

CHAPTER TWO

HISTORY OF LOTS 2 AND 3 OF JAMES F. MOORE'S ADDITION

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According to the early laws of Missouri, section 16 of each county township was set aside as school or seminary land held in trust by the state for the benefit of schools and the state university system. Proceeds from the sale of these parcels went exclusively to benefit education. Jackson County organizers, however, set aside almost half of each township as school land hoping to focus all development in specified areas before expansion was permitted.¹ With the founding of Independence in 1827, an 80-acre tract of seminary land adjacent to the town was soon authorized for sale by the Missouri General Assembly. On December 12, 1831, the state approved the sale of a portion of this land, described as the east half of the southeast quarter of Section 3, Township 49, Range 32. It was sold to Jones Hoy Flournoy for \$160.²

The Flournoy family already possessed extensive property in Jackson County. Jones H. Flournoy was a county judge, justice of the peace, and a preacher.³ Within a week of his purchase of the seminary land, he began selling off parcels of it. In January 1833, Flournoy sold 6.98 acres to Azariah Holcomb, a member of the Church of Jesus Christ of Latter Day Saints, for \$70.⁴ This transaction was significant because near this property, south of Lexington Road (a half-mile south

of the Truman home), was the Temple Lot, the land designated by Joseph Smith as sacred to the Church of Jesus Christ of Latter Day Saints. In November 1833, Holcomb, like all his fellow church members, were violently driven from Jackson County and warned never to return under threat of death. Most Latter Day Saints were never compensated for their confiscated property.⁵

On July 12, 1836, Flournoy sold 42.18 acres, including the property which is now the Truman home, to Cornelius Davy for \$2,000.⁶ Davy, born in Ireland, was an Independence merchant.⁷ Three years later, on August 3, 1839, Davy sold this property, roughly 40 acres and a portion of Town Lot 38, to Independence merchant James F. Moore for \$5,000.⁸

What caused James F. Moore to leave Independence and return to his native Shelby County, Kentucky, is not known. Moore, like many other businessmen, left Independence during this period of economic uncertainty. The 1837 recession hit Jackson County hard as the panic saw many businesses fail. Many settlers decided to return to more stable regions like Kentucky and Tennessee.⁹ In Kentucky, on March 27, 1840, James F. Moore granted power of attorney to Benjamin F. Hickman to go to Jackson County and either sell or lease his 135 acres adjacent to Independence as well as his property in town.¹⁰

Hickman was unsuccessful in selling Moore's property. Six years elapsed when, on August 15, 1846, Moore again issued to Hickman his power of attorney with explicit instructions to sell all his property in Jackson County.¹¹ With the incorporation of Independence slated for the end of the decade, Hickman guaranteed his client increased profits by arranging the platting of a large segment of Moore's property. On September 29, 1847, "James F. Moore's Addition" was platted and entered in the Jackson County Recorder's Office.¹² Soon after the 1849 town incorporation, Moore's addition was included in Independence.

Hickman's plan for platting Moore's property and selling it off lot by lot worked. The land was attractive to buyers because it was within easy walking distance from Independence Square and because it was adjacent to one of the earliest roads built in the county. (This road is in the approximate location of what is known today as "Truman Road."¹³) On August 28, 1848, Benjamin F. Hickman, acting on behalf of James F. Moore, sold Lots 2 through 6, 8, and 16 through 18 of Moore's addition to William B. Hay. The price of the nine lots was \$800 or a little more than \$88 per lot.¹⁴ The Truman home was later built on Lots 2 and 3.

William B. Hay, 38, was born in Virginia and came to

Independence via Arkansas. He, too, was a merchant,¹⁵ but one who was constantly in debt. Hay owed his creditors nearly \$9,000. With his indebtedness worsening, Hay became desperate. On July 11, 1849, he granted full power of attorney to the law firm of Samuel H. Woodson, William Chrisman, and Abraham Comingo to do everything possible to erase his debts, including liquidating his property.¹⁶ Hay's selection of the law firm of Woodson, Chrisman, and Comingo was a dubious choice. Samuel H. Woodson had acquired local renown for his special skill: clearing up titles to properties expropriated from the Latter Day Saints, people whom he especially detested.¹⁷

In 1849 or 1850, Hay's business failed. The 1850 United States Census of Jackson County reveals that Hay, his wife Emma, and two sons, had lost their home. The Hay family was living in the home of lawyer Richard Reese.¹⁸

On August 19, 1850, Jackson County Clerk Samuel A. Lucas issued a writ of fieri facias against William B. Hay to compensate Hays' creditors. The writ authorized Sheriff George W. Buchanan to advertise Hay's property in a local newspaper 20 days in advance of selling it at public auction on the steps of the county courthouse. On September 11, 1850, Lots 2 and 3 of Moore's addition were sold to the highest bidder, Independence Mayor Jonathan R. Palmer, at \$120 and \$100 respectively.

Because it was sold to the highest bidder, the bids the sheriff received were most likely low and unrepresentative of the property's true value. Palmer also purchased Lots 4 and 5, at \$120 and \$122 respectively.¹⁹

The difference in price between Lots 2 (\$120) and 3 (\$100) is revealing. That Hay lost his home and property in Moore's Addition is also significant. Although the location of the Hay house is not known, it is possible that a house was built on Lot 2 and 3 as well as a barn on Lot 2 which accounts for the increased value of the lot. Hay purchased the property in August 1848 for \$88 per lot. Despite the low sheriff's sale price, the increase in only two years (from \$88 to \$100 and \$120) is striking and suggests that the property was indeed improved.

That a house and barn could have been built on Lots 2 and 3 is probable because the land adjoined a major east-west road (known as Tanyard, now Truman, Road in Independence) which was in use as early as 1831. Its close proximity to Independence Square made it especially appealing for home-building. Because sawmills were present in the area, it was probably constructed from cut lumber. In relationship to the road, the roof line of the house probably had an east-west orientation.²⁰

The property's new owner, Jonathan R. Palmer, was a lawyer and the incumbent mayor of the town.²⁰ Palmer, like Hay, was also afflicted by debts. Three weeks later, on October 2, 1850, Palmer mortgaged all his property to John B. Slaughter for a \$6,000 bond payable after January 1, 1851.²¹ Slaughter, a merchant and Palmer's successor as mayor,²² received legal title to Lots 2 through 5 of Moore's addition when Palmer defaulted on the bond.

John B. Slaughter, his wife Margretta, and family probably fled Independence during the bloody "Border War" between the pro-slave Quantrill's Missouri guerillas and the anti-slave Kansas Jayhawkers. From their new home in St. Louis, the Slaughters sold their four lots in Moore's addition to James T. Thornton and Francis P. Hord on February 2, 1857, for \$500, an average of \$125 per lot.²³

In 1858, Delaware Street was extended from its origin in McCauley's addition south into Moore's addition as James T. Thornton, of "Turner and Thornton Bankers," signed a quitclaim deed to the City of Independence for one dollar. Thornton relinquished "So much of the West side of Lot Number three in Said Moore's Addition . . . as lies in Delaware Street as extended from Said McCauley's addition through Said Moore's Addition to Said Rock Street"²⁴ (now Maple Avenue). As North

Delaware's width was 49.50 feet, equal portions taken from Lots 3 and 4 would indicate that 24.75 feet was taken from each lot.

On November 29, 1859, James T. and Mary H. Thornton deeded Lots 2 and 3 to Peter Gastel for \$350, or an average of \$175 per lot.²⁵ The Thorntons were among the many Independence citizens who left. In March 1862, James T. Thornton granted a relative his power of attorney from Henry County, Kentucky.²⁶ Another power of attorney granted in September cited "the late firm of Turner & Thornton Bankers."²⁷

Indebtedness seemed to plague the property as it once again changed hands a year later. Peter and Sally Gastel were in debt to George D. English and Company of St. Louis for four promissory notes totalling \$2,069.35. Unable to pay off the notes by the requisite date of November 20, 1860, the Gastels entered into a three-party trustee's deed. Acting as the middle-man between the Gastels and the St. Louis-based George D. English and Company was Independence lawyer William Chrisman--the same William Chrisman of the Woodson-Chrisman-Comingo firm that liquidated the same property for debt-plagued William B. Hay in 1850. Chrisman paid the Gastels one dollar for Lots 2 and 3 to hold in trust for one year, or until November 20, 1861, at which time if the debt went unpaid, Chrisman was authorized to sell Lots 2 and 3 at public auction.²⁸

The Gastels' inability to satisfy the loan and regain their property was sealed by events of American history. The local economy, already damaged by the Border War, all but collapsed as the Civil War began. Missouri's wavering loyalty to the Union cause was only too apparent in pro-Confederate Independence, a Federally-occupied city during the war and the scene of two battles.

The Civil War and the occupation prevented William Chrisman from fulfilling the provisions of the 1860 trustee's deed to proceed with the public sale of Lots 2 and 3. Many homes were appropriated by soldiers. A December 22, 1863, letter from former Mayor (1858) W. L. Bone describes the situation in an area of town which could possibly have been Moore's addition:

Dear Friend:

Your letter of 29th October was received a few days ago, and I now send you a reply. Your house still stands--not burnt--not many houses have been burnt in the city, but all more or less [are] injured by rough treatment. An Irishman is now in your house--treats it tollerably well--pay [sic] no rent.

The Stegall Brick house [Note: Richard W. Stegall bought Moore's addition Lots 13 and 14 in 1847], near ours, is now occupied by an old man who cut up some 10 to 15 hogs in the parlor room last Sunday. That is a fair sample of how dwelling houses are treated in town.

A number of good business houses on the square are now occupied as horse-stables by the Kansas 11th. You ask me if you could not recover damages for the damage done your property? I doubt it. If property is used by a command as a necessity [sic] and it is damaged, then the government will pay for it, I believe; but when it is torn to pieces by private soliders without orders, I do not think the government will pay for it.

W. L. Bone²⁹

With the conclusion of the Civil War, bitterness toward the Union and the influx of the "carpetbaggers" did not bypass the town. Independence had suffered great deprivations during the war. With the beginning of Reconstruction, opportunists prospered. Lawyers, the real estate agents of this era, made their fortunes in questionable land deals. Independence barristers were no exception.³⁰

In 1866, William Chrisman invoked the 1860 Gastel Trustee Deed and proceeded with the public sale. Advertising Lots 2 and 3 in the Independence Sentinel 20 days before the sale, the property was auctioned at the courthouse door on August 25, 1866. According to the September 26, 1866, warranty deed, the highest bidder was James G. English who paid \$425 for the two lots, an average of \$212.50 per lot. No mention is made of any of the proceeds going to the George D. English and Company of St. Louis, the holder of the Gastels' 1860 promissory notes.

The deed mysteriously omits James G. English's county of

residence. Another curiosity is the Jackson County Recorder who accepted the transaction on January 26, 1867, was "A. [Abraham] Comingo," Chrisman's pre-war law partner.³¹ Even more curious is a power of attorney granted on September 15, 1866, from New Haven County, Connecticut, by James G. and Mary E. English to Samuel E. Sawyer and William Chrisman to sell Lots 2 and 3 in James F. Moore's Addition. The document was acknowledged by County Recorder A. Comingo on June 21, 1867.³²

On that same day, A. Comingo duly recorded another land transaction for his friend, William Chrisman. The previous day, Chrisman, with the English's power of attorney, sold Lots 2 and 3 to George P. Gates (the grandfather of Bess Wallace Truman) of Jackson County. Gates, a recent settler from Illinois, paid \$700, or an average of \$350 per lot.³³ This steep price in the lean post-war days adds to the point that there probably was a house or other structures on the property.

Perhaps Gates sensed or was told that something about his property deed was not right. On July 1, 1867, Gates paid Preston Roberts one dollar to sign a quitclaim deed to Lots 2 and 3.³⁴ Gates's act was a shrewd business move. Preston Roberts, who lived at the end of Delaware on the south side of Rock Street (now Maple Avenue), was a prominent, wealthy citizen. Roberts was a banker and a former local U. S. Mail

contractor.³⁵ Gates must have reasoned that any potential challenge to his title would be discouraged by Preston Roberts's solid reputation.

¹Mrs. Pauline Fowler, conversation, February 9, 1984. Mrs. Fowler, an Independence historian and retired archivist for the Jackson County Historical Society, donated her time to the National Park Service to conduct an exhaustive land title search of Jackson County's original records. The legal transactions in this chapter are the result of Mrs. Fowler's research.

²Copy of Patent, State of Missouri, to Jones H. Flourney, May 29, 1833, Deed Book (microfilm) 264, Page 526, No. 52543, Certificate No. 82.

³Mrs. Pauline Fowler, conversation, February 9, 1984.

⁴Warranty Deed, Flourney to Holcomb, January 15, 1833, Land Deed Book B, Page 150.

⁵Mrs. Pauline Fowler, conversation, February 9, 1984.

⁶Warranty Deed, Flourney to Davy, July 12, 1836, Land Deed Book D, Page 446.

⁷United States Census, Jackson County, Missouri, 1850.

⁸Warranty Deed, Davy to Moore, August 3, 1839, Land Deed Book F, Page 464.

⁹Mrs. Pauline Fowler, conversation, February 9, 1984.

¹⁰Power of Attorney, Moore to Hickman, March 27, 1840, Land Deed Book G, Page 573.

¹¹Ibid., August 15, 1846, Land Deed Book L, Page 422.

¹²"James F. Moore's Addition," November 30, 1847, Plat Book 1, Jackson County Recorder's Office.

¹³Mrs. Pauline Fowler, conversation, February 9, 1984.

¹⁴Warranty Deed, Moore by Attorney to Hay, August 28,

1848, Land Deed Book N, Page 337.

¹⁵United States Census, Jackson County, Missouri, 1850.

¹⁶Power of Attorney, Hay to Woodson, Chrisman, and Comingo, July 11, 1849, Land Deed Book O, Page 296.

¹⁷Mrs. Pauline Fowler, conversation, February 9, 1984.

¹⁸United States Census, Jackson County, Missouri, 1850.

¹⁹Sheriff's Warranty Deed, September 17, 1850, Land Deed Book R, Pages 17-22.

²⁰Mrs. Pauline Fowler, conversation, February 9, 1984. According to Mrs. Fowler, Palmer was mayor from June to December of 1850.

²¹Bond, Jonathan R. Palmer, October 2, 1850, Land Deed Book P, Page 557.

²²United States Census, Jackson County, Missouri, 1850; and Mrs. Pauline Fowler, conversation, February 9, 1984. According to Mrs. Fowler, Slaughter served only one month as mayor, January 1851.

²³Warranty Deed, Slaughter to Thornton and Hord, February 2, 1857, Land Deed Book Z, Page 527.

²⁴Quitclaim Deed, Thornton to City of Independence, May 14, 1858, Land Deed Book 29, Page 316.

²⁵Warranty Deed, Thornton to Gastel, November 29, 1859, Land Deed Book 33, Page 470.

²⁶Power of Attorney, Thornton to Thornton, March 23, 1862, Land Deed Book 38, Page 183.

²⁷Power of Attorney, Turner and Thornton to Roberts, September 19, 1862, Land Deed Book 38, Page 215.

²⁸Trustee's Deed, Gastel, Chrisman, and English and Company, November 24, 1860, Land Deed Book 36, Page 229.

²⁹Personal Files of Pauline S. Fowler, copied from a letter in the Jackson County Historical Society Archives.

³⁰Mrs. Pauline Fowler, conversation, February 9, 1984.

³¹Trustee's Warranty Deed, Chrisman to English,

September 26, 1866, Land Deed Book 51, Page 25.

³²Power of Attorney, English to Sawyer and Chrisman, September 15, 1866, Land Deed Book 52, Page 209.

³³Warranty Deed, English by Attorney to Gates, June 20, 1867, Land Deed Book 52, Page 210.

³⁴Quitclaim Deed, Roberts to Gates, July 1, 1867, Land Deed Book 52, Page 273.

³⁵Mrs. Pauline Fowler, conversation, February 9, 1984; and United States Census, Jackson County, Missouri, 1860. The 1886 Atlas of the Environs of Kansas City in Jackson County, Missouri reveals that P. Roberts owned three houses on Lots 6, 17, and 18.