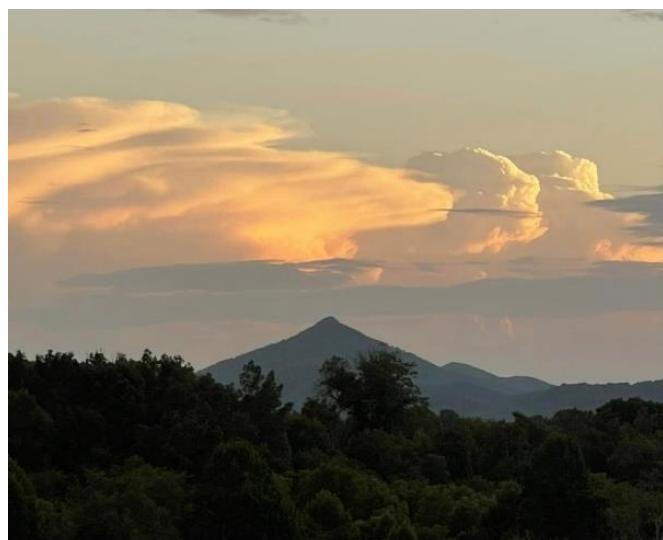
1. Brown had become acquainted with one of the Cherokee Chiefs and developed a friendship. Native tradition said that if you had a dream that someone gave you something, that person was obligated to give you that item—to have refused would have been disrespectful.

So, the two, the Cherokee Chief and Jacob were sleeping underneath the old treaty oak. Close to Jacob's side was his rifle and best hunting dog. When they woke up the next morning, the Chief said, “I had dream you gave me rifle and hunting dog.” Jacob was not happy about giving up his gun and best dog, but he did not want to risk their good relationship, so he gave in. By the time the two came together again, Jacob had a plan. In the morning, he woke up the old Chief and declared,

*“I had a dream that you gave me all this land.” At that, he spread his arms wide and gestured as far as he could see. The Chief, very unhappy at the proposition put before him, said, “What you dream, you must have, but white man, you no dream no more!”*

2. There is a tradition that an Indian chief came to him one day and said that the Great Spirit had told him to ask Col. Jacob Brown for his military uniform. Jacob could not quite give up his uniform and he told the chief as much. The next day Brown visited the chief and told him that he had a dream and the Great Spirit told him to ask the chief to give him all the land between the mouth of Big Limestone Creek and a certain point on Cherokee Creek. The chief complied and Jacob gave the chief his uniform, mules, a gun and some trinkets. As Brown was leaving, the chief called to him and told him not to have any more dreams, that he would not honor them.

I can imagine the two, down on the Nolichucky River making that agreement, sitting underneath the oak tree that became known as the “Treaty Oak.” When all was said and done, Jacob Brown had acquired a massive amount of land—from Chimney Top Mountain in Greene County all the way to Sams Gap, at the Tennessee/North Carolina border!! A rough estimate is over 536,000 acres...mind-boggling...over half a million acres.



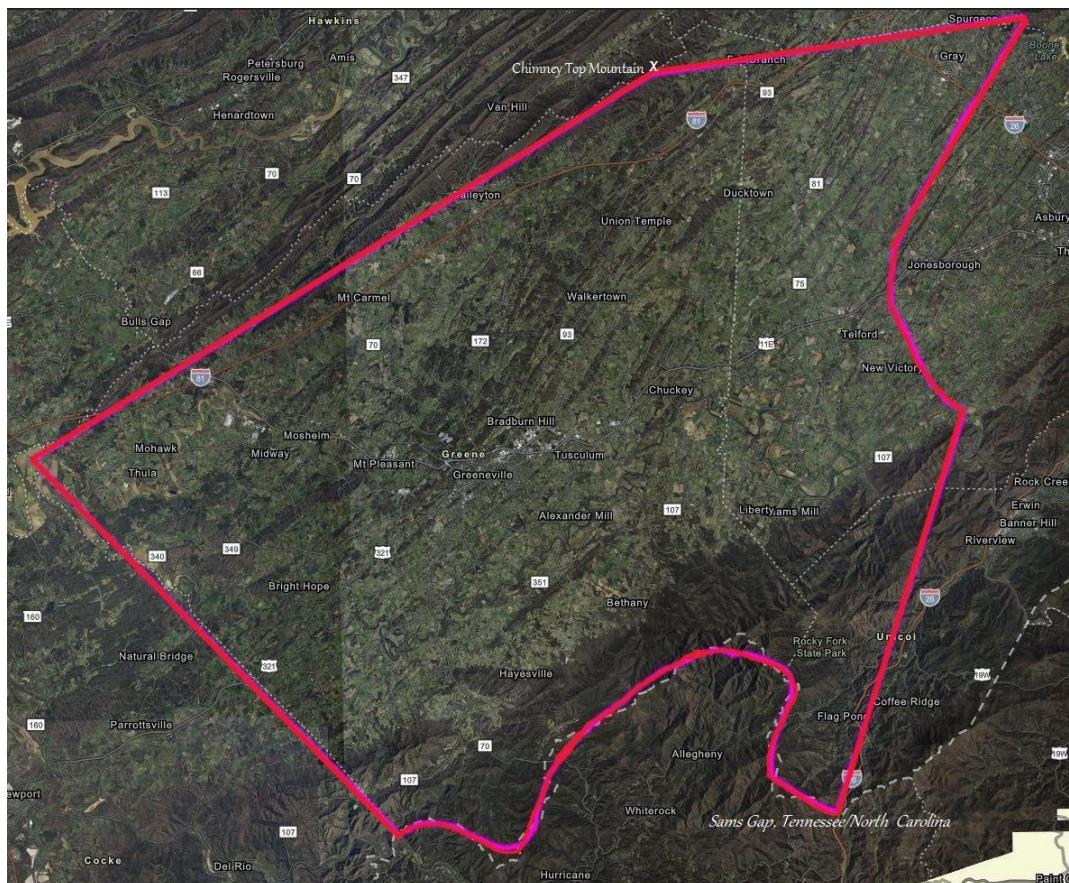
Chimney Top Mountain, Greene County, TN. Photo taken by Jill Riggs Rich, August 3, 2022.

From Chimney Top Mountain to Sams Gap!



Sams Gap, Tennessee and North Carolina border  
Google Image

### Map of Brown's Land



Descriptions of two parcels purchased by Jacob Brown from the Cherokee

#### Parcel #1

This indenture, made the 25th day of March 1775,  
between Oconostota, chief warrior and head

#### Parcel #2

A tract of land lying on Nonachuchy River,  
below the mouth of Big Limestone, on both

prince, the Tenesay Warrior and Bread Slave Catcher, Attakillakulla, and Chehnesley, Cherokee chiefs of Middle and Lower settlements, of the one part, and Jacob Brown, of Nonachuchy, of the other part – consideration ten shillings- a certain tract or parcel of land lying on Nonachuchy River, as follows: Beginning at the mouth of a creek called Great Limestone, running up the meanders of said creek and the main fork of the creek to the ridge that divides Wataugah and Nonachuchy, joining the Wataugah purchase, from thence up the dividing ridge that divides the waters of the Nonachuchy and Wataugah, and thence to the head of Indian Creek, where it joins the Iron Mountain, thence down the said mountain to Nonachuchy River, thence across said river including the creeks of said river, thence down the side of the Nonachuchy Mountain against the mouth of Great Limestone, thence to the beginning.

Brown had the idea to acquire land from the Cherokee and piece it out to the settlers in the area. This was not successful for Jacob. The first problem was that he sold the land for very little money. The second problem was North Carolina. To sum it up, as simply as possible, it was determined by North Carolina that the land transactions at Sycamore Shoals were between buyers and sellers who had no rights to the property. A proclamation by King George in 1763 had prohibited settlement of the lands west of the Appalachians—these were to be Indian lands and the settlers had no right to even be there, let alone, buy or sell the property! After the American Revolution, North Carolina began to hand out land grants—issuing these grants to property that Jacob had sold or was trying to sell. He attempted to fight North Carolina, but was unsuccessful.

### Nancy Henderson

One big mystery surrounding Jacob is his relationship with a woman named Nancy Henderson. We have searched high and low and cannot link her to anyone other than Jacob. The two were accused in 1783 of lewdness and adultery. "...The jurors upon their oath present and say that Jacob Brown Late of the County of Washington, Laborer, on the \_\_\_\_ day of \_\_\_\_ in County aforesaid was guilty of the Evil Habit of Committing adultery with Nancy Henderson to the Evil Example of others in Like case offending and against the peace and dignity of the State." [Dates not given] Obviously, Jacob and Nancy had some type of romantic relationship.

Jacob gave Nancy a life estate in a piece of property (180 acres) and the wording in this deed is perplexing, and in parts, even humorous. It is found in Deed Book 3, page 52 and is dated 1781. It reads in part, "...that the said Jacob Brown, as well for and in consideration of the natural affection which he hath and beareth unto her, the said Nancy Henderson as also of the sum of ten thousand pounds to him in hand paid by the said Nancy Henderson...Jacob hath given granted and confirmed unto her...the plantation where I now live with the mill and all the buildings..." So much about this deed is unusual. First, the wording, "natural affection," but then she gives him 10,000 pounds

sides of said river, bounded as follows, joining the rest of said Brown's purchase. Beginning on the south side of said river, below the old fields that lie below the said Limestone, on the north side of Nonachuchy Mountain, at a large rock; thence north 32 deg. West to the mouth of Camp Creek, on the south side of said river; thence across said river; thence north-west to the dividing ridge between Lick Creek and Watauga or Holston; thence up the dividing ridge to the rest of said Brown's land; thence down the main fork of Big Limestone to its mouth; thence crossing the river a straight course to Nonachuchy Mountain; thence down the said mountain to the beginning.

compensation for the land? And where, did she get so much money, IF in fact, money actually exchanged hands? Nancy was to live on the property until her death, "...that after the said Jacob Brown's death for the said Nancy Henderson, if she should be the longest Liver [how can you not smile at that word?], the above mentioned articles [the land, a mill and three slaves] to remain her property..." The end of the deed reads, "I Jacob Brown do promise that the said Nancy Henderson never shall be interrupted in my lifetime nor til her death of the above mentioned plantation nor negroes, neither by me nor my heirs, nor any claim..." He clearly intended her to live peaceably on the property, but that did not happen.

### **His Death and Afterwards**

Jacob only lived until the age of 49 and by tradition, he died in a hunting accident on Spivey Mountain while bear hunting on June 28, 1785. He was buried on his farm, on the Nolichucky River. Ruth, the wife in South Carolina came to the area to settle Jacob's estate. She and their son, Jacob were appointed administrators and they set to work to put the affairs in order. Numerous lawsuits were filed within Judicial Court and Superior Court. Probably for Ruth, the first order of business was to put out Jacob's mistress, Nancy Henderson. She and Jacob, as administrators sued Nancy and won the case against her. The court ruled that the deed whereby Jacob gave to Nancy Henderson the property and slaves to be fraudulent and of no validity. She was denied an appeal. It is fairly certain that Nancy had no children and it is not known where she went after being ousted from the property that Jacob had deeded to her.

In 1936, the Daughters of the American Revolution, State of Franklin Chapter placed the river-rock marker in a ceremony on his grave. The original, hand-carved marker was incorporated into this new marker.



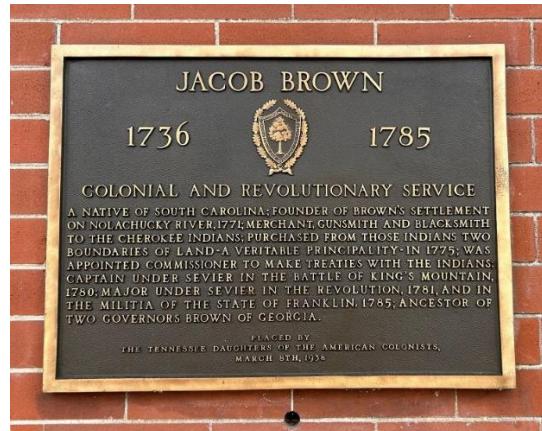
Jacob's tombstone was originally the small, oval-topped, hand-carved marker near the bottom of the marker. (Close-up shown on the right)

In 1938, a bronze tablet was placed on the Washington County courthouse commemorating Jacob Brown, Colonel and Revolutionary War soldier. The marker was placed by the Daughters of the American Colonists and remains there today.

### **JACOB BROWN 1736 – 1785**

#### **COLONIAL AND REVOLUTIONARY SERVICE**

A native of South Carolina; founder of Brown's Settlement on Nolachucky River, 1771; merchant, gunsmith and blacksmith to the Cherokee Indians; purchased from those Indians two boundaries of land-a veritable principality-in 1775; was appointed commissioner to make treaties with the Indians; Captain under Sevier in the Battle of King's Mountain, 1780; Major under Sevier in the Revolution, 1781, and in the Militia of the State of Franklin, 1785; Ancestor of two Governors Brown of Georgia. Placed by the Tennessee Daughters of the American Colonists, March 8<sup>th</sup>, 1938.



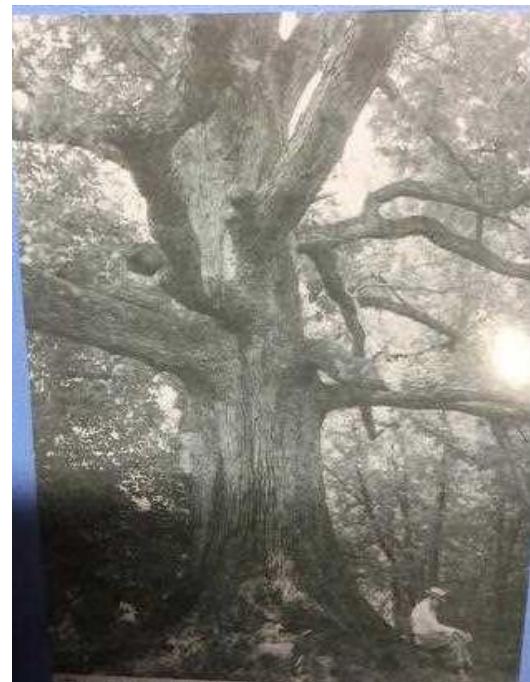
### **The Final Ending to the Story- The Treaty Oak, Another Legend and Photos**

The Treaty Oak was a tree and by legend, was the tree under which Jacob Brown and the Native Americans agreed on the lease of their lands. The tree stood on the property owned by Jacob and presumably, he lived nearby. Below are several photographs of the tree taken before it was taken down by a storm in May, 1958. Oddly enough, like the Daniel Boone tree, some of the wood was used to make gavels. To the best of my searching abilities, I can only document that four were made. They were given to: Congressman B. Carroll Reece, a descendant of Jacob Brown, (1961), Mayor Jose Q. Coloma (1964) who was the mayor of Johnson City's "sister city" in Ecuador. (It is in the newspaper article that it is stated that there were only four gavels made.) A gavel was also given to President Richard Nixon 1970.

The last gavel was given to then Governor Winfield Dunn at a reception in Johnson City in which Dunn spoke about the idea of a medical school in the Tri Cities area. Mrs. May Ross McDowell presented the gavel to him and he said that he had deep affection "for all those in this great area of our state."



This photo was shared with both Gordon Edwards and me (Donna Briggs) by Jim Hartsell, descendant of Jacob Brown.



Shared with the archives by  
Gordon Edwards.



As you can see by this photo, the tree was very large. The article states that it was eight or nine feet in diameter.

Johnson City Press, 28 May 1958, page 1

(Staff Photo)  
END OF AN ERA — The Jacob Brown oak tree, historical landmark in Washington County, withstood the storms of the centuries. But a windstorm recently conquered the huge tree. According to historical legend; Col. Jacob Brown, who founded the Nolichucky Settlement, signed a treaty with the Indians under this tree in the early 1700s. Brown was a great-great-great-grandfather of Rep. B. Carroll Reece who inspected the massive tree yesterday. The tree was eight to nine feet in diameter.

**One other legend about Jacob Brown:** Another story was that Jacob was out hunting one day and came across a severely wounded Cherokee child. He carried the child back to the cabin and nursed him back to health. After a few days, the child told Jacob that he wanted to go home. Jacob told him that he was free to go, as long as he felt like he could make the journey and would be ok. The child told him he was ready and left.

*After a few days, there was a loud banging at the cabin door. Jacob opened the door and there was the boy. He was frantic and said, “You leave! They come for you! Leave here now.” With that, Jacob hastily threw together a few items and left the cabin. He hid out in the woods where he could still see the cabin. After a short time—the same day, sure enough, there came a party of NAs, they raided the cabin and set fire to it, burning it to the ground.*

And with this, we declare,  
“THE END.”