

Smith's Tavern v. Merry Oaks Tavern

(This is an update to an article in the June 1998 *Bulletin* of the Hanover County Historical Society.)

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Merry Oaks Tavern has been misidentified as “Smith’s Tavern” where Patrick Henry enlisted and organized the first militia in 1774. They are not the same tavern. Ongoing research has recently found evidence about the location of Smith’s Tavern that makes this clear. It explains the lack of eighteenth-century artifacts found at Merry Oaks Tavern in several archaeological studies (Dutton 2020, Dutton 2021). Smith’s Tavern was first misidentified as Merry Oaks Tavern in 1892 (118 years after the fact). Merry Oaks Tavern is not in the neighborhood of Hanover Court House, but Smith’s Tavern is. Smith’s Tavern is described in a letter to Henry’s biographer, William Wirt, written by someone who was actually there when the militia first organized in 1774. Merry Oaks Tavern is more than 5 miles from Hanover Court House. It was known that Francis Smith who lived near Hanover Court House did have an ordinary license, but the location of his tavern was not identified. That was a mystery until I found the advertisement below, placed by Thomas Smith (son of the late Francis Smith) in the January 13, 1776, *Virginia Gazette*. It offered for lease the “well accustomed tavern on the road from Hanover Court House to Hanover Town...” (Merry Oaks Tavern is on what was later described as the road to Richmond which goes in the opposite direction, not Hanover Town). Here is the approximate location of Smith’s Tavern as published (*Virginia Gazette* 13 Jan 1776:3):

TO BE RENTED

FOR A YEAR, OR TERMS OF YEARS,

The well-accustomed TAVERN on the road from Hanover Courthouse to Hanover Town. The Conveniences of this Place, for either a public or private Family, are very great, the Dwelling-House having six Rooms below Stairs, and two above, a Kitchen, Dairy, Meat House, Quarter, Black Smith’s Shop, a very large Barn and Stable, with every other Necessary for the for the immediate Reception of a Family. Any Person inclinable to Rent the said Place may know the Terms by applying to the Subscriber, near the Premises.

THOMAS SMITH

There is much information about Merry Oaks Tavern in the late 18th and 19th centuries. A 1998 article in the Hanover County Historical Society *Bulletin* (HCHS June 1998:1-2, 4-6), details its various owners (see also Dutton 2021: Section 2:15). One of its owners in the mid-19th century was a Robert Smith which I believe contributed to misidentification in the 1900's in a Hanover Chancery Suit, No. 1904-028 (digitized chancery records, Library of Virginia).

In 1817, William Wirt published his authoritative biography of Patrick Henry (Wirt 1817). He said it was based on interviews and correspondence with people who had known Henry and been present at the historic occasions linked to Henry. Seventy-six years later in 1892, William Wirt Henry, Patrick Henry's grandson published *Patrick Henry: Life, Correspondence and Speeches*. He used much of Wirt's contemporary research including a quote from an 1805 letter of Charles Dabney (Henry 1891:251):

*In Virginia Mr. Henry enlisted the first military company after the adjournment of Congress. In a report of the next Assembly upon the condition of the colony it is stated that a committee was appointed and a company raised, but not enlisted, in November in Hanover. This was doubtless at the time the county Committee was appointed. Mr. Henry's action as regards the company is related in a letter of Charles Dabney one of the members. He says 'Soon after Mr. Patrick Henry's return from the first Congress notice was given through his means to the militia of Hanover to attend at **Mr. Smith's Tavern in the neighborhood of Hanover Court House**, where he wishes to communicate something of great importance. Accordingly, a considerable number of the younger part of the militia attended and he addressed them in a very animated speech, pointing out the necessity of having recourse to arms in defiance of our rights and recommending in strong terms that we should immediately form ourselves to a volunteer company. A number of those present immediately enrolled themselves on the list of volunteers. One of the regulations was that when a sufficient number of men were enlisted to form a company, they should choose the officers and command'.*

In a footnote in his late 19th century book William Wirt Henry says that Merry Oaks Tavern has since been identified as Smith's Tavern (Henry 1871). He does not say by whom. He ignores the fact that it is not in what would be considered the Hanover courthouse neighborhood and that when Dabney wrote the letter to Wirt in 1805 he

did not mention “Merry Oaks” which by then was a tavern near modern day Ashcake/Peaks Road and Sliding Hill Road.

This is a classic example of how historical myths are unintentionally passed down. They do not start as myths, merely the best information available at that time. Sometimes they are right. Today technology has given us ready access to much more information. The digitalization and indexing of records have made available so much information. Modern archaeology has given us information we never dreamed possible. More knowledge makes it possible to tell a more complete story.

Numerous historians have taken the old Merry Oaks story at face value. I did in my 1998 article (HCHS 98). In the early 20th century, the Association for the Preservation of Virginia Antiquities (APVA) erected a highway marker at Merry Oaks saying the militia company was raised there. The marker was gone by the 1990s. No research has found confirmation that a Smith owned that property in 1774. I even looked at St. Paul’s processioning books to see if a Smith was in the area, to no avail. Barbara Awad and I did see that an ordinary license granted to Francis Smith who owned substantial property near Hanover Court House.

In the 1990s when the Merry Oaks Tavern property was being rezoned, the Director of the Hanover Branch of the APVA and another board member (both HCHS members) personally funded archaeology at the site. The archaeological investigation and a report were completed (Gray & Pape, Inc.:1996) and later a team led by David Hazard of the Virginia Department of Historic Resources (VDHR) undertook emergency excavations. They found nothing linking the Merry Oaks site to the 18th century Smith’s Tavern.

In subsequent years I was hired to conserve and index the Hanover County Chancery Court Suits. There were several cases involving Merry Oaks Tavern and its 19th century owners but no mention of Smith’s Tavern. I found Merry Oaks Tavern in the St. Paul’s Parish Vestry Book in the Huntington (California) Library collection, but no mention of Smith’s Tavern and historic events. My husband’s family has lived in the Ashcake/Peaks part of Hanover since the early 18th century. In researching their history, I found no mention of a Smith’s Tavern in the neighborhood.

I think the Smith’s Tavern and related Patrick Henry militia mystery has been solved and another created. That old road preceded the present-day River Road, which runs along the Pamunkey River just south of the Courthouse. The archaeological site of Patrick Henry’s second store is on the old road. The search for (the exact site of Smith’s Tavern continues...

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