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HISTORY OF THE WASHINGTON COUNTY ARCHIVES, PART I

Troubled Beginnings

The importance of the public records of Tennessee's first county was understood early on. It was understood so well that during the State of Franklin period when two rival county governments existed simultaneously, each rival was active in capturing and destroying the records of the other. In this way, each sought to enhance its' own legitimacy by undermining that of its rival. The gaps researchers find in records from the mid- to late 1780s demonstrates how successful this records destruction was.¹

Both the Franklinites and the anti-Franklinites knew an important fact about public records. Whoever controls them determines the history that will be written. This illustrates the value of a county archives. Without records being preserved, history cannot be preserved. As the English historian Lord Elton noted: "Historical study is not the study of the past but the study of present traces of the past; if men have said, thought, done or suffered anything of which nothing any longer exists, those things are as though they had never been."²

Winners write history or, at least, determine the slant written history may take. As they fought over records, the early settlers understood that if only the winning side's records were preserved, it would be their story that would be told.

Early Efforts

Things eventually settled down on the frontier. Life moved into a steadier current. During the 19th century, people married, bought land, sued one another, committed crimes, and all of this got put down on record and filed (and often forgotten) in the appropriate office slot in county government. About each generation, enough records were created to require the building of a larger courthouse to house them. No thought was given to an archive for handling permanent, inactive records. Such thoughts were a century away.

A small log building that stood, according to county historian Paul Fink, in what is now Main Street in front of the present courthouse, served as the county's first courthouse and was built in 1778.³ This building was soon outgrown, and a new two-story log structure was built in 1784 or 1785 (just as the State of Franklin movement was getting underway). This was replaced by a third courthouse, also a two-story log structure, in 1794. A jail was on the first floor. The courtroom was on the second floor, reached by a double flight of stairs on the outside. In 1820, this log courthouse was replaced by the first one made of brick, also of two stories. This building burned in early 1839. Fortunately, it appears there was time to remove all existing records

¹ For more on the struggle over control of county records during the Franklin period, see the author's "The Lost Records of the Lost State of Franklin," *Journal of East Tennessee History* 69 (1997): 84-96.

² G. R. Elton, *The Practice of History* (New York, 1967), 9.

³ Much of the information on the various Washington County courthouses is derived from a series of newspaper articles Paul Fink wrote for the *Jonesboro Herald & Tribune* in his "Did You Know?" column in the 1960s.

housed there before the fire reached them. It would be 1847 before another permanent home was completed for the courthouse. In the meantime, county offices occupied a frame building on Main Street owned by Samuel G. Chester. When completed, the 1847 brick courthouse had a basement and two stories. It was 42 feet wide and 78 feet deep, with a wing on either side of the front 22 feet wide and 42 feet deep. The building had a dome containing a clock that faced in four directions.

This courthouse was used until 1910. Much of the soft burned brick used in the foundation had deteriorated to such an extent by this time that its demolition was advised. Court was held in the Hoss and McCall building, while various county offices were scattered in buildings around town until a new courthouse was completed. In August 1912, the cornerstone of a new courthouse was laid with much ceremony, and in 1913, the present courthouse was opened. The clock from the 1847 courthouse was preserved when that building was demolished and its works installed in the clock tower of the new courthouse. It still is keeping the town's time over 150 years later.

Yesterday's treasures being today's trash, in the rush to build the 1913 courthouse, some of that overflow of records was apparently headed for the rubbish heap. It was then that the first major effort to save an important part of our county's records was undertaken. No archivist then stepped forward. There was none. Instead, it was left to a middle-aged mother and her teenage son, Paul Fink. According to legend, they retrieved and took home considerable amounts of the county's early loose records. In the course of his career as local historian, Paul Fink later made considerable use of this material in researching many articles and books on the history of Jonesborough and Washington County. But theirs was a private historical archive, not a public one even though it contained many public records of Washington County. Though Fink lived long enough to see the Archives of Appalachia, a manuscript repository, established at East Tennessee State University (ETSU), which cared for other Washington County records moved there for their safe-keeping, he chose to keep the public records he held private. These, unfortunately, have been dispersed among several repositories outside Washington County.

Modern Attempts

Another major action to save early county records occurred in the late 1950s. For once, it was initiated by county officials. In this case, the effort wasn't to create a county archives but simply to try and save old records then being stored in the courthouse basement from the periodic threat of water damage. This sudden impulse to preserve the records was the immediate result of a flood in downtown Jonesborough on the evening of May 5, 1958. During the flood, records stored in the courthouse basement were damaged and destroyed. Prisoners in the county jail had to be removed from their cells. At places along Main Street, flood waters reached a height of 40 inches.⁴ Soon after, County Judge James Elliott made arrangements with Dr. Burgin Dossett, president of East Tennessee State College (now ETSU), and Hal Smith, the school's head librarian, to store these endangered records at the library.

For about two decades, these records remained in storage, safe but inaccessible and unused. With the creation of the Archives of Appalachia in 1979 and the hiring of trained and

⁴ *Johnson City Press-Chronicle*, May 6, 1958.

professional archival staff, work finally began using modern archival methods to organize and make these records publicly available again. Initial staff included two very knowledgeable people on local and Tennessee history: Mildred Kozsuch, who would eventually serve as Washington County Historian, and Pollyanna Creekmore, one-time head of the McClung Historical Collection in Knoxville. They, and others who followed, had a formidable task ahead. Many hands over many years worked at arranging, housing, and describing these records.

The Washington County Court Records, as the collection came to be called, consisted of many of the loose court records found in the courthouse as well as sizeable numbers of bound volumes. The records were eventually organized by the office in which they were created, as follows: County Court (originally known as the County Court of Pleas and Quarter Sessions), 1779-1950; Superior Court of Law and Equity, 1785-1811; Circuit Court [which replaced Superior Court in Tennessee in 1809], 1801-1950; Chancery Court, 1830-1934; Justice of the Peace records (from the era when county magistrates also served as an early version of General Sessions Court), 1790-1965; and a group of miscellaneous records (largely loose records from various courts and offices that had at one time found its way to Duke University before being microfilmed and returned to Washington County in the 1980s), 1777-1944.⁵ In addition to the records that were processed, other unprocessed county records form a part of the collection and include records from the County Trustee's office as well as scattered records from other offices.

The size of this collection at about 800 linear feet is equally formidable. The time span of the records covers from the county's very earliest days in the late 1770s until the mid-1960s, though in most cases runs of records end in the 1930s or earlier. Anyone doing research needs to understand that gaps they may find in research at the courthouse in Jonesborough might turn up in this collection at East Tennessee State University in Johnson City. One of the great long-term goals of the county archives program is reuniting the records at ETSU with those in Jonesborough.

Since these records were opened again to the public beginning in 1983, thousands of researchers from many states and several foreign countries have made use of them. This has included everyone from genealogists tracing their ancestry back to Washington County to scholars researching articles, books, theses, and dissertations to documentary filmmakers. I have been amazed at the many different ways people are able to find uses of this treasure trove of historical documents. There was the scholar who came all the way from the Sorbonne in Paris to write her dissertation from 19th century store ledgers found in county court cases.

The collection has been a boon to many. It has also, I believe, revealed the need for a county archives and helped light the fire to begin that movement. Mildred Kozsuch's exposure to these records while working on them at the Archives of Appalachia played its part in convincing her of the need for a county archives. Beginning in the 1980s, she became probably the principal force in this effort. She prompted the idea throughout the community and got others interested, including the author. The revival of the Washington County Historical Association in 1988, which she led, had promoting and preserving the county's history and records as a primary goal. The state bicentennial and county history book project in 1996 helped revive historical interest in

⁵ Dates are the span dates for which there are records at the Archives of Appalachia. They do not refer to the dates the different offices and courts existed.

county history and increased interest in the effort to create a county archives. Mildred's role as County Historian gave her a bully pulpit to promote the idea. Her influence on achieving an archive for Washington County cannot be overestimated.

The First 21st Century Attempt

Around the turn of the century, two factors ignited a new phase in the development of an archive. First, Mildred's efforts had gathered a lot of adherents. Second, the Heritage Alliance, which had begun to collect some manuscript collections itself, was looking for a building in which to house them. The idea that it might also house county records was broached.

The National Storytelling Association owned the old post office building at 111 West Main Street in Jonesborough and was interested in selling it. The Heritage Alliance saw it as the building opportunity they needed. Space in downtown Jonesborough was rare. The idea of having the building also serve to house historic county records came up at this time, and the various interested parties studied the issue. The Heritage Alliance would seek to acquire the building and help the county organize an archive, as well as housing its' own archival and manuscript collections. However, after months of careful study and debate, in the spring of 2002, that organization decided, for various reasons, to refocus their efforts on other projects and not pursue buying the building.

Mildred, Judge John Kiener, and the author, who had all been involved in this effort, encouraged by the interest in a county archive it had created over the months, decided it was important not lose the momentum that had been gained. The focus now shifted to creating a county-owned and operated records repository. Support was sought from county officials, especially that of County Mayor George Jaynes, to continue the effort to create an archives. Jaynes appointed an Archives Study Committee to examine the issue and make recommendations to the County Commission. Headed by County Historian Mildred Kozsuch, members included Judge Kiener, County Commissioners Mary Alexander, W. C. Rowe and Joe Wilson, and the author.

Over the next three years (2002-2005), the committee met frequently as a group and with county office holders, department heads, and county officials. Part of their job was to learn what the needs were and get a handle on how many county records actually existed, determine how many might end up in an archive, located where all the records were, decide how much space might be needed, look for where that space might be found, and study how an archive might be funded. Part of the committee's job was educating county officials and the general public on the value of a county archive program. As time went on, this became, perhaps, our most important task.

Talks were given by members to numerous civic organizations and public gatherings. A large public hearing was held on March 16, 2004 in the main courtroom to look at the issue of a county archives and to promote both public input and support for such a program. The meeting was attended with a near capacity crowd of county commissioners, county officials, members of local historical societies, genealogical groups, and individuals with an interest in Washington County's history.

Committee members visited existing county archives in Robertson County at Springfield and in Hamblen County at Morristown to get ideas. Robertson County had converted an old jail into a county archive. Hamblen County had converted space in the existing courthouse. All became idea fodder for our own archive. Ultimately, the committee would look at doing a blend of both: storing records in old jail space and having a public research area in the courthouse itself.

The committee met with various committees of the county commission over the years. This included the Jail Expansion Committee to secure support of using the old jail space behind the courthouse for archive storage when courts moved to a new justice center and prisoners no longer had to be brought to the courthouse for court hearings. Meetings were also held at various times with the County-Owned Property Committee, Commercial, Industrial and Agriculture Committee, and the Budget Committee.

Various problems presented themselves as the study committee conceptualized an archive. These can be summarized into one of three major categories: 1) the volume and condition of the records, 2) where might an archive be housed and how big would it need to be, and 3) how would an archives be funded? Efforts would eventually run aground on the 2nd and 3rd set of problems.

To address the first concern, the author, assisted by various county office holders, conducted a survey of records held by the principal record-producing county offices (Assessor of Property, Circuit Court Clerk, Clerk & Master, County Court Clerk, County Trustee, Election Commission, Register of Deeds, and records at ETSU) to determine roughly how many records there were. The estimate was about 16,000 square feet of records, including the county records housed at the Archives of Appalachia. However, not all these records had permanent historical value. A further study would eventually need to be made to determine more exactly the amount of records that had permanent historical value and that should be in an archive setting. In addition to this needed storage space, it was estimated after discussions with officials from the Tennessee State Library & Archives in Nashville and local architect Tim Shaw that an additional 4,000-5,000 square feet would be needed for a public research area, offices, and work space. Ideally, the county archive would need a total of approximately 20,000 square feet to provide a proper archive space with some room for growth.

Several possibilities were examined in dealing with the second issue—where the archives might be housed. This included any courthouse space that might be vacated when the courts and court offices moved to the new Justice Center on Highway 11-E. The large second floor courtroom and office space elsewhere on the floor seemed a good possibility. The old Booker T. Washington School (then being used for storage by the county school system) was studied. The possibility of constructing a new building for housing the archives and some other county offices at a location either beside the new Justice Center or at someday midway between Jonesborough and Johnson City was suggested by some. The County Office Building at 103 W. Main Street in Jonesborough was mentioned as a possibility.

Ultimately, it was the planning to expand the county jail and build a justice center beside it on Highway 11-E that opened what was considered the best opportunity for an archive location. With courts, court-related offices, and prisoners no longer brought to the courthouse, considerable space would be opened up for expanding remaining county offices in the building as well as providing archive space. The county commission at an October 4, 2006 meeting gave approval of a motion that would move “county offices not already in the courthouse, including the county archive” to the courthouse when the justice center opened and court offices moved there.⁶

A public research area and office/work space would be identified elsewhere in the courthouse when space was made available. The large second floor courtroom and perimeter space around it was deemed the most likely space for this.

The two floors of the jail area at the rear addition of the courthouse were seen as most useful for archive storage space. This space had various positives for records storage. It was made of concrete and steel, ideal for storing records. It was largely fire-proof. It was well-above the flood plain of downtown Jonesborough. Some records were already being stored there anyway. The records would remain at the county seat where they could serve as a lure to attract visitors to the community. From an early stage, the county archive was seen as something that could promote heritage tourism, bringing people to stay, eat, and spend money in Washington County. This was a fairly recent concept that was gaining popularity.

Johnson City architect Tim Shaw and structural engineer Hal Spoden of Kingsport volunteered their time to the committee in studying the old jail space and provided advice and suggestions on its’ use for storing archival records. Some preliminary sketches and design study was done on the space (at no cost to the county). Among the concerns with the space they identified were the following: the space lacked proper HVAC for archives, it lacked public accessibility, there were reinforcement needs for housing records, and jail cells needed removing. All this would cost the county some one-time money to make the space habitable for county archives purposes.

By the fall of 2004, the Archives Study Committee had intensively studied the issue of a county archives and had garnered the support of several county commission committees to move forward with its creation. How to pay for the archives became an immediate concern. Approval was given to request that the county attorney “prepare a resolution requesting that the Tennessee General Assembly amend state law to authorize imposition of a dedicated fee generated from document filing to change the way fees can be used to handle and store archives.”⁷ The Archives Study Committee’s earlier findings had determined that such a dedicated filing fee could provide sufficient funds to operate the archives once the initial capital expense of preparing a facility was completed.

⁶ Minutes, Washington County Board of Commissioners, October 4, 2006, page 96. This motion made by Pete Speropulos was approved 22-2.

⁷ Minutes, Commerce, Industrial, and Agriculture Committee, September 13, 2004, Exhibit J in the Minutes, Washington County Board of Commissioners, September 27, 2004.

To determine actual construction costs, the committee eventually requested \$20,000 from the County Commission to do the planning and design work on the old jail space. This was approved unanimously by the three county commission committees that examined it: Jail Committee, Budget Committee, and Commerce, Insurance, and Agriculture Committee. However, problems developed when the request was presented to the full County Commission for approval of the funds.

After having to authorize \$127,845,608.00 for a new justice center, additions to the county jail, two new county elementary schools, and Johnson City's share of school building funding around this same time,⁸ many commissioners were reluctant to approve any new monies for any other project, even the modest sum being sought for the archives. On the motion of Commissioner Eddie Haren, a second proposal to provide \$20,000 for architectural planning on the old jail space was tabled. It never came off the "table", and this first 21st Century effort to secure an archive died there unresuscitated.

Several factors came together in 2005-2006 that brought a lengthy effort for an archive to a halt. There was the perfect storm of other county funding obligations. With all the other seemingly more important and pressing building project needs, the need for a county archives was more easily forgotten. Two of the prime supporters of the archive were also lost within the year. Joe Wilson moved out of district and off the commission; W. C. Rowe passed away suddenly in the fall of 2005. Their effective voices on the county commission were sorely missed by the archive movement.

In addition, the one hopeful outcome of the fall 2004 commission meetings—approval to seek a change in state law that would allow a fee to fund the archives—ran aground during the General Assembly session the following year. Before the General Assembly convened in January 2005, word came that Shelby County was proposing the creation of an archive filing fee, but it was worded to only be applicable to that county. The local legislative delegation asked that we wait and see the outcome of that bill's passage and the possibility of having it expanded to apply statewide. As it turned out, the session ended without this happening. The original bill allowing Shelby County to adopt the fee passed, but not any bill to expand its coverage to the state's other 94 counties. This left Washington County again without a funding mechanism for a county archive as had originally been hoped. It was ultimately the inability to solve the third archive issue, funding, that ended the effort in 2005-2006.

With no funding source and unwillingness on the part of county commissioners to fund the archives from the general fund, the archives movement was effectively ended for the time being. After having worked so hard, so long, its proponents were discouraged and in disarray. The effort for a county archives for Washington County went dormant.

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[To be continued.]

⁸ Minutes, Washington County Board of Commissioners, October 12, 2006, p. 230.