

Before the Tennessee Historical Commission

PETITION FOR WAIVER

Report

Including

Statement of Request,

Basis Upon Which Waiver is Sought, And

Establishing a Material or Substantial Need

on a Compelling Public Interest

Authority

This Petition for Waiver is submitted pursuant to the Tennessee Heritage Protection Act of 2016, in accordance with Tennessee Code Annotated 4-1-412(c). This Petition for Waiver concerns a plaque located on public land owned by the City of Knoxville.

Request

The City of Knoxville requests, with the support of the Downtown Knoxville organization, to remove and replace the outdated historical marker on Market Square with an official state marker containing accurate, relevant, and thorough information.

Background

Market Square refers to an open-air plaza in downtown Knoxville bordered by historic commercial and residential buildings on the east and west sides and Wall Street and Union Avenue on the north and south sides.

Historically, a market house was located on the plaza. The Market House was built in 1854 and expanded in 1897; it was ultimately a three-story, brick masonry building which extended a full city block. The Market House served as a critical element of Knoxville's agriculture, commerce, and politics through the mid-twentieth century, before it was demolished in 1960. As flight from urban areas increased through the 1960s and 1970s, a group of downtown property and business owners banded together to list the area on the National Register of Historic Places and create a Central Business Improvement District to encourage the area's revitalization. Decades of dedication and investment have paid off, and Market Square is once again Knoxville's central gathering place. Today the area is used for farmers markets, festivals, plays, movies, ice skating

and gatherings of all types. Market Square was recognized as one of the American Planning Association's Great Places in America in 2017. During the COVID-19 pandemic, the area served as additional open-air dining for adjacent restaurants.

Justification

The current marker, constructed by the Knoxville-Knox County Civil War Commission in the 1960s states:

Knoxville's first Market House, opened on Main Avenue between Walnut and Market Streets in 1816, and the second and third on this square in 1854 and 1897, long served for the sale of farm products and as a colorful center of civic life. In 1863-64 the Market contained a Federal powder magazine, to the uneasiness of citizens. The old Market was replaced by the Mall in 1961.

The current marker has several inaccurate facts, references antiquated site names (the Mall), and was constructed to look like an official state marker. This has generated significant confusion over the past few decades, as Knoxville and Market Square experience significant rates of tourism and business growth. Moreover, the current marker does not do justice to the extensive breadth of the site's history. The City of Knoxville intends to update the text and apply for an official historical marker through the Tennessee Historical Commission.

Inaccurate, incomplete, or reductive facts and proof:

- The first sentence refers to a separate market house, on a different site, about which little historic background exists. According to one written account, it was a small building that was barely utilized, and open only one day a week. There is no documentation of its exact location. Visitors who may not be familiar with Knoxville's street names could easily confuse the markets. (Neely, *Market Square*, p.4)
- The description of "second and third on this square" implies that two separate buildings were constructed. While the 1897 expansion contributed to the design most represented in historic photographs, some elements of the older structures were incorporated into the new building, including a tie-in to the City Hall structure which adjoined the market complex near present-day Wall Avenue. The architectural history of Market Square is significantly more complex than presented in the sign. (Neely, *Market Square*, p. 30 & p. 90)
- "...the sale of farm products" reduces the significant scope of goods sold in Market Square. It was also a hub for sale of exotic imported spices and dry goods, saloons, medicines, bakeries, confectionaries, boarding houses and residences, butchers, blacksmiths, record stores and concert venues, and movie theaters, along with local government, police, and fire departments. (*Sanborn Fire Insurance Maps*, 1880 and 1890; Neely, *Market Square*, p. 63)
- "...the Market contained a Federal powder magazine" for, at most, 17 months. Significant or unique events not described on this marker include: William Jennings Bryan's visit in 1896; Booker T. Washington's speech in the Market

Hall in 1909; Senator Edward Ward Carmack's speech which led Knoxville to follow the nationwide temperance movement and close all 114 saloons in the City by 1907; Max Arnstein's construction of the tallest building in Knoxville for a department store in 1905; Lizzie Crozier French's demonstrations for women's suffrage, leading to the state's contribution to the 19th Amendment in 1919; a Greek-owned diner which was open 24 hours a day, in the same location, from 1909 to 1998; and many more. An new THC marker will tell a more thorough story of the Square's history. (Neely, *Market Square*, p. 96-112, p. 185)

- "The Mall" is no longer used to describe Market Square. The phrase "the mall" was applied in the 1960s in efforts to modernize the area, and align it with suburban shopping centers which were growing in popularity as many residents moved out of Knoxville's central core. (Neely, *Market Square*, p. 166)
- Erected in 1961, the current marker predates several major events in Market Square's history, including the demolition of multiple commercial blocks for the TVA Towers in 1976, and the 1990s citizen-led, preservation-focused revitalization that defines Market Square today. An updated marker should also highlight Market Square's more recent past.

Please note that while the Market Square Commercial Historic District is listed on the National Register of Historic Places, (reference number 84001138), the plaque in question is not included as a contributing object. There is no presumption in favor of preserving the memorial, with regards to the integrity of the National Register Historic Places.

With regard to the rules of the Tennessee Historical Commission, the inaccurate, incomplete, or reductive facts of the plaque in question:

1. do not serve the public interest,
2. could cause visitors of the site to be confused about why the site is significant,
3. diminish the integrity of the site, and
4. removal of the plaque and replacement with an accurate plaque should enhance the integrity of the site.

It is clear from the facts that there is a substantial need to remove the current plaque in order to eliminate the confusion caused by the plaque, and to restore the integrity of the site in manner consistent with its status on the National Register of Historic Places.

Additional Resources

Jack Neely, *Market Square: A History of the Most Democratic Place on Earth* (Knoxville: Market Square District Association, 2009)

Knoxville History Project website entry:

<https://knoxvillehistoryproject.org/downtown-market-square/>

“Market Square Design Guidelines & Designation Report.” Knoxville Historic Zoning Commission and Knoxville-Knox County Metropolitan Planning Commission. 2001.

<https://knoxmpc.org/resources/historic/guidelines/city/Market%20Square.pdf>

National Register of Historic Places, Market Square Commercial Historic District. NR #84001138. Listed 12/20/1984.

Ownership of Market Square

The “Knoxville’s Market House” Plaque is located on Public Property. The plaque is located near the center of Market Square, which is owned by the City of Knoxville. The deed where the City of Knoxville took title to Market Square in 1853 is attached.

The City of Knoxville is a public entity that exercises control over “Knoxville’s Market House” Plaque and Market Square.

CITY OF KNOXVILLE CHARTER

ARTICLE II. - CORPORATE POWERS

204. - Public property.

The City of Knoxville shall have power to purchase, lease, construct, maintain or otherwise acquire, hold and operate any building or other property, real, personal or mixed, for any public purpose within or without the city, and sell, lease or otherwise dispose of property, real, personal or mixed, belonging to the city.

and having in compliance with the Statute, in such cases made and provided regularly redeemed, the interest of the said James Price in the land aforesaid, so as aforesaid sold, and the said Smedley S. Wright thereby becoming entitled to have said interest in said land conveyed to him, Therefore in consequence of the premises I William Craig successor of the said Samuel McCannan do transfer and convey unto the said Smedley S. Wright and his heirs forever all the right, title and interest of the said James Price in said tracts of land of fifty-two acres for the considerations above mentioned, So have and to hold the same unto the said Wright, his heirs and assigns in as full and ample a manner as I as Sheriff aforesaid, can or ought to convey the same, but no further or otherwise.

This 15th day of Feb'y 1851,

Witness - Robt Mc Bell Wm Craig Shff
 " John W. Nichodemus

State of Tennessee; Personally appeared before me Geo W. Knox County Geo. C. Coose, Clerk of the County Court of Knox County, Wm Craig, Shff, &c, the within named bar-gainer, with whom I am personally acquainted, and who acknowledged that he executed the within deed for the purposes therein contained, Witness my hand at Office this 15th day of February 1851.

Registered April 2nd 1853.
 Received J. DeLoach P.M., Geo W. C. Coose, Clerk

<p>Deed of conveyance Swan & Mabry to Mayor & Aldermen</p>	<p>This indenture made and entered into this 21st day of March 1853, by and between William S. Swan and Joseph A. Mabry of the one part, and the Mayor and Aldermen of the town of Knoxville of the other part, witnesses, that the said Swan and Mabry have granted and given to the said Mayor and Aldermen of Knoxville the following described lot or parcel of ground bounded as follows; - Beginning at a point on Union Street of the said town of Knoxville on the south side of said street, and forty six feet west of the west side of Paines Street, thence Northwardly in a line parallel with the line of Bay Street three hundred and fifty thence Eastwardly in a line parallel with the Union Street one hundred and twenty five feet thence in a line parallel with the</p>
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Map at page 402

beginning, To have and to hold the same to the said Mayor and Aldermen, and their successors in Office, but to be used and enjoyed by them for the purpose of constructing thereon a Market House, to be used as such, and for no other use and purpose whatever. Which Market House is to be construed and used in the manner and within the time specified in an agreement this day entered into by a Committee appointed by said Mayor and Aldermen for that purpose, And so long as said lot of ground is so used as aforesaid by the said Mayor and Aldermen and their successors, so long will the said Swan and Mabry warrant and defend the title to them in and to said lot of ground hereins and hereinafter conveyed, against the lawful claim or demand of all persons whatsoever. Upon the abandonment of the ground for the uses aforesaid the same with any tenements or buildings thereon shall revert to the said Swan and Mabry, their heirs and assigns. In testimony of all which we have hereunto set our hands and affixed our seals the day and date first above written.

Witnesses
J. W. Legg
J. M. Davis

Wm. G. Swan
Jos. A. Mabry

State of Tennessee, Personally appeared before me Geo
H. Knox County, W. C. Cox, Clerk of the County Court
of Knox County Wm. G. Swan and Jos. A. Mabry the within
donors, with whom I am personally acquainted, and who
acknowledged that they executed the within deed for
the purposes therein contained. Witness my hand at
Office this 22nd day of March 1853,

Registered March 29th 1853,
Received H. Delock S. No. Geo. W. C. Cox - Clerk

Deed of Mortgage
J. H. Armstrong to
J. P. Armstrong

This indenture made and entered into this 31st day of March, in the year of our Lord, one thousand eight hundred and fifty three, between James H. Armstrong, of the county of Knox and State of Tennessee, of the one part and Brury Armstrong, Heir of Am. E. Armstrong of the same County and State of the other part, Witnesseth, that for and in consideration of one dollar, to the said Brury in hand paid, and the other considerations hereinafter named, the said James H. Armstrong, his heirs, assigns, executors, administrators, and assigns, have given, sold, conveyed, and confirmed, and by these presents do give, sell, convey, and confirm unto the said Brury Armstrong, his heirs, assigns, executors, administrators, and assigns, a certain lot or parcel of land lying