

With Consent and In Open Court: The Harbour Family of Hardin County, Tennessee

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Figure 1: Joseph Harbour

In August, 1866, 28-year old Marge Harbour entered the Hardin County Court House in Savannah, Tennessee. It was ordered that her three young sons, Joseph, Alexander and Wesley be bound out as apprentices to white men in the community until they turned 21- years old.¹ The court noted the action was taken with their mother's "consent in open court." Barely a year out of slavery there was enormous uncertainty in what the coming years would hold for formerly enslaved people.

After the Civil War, many states utilized apprenticeship laws purportedly to assist in the training of the children of orphaned or indigent parents. In several states, it was used simply as a tool to extend the reach of slavery.

Slavery and Civil War

Hardin County, located in southwest Tennessee, had never been a place where large slaveholders and plantations took root. The richest soils and largest numbers of slaves in the state were in the middle counties of Davidson, Rutherford and Maury and the far west counties of Shelby and Fayette. Hardin County was home to mostly small farmers. Of the 11, 214 people living in the county in 1860, only 1,623 were enslaved.² Some of those slaves would have lived in the house with and worked the fields alongside their slaveowner.

Marge Harbour had likely been enslaved by Elijah Walker, with whom she is living in the 1870 census.³ He was a Judge in the Circuit Court of Hardin County, the same court that apprenticed Marge's sons. In the 1860 slave schedule, Elijah Walker owned 16 slaves.⁴ Two of those slaves were females aged 21-years old, good matches

¹ Hardin County, Tennessee, County Court Minutes, Book G: 682-684, indenture of Joseph, Wesley and Alexander Harbour , 6 August 1666; FHL microfilm 980,993.

² "Historical Census Browser," database, *University of Virginia Library* (<http://mapserver.lib.virginia.edu/> : accessed 28 June 2010), search for total and aggregate slaves in Tennessee counties in 1860.

³ 1870 U.S. census, Hardin County, Tennessee, population schedule, 3rd civil district (CD), town of Savannah, p. 386 B. (stamped), family 30, dwelling 30, Marge Harbor in Elijah Walker household; NARA microfilm M593, roll 1534.

⁴ 1860 U.S. census, Hardin County, Tennessee, slave schedule, 4th civil district, p. 8-9 (written), E Walker, owner or manager; NARA microfilm M653, roll 1282.

for Marge Harbour who was 32-years old in 1870.⁵ In that census year, Marge also had two daughters, Linda, age 6 and Mary, age 3. By 1880, Marge was living in the 12th district, with daughters Elizabeth and Mary. She was listed as a widow. That was the last time Marge Harbour appeared in Hardin County records.

Marge had probably married a man who was enslaved by Elisha Harbour. Elisha lived in close proximity to Elijah Walker and he owned 15 slaves in 1860.⁶ That was a relatively large number for a county not known for large slaveholdings.⁷ Elisha's nephew Elijah owned 24 slaves in Hardin County's 3rd civil district,⁸ and they had other relatives who owned smaller numbers of slaves.⁹ Both Elijah and Elisha Jr. were descended from an earlier Elijah Harbour who migrated to Tennessee from Madison County, Kentucky in the early 1800s.¹⁰ Like many multi-generational slaveholding families, they passed their human property on to their children through their wills and through the laws of inheritance.¹¹

The 1870 federal population census for Hardin County lists fifty-two African-Americans bearing the surname Harbour.¹² Most are clustered in the third and fifth districts,¹³ living near descendants of Elisha or Elijah, a clue that most if not all are likely their former slaves.¹⁴ However, the family of Martha Harbour has a documented tie to Elisha Harbour.¹⁵ Martha's husband, Isaac Harbour, joined the 55th U.S. Colored Troops

⁵ 1870 U.S. census, Hardin County, Tennessee, population schedule, 3rd civil district (CD), town of Savannah, p. 386 B. (stamped), family 30, dwelling 30, Marge Harbor in Elijah Walker household; NARA microfilm M593, roll 1534.

⁶ 1860 U.S. census, Hardin County, Tennessee, slave schedule, 5th civil district, p. 9 (written), E Harber, owner or manager; NARA microfilm M653, roll 1282.

⁷ "Historical Census Browser," database, *University of Virginia Library* (<http://mapserver.lib.virginia.edu/> : accessed 28 June 2010), search for slaveholdings 20-29 in Tennessee counties in 1860. There were only nine slaveowners in the county in 1860 who owned between 20 and 29 slaves.

⁸ 1860 U.S. census, Hardin County, Tennessee, slave schedule, 3rd civil district, p. 2 (written), Elijah Harber, owner or manager; NARA microfilm publication M653, roll 1282.

⁹ *Ibid.*, 5th civil district, p. 10 (written), N Gant, owner or manager, also J G Harber, owner or manager; NARA microfilm M653, roll 1282. Both Nancy and James were children of Elisha Harbour.

¹⁰ Louis J. Williams, *The Harbours in America* (Lubbock, TX: The Harbour-Harbor-Harber Family Association, 1982).

¹¹ Hardin County, Tennessee, Wills and Settlements, Book D: 250-252, will of Samuel Harbour, 28 October 1841; FHL microfilm 879,049. Samuel left slaves Elias, Sampson, Philip or Isaac or John to son Elijah, slaves Kyer and Jonathan to daughter Nancy, slaves Green and Ester to daughter Matilda, slaves Orange and Daniel to daughter Hannah, and slaves James and Betsy to Samuel.

¹² Harber and Harbor are other spelling variations that were searched.

¹³ For the 3rd district, see 1870 U.S. census, Hardin County, Tennessee, pop. sch., 3rd civil district (CD), PO Savannah, p. 361 B. (stamped), dwelling 89, family 92, Philip Harbour household; p. 366 B. (stamped), dwelling 161, family 153, Elias Harbour household; p. 367 B. (stamped), dwelling 164, family 159, Martha Harbour in household of Alfred Sevier; p. 368 B (stamped), dwelling 178, family 173, Marshall Harbour household; NARA microfilm M593, roll 1534. For those in the 5th district, see 1870 U.S. census, Hardin County, Tennessee, pop. sch., 5th civil district (CD), PO Savannah, p. 393 A. (stamped), dwelling 31, family 31, Amanuel Harbour household; p. 393 B. (stamped), dwelling 36, family 36, Jane Harbour in household of white Jane Harbour; p. 393 B (stamped), dwelling 39, family 39, John Harbour household; NARA microfilm M593, roll 1534.

¹⁴ 1870 U.S. census, Hardin Co., Tennessee, pop. sch., 3rd CD, PO Savannah, p. 361 B. (stamped), dwell. 89, fam. 82, Philip Harbour household; p. 366 B (stamped), dwell. 161, fam. 153, Elias Harbour household. In Samuel B. Harbour's will, cited in footnote no. 11 above, the named slaves Philip and Elias are almost certainly these two men.

¹⁵ *Ibid.*, p. 367A. (stamped), dwelling 164, family 159, Martha Harbour; NARA microfilm M593, roll 1534. Martha is living with Alfred Sevier, who was married to her daughter Emaline.

during the Civil War and died during the war of smallpox in 1864.¹⁶ Several other formerly enslaved black Hardin Countians also joined this regiment.¹⁷ Isaac was one of 20,000 African-Americans from Tennessee to join the Union during the war.¹⁸ They joined the almost 200,000 African-Americans across the nation who fought for the Union during the Civil War.

General Grant's early occupation of the town of Savannah in the spring of 1862 created the opportunity for local slaves to push for freedom on their own terms.¹⁹ Escaping slaves, called "contraband" by the U.S. military, were officially given refuge when Congress passed the Confiscation Act of 1861. This Act declared that any property used by the Confederate military, including slaves, could be confiscated by Union forces.²⁰

Thousands of slaves escaped to Union lines during the War and lived in contraband camps. Union forces occupying Corinth, Mississippi, near Hardin County, opened what became a truly model contraband camp. The camp eventually housed thousands of former slaves who farmed land cooperatively and even made a profit. A church, school and hospital were also built within the camp.²¹ In June 1863, a register of freedmen made at the Corinth Contraband Camp listed several residents from Hardin County.²²

In March 1879, Martha applied for a pension based upon Isaac's service to his country. Martha's application illustrates the problems encountered by former slaves trying to prove their birthdates and marriages, the very things that a pension depended upon. The nature of slavery meant that birthdates were rarely known and marriages between enslaved people were not legal and were hard to prove. While the Pension Bureau attempted to navigate these challenges, black applicants still had a higher rate of pension denial than those from white soldiers and their dependants.²³

Martha Harbour was fortunate. James G. and Elisha Jr., sons of her former owner Elisha Harbour Sr., came forward to testify on her behalf. Their sister, Elizabeth Harbour Gant, testified that she was "present at the births" of Isaac and Martha's four children. The pension record also states that "Isaac formerly belonged to "Samuel

¹⁶ Martha Harber, widow's pension application no. 242.827, certificate no. 204, 152; service of Isaac Harber (Pvt., Co. K, 55th U.S.C.T., Civil War); Case Files of Approved Pension Applications, 1861-1934; *Civil War and Later Pension Files*; Dept. of Veterans Affairs, Record Group 15, NARA, Washington, D.C.

¹⁷ "Soldiers and Sailors Database," *National Park Service* (<http://www.nps.gov/civilwar/soldiers-and-sailors-database.htm> : accessed 20 June 2013), listing for the 55th United States Colored Regiment. Isaac Cherry, John Davey, Richard Kendall, Henry Holt and Isaac Bailey were others from Hardin County that joined this regiment.

¹⁸ "Soldier's Lives During the Civil War," *Middle Tennessee State University* (<http://library.mtsu.edu/tps/soldier-lives.pdf> : accessed 5 May 2013). This site discusses Tennessee black soldiers specifically.

¹⁹ "The Battle of Shiloh," *Civilwar.org* (<http://www.civilwar.org/battlefields/shiloh/shiloh-history-articles/shilohsword.html> : accessed 24 June 2103).

²⁰ "Contraband," *Wikipedia* (<http://www.wikipedia.org> : accessed 22 June 2013).

²¹ "Shiloh-Corinth Contraband Camp," *National Park Service* (<http://www.nps.org>: accessed 22 June 2013).

²² "Register of Freedmen," transcription, *Last Road to Freedom* (<http://www.lastroadtofreedom.com> : accessed 5 May 2011), each resident is listed with their county of origin. The following residents are from Hardin County: Winnie Adams, Susan, Caroline, Ann, Ellen, Albert and Ida Bell Crumps, Alice, Clara and McCarr Carr, Lydia, Adelaide, Monroe, Leah and Dona Cherry and Caroline and Linda Wilaby. Caroline and Linda Wilaby named their former slaveowner "Eliza" Harber, which is probably Elijah Harbour.

²³ Elizabeth Regosin and Donald R. Schaffer, *Voices of Emancipation* (New York and London: New York University Press, 2008), p. 3.

Harbour, but was later sold to Elisha". Martha's pension application was approved in 1881 and she received a lump sum of \$190 and \$10 month thereafter.²⁴

Marge Harbour

However, there is no pension record to help untangle the roots of Marge Harbour; the earlier court record only provides the briefest glimpse into her life. In 1866, Marge's sons Joseph and Alexander were both bound out to Thomas Maxwell. Their brother Wesley was bound to Henry Maxwell, who was Thomas' son. Thomas Maxwell was a prominent citizen active in Hardin County affairs; he was a constable and a member of the state legislature. During the Civil War he was one of the area's most prominent Unionists.²⁵

The court record states that the boys would be supplied with "good and substantial food and raiment" and that at the expiration of their terms, they would be furnished with a "horse, saddle and bridle worth one hundred fifty dollars in cash." Maxwell was also responsible for teaching the young boys how to "read, write and sypher."

Oddly, none of the three boys appeared in the Thomas Maxwell household on the 1870 census.²⁶ No further information has been found for the two brothers Wesley or Alexander; the 1866 court record is the only document providing evidence of their existence.

Joseph Harbour

Fortunately more records exist for the third brother, Joseph Harbour. Like most of the southern states, agriculture was the basis of Tennessee's economy. Hardin County produced mostly corn and cotton, with smaller amounts of wheat and some fruits and vegetables. Joseph Harbour lived in the 12th district, which stood on the banks of the Tennessee River and became one of the major black enclaves in the late 19th century. As a farmer, Joseph Harbour purchased land for the first time in September 1873, land that he sold three months later.²⁷ He purchased more land in December 1879.²⁸

²⁴ Martha Harber, widow's pension application no. 242.827, certificate no. 204, 152; service of Isaac Harber (Pvt., Co. K, 55th U.S.C.T., Civil War); Case Files of Approved Pension Applications, 1861-1934; Civil War and Later Pension Files; Dept. of Veterans Affairs, Record Group 15, NARA, Washington, D.C.

²⁵ Tony Hays, *On the Banks of the River: A History of Hardin County, Tennessee* (Savannah, TN: The Tennessee River Museum, 1996), 114-115. He was also a census enumerator in 1870.

²⁶ 1870 U.S. census, Hardin Co., Tennessee, pop. sch., p. 377A. (stamped), 4th CD, post office Savannah, dwelling 90, family 88, Thomas Maxwell; NARA microfilm M593, roll 1534. No subsequent records have been located documenting the lives of two of the brothers, Alexander or Wesley. It is unknown whether the brothers died by 1870 or whether they migrated out of the area.

²⁷ Hardin County, Tennessee, Deeds, Book P: 605, Robert Melton to Joseph Harbour, 27 September 1873; Book P: 660, Jo Harbour to Hugh Turnbo, 26 December 1873; FHL microfilm 983525.

²⁸ Hardin County, Tennessee, Deeds, Book R: 295, LF Booker to Joe Harbour, 5 March 1881 (written December 1879); FHL microfilm 983527.

Joseph appeared for the first and only time on a census record in 1880 living in the 12th district.²⁹ Joseph was 28-years old, with wife Hannah (nee Barnes) and two young children:

1880 Census: District 3				
Household	Name	Age	Color	Occupation
10	Joseph Harbor	28	M	Farmer
	Hanna	24	M	
	Oda	14	M	
	Dossey	30	M	
11	Rachel	20?	M	
	Haby?	2	M	
	Irvin	3 mths	M	

Rachel Shannon, a 24-year old single woman, lived next door with her own two young children.

The 1880 agricultural census describes Joseph Harbour's farm in more detail.³⁰ In that year he tilled thirty acres of land with a value of \$500. He grew five acres of corn that yielded 200 bushels, and six acres of cotton that yielded six bales. He owned two horses, one mule, two cows, two cattle, six hogs and ten chickens. In February 1881, Joseph purchased more land, part of which he sold a year later. His wife Hannah signed the dower release.³¹

Court Record Revelations

Although Joseph does not appear on any other census record except 1880, he made frequent appearances in Hardin County court records. In February of 1882 the Circuit Court fined Joseph \$2.50 for the crime of profanity.³² The court minutes allege that he stood out in front of a church house and said:

"...let any [profanity] man report [me] that wants to and by God it won't be good for him...I am a damn [profanity] on wheels...I dare any man to report me..."

²⁹ 1880 U.S. census, Hardin County, Tennessee, population schedule, p. 130 A. (stamped), enumeration district 1051, dwelling 10, family 12, Joseph Harbor; NARA microfilm T623, roll 1576.

³⁰ 1880 U.S. census, Hardin County, Tennessee, agricultural schedule, p. 15 (written), line 7, Joseph Harbour; NARA microfilm T1135, roll 23.

³¹ Hardin County, Tennessee, Deeds, Book R:426, JD Plunk to Joe Harbour, 26 September 1881; Book R:578-9, Joe Harbour to BT Alexander, 31 May 1882; FHL microfilm 983527.

³² Hardin County, Tennessee, Circuit Court Minutes, Book F: 316, 347, State vs. Joseph Harbour (Profanity), 17 May 1882; FHL microfilm 980,982.

In 1883, the Circuit Court charged Joseph and Rachel Shannon, his 1880 neighbor, with the crime of lewdness.³³ While no court record documents a divorce from Hannah, Joseph nevertheless left her and married Rachel Shannon on the 24th of April 1884.³⁴ By the time Joseph executed another deed selling land in June of that year, new wife Rachel signed the dower release.³⁵

For the next decade, Joseph proved to be a constant presence at the courthouse:

Year	Charge
July 1887	Disturbing Public Worship ³⁶
Nov 1887	Attempt to Commit Manslaughter ³⁷
March 1888	Gaming
July 1891	Selling Liquor Without a License ³⁸
July 1894	Larceny ³⁹
Nov 1894	Carrying Weapons ⁴⁰
Mar 1897	Selling Liquor Without a License ⁴¹

Amazingly, Joseph escaped all the charges with fines, even the more serious charge of attempted manslaughter.⁴²

Joseph's escapades must have caused Rachel to contemplate whether taking Joseph from first wife Hannah had been a good idea. Not surprisingly, in July of 1895, Rachel filed for divorce from Joseph with the Circuit Court. Their divorce papers detail a violent and troubled marriage with both charging the other with adultery. In addition, Rachel stated that Joseph "threatened to kill her," while Joseph responded that "the child born during their marriage" was not his child.⁴³ Their divorce was granted in 1896 after testimony from witnesses on both sides.⁴⁴ After 1896, Joseph Harbour disappeared

³³ Hardin County, Tennessee, Circuit Court Minutes, Book F: 466, State vs. Joe Harbour (Lewdness), 20 September 1883, case no. 65; FHL microfilm 980,982.

³⁴ Hardin County, Tennessee, Marriages, Book 3:493 (1884), Joseph Harber-Rachel Shannon, 24 April 1884; Circuit Court, Savannah.

³⁵ Hardin County, Tennessee, Deeds, Book T: 291-2, JH Harbour to GM Moore, 4 January 1886; FHL microfilm 983528.

³⁶ Hardin County, Tennessee, Circuit Court Minutes, Book G: 234, State vs. Joe Harbour (Disturbing Public Worship), 5 July 1887; case no. 834; FHL microfilm 980,982.

³⁷ Ibid., Book G: 314 and 359, case no. 927, State vs. Joe Harbour (Attempt to Commit Manslaughter), 16 November 1887 and 6 March 1888; FHL microfilm 980,982.

³⁸ Ibid., Book H: 239, 294, State vs. Joseph Harbour (Selling Liquor Without a License), 5 March 1891 and 10 July 1891, case no. 1424; FHL microfilm 980,983.

³⁹ Ibid., Book I [?]: 197, State vs. Joe Harbour (Larceny), Jury Verdict of Not Guilty, 14 July 1894; FHL microfilm 980,983.

⁴⁰ Ibid., Book I?: 263, State vs. Joe Harbour (Carrying Weapons), 15 November 1894; case no. 479; FHL microfilm 980,983.

⁴¹ Ibid., Book H: 294, case no. 1424, State vs. Joe Harbour (Selling Liquor Without a License), 10 July 1891; FHL microfilm 980,983.

⁴² More details about the crimes beyond what is recorded within the court minutes were not located.

⁴³ Hardin County, Tennessee, Circuit Court Case Files, 1840-1899, Surnames G-H, filed under "Harbour," divorce of Joseph Harbour and Rachel Shannon, 1896; FHL microfilm 808,408.

⁴⁴ Hardin County, Tennessee, Circuit Court Minutes, Book I: 494, divorce of Joseph Harbour and Rachel Shannon, 3 March 1896, case no. 440; FHL microfilm 980,983.

from the written records in Hardin County, however, some of his descendants remain living in the county today.

Hannah Harbour

Fortunately, Joseph's first wife Hannah seems to have gone on to a better life. She had three more children: Pearl, Magnolia, and Alma, and married John J. Bradley on 28 July 1907. Hannah and her husband John have a joint headstone and are buried at the Norwood Cemetery.

Hannah was remembered by a granddaughter as a "kindly, soft-spoken woman, who loved to garden, bake and churn butter."



Figure 2: John and Hannah Bradley headstone

Conclusion

Hopefully, this article illustrates how court records can be used to fill in important facts and episodes in our ancestors' lives. We may uncover unsavory details, but our focus should always be to try to reflect the truth of their experiences.



Figure 3: Siblings Pearl, Alma, Doss, Odie and Nola Bradley