

Planter, Legislator Built House On Property He Didn't Own

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Special Writer

William Stevens Smith, attorney, planter and state legislator, built the house and outbuildings at 101 Rutledge Ave. between 1796 and 1804, on land he did not own.

Smith, in a Court of Equity suit he initiated in 1804 to clear the complex title, said he had built the house and outbuildings believing his wife owned the land, but that it actually was owned by her uncle, Benjamin Waring.

Smith said he had built the house as his family residence but then declined to live there. He sold the property in 1804, after finally acquiring title to the land.

Subsequent owners included Dr. Thomas Ballard McDow, who achieved notoriety for himself and for the house by fatally shooting Capt. Francis Warrington Dawson, editor and manager of *The News and Courier*, at the house in 1889.

Benjamin Waring, in March 1778, bought from John Harleston the eastern halves of four lots on the west side of Rutledge Street, extending between Bull and Montagu streets, lots 91 through 94 in the plan of Harlestonborough or the Village of Harleston, as laid out in 1770.

Waring redrew the lot lines to orient the two northern lots to face on Bull Street.

In October 1778, Waring signed a bond obligating him to transfer the two lots fronting on Bull Street to his nieces, Dorothy Waring and Juliette

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Lee Waring, on their 21st birthdays or their wedding days. Dorothy Waring was to receive the lot at Bull and Rutledge, while Juliette would receive the adjacent lot to the west.

Since Dorothy Waring bore no children, the bond provided that after her death her lot fall to her next sibling, Edmund Waring.

Juliette Waring married William Stevens Smith in 1796. Their marriage contract entitled her to the Bull Street lot, but Benjamin Waring failed to transfer title to her on the date of her marriage.

Smith said he was unaware of the entanglement of the 1778 bond, "but intending to erect buildings for the residence of his family on land which he believed belonged to his wife," made plans to do so.

At the request of his brother-in-law, Edmund Waring, Smith agreed to a second redrawing of the lot lines, reorienting the lots to face on Rutledge Street again.

Smith, according to his civil complaint, then "proceeded to build a dwelling house and convenient outhouses" on the southmost of the two lots, spending \$10,000 on the improvements.

Smith stated he "hath engaged to a considerable extent in the planting business, and finds it inconvenient to let so large a proportion of his prop-

erty remain vested in an House and lot of land," which as he "has declined using as a family residence only produces a Rent by far inferior to the profits of planting on the same Capital."

He asked the court to disencumber the title so he could sell the property. The court agreed, and on Dec. 7, 1804, the house, outbuildings and lot were conveyed to Smith. He sold it on Dec. 28 to William Mathews for 2,500 pounds of sterling silver, the equivalent of \$12,000.

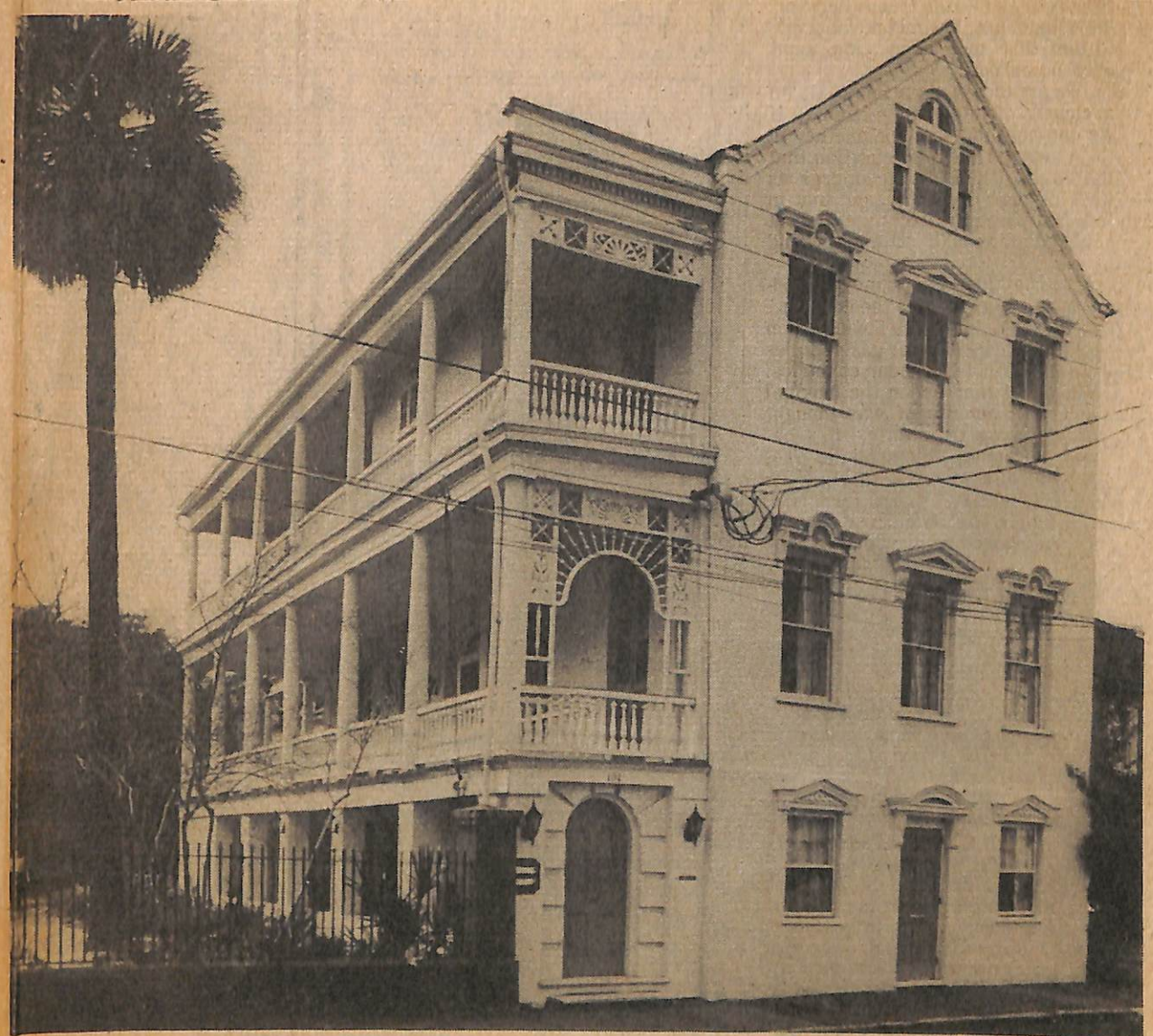
Smith was born in 1773, a son of Josiah Smith Jr. and Mary Stevens. His father was a prominent Patriot leader during to the Revolution, whom the British exiled to St. Augustine. Smith was elected to the state House of Representatives from the parishes of St. Philip and St. Michael in 1801. He died in 1837.

The property was owned from 1804 to 1818 by the family of William Mathews, a planter. It was bought in 1818 by Mary Ward, also a planter, and her sister, Sarah Ward, who married Edward Armstrong. The Armstrongs sold the property in 1836 to William C. Murray, a merchant.

Murray sold it in 1846 to William M. Lawton, a prominent cotton and rice factor, who retained the property until 1877.

Subsequent owners included McDow, who purchased the property in 1887.

Witnesses at McDow's sensational murder trial testified he had made



101 Rutledge Ave.

Staff Photo by Wade Spees

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